

SIXTIETH DAY

Tuesday, May 4, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 10:15 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Peter Kamakawiwoole, Kalihi Union Church, after which the Roll was called showing all Senators present.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 358, advising the Senate of the withdrawal of the nomination of CLIFFORD UWAINA to the Board of Trustees, Hawai'i Public Employees Health Fund, under Gov. Msg. No. 236 dated March 11, 1999, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 358, the nomination listed under Gov. Msg. No. 236 was returned.

STANDING COMMITTEE REPORT

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1862) recommending that S.R. No. 70, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 70, S.D. 1, entitled: "SENATE RESOLUTION REVIEWING THE INEFFICIENCY OF GOVERNMENT OPERATIONS CAUSED BY DELAYED SERVICES TO STATE AGENCIES, DEPARTMENTS, AND CITIZENS," was adopted.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1860 (Gov. Msg. No. 303):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1860 be received and placed on file, seconded by Senator Iwase and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Tri-Isle Subarea Health Planning Council of the following:

JUDY MCCORKLE, terms to expire June 30, 1999 and June 30, 2003;

TIMOTHY T. SHIROMA, term to expire June 30, 2000;

THOMAS R. FITZGERALD, JR., and PATRICIA MARY RAFFETTO, terms to expire June 30, 2001; and

JOHN ORNELLAS, term to expire June 30, 2003,

seconded by Senator Iwase.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1861 (Gov. Msg. No. 236):

Senator Kanno moved that Stand. Com. Rep. No. 1861 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of BRUCE Y. NAKAMURA to the Board of Trustees, Hawai'i Public Employees Health Fund, term to expire June 30, 2000, seconded by Senator Taniguchi.

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

Ayes, 25. Noes, none.

RECOMMITTAL OF BILLS

Conf. Com. Rep. No. 35 (S.B. No. 594, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 35 and S.B. No. 594, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 188 (H.B. No. 157, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 188 and H.B. No. 157, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 194 (H.B. No. 142, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 194 and H.B. No. 142, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," were recommitted to the Committee on Conference.

FINAL READING

Conf. Com. Rep. No. 140 (H.B. No. 100, H.D. 1, S.D. 1, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 140 be adopted and H.B. No. 100, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Fukunaga rose to support the measure and said:

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

"Mr. President, we are at the end of a long and arduous road, and while this budget may not contain all of the things which the Senate originally stood for, we believe that it is a strong beginning for us to begin the fiscal 2000 and 2001 biennium with. As we go forward, there will also be a number of initiatives which are reflected in the bills which have come from the various subject matter committees. We would urge that our colleagues support H.B. No. 100, H.D. 1, S.D. 1, C.D. 1, as well as these measures, as the Senate's position in going forward in rebuilding Hawaii's economy.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 100, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Levin rose and said:

"Mr. President, may I be permitted a late introduction?"

"I want to start my remarks by thanking my colleagues for their support on the budget, and then I would like to be permitted to introduce to this body some of the members of the Ways and Means staff who are in the audience who worked so hard in putting this document together as well as the other bills that will be coming up before us. Will they please stand and be recognized, as well as one of the birthday girls, Helen Schoneberg, who was my student intern this year and is celebrating her birthday." (Members of the Ways and Means staff who were seated in the gallery then rose to be recognized.)

At 10:26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:33 o'clock a.m.

FINAL READING

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

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

Ayes, 25. Noes, none.

S.B. No. 46, S.D. 2, H.D. 2:

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 46, S.D. 2, and S.B. No. 46, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 550, S.D. 2, H.D. 1:

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 550, S.D. 2, and S.B. No. 550, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

S.B. No. 591, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 591, S.D. 1, and S.B. No. 591, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CUSTODY AND VISITATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 592, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 592, S.D. 1, and S.B. No. 592, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

S.B. No. 663, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 663, S.D. 1, and S.B. No. 663, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 776, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 776 and S.B. No. 776, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 829, S.D. 1, and S.B. No. 829, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 949, S.D. 1, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 949, S.D. 1, and S.B. No. 949, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1021, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1021 and S.B. No. 1021, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLINICAL LABORATORY PERSONNEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1026, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1026 and S.B. No. 1026, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1049, S.D. 2, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1049, S.D. 2, and S.B. No. 1049, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1055, S.D. 1, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1055, S.D. 1, and S.B. No. 1055, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED FINANCIAL ASSISTANCE BENEFITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1071, S.D. 1, H.D. 2:

On motion by Senator Inouye, seconded by Senator Levin and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1071, S.D. 1, and S.B. No. 1071, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1102, S.D. 1, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1102, S.D. 1, and S.B. No. 1102, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1130, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1130, S.D. 1, and S.B. No. 1130, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH MAINTENANCE ORGANIZATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1132, H.D. 1:

By unanimous consent, S.B. No. 1132, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," was recommitted to the Committee on Conference.

S.B. No. 1136, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1136, S.D. 2, and S.B. No. 1136, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF OSTEOPATHY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1139, S.D. 1, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1139, S.D. 1, and S.B. No. 1139, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1140, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1140, S.D. 2, and S.B. No. 1140, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1143, H.D. 1:

By unanimous consent, S.B. No. 1143, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was recommitted to the Committee on Conference.

S.B. No. 1155, S.D. 1, H.D. 2:

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1155, S.D. 1, and S.B. No. 1155, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1163, S.D. 1, H.D. 2:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1163, S.D. 1, and S.B. No. 1163, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO THE RELEASE OF PRE-TRIAL INMATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1178, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1178, S.D. 2, and S.B. No. 1178, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF RELATED ENTITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1261, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1261, S.D. 1, and S.B. No. 1261, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1282, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1282, S.D. 2, and S.B. No. 1282, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1421, S.D. 1, H.D. 2:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1421, S.D. 1, and S.B. No. 1421, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1512, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1512, S.D. 1, and S.B. No. 1512, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PARTNERSHIP ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 3 (S.B. No. 809, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 3 was adopted and S.B. No. 809, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 4 (S.B. No. 942, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 4 was adopted and S.B. No. 942, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 5 (S.B. No. 1270, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 5 was adopted and S.B. No. 1270, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 6 (S.B. No. 1307, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 6 was adopted and S.B. No. 1307, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERFORMANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 7 (S.B. No. 1091, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 7 was adopted and S.B. No. 1091, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8 (S.B. No. 528, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 8 was adopted and S.B. No. 528, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 9 (S.B. No. 1125, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 9 was adopted and S.B. No. 1125, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 11 (S.B. No. 1262, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 11 was adopted and S.B. No. 1262, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13 (S.B. No. 1036, S.D. 3, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 13 was adopted and S.B. No. 1036, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15 (S.B. No. 1079, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Inouye, seconded by Senator Buen and carried, Conf. Com. Rep. No. 15 was adopted and S.B. No. 1079, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT PROCESSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16 (S.B. No. 1638, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Levin and carried, Conf. Com. Rep. No. 16 was adopted and S.B. No. 1638, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL OFFICERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20 (S.B. No. 236, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 20 was adopted and S.B. No. 236, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23 (S.B. No. 27, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 23 was adopted and S.B. No. 27, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (S.B. No. 676, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 24 was adopted and S.B. No. 676, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (S.B. No. 700, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 25 was adopted

and S.B. No. 700, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-SPEED VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26 (S.B. No. 823, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 26 was adopted and S.B. No. 823, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (S.B. No. 1119, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 32 was adopted and S.B. No. 1119, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMICIDE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (S.B. No. 1485, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 33 was adopted and S.B. No. 1485, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34 (S.B. No. 285, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 34 was adopted and S.B. No. 285, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37 (S.B. No. 616, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 37 was adopted and S.B. No. 616, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39 (S.B. No. 186, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 39 was adopted and S.B. No. 186, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40 (S.B. No. 919, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 40 was adopted and S.B. No. 919, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (S.B. No. 590, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 41 was adopted and S.B. No. 590, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINING AND PROTECTIVE ORDERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (S.B. No. 36, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 43 and S.B. No. 36, S.D. 2, H.D. 1, C.D. 1, was deferred until later on the calendar.

Conf. Com. Rep. No. 44 (S.B. No. 1160, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 44 was adopted and S.B. No. 1160, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46 (S.B. No. 1018, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 46 was adopted and S.B. No. 1018, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 51 (H.B. No. 1178, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 51 was adopted and H.B. No. 1178, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52 (H.B. No. 1296, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 52 was adopted and H.B. No. 1296, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53 (H.B. No. 1020, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 53 was adopted and H.B. No. 1020, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (H.B. No. 1142, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 54 was adopted and H.B. No. 1142, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55 (H.B. No. 1548, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator M. Ige and carried, Conf. Com. Rep. No. 55 was adopted and H.B. No. 1548, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER REUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57 (H.B. No. 1181, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 57 was adopted and H.B. No. 1181, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58 (H.B. No. 1086, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 58 was adopted and H.B. No. 1086, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60 (H.B. No. 1711, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 60 was adopted and H.B. No. 1711, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61 (H.B. No. 4, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 61 was adopted and H.B. No. 4, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO POLICE ROADBLOCK PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62 (H.B. No. 500, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 62 was adopted and H.B. No. 500, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68 (H.B. No. 827, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 68 was adopted and H.B. No. 827, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69 (H.B. No. 1277, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 69 was adopted and H.B. No. 1277, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER TREATMENT FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70 (H.B. No. 138, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 70 was adopted and H.B. No. 138, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL GOODS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71 (H.B. No. 562, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 71 was adopted and H.B. No. 562, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72 (H.B. No. 945, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 72 was adopted and H.B. No. 945, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73 (H.B. No. 1628, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 73 was adopted and H.B. No. 1628, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79 (H.B. No. 273, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 79 was adopted and H.B. No. 273, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 81 (H.B. No. 325, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 81 was adopted and H.B. No. 325, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 82 (H.B. No. 72, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 82 was adopted and H.B. No. 72, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83 (H.B. No. 160, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 83 was adopted and H.B. No. 160, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84 (H.B. No. 161, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 84 was adopted and H.B. No. 161, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86 (H.B. No. 177, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 86 was adopted and H.B. No. 177, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO HARASSMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87 (H.B. No. 955, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 87 was adopted and H.B. No. 955, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 88 (H.B. No. 1496, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 88 was adopted and H.B. No. 1496, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEADLY OR DANGEROUS WEAPONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89 (H.B. No. 1497, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 89 was adopted and H.B. No. 1497, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91 (H.B. No. 1622, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 91 was adopted and H.B. No. 1622, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 93 (H.B. No. 1115, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 93 was adopted and H.B. No. 1115, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARDING HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97 (H.B. No. 1119, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 97 was adopted and H.B. No. 1119, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 99 (H.B. No. 154, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 99 was adopted and H.B. No. 154, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC TELEVISION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 100 (H.B. No. 307, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 100 was adopted and H.B. No. 307, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 101 (S.B. No. 798, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 101 was adopted and S.B. No. 798, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 103 (S.B. No. 223, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 103 was adopted and S.B. No. 223, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CANINE CORPS IN THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 104 (S.B. No. 889, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 104 was adopted and S.B. No. 889, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 107 (S.B. No. 1274, H.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 107 was adopted and S.B. No. 1274, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108 (S.B. No. 238, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 108 was adopted and S.B. No. 238, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109 (S.B. No. 1124, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 109 was adopted and S.B. No. 1124, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110 (S.B. No. 1294, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 110 was adopted and S.B. No. 1294, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 115 (S.B. No. 1235, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 115 was adopted and S.B. No. 1235, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116 (S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 116 was adopted and S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121 (S.B. No. 1452, H.D. 3, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 121 was adopted and S.B. No. 1452, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (S.B. No. 951, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 124 was adopted and S.B. No. 951, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS,"

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128 (H.B. No. 661, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 128 was adopted and H.B. No. 661, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED WIRELESS EMERGENCY 911 SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (H.B. No. 895, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Levin and carried, Conf. Com. Rep. No. 130 was adopted and H.B. No. 895, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (H.B. No. 460, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 460, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136 (H.B. No. 1660, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 136 was adopted and H.B. No. 1660, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146 (H.B. No. 978, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 146 was adopted and H.B. No. 978, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 149 (H.B. No. 1095, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Levin and carried, Conf. Com. Rep. No. 149 was adopted and H.B. No. 1095, H.D. 1, S.D. 2, C.D. 1, 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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151 (S.B. No. 953, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 151 was adopted and S.B. No. 953, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AND CULTURAL RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 155 (S.B. No. 1032, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 155 was adopted and S.B. No. 1032, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 158 (S.B. No. 844, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 158 was adopted and S.B. No. 844, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 159 (S.B. No. 830, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 159 was adopted and S.B. No. 830, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 167 (H.B. No. 1146, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 167 was adopted and H.B. No. 1146, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORD FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 168 (H.B. No. 170, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 168 was adopted and H.B. No. 170, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE TAX BENEFITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 171 (H.B. No. 274, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 171 was adopted and H.B. No. 274, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 172 (H.B. No. 326, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 172 was adopted and H.B. No. 326, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 175 (H.B. No. 1663, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 175 was adopted and H.B. No. 1663, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 177 (H.B. No. 1675, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 177 was adopted and H.B. No. 1675, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 179 (H.B. No. 634, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Levin and carried, Conf. Com. Rep. No. 179 was adopted and H.B. No. 634, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF THE PUERTO RICANS TO HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 182 (H.B. No. 522, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 182 was adopted and H.B. No. 522, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 189 (H.B. No. 1649, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Conf. Com. Rep. No. 189 was adopted and H.B. No. 1649, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 191 (H.B. No. 499, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 191 was adopted and H.B. No. 499, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 192 (H.B. No. 1416, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 192 was adopted and H.B. No. 1416, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL ADOPTION

Conf. Com. Rep. No. 195 (S.C.R. No. 184, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 195 was adopted and S.C.R. No. 184, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF HAWAII'S LAWS RELATING TO DOMESTIC VIOLENCE," was Finally adopted.

S.C.R. No. 4, S.D. 1, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 4, S.D. 1, and S.C.R. No. 4, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION OBSERVING 1999 AS THE INTERNATIONAL YEAR OF OLDER PERSONS," was Finally Adopted.

At 10:34 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:44 o'clock a.m.

FINAL READING

S.B. No. 779, S.D. 2, H.D. 2:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 779, S.D. 2, and S.B. No. 779, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Tam).

S.B. No. 896, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 896, S.D. 1, and S.B. No. 896, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP PROCEEDINGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 901, S.D. 2, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 901, S.D. 2, and S.B. No. 901, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1016, S.D. 1, H.D. 1:

Senator Chumbley moved that S.B. No. 1016, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Anderson rose to speak on the measure with reservations as follows:

"Mr. President, would you please put me down 'with reservations' on the administrative rules.

"I do remember the Governor on opening day stating that he was going to have the Lt. Governor work on administrative rules and it would help business. I had said at that time that we did have a bill that would have made all rules -- there's some 34 feet of them -- it would have made them all drop dead in two years, and the departments could justify those rules that were needed. That would have helped business, would have made it easier for the people of Hawaii to understand the rules that we have in place because they do have the rule of the law.

"So for that reason I'm going with reservations at this time."

At this time, Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1016, S.D. 1, and S.B. No. 1016, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1101, S.D. 1, H.D. 2:

On motion by Senator Tam, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1101, S.D. 1, and S.B. No. 1101, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1131, S.D. 1, H.D. 2:

Senator Taniguchi moved that S.B. No. 1131, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to speak against the measure as follows:

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

"The bill will increase the mandatory insurance payments from \$550 to \$800. I think that's excessive.

"I'll vote 'no.' Thank you."

At this time, Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1131, S.D. 1, and S.B. No. 1131, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1142, S.D. 2, H.D. 1:

Senator Taniguchi moved that S.B. No. 1142, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1142, S.D. 2, and S.B. No. 1142, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Conf. Com. Rep. No. 10 (S.B. No. 957, S.D. 2, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 10 be adopted and S.B. No. 957, S.D. 2, H.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Sakamoto spoke on the measure with reservations as follows:

"Mr. President, I rise to speak with reservations on this measure.

"While I applaud the efforts of the Motor Vehicle Insurance Benefits Task Force and agree that the reporting deadline should be extended, I'm concerned about the section of the bill that expands the free insurance coverage. We already provide free coverage for individuals receiving public assistance benefits consisting of direct cash payments. This measure will also include those receiving public assistance in the form of medical services prior to July 1994 and are still receiving benefits through the Department of Human Services.

"While it's a nice thing to do, it's an increase in cost of government and its time, and we should be doing all possible to decrease costs.

"Thank you, Mr. President."

Senator Slom also rose in support with reservations and said:

"Mr. President, I, too, rise in support with reservations.

"You know, we keep talking about free insurance, free lunches, and everything else. There is no cost attached to this bill. We have a cost for it. And instead of trying to reduce and eliminate those people who are getting the insurance at the cost of other people, we should not be in the process of expanding it. So, reservations please."

Senators Iwase and Anderson requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 10 was adopted and S.B. No. 957, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17 (S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 17 be adopted and S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Tam made the following request:

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

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

"Mr. President, I rise in support of S.B. No. 1519, Relating to Housing.

"Within our State, there are more than 3,000 federally assisted housing units, which contributed an estimated \$20 million annually to our economy. The original 20-year contracts with the federal Department of Housing and Urban Development are expiring on many of these projects.

"With this act, we propose to:

- (1) Provide protection to residents of HUD assisted housing;
- (2) Preserve as many assisted units as possible from sale on the open market; and
- (3) Create the federally assisted rental housing preservation program.

"This rental housing preservation program will:

- (1) Provide for a one-year notice of termination by the owner;
- (2) Include the anticipated date of termination;
- (3) Include anticipated rent increases;
- (4) Include notice sent to the HCDCH and the county;
- (5) Include a statement of possibility that the project may remain in the federal program; and
- (6) Include timetables and deadlines.

"The right to purchase shall be first provided to:

- (1) The tenant association;

- (2) Local nonprofit;
- (3) HCDCH or county; and
- (4) Regional or national nonprofit or public agency.

"Within my district, the Mauna Kea Towers is in this situation. In the McCully area of town, the McCully Circle Apartments will soon be providing notice. Many of the occupants are elderly and barely able to pay \$150 each month for rent.

"I ask my colleagues in the Senate for your wholehearted support for this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 17 was adopted and S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18 (S.B. No. 1149, S.D. 1, H.D. 2, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 18 be adopted and S.B. No. 1149, S.D. 1, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator M. Ige.

Senator Sakamoto rose in support of the measure with reservations as follows:

"Mr. President, I rise in support with reservations.

"I agree that contractors should be penalized for violations relating to wage and hours if they are delinquent. But these penalties, part of it stated in this bill, are too steep. What if the violation occurs in one pay period? The bill states that each employee and each project shall be considered a separate violation. So this could all happen in one pay period to three different individuals, and then there'll be immediate suspension. So I don't think it should be each employee, each project. I think we should look at making the offenses separate.

"Thank you."

Senators Inouye, Slom and Iwase then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 18 was adopted and S.B. No. 1149, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF WAGE LAWS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 10:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:53 o'clock a.m.

Conf. Com. Rep. No. 19 (S.B. No. 40, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 19 be adopted and S.B. No. 40, H.D. 2, C.D. 1 having been read throughout, pass Final 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, Conf. Com. Rep. No. 19 was adopted and S.B. No. 40, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21 (S.B. No. 664, S.D. 1, H.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 21 be adopted and S.B. No. 664, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Kawamoto rose to support the measure as follows:

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

"Mr. President, this is what I call a 'feel good' bill. It provides the opportunity for civilians that were at Pearl Harbor during the attack to finally have the authority to use or put on their cars their license plates as 'Pearl Harbor Survivors.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21 was adopted and S.B. No. 664, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22 (S.B. No. 709, S.D. 1, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 22 be adopted and S.B. No. 709, S.D. 1, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak against the measure and said:

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

"While the purpose of the bill is laudatory, as are so many of the bills we discuss every year, the problem with this bill is, I believe, that basically it's unconstitutional because it creates a presumption that the car owner was the photographed violator, in the bill. Certainly we want to move towards the use of technology in our quest for law enforcement, but at the same time we don't want to do it at the expense of denying civil rights.

"What this bill does is remove the defendant's presumption of innocence and it does so by providing, quote, 'evidence that the motor vehicle described in the citation or summons issued pursuant to this act was operated in violation of those sections of the Hawaii Revised Statutes together with proof that the person to whom this summons or citation was sent was a registered owner of the vehicle at the time of the violation, and it shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.'

"So what this does, in effect, it retains the unconstitutional presumption of guilt and it requires that the innocent defendant get the actual violator to waive his or her Fifth Amendment rights. And we really don't have to do this because the Hawaii Revised Statutes already provides in Section 291C-223 a procedure for officers to issue summons by mail for violations such as found currently in the high occupancy lane for restrictions. So I'll be voting 'no.'

"Thank you, Mr. President."

Senator Anderson then rose in opposition and said:

"Mr. President, I will be going 'no' for the same reasons as the Minority Floor Leader and I thank you very much."

Senator Kawamoto spoke in favor of the measure as follows:

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

"Mr. President, this bill is just amending something we passed last year. Last year we had the same presumption clauses in the bill and it was passed as an Act. This is just an amendment to further provide the opportunity to ensure these things work.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 22 was adopted and S.B. No. 709, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 27 (S.B. No. 1502, S.D. 1, H.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 27 be adopted and S.B. No. 1502, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 27 was adopted and S.B. No. 1502, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28 (S.B. No. 777, S.D. 2, H.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 28 be adopted and S.B. No. 777, S.D. 2, H.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Bunda requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 28 was adopted and S.B. No. 777, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Conf. Com. Rep. No. 29 (S.B. No. 365, S.D. 1, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 29 be adopted and S.B. No. 365, S.D. 1, H.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to oppose the measure as follows:

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

"Again, I think the purpose here is to remove laser pointers from children or minors because of possible injury, because of

possible harassment. But the problem is we continue to ban things and to take away the legitimate use from individuals who act responsibly. And in addition, in the penalty provision of this bill we allow for up to 30 days in prison for the mere possession of a laser pointer.

"I think that again if we are going to worry about where prisons are going to be or where people are going to be, then we should think about that before we pass additional laws that are going to fine and/or imprison people.

"Thank you."

Senator Kanno rose in support of the bill and said:

"Mr. President, I'd like to speak in support of the measure.

"To clarify the provisions of the C.D. 1, the provision for imprisonment was eliminated from the bill for minors. The provision for a 30-day imprisonment applies only to adults who are found guilty of using it to harass others.

"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, Conf. Com. Rep. No. 29 was adopted and S.B. No. 365, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 30 (S.B. No. 947, S.D. 2, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 30 be adopted and S.B. No. 947, S.D. 2, H.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to speak against the measure and said:

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

"This bill, again, makes the presumption that those of us over 39 really can't take care of ourselves and need special treatment because we are so old and doddering that we can't answer the telephone or hang up on the telephone. But the interesting thing about this bill is that while it seeks to curtail telemarketing fraud, it also seeks to curtail a lot of the activities of telemarketing. While I'm not in favor of telemarketing, itself, again one can just say no and one can hang up.

"The provision that was changed that I arose and spoke against during the crossover about the number of rings has now been changed to a time limit on it. And one final interesting thing is that financial institutions have been exempted from this bill. So I don't think it's really offering us consumer protection.

"I'll be voting 'no.'"

Senator Anderson also rose to oppose the measure as follows:

"Mr. President, I'll also be going 'no.'"

"It does say that there's \$40 billion a year of fraud within the United States, but when we asked about in Hawaii, we don't have a problem right now with fraud. The bill was in case there is and later on. And then as the Minority Floor Leader said, it was supposed to be that they were going to help the seniors. They weren't interested in other areas. Most of the seniors I

talked to are smart enough and intelligent enough to hang up and they don't fall for every line that somebody has.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 30 was adopted and S.B. No. 947, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 31 (S.B. No. 630, S.D. 1, H.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 31 be adopted and S.B. No. 630, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 31 was adopted and S.B. No. 630, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36 (S.B. No. 628, S.D. 1, H.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 36 be adopted and S.B. No. 628, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Sakamoto rose to support the measure with reservations as follows:

"Mr. President, I rise to speak in support with reservations.

"My reservations concern what groups or individuals would be considered a ballot issue committee. I believe it's beneficial to society and government that citizens become actively involved in the process, and I think we should do all possible to enable participation in the process of governance and law making. I'm concerned that this measure, this part of the bill, will hinder that effort.

"Thank you, Mr. President."

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, Conf. Com. Rep. No. 36 was adopted and S.B. No. 628, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38 (S.B. No. 1003, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 38 was adopted and S.B. No. 1003, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42 (S.B. No. 1118, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 42 was adopted and S.B. No. 1118, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL CRIMINAL BEHAVIOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (S.B. No. 822, S.D. 2, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 45 be adopted and S.B. No. 822, S.D. 2, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose in opposition and said:

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

"I have continually spoken against mandates, whether it is, in this bill, contraceptive devices or other devices.

"The original purpose of the prepaid health care act in 1974 was to provide basic medical services, and since that time we've added many additional services and other things that are not related directly to health at great cost, primarily to small business employers who pay usually from 90 to 100 percent of all the cost. There has been no change in the law since 1974 in terms of the contributions that employees can make. So I'll vote 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45 was adopted and S.B. No. 822, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 47 (S.B. No. 1128, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 47 was adopted and S.B. No. 1128, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48 (S.B. No. 1145, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 48 was adopted and S.B. No. 1145, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56 (H.B. No. 1177, H.D. 2, S.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 56 be adopted and H.B. No. 1177, H.D. 2, S.D. 1, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 56 was adopted and H.B. No. 1177, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59 (H.B. No. 1028, H.D. 1, S.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 59 be adopted and H.B. No. 1028, H.D. 1, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in support of the measure with reservations as follows:

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

"Well, this bill had a spotty history during this session. We were supposed to do something to help the merchants at Aloha Tower, and we were supposed to do something to keep the State's promise from the outset on this project.

"The battle over this particular bill -- the Aloha Tower Marketplace -- really came down to whether or not we would do anything against the estate of the Irwin family and Irwin Park. And to the credit of this body, we stood firm in opposition to paving over the park as a park into a parking lot, but at the same time as this bill comes out now, it doesn't do anything to alleviate the original problem or to restore the promise made by the State when it first developed this project and that was the State said very specifically 'we will provide parking; we will use Piers 1 and 2 or 5 and 6 or 8 and 9 or 10 and 11.' And so the State hasn't done anything. And meanwhile, the viability, the economic prosperity of this project remains in doubt.

"So if anything, this lesson should be twofold: (1) we should certainly honor wills and the wishes of estates; and (2) we should make this State keep its promises or 'let the buyer beware' whenever they go into any kind of business with the State government.

"Thank you, Mr. President."

Senator Anderson rose to oppose the measure and stated:

"Mr. President, I will be going 'no' for the very reasons that the Minority Floor Leader talked about.

"We did nothing to take care of the problems that were before us. I have no problem with civil service employees, but that's not what the intent of this bill was in the first place. And again, it's something that we start out well. We were going to make a lot of corrections. We were going to help a development that we were responsible for. Yet, we're not going to take care of the parking and the rest of the responsibilities that we've taken on.

"For that reason I will go 'no.'"

Senator M. Ige spoke on the measure with reservations as follows:

"Mr. President, I, too, rise with some reservations.

"Mr. President, during the testimony there were a lot of businesses from the area who came who need parking. I think that was the original purpose of the bill. Unfortunately, the bill that comes before us does not solve the issue as the two previous speakers mentioned.

"In speaking to the chair of the Transportation Committee, this appears to be an economic development issue. It's just unfortunate that we did not have the courage to say we're going to build a parking structure at Pier 5 to provide the parking for these individuals.

"Unfortunately, we didn't do a lot of things, and I just hope that during the interim we can look at the cruise ships and how the whole thing fits into this master plan with Pier 2, Pier 5, Pier 10 and 11 and the monies.

"As the chair of Transportation also stated, there's another bill coming up that looks at Pier 2, the Foreign Trade Zone, monies which I will be speaking on. But on this one, it's just a very sad day that we did not seize the opportunity for the merchants out there that are suffering because they don't have the parking.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 59 was adopted and H.B. No. 1028, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 63 (H.B. No. 806, H.D. 2, S.D. 2, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 63 be adopted and H.B. No. 806, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Anderson rose to oppose the measure as follows:

"Mr. President, I'm afraid I'm going to have to go 'no' on this particular measure.

"I did go 'with reservations' so that it could go to conference, and from what we can understand from our attorney, the land change is against our Hawaii Revised Statutes. It clearly spells out how and why we should go ahead and exchange lands and this is not one of the purposes. Because of all of those reasons it is not the reasons of the neighbors or anything, but because it's against the laws that we have in place on land. And I would have hoped that everybody would have read that so that we would not just push the bill forward to allow a race track that hopefully will stimulate the economy, but not on illegal lands.

"Thank you very much, Mr. President."

Senator Inouye rose to speak against the bill and said:

"Mr. President, I will be voting 'no' on this bill for the simple reason that my constituents feel that they should be told about this beforehand and that they would certainly want to have some say in making decisions in the land exchange, as well as the particular site in question.

"Thank you, Mr. President."

Senator Iwase requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 63 was adopted and H.B. No. 806, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Anderson, Chumbley, Ihara, Inouye, Matsunaga, Slom).

Conf. Com. Rep. No. 64 (H.B. No. 1522, H.D. 1, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 64 be adopted and H.B. No. 1522, H.D. 1, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure and said:

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

"This bill exempts county property tax assessors from the real estate appraiser licensing requirements. And as I pointed out when this bill crossed over before, the problem is that I believe that the county appraiser should be held to the same standards as all other real estate appraisers. And in the past we've seen, particularly here in the City and County of Honolulu, falsification of appraisal values by county appraisers on behalf of the Mayor and the City administration in order to get higher property taxes from the hotel and commercial interests.

"So in fairness to all and in the idea of everybody playing by the same rules, I urge my colleagues to vote 'no' on this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 64 was adopted and H.B. No. 1522, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 65 (H.B. No. 602, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 65 be adopted and H.B. No. 602, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Slom rose to speak against the measure as follows:

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

"Well, you know, I sat through the hearings and we had proposed an increase from \$5 for the penalty and we proposed it up to \$10. We were going to double it, but the House, you know they like to spend a lot more money and have bigger fines. They went all the way up to \$50 and the justification was: Well, that's the way it is for cars, but the trailer is not a car. And I couldn't find any additional justification to raise the fine ten times, so I'm forced to go 'no.'

"Thank you."

Senator Kawamoto rose to support the measure and said:

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

"Mr. President, we looked at the \$10 charge versus the \$50 charge. The City came by and said that they're having problems. Again, this is a penalty -- if you don't register your trailer, you pay \$50; the same as a car. The car penalty has been working very well. The registration has been up as far as

if you sold the car. They would like to have the same method, the same remedy for the trailers not being registered. So we agreed with the City and County and also with the House.

"Thank you."

Senator Anderson rose in opposition to the bill and said:

"Mr. President, I'll be going 'no' for the very reason that the, I'm afraid the committee chairman. If the City needs to raise funds, I don't think that all you have to do is look at raising fees to the constituency. I think they should go ahead and do them the way they're supposed to, not raise every little bit here and there to make up the shortfall that they have. I think it's an unjust way, and for that reason I'll be going 'no.'

"And I wish that the Minority Floor Leader's words and the words of the chairman will also be inserted as my own.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 65 was adopted and H.B. No. 602, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF A TRAILER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 66 (H.B. No. 719, H.D. 2, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 66 be adopted and H.B. No. 719, H.D. 2, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure as follows:

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

"It seems innocuous enough. We're only going to raise the fee from \$1 to \$2, although it's doubling the fee, and it's supposed to be for abandoned vehicles and for beautification. And who can be opposed to that, particularly the neighbor islands which have a real problem with abandoned vehicles and we certainly should take care of that. However, as testimony during the hearings on this bill showed, some of the counties look at this as an additional source of revenue. In fact, the City and County came in and testified when the bill originally proposed \$3, and it was even suggested \$5, that this would be a way of adding 17 more employees to the payroll.

"The bill does not absolutely require that the additional revenues be limited to beautification and/or removal of abandoned vehicles. And I am absolutely confident that if we double it this year we'll come back next year to double it again. And all of these \$1, \$2 increases continue to add up for the people in this State that are still the highest taxed, highest regulated people in the nation.

"Thank you, Mr. President."

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

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

"Mr. President, this bill came to us. Many members thought that if we go from \$1 to \$3, that would be sufficient. But since then, we have taken out the beautification part of the bill. It only addresses abandoned vehicles and this \$1 increase would help the neighbor islands. But also, we had some problems with the U-Drives, so we exempt the U-Drives from this bill.

So the charge is \$1 to \$2 to help the neighbor islands and the Honolulu district with the abandoned vehicles.

"Thank you."

Senators Iwase and Sakamoto requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 66 was adopted and H.B. No. 719, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 67 (H.B. No. 221, H.D. 2, S.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 67 be adopted and H.B. No. 221, H.D. 2, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and stated:

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

"I think the efforts of the committee in trying to hammer out the agreements and changes in both the HTA and also the Convention Authority are very laudable, but there is an egregious portion in this bill that I cannot support. This bill would allow the HTA board to 'withhold from public inspection and copying, any consultant's report and internal analysis related to the formulation of the strategic tourism marketing plan if, in the opinion of at least two-thirds of the HTA Board members, public disclosure of the documents would frustrate the ability of HTA to implement its strategic tourism marketing plan and maximize the economic benefit of its expenditures, contracts, and agreements.' It allows the HTA Board to 'discuss such documents' privately behind closed doors 'in executive session.'

"Mr. President, I've spoken against bills like this for the last three years. We are turning off the sunshine in this State. We are taking more things behind closed doors. The public has the right, they have a duty, they have an obligation to know what's going on, particularly if it's their money. If it's a private organization and they're ponying up their own money, let them do what they want, but we're spending the people's money and telling them that they don't have the right to see these things.

"Now I was told, Mr. President, that the reason that this is important is because suppose they're looking at a consultant's plan and we have 'spies' from Mexico or the Caribbean who want to find out about our plan. Mr. President, I think that they are doing well enough in Mexico and the Caribbean and all points around the world that they don't have to copy our plans. I think we're really concerned whether or not we ever have any plans. We know that we're spending money. We know that we're not getting results. So I think the more sunshine we can have on this, the better, and I would urge a 'no' vote on this bill.

"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, Conf. Com. Rep. No. 67 was adopted and H.B. No. 221, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

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

The Senate reconvened at 11:23 o'clock a.m.

Conf. Com. Rep. No. 74 (H.B. No. 1637, H.D. 2, S.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 74 be adopted and H.B. No. 1637, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Anderson rose to speak against the bill and stated:

"Mr. President, I'm afraid I'm still going to go 'no' on this particular measure.

"It started out when we were discussing this that the safety of our children was looked at because of the use of those buses that did not have the proper safety standards that the Department of Transportation had asked for a few years back. I see that that's not in the bill anymore. So they've just actually said we don't have to worry about safety.

"I think that when we had our old buses, if you remember, Kamehameha was blue and white; Punahou was buff and blue. We had a lot of the preschools that had little children on them and the whole bit. And then when the federal government said you had to come up by certain standards, you had to build a structure that would make it so if the bus got into an accident it was going to be stronger. Every bus had to be painted yellow. They had to follow a standard and they had to make sure that standard was going to be safety for our children. That's why they were painted yellow so that everybody knew it was a school bus.

"In this particular measure it says, availability if they do not have a bus that's going to be used with a bottom structure, I guess for bands or football equipment. Well, my understanding from some of the school bus people is they do have those types of buses. All they have to do is let them know ahead of time if they're going to be available or not on a particular day. This one says if they're not available, so I'm not sure how much time they have to give the bus company to make sure if that bus is going to be available.

"It also says to define a motorcoach as 'a vehicle that carries more than 25 passengers, has a gross vehicle weight rating of at least 26,000 pounds and is no more than 15 years old.' Again, it doesn't say anything about the safety for the children. Is that bus because it's 15 years old has it been upgraded, like you do your cars a lot of times? There's nothing in here that really reads out what we're doing for the children and what we're doing to the Department of Transportation to make them a more responsible department.

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

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

"Mr. President, I'd like to speak for this bill with reservations.

"The primary concern I have, Mr. President, is that since it was safety of a vehicle and DOT's responsibility, this bill did not come to our committee. Therefore, I would like to go 'WR' at this time."

Senator Bunda requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 74 was adopted and H.B. No. 1637, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 75 (H.B. No. 167, H.D. 3, S.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 75 be adopted and H.B. No. 167, H.D. 3, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Sakamoto rose in support of the bill with reservations and said:

"Mr. President, I rise in support with reservations.

"Mr. President, I strongly support safety on our roads, especially for the teenagers, and I support the efforts of the Transportation chair to provide necessary training to increase the safety of children and drivers in our State. But, before we require proof from every applicant under the age of 18 that he or she has completed a driver education program, including a behind-the-wheel driver training course certified by the Department of Transportation, we should have the program in place and be sure that the program can accommodate all children throughout the State at a cost we can afford. A mandate should not be put in place until we're sure we can do our part to fulfill it.

"Thank you."

Senator Iwase requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator Kawamoto rose to support the measure as follows:

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

"Mr. President, this is one of the bills that the youth are trying to save youth, and there was a youth-in-action group that came out and came out strong from Maui County and Honolulu County to support this bill. Although it's not as far reaching as they wanted, it is a bill providing to save lives for young people. And when you have youth trying to save youth's lives, it's important for us to act on such a bill.

"Thank you."

Senator Levin spoke in favor of the measure with reservations as follows:

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

"I would ask that the remarks of the Senator from Moanalua be incorporated in the Journal as if they were my own.

"We do have an obligation to provide services if we're going to mandate services.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75 was adopted and H.B. No. 167, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 76 (H.B. No. 32, H.D. 2, S.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 76 be adopted and H.B. No. 32, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Sakamoto then rose and said:

"Mr. President, may I have some remarks inserted into the Journal, please."

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

"The purpose of this bill is to allow privately funded industrial hemp research to be conducted in Hawaii.

"Mr. President, I speak in opposition to H.B. No. 32, H.D. 2, S.D. 2, C.D. 1. To my colleagues who have rejected this dangerous bill in a previous session, I again request your indulgence in voting it down. To my colleagues who chose to vote for the bill before, I beseech your utmost attention to its proposed purpose and the potential adverse impact it could create.

"Mr. President and my fellow Senators, there is no economical or environmental justification for the introduction of hemp cultivation in Hawaii. Ask the expert, Mr. J.W.A. (Doc) Buyers, Chairman and Chief Executive Officer of C. Brewer and Company, who has been in diversified agriculture for the past 23 years. He said that hemp is not nor can it ever be an economically viable agricultural crop in Hawaii. He was astounded that this bill was passed out of the Senate when there is no harvesting equipment, processing plant, market plan, or infrastructure for growing hemp in Hawaii. How can we compete with countries such as Russia, China, Canada, Mexico, etc. that have a large population base and cheap labor?"

"Mr. President, there is no economical or environmental sound justification for legalization and reintroduction of hemp cultivation in North America or Hawaii. Ask the expert, The Coalition for a Drug-Free Hawaii. It stated that the campaign to reintroduce hemp as a viable agriculture commodity is one of a number of strategies being promoted by the pro-drug lobby to legalize marijuana. This may or may not be true in this case, but why should anyone invest \$200,000 to experiment/research a commodity that can be done cheaper elsewhere. Mr. President, for this reason, this project is suspicious from the very beginning.

"Mr. President, a couple of days ago, a Big Island House member circulated a newspaper article from the Hawaii Tribune-Herald of April 26, 1999 titled: 'Big Isle Eyed for Ethanol Plant.' The inference there was the potential for hemp as a potential for petroleum fuel. Mr. President, ask the expert, Dr. Robert G. Robinson, Ph.D, Professor Emeritus, University of Minnesota, Department of Agronomy and Plant Genetics, who grew hemp for crop research purposes. He stated that the claim that hemp is needed to replace petroleum fuel is misleading because corn is already meeting market demands. Other plants such as sorghum, sugar cane, and sugar beets can be and are being used worldwide for that purpose.

"Mr. President, what kind of message would H.B. No. 32 give to our kids and the community if we pass it out? Ask the experts: The Honolulu Police Department is opposed to the bill because of the message it will convey regarding Hawaii's drug policy.

"Mr. President, even the Democratic Party of Hawaii is opposed to the cultivation of industrial hemp. At the Hawaii County Democratic Committee and at the State Convention of Democrats, the members rejected a resolution on hemp cultivation.

"Mr. President, I am voting 'NO' on H.B. No. 32 and I hope all my colleagues will join me in rejecting this bill. I do believe the people of this State are telling us to vote it down. It is timely that we listen to the wishes of the people!"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 76 was adopted and H.B. No. 32, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 11 (Buen, Chun, Hanabusa, M. Ige, Iwase, Kawamoto, Matsuura, Nakata, Sakamoto, Tam, Tanaka). Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 77 (H.B. No. 212, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 77 was adopted and H.B. No. 212, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 78 (H.B. No. 1401, H.D. 2, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 78 be adopted and H.B. No. 1401, H.D. 2, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Sakamoto rose in opposition to the bill and said:

"Mr. President, I rise in opposition.

"I agree that tow operators should be covered by insurance to protect the owners of the towed vehicles in the event of vehicle loss or damage due to towing. I don't agree that if there's a judgment against the tow operator that the damages should be punitive damages three times, and in addition to costs and attorney's fees. And if the tow operator wins, there's no compensation for them. But this three times punitive damages, that's just too much."

Senator Bunda rose in support of the measure and said:

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

"This is a consumer protection bill, Mr. President. I believe this bill really protects the owners of towed vehicles. And if the companies are derelict in not having financial responsibility, I really do believe they should be liable, and the \$1,000 travel damages should be fair and it puts them on notice.

"Originally the bill had a \$15,000 bond, but the penalties in Section 480-13 matches the penalties in the Unfair and Deceptive Trade law.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 78 was adopted and H.B. No. 1401, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 11:32 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:37 o'clock a.m.

Conf. Com. Rep. No. 80 (H.B. No. 171, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 80 be adopted and H.B. No. 171, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose to speak against the measure as follows:

"Mr. President, even though there are many good aspects to this bill, I'm going to have to vote 'no' on this bill.

"I think those of us who have been faced with real life situations with people in the immediate family and those of us concerned about ourselves in terms of final medical decisions to be made want to have options and alternatives, and the idea of a surrogate is a very positive thing. However, this bill has a number of troubling aspects, not the least of which is that in terms of the hierarchy of agents to surrogates and to guardians, the physician himself or herself is not mentioned specifically.

"A number of people have been very concerned about other aspects of this bill. So, as I say, while the idea is laudable, I think we really should pay a little bit more attention to what people's concerns are and craft a better bill.

"Thank you."

Senator Sakamoto rose in support of the measure with reservations as follows:

"Mr. President, I rise in support with reservations.

"The Judiciary co-chairs and Human Services chair have worked greatly to improve the bill, but I still have concerns about placing the burden on the surrogate. When do you decide to withhold food and water? If it's your mother, your child lying there and you decide to stop the food and water and then a cure is found, what then? We don't want to have a patient die due to lack of food and water, Mr. President."

Senators Matsuura and Buen requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 80 was adopted and H.B. No. 171, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 85 (H.B. No. 165, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 85 was adopted and H.B. No. 165, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90 (H.B. No. 266, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 90 was adopted and H.B. No. 266, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MOTHERS

BREASTFEEDING PROMOTION AND PROTECTION ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92 (H.B. No. 351, H.D. 2, S.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 92 be adopted and H.B. No. 351, H.D. 2, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose in opposition to the measure and said:

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

"Again, the idea of the bill is terrific -- to provide privacy of health care information. But the question is, does the bill really do that and will the law really do that? A number of health care professionals have expressed very strong reservations and concerns that the privacy, in fact, will not be protected. For these reasons, I'm going to vote '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, Conf. Com. Rep. No. 92 was adopted and H.B. No. 351, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY OF HEALTH CARE INFORMATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 94 (H.B. No. 1117, H.D. 3, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 94 be adopted and H.B. No. 1117, H.D. 3, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Sakamoto rose to speak on the measure with reservations as follows:

"I rise to speak with reservations, Mr. President.

"Similar to my comments before, I believe more effort should be spent in keeping the family together, not hurrying the time to take the child out of the family."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94 was adopted and H.B. No. 1117, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95 (H.B. No. 1088, H.D. 2, S.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 95 be adopted and H.B. No. 1088, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and said:

"I'm going to vote 'no,' Mr. President, on this bill.

"I don't know why we need a study to study this. We study everything all the time. And I think that, again, what we're doing is putting the parents farther away from the educational system and then we wonder why our educational system is not reformed or getting better.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 95 was adopted and H.B. No. 1088, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 105 (S.B. No. 921, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 105 was adopted and S.B. No. 921, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111 (S.B. No. 450, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 111 was adopted and S.B. No. 450, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114 (S.B. No. 1129, S.D. 2, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 114 be adopted and S.B. No. 1129, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Tam rose on a conflict ruling as follows:

"Mr. President, I may have a possible conflict of interest. I sell life insurance."

The Chair ruled that Senator Tam was not in conflict.

Senator Anderson then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 114 was adopted and S.B. No. 1129, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 117 (S.B. No. 1157, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 117 was adopted and S.B. No. 1157, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119 (S.B. No. 1501, S.D. 3, H.D. 3, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 119 be adopted and S.B. No. 1501, S.D. 3, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

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

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

"Mr. President, charter schools are really break the mold schools. It's an attempt to redefine and start with a blank sheet of paper to define public education across the country.

"This measure before us provides a broad framework for empowering schools and communities to be different. It empowers them with the ultimate waiver, the waiver from all laws except a limited number -- collective bargaining, discrimination, and other essential laws. It is an emphatic statement that we trust those closest to the students, closest to the children to make any and all decisions on their behalf.

"This is a broad, sweeping measure that allows anyone to initiate a proposal for a charter school, whether it be a group of business and residents in Kihei on the Island of Maui wanting to create a high school of the future, or Hawaiian language immersion teachers at Honokaa High School, or the Chamber of Commerce creating an opportunity to be very different. Any and all of them can initiate a proposal for a new century charter school.

"This is an integrated program that integrates conversion of the existing schools or new start-up schools or even schools within a school to be charter schools. It allows for new collective bargaining agreements, even those that may be entirely different from existing master contracts. It allows for schools to define new procedures for selection of personnel. It allows for charter schools to truly chart their own destinies in being different from the system.

"Mr. President, this is a comprehensive measure that I believe will be critical in pursuing and making schools different and better for all of our students and children. I urge all of my colleagues to vote in support.

"Thank you."

Senator Chumbley rose in support of the measure as follows:

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

"Mr. President and colleagues, there's a sleeper in every session and there's been some criticism from the media and those outside of these chambers that we are doing nothing for public education, well this is the sleeper, Mr. President. This bill will, in fact, allow many of our communities and many of those who want to think outside of the box the opportunity to do so.

"I'd like to commend the chair of the Education Committee for his efforts in working so hard on this measure. The chairman was involved in the creation of the student centered schools back in 1993 when I had the opportunity to serve as his vice chair in the Education Committee, and now again, with the new century schools, he had a very strong hand in its creation.

"Mr. President and colleagues, this is really something that I think you can take back to your communities that will make a difference in public education. I urge all my colleagues to support this measure.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 119 was adopted and S.B. No. 1501, S.D. 3, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122 (S.B. No. 1583, S.D. 2, H.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 122 be adopted and S.B. No. 1583, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Inouye.

Senator D. Ige spoke in favor of the measure as follows:

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

"Mr. President, Hawaii stands at the dawn of a new millennium with strategic choices to make that will determine our future. Hawaii is geographically the most isolated community on earth. This has limited the economic opportunities that we could pursue in the past. The new economy is global. It is digital. It is knowledge-based and networked. It is driven by the convergence of the computing, communications and content industries. Innovation and intellectual capital is more important than physical or natural resources. Geography no longer matters in the economy of the twenty-first century. Each and every opportunity lies before us if we are bold enough to pursue it.

"Mr. President, there are no quick fixes, no magic bullets to turn our economy into a digital economy, but S.B. No. 1583 charts a strategic course to ensure that Hawaii prospers in the twenty-first century. First of all, Mr. President, we create a special advisor to the governor for technology to ensure that we get expert advice in charting this course. One of the primary roles of this adviser would be to look at the alphabet soup of technology agencies across state government and recommend a consolidated effort to ensure integration and focus by all of state government.

"We also provide for the special advisory council on technology development to provide assistance. We hope to include Hawaii expatriates on the council who have expressed interest in helping Hawaii define a successful technology future -- people such as Dan Case, currently CEO of the largest investment banking firm in Silicon Valley focussed on technology development, a former Hawaii resident who believes that we can create a technology future for Hawaii; people like Ron Yara, a graduate of Lanai High School who went and started as a chip designer at Intel, a small little company in the early '70s. He has since started two successful start-up chip design companies in Silicon Valley and is semi-retired at the relatively young age of 50. He now spends his time looking at new start-up businesses that may provide additional potential business opportunity, and he desperately wants to help Hawaii create quality jobs for our people and our children.

"Mr. President, everyone we met in Silicon Valley stated that the number one priority in attracting high tech companies is the quality of people. There is a horrendous global shortage of information technology workers. Currently, there are 190,000 IT jobs vacant across the country. By the year 2005 it is estimated that more than 750,000 IT jobs will lie vacant because of lack of qualified people.

"Mr. President, we heard over and over on our trip to Silicon Valley that if you have the workers, the companies will come. It is a common theme. Senate Bill 1583 focuses on workforce development to build the talent pool required to attract IT businesses to Hawaii.

"For the public schools, we initiate the E Academy, a public/private partnership that focuses on networking skills for high school graduates. Seventeen of the thirty-eight high schools across the State will be implementing either the Cisco or 3Com curriculum which will be training high school students to become network technicians. These students will graduate from high school and be employable directly into IT jobs across the State.

"We also make an investment in the millennium workforce development training program, another joint venture between public and private sectors, focussed on ensuring that we have skilled residents to fill technology jobs that currently go to outside residents because of lack of qualified applicants. We are making a strategic investment in the University of Hawaii through the community colleges system to ensure that we do a better job of matching resident skills with future jobs.

"And finally, Mr. President, it makes a vital investment in the internet infrastructure of the world. It endorses U.H. participation in the Hawaii internet exchange and ensures that Hawaii becomes the hub of the Pacific on the internet, rather than just a pass-through point.

"Mr. President, I urge all my colleagues to vote in favor of this measure and I would like to yield to my friend and colleague from the Big Island who will talk about the investment and tax portions of this measure."

Senator Inouye also rose in support of the measure as follows:

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

"First of all, let me say that this measure is part of a package of bills that will help to turn our economy around. First and foremost, Mr. President, we must reduce the cost of doing business in Hawaii for all businesses. The 'depyramiding' of the general excise tax for services will reduce costs for all businesses and help them be competitive in the global economy. This is the cornerstone of our economic recovery.

"We have also leveled the playing field for our service businesses by exempting exported services from the GET and levying a use tax on imported services. This is very critical in supporting knowledge-based service industries such as engineering, architectural, legal, and other professions as they expand to provide services throughout the Pacific and the world.

"Senate Bill 1583 provides several key provisions that provide a strategic advantage for the digital economy of the twenty-first century.

"First, we commit Hawaii to be an Internet Tax-Free Zone through the year 2005. There will be no new taxes on internet-based businesses that currently exist or are established in Hawaii.

"Next, we must create an environment that encourages and attracts innovators and creative entrepreneurs. We provide both businesses and individuals exemptions from taxes on stock options, royalties and other income derived from copyrights and patents from high technology businesses. We expanded the federal definition of high tech businesses to include software development companies. This will help support local efforts to start high tech companies and help to attract companies from Silicon Valley and other areas.

"In addition, we have provided tax credits for investments in high tech businesses in Hawaii and allow financial institutions and insurance companies to also benefit from investments in high tech businesses. This should help to increase capital available for companies in Hawaii.

"I would like to note, Mr. President, that these measures were carefully crafted to ensure that the impact of these tax incentives on the current financial plan is negligible. Tax Direct Ray Kamikawa has been very involved to insure that the incentives were focused in the areas that would provide maximum benefit with minimal revenue losses.

"Finally, Mr. President, the state budget (H.B. No. 100) includes a \$1 million investment in the Hawaii Strategic Development Corporation so that we can provide additional start-up and venture capital to Hawaii companies. This will make it easier for Hawaii entrepreneurs to get access to capital to start their businesses.

"Senate Bill 1583 provides a comprehensive program to nurture and support the growing high tech industry in Hawaii. I urge all my colleagues to support it.

"Thank you."

Senator Fukunaga rose to speak on the measure and said:

"Mr. President, I'd like to commend the chairs of the Economic Development and Education and Technology Committees for their hard work.

"I have some additional written remarks that I'd like inserted into the Journal, underscoring the tax incentives and benefits which we believe will really help stimulate high tech business in Hawaii.

"Thank you."

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

"I'm especially proud of the way that these technology tax incentives and other tax relief can give Hawaii a major competitive advantage as a place to live and to conduct Information Age business. Today, with the cost of doing business in Silicon Valley rising exponentially, Hawaii's quality of life offers an appealing alternative to businesses looking for a way to combine entrepreneurial opportunities while enjoying an island lifestyle. Senate Bill 1583 will give these businesses an immediate boost through the following tax benefits:

Hawaii Internet Tax Freedom Act (Section 9)

- This section prohibits the imposition of discriminatory taxes on electronic commerce or Internet access, for taxable years 2000-2005.
- Discriminatory taxes include instances in which an Internet service provider (ISP) is deemed to be an agent of a remote seller for tax purposes solely as the result of displaying information from, or processing orders through, an out-of-state server or access provider; or in which the ability to electronically access a site on an out-of-state server is considered to be a factor in determining tax collection obligations.

Stock Options Exemption (Section 20)

- This section exempts from income taxation all income received from stock options from qualified technology businesses by an employee (which would otherwise be taxed as ordinary income or capital gains), and is applicable to taxable years beginning after December 31, 1999.
- The definition of qualified high tech businesses includes those that perform qualified research (research that is technological in nature and the application of which is intended to be useful development of new or improved business components), as well as software development

companies. Operations of qualified high tech businesses are not limited to the State of Hawaii.

Royalties and Other Income Exclusion (Section 22)

- Excludes from income taxation those amounts received by an individual or qualified high tech business as royalties and other income from copyrights/patents owned by an individual or qualified high tech business, and/or developed by a qualified high tech business.
- Uses the same definition of qualified high tech businesses as the stock option tax exemption and is applicable to taxable years beginning after December 31, 1999.

Tax Credit for High Tech Business Investment (Sections 24, 26 and 27)

- Allows taxpayers an investment income tax credit for an amount equal to 10 percent of an investment made (up to \$500,000 for the taxable year) in a qualified high tech business. The excess tax credit can be used for subsequent tax years if the tax credit exceeds the taxpayer's net income tax liability.
- Uses the same definition of qualified high tech business as the stock option tax exemption, but is limited to those qualified high tech businesses operating in Hawaii. It allows financial institutions and insurance companies to use the tax credit for a period beginning at the time the bill is approved; it is otherwise applicable to income tax liability as of January 1, 1999 through 2005.

Tax Credit for Increased Research Activities (Section 25)

- Allows a tax credit for increased research activities performed in Hawaii by conforming State tax provisions to the federal IRC Sections 41 and 280, relating to qualified research. The excess tax credit can be used for subsequent tax years if the tax credit exceeds the taxpayer's net income tax liability.
- Applicable to taxable years 2000 to 2005."

Senator Nakata also rose to speak on the measure as follows:

"Mr. President, I, too, would like to commend the work of our Education chair. I believe this is the most important bill that we'll be passing in this session, and he has quietly and effectively worked at creating this and provided the leadership that has brought it to this point.

"Thank you."

Senator Anderson spoke on the measure with reservations as follows:

"Mr. President, I'll go with reservations. I do commend everybody.

"I think it's important that we have high tech. However, I find it interesting that we're giving the 9th graders and up . . . they're going to be provided with e-mail service. I find nothing in the bill that's going to provide the criteria as to how we're going to pay for it. The BOE is not in there as far as how we're going to take care of that. And while the internet access -- and that's not in the bill -- is often important for research, etc., is the e-mail that critical? And many students who utilize this, I see no mechanism that it will be used strictly for educational purposes. They could use it for others. I think that there should be something in there to make sure that what we're paying for is those students to do it on the educational part of it. Other than that, I do think that it's very, very important and I do commend the chairman for his hard work.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 122 was adopted and S.B. No. 1583, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126 (H.B. No. 294, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 126 be adopted and H.B. No. 294, H.D. 1, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Anderson rose to speak on the measure with reservations as follows:

"Mr. President, 'WR' please. I was in favor of the cigarette part of it, then it got to be that they were going to worry about coupons and others, and that kind of worried me a little bit that all of a sudden we're going so far. We may get out of step with ourselves, but I do have reservations on that."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 294, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 129 (H.B. No. 743, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 129 was adopted and H.B. No. 743, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 131 (H.B. No. 122, H.D. 2, S.D. 1, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 131 be adopted and H.B. No. 122, H.D. 2, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Sakamoto rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"I appreciate the intent of the bill to entice contractors to promptly pay their subcontractors who are entitled to payment. The present language requires the comptroller to adopt rules necessary to implement penalties, monetary fines, interest, and possible debarment for noncompliance. Previously in testimony, disgruntled subcontractors have not communicated payment problems to the Department of Accounting and General Services, who could help them make right what's wrong. There are really enough laws in place to address these concerns, Mr. President.

"Clearly, this bill would allow government to interfere with the private sector of which government intervention is not

necessary. The industry should work out their own problems and not burden government, not burden DAGS with more rule making. We're supposed to be going in the opposite direction. So I urge my colleagues to oppose this measure, Mr. President."

Senator Iwase spoke on the measure with reservations as follows:

"Mr. President, I'll go with reservations on this measure.

"The one subject requirement of the Constitution, I believe, has been implicated here. Mr. President, this is a bill that started out as prompt payment to the general and general contractor to subcontractors and now has within its body a totally unrelated matter on group living facilities and public hearings and priorities to be given to group living facilities, and I have a concern about that. So I'll be going with reservations.

"Thank you."

Senators 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, Conf. Com. Rep. No. 131 was adopted and H.B. No. 122, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 132 (H.B. No. 850, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 132 be adopted and H.B. No. 850, H.D. 1, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Iwase rose to speak against the measure and said:

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

"This is the measure which extends the no-fault amnesty for uninsured motorists, and it's something we've been doing year after year after year. At some point we have to stop, and I think we should stop this year.

"Thank you."

Senator Slom also rose in opposition to the measure and said:

"Mr. President, I, too, am voting 'no' on this.

"We've said it before, we make a farce out of the term 'amnesty,' and we've extended this period of time. Either we have a law and we enforce the law, or we allow people to voluntarily opt out of the insurance system. But since we've had the law, for those of us who have to pay the insurance unwillingly it makes it a travesty by extending amnesty again and again. So I'll be voting 'no.'"

Senator Bunda requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 132 was adopted and H.B. No. 850, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Iwase, Sakamoto, Slom).

Conf. Com. Rep. No. 134 (H.B. No. 1361, H.D. 2, S.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 134 be adopted and H.B. No. 1361, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Sakamoto rose in support with reservations as follows:

"Mr. President, I rise in support with reservations.

"Mr. President, I'm concerned that in our zeal to protect the public from another incident like that of Jimmy's Travel, we may be over-reacting, over-regulating this industry. We don't want to put existing businesses out of business. We do not want to stop new businesses from forming. One of the recognized, outstanding new businesses this year was a tour company, and while he started with very little and built his business one client at a time, he found a niche in the charter tour industry to the Philippines and worked hard, slowly, to develop his company. Hawaii Business Community has recognized his efforts and his entrepreneurial spirit. Had this law been in place, I don't know if his beginnings would have been possible.

"We need to protect the public, but we must also foster business if we are to ever create long-term economic stability in this State."

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, Conf. Com. Rep. No. 134 was adopted and H.B. No. 1361, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER TOUR OPERATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 135 (H.B. No. 252, H.D. 3, S.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 135 be adopted and H.B. No. 252, H.D. 3, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 135 was adopted and H.B. No. 252, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 139 (H.B. No. 1471, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 1471, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 150 (H.B. No. 1111, H.D. 2, S.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 150 be adopted and H.B. No. 1111, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Chumbley rose in support of the bill and said:

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

"This measure provides balanced protections for businesses and consumers against injuries and losses that may result from Y2K computer errors. Primary responsibility for losses is placed upon computer hardware and software manufacturers that designed and sold products with Y2K defects.

"Businesses that take commercially reasonable efforts to make their computer Y2K safe are given partial immunity from liability for economic damages and total immunity from non-economic damages, statutory minimum and treble damages.

"Small businesses and consumers are protected against out-of-pocket losses in all instances and are entitled to all other economic losses where there is a failure to take commercially reasonable preventive steps.

"Treble damages, non-economic losses and punitive damages are allowed only where there is intentional or other extreme conduct.

"In addition, the State is given immunity, unless it fails to take good-faith preventive action and is grossly negligent.

Three Levels of Protection and Immunity

- 1) Commercially Reasonable Steps Taken
 - a) Liability for businesses that take commercially reasonable steps is limited to out-of-pocket expenses only. Immunity is provided for:
 - A) All other consequential and economic damages, such as lost profits and lost business opportunities.
 - B) All non-economic damages, such as emotional distress and mental anguish.
 - C) All treble damages, punitive damages and statutory minimum damages.
 - b) Small businesses and consumers are allowed to recoup their out-of-pocket expenses, such as extra accounting charges to reconstruct financial transactions that get messed-up by Y2K computer errors.
- 2) Commercially Reasonable Steps Not Taken
 - a) Businesses forfeit immunity for all economic damages, retain immunity for non-economic damages, treble and statutory minimum damages.
 - b) Consumers and small businesses can recover all of their economic losses.
- 3) Y2K Losses Intentionally Inflicted
 - a) Businesses get no immunity.

- b) Consumers and small businesses can recover all losses without limitation.

STATE IMMUNITY

"The State, including the counties, is given immunity against Y2K claims, so long as it makes a good-faith effort to become Y2K compliant and is not grossly negligent.

OTHER PROVISIONS

"Hardware and Software Manufacturers Liable: Computer hardware and software manufacturers that designed and sold products with Y2K defects remain primarily liable and have no immunity. This places the responsibility for Y2K errors on those who created the problem, rather than innocent businesses that bought and use defective computer equipment.

"Alternative Dispute Resolution: An ADR conference must be held with the court in all Y2K lawsuits to consider appropriate ADR procedures.

"Physical Injury and Death: There is no immunity to physically injure or kill people.

"Consumer Credit Protection: Failure to make payments because of Y2K problems cannot be reflected on credit reports as bad credit history."

Senator Tam rose to speak against the bill and said:

"Mr. President, I rise in opposition to H.B. No. 1111, Relating to Year 2000 Errors by Computer-Based Systems.

"The State of Hawaii began its efforts in earnest beginning in October 1996. Remediation, testing and implementation of all remaining systems are expected to be completed by September 30, 1999. The State should be 100 percent by that date.

"The Bank of Hawaii is already advertising banking by computer from your home. The Red Cross representative says that all of our financial institutions are Y2K ready.

"There has been ample time for all businesses as well as government to 'get up to speed' on Y2K.

"I view this legislation as a cop out for our State government which leaves open the ability for big money interests to be protected also.

"There are laws currently on the books against frivolous lawsuits or unsubstantiated lawsuits. I believe this law takes away people's 'day in court.'

"I respectfully ask my colleagues to vote against this legislation."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 150 was adopted and H.B. No. 1111, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Buen, Hanabusa, M. Ige, Kanno, Kawamoto, Slom, Tam).

Conf. Com. Rep. No. 153 (S.B. No. 102, S.D. 3, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 153 be adopted and S.B. No. 102, S.D. 3, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition and said:

"Mr. President, I will be voting 'no' because it establishes a special fund, the rural health special fund."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 153 was adopted and S.B. No. 102, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 154 (S.B. No. 513, S.D. 2, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 154 be adopted and S.B. No. 513, S.D. 2, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to speak against the measure as follows:

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

"The issue of child care, of course, has many factors that are important in our community -- sociological and demographic. But the point of the matter is that, as we said before, people that live in condominiums and town houses, but particularly condominiums, have for the most part chosen to live there, and they want a particular style of living as supported by the association bylaws. And one of the things that they don't want is business activities, and another thing they don't want, whether we like it or not, is children. And they have chosen to be there. They've also been very concerned about the problems associated with ADA rulings and problems associated with liability.

"And while this bill has been crafted and has gone through many changes, the people that actually are on the front lines that live in these buildings and abide by these association rulings are not convinced that their concerns have been alleviated. Further, it makes a bad precedent because what it says is that, in effect, people living in private situations cannot have their own rules and cannot decide for themselves what they want to do. There have been buildings, condominiums and others, that have decided upon their own to make changes within their rules and they are still capable of doing that. I don't think it's the place for government and this Legislature to be involved in this area.

"Thank you."

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

"Mr. President, I rise with reservations similar to items stated by the Senator from Hawaii Kai, because many people, seniors especially, have chosen to live there, listening to their soap operas, etc., they want the peace and quiet. So people have chosen where they live for some of those reasons, because of peace and quiet."

Senator Chun rose to speak in favor of the measure with reservations as follows:

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

"Mr. President, although I support fully the intent of this bill to provide child care for all families and to open up that industry because there is a big need in our society to do that, I have reservations in regards to requiring people who live in home owners associations to allow that kind of business on their property. Mr. President, I think when government starts interfering with people in terms of how they will have to use their property, we have to tread on that area very lightly. Those are my reservations regarding this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 154 was adopted and S.B. No. 513, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 165 (H.B. No. 1454, H.D. 2, S.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 165 be adopted and H.B. No. 1454, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom opposed the measure as follows:

"Mr. President, I rise to speak in opposition.

"The bill, again, is a thinly disguised way of raising more taxes. It provides additional administrative fees on top of the already existing fees and the bottom line is it's going to cost people more, and there's no justification for those fees.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 165 was adopted and H.B. No. 1454, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 169 (H.B. No. 172, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 169 be adopted and H.B. No. 172, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose and said:

"Mr. President, reservations, please, because of the mandate."

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 169 was adopted and H.B. No. 172, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPICE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 170 (H.B. No. 260, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 170 was adopted and H.B. No. 260, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 176 (H.B. No. 1664, H.D. 3, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 176 be adopted and H.B. No. 1664, H.D. 3, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose in opposition and said:

"Mr. President, it creates a special fund. I will vote 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 176 was adopted and H.B. No. 1664, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 190 (H.B. No. 104, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 190 was adopted and H.B. No. 104, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

The Chair then made the following inquiry:

"Mr. Clerk, has the House passed H.B. No. 100, C.D. 1, the state budget?"

The Clerk replied:

"Yes, Mr. President, it was delivered to the Governor's office at 11:37 a.m. this morning."

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

The Senate reconvened at 12:17 o'clock p.m.

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 43 (S.B. No. 36, S.D. 2, H.D. 1, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 43 be adopted and S.B. No. 36, S.D. 2, H.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Tam rose in support of the measure and said:

"Mr. President, I rise in support of S.B. No. 36, Relating to Condominiums.

"At a time when we had hoped that financial institutions would participate with us to relieve the strain on our economy caused by foreclosures, we found ourselves standing alone. It appears that we, in government, are expected to fix the economy and resolve all of the ills of our State. Under extreme pressure, we were successful in passing this legislation on behalf of the condominium owners. I hope that we can do more to assist condominium ownership during the next legislative session.

"This bill does the following:

1. I am pleased to announce that condominium associations now have the ability to enforce liens resulting from

delinquent maintenance fees. The Association of Owners is now empowered under priority of lien to file for non-judicial foreclosure and power of sale foreclosure when it is unable to obtain delinquent maintenance fee payments.

2. Especially during the foreclosure process, maintenance fees remain unpaid for as long as two years. Financial institutions have also avoided paying maintenance fees by holding off recording ownership at the Bureau of Conveyance. The law now clarified when a purchaser in a foreclosure becomes responsible for assessments and maintenance fees.
3. Previously, the Association of Owners could not collect delinquent maintenance fees from the tenant. The Association is now permitted to collect directly from the tenant an amount up to the delinquent fees owed by the owner.
4. More frequently, associations of apartment owners are having to look for alternatives to federally insured bank deposits. By allowing associations to invest in mutual funds, obligations of the United States Government, or the State of Hawaii, this bill will also contribute to the economy of our State.

"In conclusion, for our next session I will be asking for your assistance, colleagues, to again pass legislation which will allow condominium associations a six-month priority lien that will enable the associations to recover up to six months of delinquent maintenance fees from the secondary mortgage market, more specifically, Fannie Mae and Freddie Mac.

"Members, I wish to inform you, unfortunately, the House of Representatives' conferees refused to conference on the six-month priority lien.

"Thank you."

Senator Bunda then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 43 was adopted and S.B. No. 36, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM THURSDAY, APRIL 15, 1999

THIRD READING

H.B. No. 1286, H.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, H.B. No. 1286, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1287, H.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, H.B. No. 1287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE GAS UTILITY SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 801, H.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, H.B. No. 801, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1595, H.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, H.B. No. 1595, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WASTE PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 12 (S.B. No. 5, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 12 was adopted and S.B. No. 5, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14 (S.B. No. 1024, S.D. 3, H.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 14 was adopted and S.B. No. 1024, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49 (S.B. No. 788, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 49 was adopted and S.B. No. 788, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98 (H.B. No. 377, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 98 was adopted and H.B. No. 377, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 106 (S.B. No. 1158, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 106 was adopted and S.B. No. 1158, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113 (S.B. No. 816, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 113 was adopted and S.B. No. 816, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118 (S.B. No. 1499, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 118 was adopted and S.B. No. 1499, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125 (S.B. No. 1635, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 125 was adopted and S.B. No. 1635, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (H.B. No. 635, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Levin and carried, Conf. Com. Rep. No. 127 was adopted and H.B. No. 635, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 141 (H.B. No. 1450, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 1450, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142 (H.B. No. 700, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 142 was adopted and H.B.

No. 700, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 144 (H.B. No. 333, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 144 was adopted and H.B. No. 333, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145 (H.B. No. 336, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 145 was adopted and H.B. No. 336, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147 (H.B. No. 1280, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Levin and carried, Conf. Com. Rep. No. 147 was adopted and H.B. No. 1280, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 152 (S.B. No. 1470, H.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 152 was adopted and S.B. No. 1470, H.D. 2, C.D. 1, 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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 157 (S.B. No. 1229, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 157 was adopted and S.B. No. 1229, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 162 (S.B. No. 1144, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 162 was adopted and S.B. No. 1144, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 166 (H.B. No. 1138, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 166 was adopted and H.B. No. 1138, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 173 (H.B. No. 547, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 173 was adopted and H.B. No. 547, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 174 (H.B. No. 1594, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 174 was adopted and H.B. No. 1594, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 178 (H.B. No. 1693, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 178 was adopted and H.B. No. 1693, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 180 (H.B. No. 1017, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Levin and carried, Conf. Com. Rep. No. 180 was adopted and H.B. No. 1017, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 183 (H.B. No. 854, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 183 was adopted and H.B. No. 854, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout,

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 187 (H.B. No. 990, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 187 was adopted and H.B. No. 990, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:50 o'clock p.m.

**MATTER DEFERRED FROM
TUESDAY, APRIL 13, 1999**

THIRD READING

Stand. Com. Rep. No. 1499 (H.B. No. 1064, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1499 was adopted and H.B. No. 1064, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

FINAL READING

Conf. Com. Rep. No. 50 (S.B. No. 392, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Levin and carried, Conf. Com. Rep. No. 50 was adopted and S.B. No. 392, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 96 (H.B. No. 1183, H.D. 2, S.D. 2, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 96 be adopted and H.B. No. 1183, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Inouye.

Senator Levin spoke in favor of the measure with reservations as follows:

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

"My reservations are that this measure might be construed to authorize some future Department of Land and Natural Resources to lease out segments of coastal lands, such that a public beach would be rendered private. I therefore wanted to make clear that it is the Legislature's intent that the right of public access to our beaches and oceans is inviolate. As partial evidence of this intent, I would note that the bill allows the Department of Land and Natural Resources to lease public

beach lands for the purpose of generating revenues, but only subject to Chapter 171. Section 171-26 of that Chapter provides for the preservation of rights of ways for people to utilize public beaches.

"We are not overriding that provision today, nor do we want to, because our dedication to the principle of free, unfettered access takes precedence over our desire to raise revenue. It is not the Legislature's intent to sell the birthright of our people no matter how worthy the cause.

"Thank you."

Senator Slom rose to oppose the bill as follows:

"I'll be voting 'no' against this bill because it does establish the beach restoration special fund.

"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, Conf. Com. Rep. No. 96 was adopted and H.B. No. 1183, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 1:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Conf. Com. Rep. No. 102 (S.B. No. 1256, S.D. 2, H.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 102 be adopted and S.B. No. 1256, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Kawamoto rose in support of the measure and said:

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

"I'd just like to say that this is a needed system that will help the Molokai unemployment situation there and would provide much needed jobs for their community.

"I'd like to yield to the Senator from Molokai."

Senator Buen rose to speak on the measure as follows:

"Thank you Mr. President, and thank you Senator Kawamoto.

"This bill was needed to help the people of Molokai with their employment. Many of the residents have moved to Maui to seek employment and their families are now broken up because of that. There are hardly any jobs there on Molokai.

"The Committee has worked very hard. For a number years the people of Molokai have asked for a ferry system so that they can travel daily to the Island of Maui and then possibly the ferry can also . . . we're looking at coming to Oahu. But this is a bill very needed for Molokai residents and I want to thank you again, Senator Kawamoto, and also the Ways and Means Committee for helping pass this bill.

"Thank you."

Senator Kawamoto rose and said:

"Mr. President, I'd like to also add that this would be matching funds and would bring in \$3 million to \$4 million from federal dollars.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 102 was adopted and S.B. No. 1256, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112 (S.B. No. 1518, H.D. 1, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 112 be adopted and S.B. No. 1518, H.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Chun spoke in favor of the measure with reservations and said:

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

"Mr. President, I favor this bill in terms that it will allow the counties and the State to go forward with funding the collective bargaining raises. However, I have a concern that the bill puts an absolute ban on any raises to be negotiated for the next two years, the biennium. Mr. President, that provision starts us down the path of getting involved with collective bargaining directly with the unions -- a path that our Legislature, when we first enacted Chapter 89, decided not to take. At this point in time, Mr. President, I have not seen any compelling reason why we would want to bring ourselves on that path and start involving ourselves with bargaining with the unions directly.

"I believe, Mr. President, though, that we could have accomplished the same goal by actually putting inside a bill, such as this, a provision so that in any kind of bargaining between the employer and the union, we will not look towards using the ERS fund for the pay raises. I think that would have been a better way to do it. That would have been a cleaner way to do it, and it would not involve us in the collective bargaining process.

"Another way we could have gone, Mr. President, is also put a specific limitation in terms of how much money we should have in the ERS fund at any given time to ensure that at all times there is a standard to be met. If we are to take money from that fund, certain limitations have got to be complied with.

"Mr. President, we have to stop looking at using this fund on a case by case basis whenever we get into financial trouble. We should be setting up firm plans for the future. And I believe, Mr. President, we should look at that in the next session and be very clear that we should not raid this fund whenever it's convenient for us.

"Thank you, Mr. President."

Senator Tam also rose to support the measure and said:

"Mr. President, I rise in support of S.B. No. 1518, Relating to Government Operations.

"In this respective bill there are two parts of this bill. The first relates to goals for the State of Hawaii, which provides an overall direction for the State. The Committee on Government Operations and Housing conducted two very long public hearings on the goals and objectives of state departments and other agencies including the Judiciary. Many of our departments do not have any formally established goals and objectives. Accordingly, this bill requires that goals and objectives be identified to provide a basis for determining

priorities and allocating limited public funds and human resources.

"We are reminded that government should operate more like a business. Developing a time-driven action plan consisting of milestones and benchmarks will enable us to evaluate whether or not government is productive and efficient. I thank my colleagues in the Senate for your support of departmental goals and objectives in the Majority package.

"The second part of this bill addresses pay raises for government employees. I am very pleased that retroactive pay raises for government employees have been funded in this bill. It is long overdue. We are tapping into the State retirement system, hopefully for the last time, to fund pay raises which is primarily a bailout for the City and County of Honolulu.

"For the sake of the public, the financial condition of the City and County of Honolulu shall be reviewed this interim before the next legislative session. More than 20 percent of the City's funds come from the State; therefore we must find out what happened to taxpayer dollars within the State of Hawaii.

"It is unfortunate that one part of the bill provides for no pay raises for the next two years. This is a requirement which was insisted upon by Governor Cayetano and the House of Representatives at the eleventh hour of the deadline of this session for passage of the bills which was this past Friday. Otherwise the pay package would not have passed this session. I will be introducing a bill next session to remove this condition and ask my colleagues to support me. We should not interfere in collective bargaining, but unfortunately due to some sense our hands were tied.

"I am encouraged by the leadership exhibited by this Senate in its effort to restructure government and bolster our sagging economy, and I thank all of you for your support."

Senator Iwase rose in support of the bill with reservations and said:

"Mr. President, I'm rising in support of the bill with reservations.

"I'm very pleased we're making efforts to fund the retroactive pay raises which were agreed to pursuant to collective bargaining, and which I believe we are legally, if not morally, bound to fulfill.

"What does concern me is what the Senator from Kauai spoke about which is the provisions relating to the cap on negotiating cost items. Mr. President, what this bill does is amend Chapter 89, which is the collective bargaining law. It's a major statute in Hawaii law. I do not believe that we should be amending the law by slipping a provision into a bill that purportedly seeks to fund pay raises for public workers.

"Secondly, I do not believe we should be doing this at all because there is a process for negotiating in the collective bargaining law, Chapter 89, and the process is that the executive branch has people negotiating, that they agree to particular raises. The Legislature is supposed to accept or reject it. We are here today with this retroactive pay raise issue before us because, first, the executive branch negotiators agreed to the increase, and secondly, the legislative branch did not reject it.

"We are the backstop. We are the safeguard. This is not necessary. We should not be intruding into the collective bargaining process in this manner. We should do it in a cleaner way if we want to amend the collective bargaining law with a specific bill and a specific title saying relating to collective bargaining, so all the world knows that we are amending the collective bargaining law.

"Thank you, Mr. President."

Senator Slom rose in opposition to the measure as follows:

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

"Mr. President, this is a weasel bill. I've spoken in support of keeping our promises and funding the contracts that have already been negotiated and that's what we should do. What we should not do is pass a bill like this. People have their reservations about it. These are wimpy reservations. We should vote 'no' on this bill because first of all, it contains two separate and totally different ideas and concepts within the bill. As far as requiring all departments and agencies to identify their goals and objectives, that's a laudable objective in itself and it should be done, and I commend the sponsor for that particular section.

"It's interesting that this is the bill that originally started out as the privatization of the State hospital bill and was completely gutted and changed into this.

"Now Mr. President, I know that there was no public hearing held in the Senate on the ERS raid. I'm not sure that there was a public hearing held in the House. So, because this encompasses two separate and distinct subjects, one of which should be by itself -- collective bargaining; because there were no hearings held; because there was no input held; and because what we're saying here is this is a one-time only raid on the Employees' Retirement System . . . get real! Do we believe that -- a one-time raid like the one-time raid on special funds we've made.

"The other thing is this Legislature is trying to bind future Legislatures, and that is very difficult, if not impossible, to do. And it also is trying to bind the labor organizations so that they in fact cannot negotiate for a two-year period, and that we should not do. The two are separate items. We should honor our commitment and fund the pay raise.

"The way this bill works, it applies 10 percent of actuarial investment earnings in excess of a 10 percent investment yield for fiscal years '97 and '98 in lieu of the contributions to the pension accumulation fund required for the State and Counties. This is a fund for retirees. They paid into it. We're tapping it. We're raiding it. We're doing something different with it.

"The other thing is that what we're saying is we're expecting that the fund is going to be healthy. Now, for the years '97 and '98 there was a very attractive return on investment, but not for the year 1999 fiscal year when the return on the investment was down to 3-1/2 percent and may be lower in the future.

"So for this and other reasons, I think that we have to do more than say, hopefully this is the last time that we'll do something like this. We know this is wrong. We know it should not occur. We should vote 'no.'

"Thank you."

Senator Sakamoto rose to support the measure with reservations as follows:

"Mr. President, I rise in support with reservations.

"I hear the strong words of the Senator from Hawaii Kai. I agree with the concerns about the money. This is a 'spend now, pay later' bill. Social Security in America, same thing -- spend the money now, pay later. An employee in my company wanted to borrow money out of his 401K plan and he needed to spend it now, pay later. I saw an unemployed painter on the street. He took all of his money out of his annuity fund because he needed to spend it now and pay later. And that's really a problem.

"We don't have a 'rainy day' fund. The ERS should not be the 'rainy day' fund. The highway fund should not be the

'rainy day' fund. Special funds should not be the 'rainy day' fund. We really need to spend only what we have. We need to look to next session, seriously, along with the civil service reform measures and other measures, because we cannot keep spending what we don't have. We only can spend what we have, Mr. President."

Senator Anderson rose to speak against the bill and said:

"Mr. President, I was going with reservations and I think that the Minority Floor Leader is absolutely right. I would rather go 'no,' and the reason I'm going 'no' is this is one of the reasons that I voted against Mr. Anzai. I didn't think it was fair that we raid again for the seventh time the Retirement System. We keep calling it a one-time deal.

"Also, it bothers me that we're going to give the counties some dollars to bail them out because we have to take care of the employees at the county level. The county council gave \$20 million to the county -- \$20 million. All of a sudden the Mayor said that was a savings because he had done such a great job in streamlining the government. What he did was he took \$20 million that they put there and he spent it. Now he's telling you and me, we have to take care of that. And the Governor and the rest of them want to give those savings that he spent. We're now going to take it from the Retirement System.

"When we had the UPW director sitting next to Mr. Anzai, I said how are you possibly going to use the Retirement System money to pay back the employees the dollars that they have put into the system. You're going to pay them with that dollar that they've saved and then you're going to turn around and tell them that they can't do anything for two years. I find that despicable that we would even consider doing that. The Retirement System is for the retirees. We don't have a cash flow because we have no idea how we're going to turn this State around. We have no plan. They don't use any of the plans that we've given so that we can help move this State forward. And without the cash flow, the only thing that they're looking at is \$9 billion in the Retirement System which is now down to 8.2 because it took a loss. For those reasons I will be going 'no' on this particular bill.

"I want to give the people the raises that they deserve. They've gone through the system. But I don't think we should do it with the dollars that they themselves have earned and the dollars that we have earned in total on the Retirement System. For those reasons I'll be going 'no,' Mr. President."

At this time, Senators Taniguchi and Bunda requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Chun Oakland also rose to speak against the measure as follows:

"Mr. President, I speak in opposition to this measure.

"A few years ago, the Legislature had made a commitment to stop taking from the Employees' Retirement System. Under our Senate financial plan, we did not need to use the ERS for the purpose of funding retroactively the collective bargaining pay raises. I think this is not the way to go.

"Thank you, Mr. President."

Senator Chumbley rose in support of the measure with reservations and stated:

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

"Mr. President, while I'm glad that we are finally meeting our obligation of funding the collective bargaining contracts, I share in many of the concerns that have been expressed about the language included in this proposal, which will prohibit the employees from bargaining with the executive branch relative

to Chapter 89. I hope that as we move forward, Mr. President, that this language can be reconsidered and removed earlier than the two-year period.

"Thank you."

Senators Hanabusa, Kanno, Tanaka and Buen then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 112 was adopted and S.B. No. 1518, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Chun Oakland, D. Ige, Slom).

Conf. Com. Rep. No. 120 (S.B. No. 131, S.D. 3, H.D. 3, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 120 be adopted and S.B. No. 131, S.D. 3, H.D. 3, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

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

"Mr. President and fellow colleagues, long-term care coverage is a critical economic health issue facing our State today. I know this body had made this a priority and I appreciate that we've come this far.

"As the new century approaches and our State's population ages rapidly, our State must come to the realization that we face an enormous challenge when it comes to financing long-term care costs in the near future. The recession that has lingered in the State for the last eight years has affected not only our pocketbooks as individual consumers, but also decreased our ability as businesses and employees to build funds for retirement and any long-term business or personal needs.

"Under these circumstances, Hawaii residents face an overwhelming task when it comes to financing any type of long-term care needs for the future, either for themselves or for the ones they love, because they lack the significant financial resources to plan for a future that seems to be so far away.

"Long-term care financing poses a serious problem for many residents in our State because its costs often exceed a family's ability to pay. The current ways to finance long-term care involve a combination of medicaid, medicare, private insurance and personal assets. Medicaid, the largest pair of long-term care services is strictly limited to financial eligibility, while medicare only provides a limited amount of long-term care benefits to the individuals in this State.

"As you know, our medicaid budget continues to skyrocket. Trends show that in the future medicaid, medicare and social security might cover even smaller portions of a person's long-term care cost due to the fact that more and more people will be accessing medicaid and medicare benefits and services as their private insurance benefits and/or personal assets dwindle.

"The situation, however, is worsened in Hawaii because small businesses are not able to provide sizeable pension plans and other benefits for their employees. The majority of the State's working population are employed by small business. Senate Bill 131 then provides the mechanism to begin dealing with the difficult issue of financing long-term care for individuals in this State: (1) It gives the employers the option of offering long-term care insurance coverage for their

employees; and (2) It creates standards to regulate those long-term care insurance products that enter the local insurance market.

"The measure, as amended, incorporates the provisions of the July 1998 Model Long-Term Care Insurance Act and Model Regulations which was developed by the National Association of Insurance Commissioners and establishes a baseline for long-term care insurance policies that are sold here in Hawaii. This, we hope will be a minimum to protect the consumers of the State.

"In an effort to avoid preemption by the Federal Employee Retirement Income Security Act of 1974, known as ERISA, S.B. No. 131 gives employers the option of offering long-term care and does not mandate this offering. It by no means mandates that such coverage shall be provided to employees as a benefit.

"The measure, in addition, also extends the work of the Joint Legislative Committee on Long-Term Care and authorizes them to continue their efforts in developing possible long-term care solutions to financing the needs of our residents.

"This measure is one step towards, I believe, a much greater comprehensive effort that we need to work towards. And I believe that this is a balanced solution in trying to work with the private sector first in encouraging people of our State to purchase long-term care insurance. There are other measures that we are considering today that also provide some tax deduction, as well as builds the capacity of the Insurance Commissioner to make sure that we can analyze the policies that are being offered in our State with regard to long-term care insurance products.

"I really need to thank the members of the Joint Legislative Committee, the members of the Senate and the House of Representatives, as well as many other people from the community who have put a lot of time into this measure. I thank you for your commitment to this issue and look forward to making this a continued high priority of this State.

"Thank you very much."

Senator Slom also rose in support of the measure and said:

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

"I want to commend the chair for her efforts and the efforts of the Joint Committee. We worked very long and very hard on this issue which is of major importance to all of us. I don't think there was any other issue that sought so aggressively public input, took that public input, worked with different people, tried to come up with different solutions.

"Admittedly, this is just the first of a building block for long-term care, but as the chair just reminded us, we will be voting in a few minutes on a bill that will bring Hawaii's tax laws in conformity with the Internal Revenue Code and there were other suggested incentives that were being used. The main thing is that this is a bill that uses a carrot without any sticks. It is a bill that encourages incentives and encourages people in the private sector and the public sector to offer alternatives to employees and others

"And I note for my part, Mr. President, I will do all I can in the small business community to encourage employers to offer long-term care insurance because we've made a commitment here that we want to do this and we want to do it voluntarily without mandates and without force. So I urge all my colleagues to support this measure and thank the chair again for her efforts."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 120 was adopted and S.B. No. 131, S.D. 3, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

LONG-TERM CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123 (S.B. No. 646, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Tam, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 123 was adopted and S.B. No. 646, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Conf. Com. Rep. No. 137 (H.B. No. 1085, H.D. 1, S.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 137 be adopted and H.B. No. 1085, H.D. 1, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom spoke in opposition to the measure and said:

"Mr. President, unfortunately I'm going to have to rise and speak against this bill.

"As I mentioned during the crossover, you know, we have used the term emergency during this session so many times that it doesn't mean anything anymore. And this is not an emergency appropriation and this is not an emergency appropriation for Felix/Cayetano. The basis of this bill is restoring cuts that were being made last year, only a small portion out of the \$11 million -- \$1.9 million I believe -- is for Felix/Cayetano related expenditures.

"We've got to learn to be more open. We've got to learn to be more honest. We've got to tell the truth about our fiscal appropriations and things that we vote on. And if we're going to say that things are emergencies, then they better be emergencies. And emergencies are those things that prudent individuals, rational individuals, could not and should not have anticipated. And all of these things have been anticipated and people have talked about them before. So if we're going to be honest about this, we have to hold people accountable for the expenditures and for the appropriations that they ask.

"This is not an emergency appropriation and it is not \$11 million for Felix/Cayetano.

"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, Conf. Com. Rep. No. 137 was adopted and H.B. No. 1085, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 138 (H.B. No. 988, H.D. 2, S.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 138 be adopted and H.B. No. 988, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure as follows:

"Mr. President, *deja vu*. Here's another emergency appropriation that just followed the last emergency appropriation. Where is the emergency? We've been talking about Y2K. We have voted money for the State government for compliance. And now it's an emergency? No, Mr. President, there's not an emergency except for when we vote for bills like this. Cast my vote as 'no,' Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 988, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 143 (H.B. No. 86, S.D. 1, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 143 be adopted and H.B. No. 86, S.D. 1, C.D. 1 having been read throughout, pass Final 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, Conf. Com. Rep. No. 143 was adopted and H.B. No. 86, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 148 (H.B. No. 20, H.D. 2, S.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 148 be received and placed on file, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, the reason for separation is the inconsistencies between the committee report and the measure."

The motion was put by the Chair and carried.

Senator Chumbley then moved that H.B. No. 20, H.D. 2, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the measure and said:

"Mr. President, the purpose of this bill is to increase the salaries of our judges. Although the Conference members intended the increase of salaries of judges to be 11 percent beginning July 1999, and another 11 percent beginning July 2000, in the haste of Conference Committee deliberations, and preparing the committee report under the pressures of time, an unfortunate and unintended inconsistency resulted in reference to the salary increases in the contents of the bill and the committee report.

"I would like to now clarify for the Journal that in acting on the bill after separating the committee report, we are relying on the principle that the specific salary figures in the bill must represent the intent of the Legislature as controlling over other general references on the same subject. The Journal should reflect that the specific salary figures listed in the bill are correct.

"While we have to accept those figures and cannot at this late hour change them to reflect the Conference Committee's actual

intent, we would recommend to this body that we approve these modest increases now by voting 'aye.'

"We want the Journal to reflect the intent of the Conference Committee and also note our recommendation that the 2000 Legislature correct the figures to represent what we had intended -- that is to provide for a salary increase of 11 percent effective July 1999 and another 11 percent beginning July 2000.

"I urge my colleagues to vote 'aye' on this measure.

"Thank you, Mr. President."

Senator Iwase then rose and said:

"Mr. President, you previously ruled 'no conflict' on my voting on this bill. Would that position still remain the same?"

The Chair ruled that Senator Iwase was not in conflict.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I'm compelled to stand up and vote against this measure.

"I was fully prepared, after three years, to support an increase in the judicial salaries although I still do not subscribe to the belief that if you pay judges more you'll get better rulings. My problem is that, as the Judiciary co-chairman just mentioned, in the haste of doing things. We have done so many things here in haste, and I think deliberation is extremely important. And the fact that we were hasty in passing this bill along with the committee report at the last moment leads to a great deal of confusion in terms of the public and whether or not we're talking about an 11 percent increase, a 13 percent increase, or a 27 percent increase over two years. In fact, if we're talking about 11 percent, we're talking about 22 percent because it's 11 percent over each of the next two years.

"While I fully support the idea of increasing the judicial salaries, I find that many of our friends and neighbors and family members in our community have not only not gotten any salary increases but in fact they do not have jobs. And for us to be talking about salary increases in the range of 22 to 27 percent, I think at a time when our economy is the way it is and when we haven't anything to provide additional revenues, is too much and is not fair for the rest of the community who are themselves called upon to pay it. We in the Senate do not reach in our pockets and pay those salaries. We ask the people that vote for us to pay the salaries. I think it's excessive at this time."

Senator Anderson supported the measure as follows:

"Mr. President, I'm going to be voting 'aye,' and I could sit here and I very seldom disagree with my Minority Floor Leader. I think this bill is important because I've gone year after year fighting the judges' pay raises. I've talked about restructuring collective bargaining and making sure not everybody across the board gets the same pay raises.

"However, I made time to go down to talk to the judges and they turned around and said, 'You know, I would hope that after a while people would start to listen. We do not get any union backing. We do not have collective bargaining. We also have no constituency. And what you're asking us to do is, if we give a favorable decision, then you will give us a raise. If we make an improper decision, you don't want to give us a raise.' And I never looked at it that way, and I think that it's fair and acceptable that we look at what they've done. The raises that they have not received over the years strictly because everybody is saying this is what you are making, consequently you should go no higher; moreover, we don't even like your decisions. I don't think that it's fair. For those reasons alone, I will be voting for the judges' pay raise.

"I don't know about their retirement system and other things that everybody has been talking about. You've got to remember that you don't live in their shoes, you don't know exactly what amount of money they pay for medical, what happens to their families if somebody could be sick; is there private schools that they go to. I don't know. I don't live with those judges. I don't socialize with them. So I don't know that the problems that they're having, which is everyday, are any different than the rest of us. So I will be voting 'aye,' Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 148 was adopted and H.B. No. 20, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 156 (S.B. No. 1034, S.D. 1, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 156 be adopted and S.B. No. 1034, S.D. 1, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Chun Oakland rose in support of the measure as follows:

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

"Fellow colleagues, last November, 46 states, including Hawaii, settled historic class action lawsuits against the nation's tobacco companies and won unprecedented amounts of compensation and concessions from tobacco manufacturers who held a firm grip on American's consumer market for a number of years. Although individual settlement agreements did not specify the way in which monetary awards should be spent, attorney generals throughout the nation indicated that the tobacco settlement agreements they entered into presented a very unique opportunity to use tobacco companies' own profits to reduce the usage of tobacco products in the United States.

"Statistics show that reductions in the use of tobacco not only saves lives and dramatically improves the overall health of the public, but it also saves billions dollars spent annually to deal with the negative health consequences created by smoking and using tobacco products. Estimates suggest that the public and private expenditures to treat tobacco related health problems exceed \$70 billion a year with state medicaid payments surpassing \$12.5 billion annually. Research studies suggest that even 1 percent decrease in the usage of tobacco products over the next five years could produce monetary savings equating to roughly \$600 million. Of course, this is in addition to the thousands of lives saved and the thousands of lives positively impacted by the reduction in the use of tobacco products over the same period of time.

"Senate Bill 1034 represents the State Legislature's best effort to reduce and control tobacco usage in the State while establishing mechanisms to develop an infrastructure to support general programs for health and wellness, most notably those supporting children's health initiatives. This measure, as written, establishes the public/private trust fund dedicating 25 percent of the settlement, per year, to support public education efforts and community and school based programs designed to counter tobacco marketing and reduce tobacco usage among the State's one million-plus residents. It allows for the development of strategic planning processes through which a variety of stake holders can create comprehensive plans to reduce tobacco usage in the State and improve the overall health of Hawaii's island community. It gives the Department of Health the opportunity to supplement and augment their

existing health and wellness programs by dedicating an additional 35 percent of the settlement funds per year.

"In addition, S.B. No. 1034 provides for the establishment of an emergency and budget reserve fund dedicating 40 percent of the settlement each year that gives the State a financial reserve that can be accessed in an emergency or in economic downturn that proves detrimental to its continued operation. It spells out strict conditions under which the emergency and budget reserve fund can be accessed, as well as describing the procedure by which the Governor and the Legislature must go through before any of those reserve funds are used.

"In addition, I believe that the State of Hawaii will be one of the leaders in the nation in terms of the percentage that we are dedicating of the tobacco settlement monies to support health related programs.

"I'm very proud of this and I really thank the Legislature and the community for being a part of the crafting of this bill.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 156 was adopted and S.B. No. 1034, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 160 (S.B. No. 1082, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 160 was adopted and S.B. No. 1082, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 161 (S.B. No. 1127, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 161 was adopted and S.B. No. 1127, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 163 (S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 163 be adopted and S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to speak against the measure and said:

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

"Again, this is an indication of creating the universal service fund as a special fund outside of the treasury."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 163 was adopted and S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND," having been read

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

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 164 (H.B. No. 162, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 164 was adopted and H.B. No. 162, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 181 (H.B. No. 1575, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 181 was adopted and H.B. No. 1575, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MILLENIUM YOUNG PEOPLE'S CONGRESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 184 (H.B. No. 765, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 184 be adopted and H.B. No. 765, H.D. 1, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom spoke against the measure as follows:

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

"This bill raises the tax on the rental of vehicles by 50 percent, from \$2 to \$3 a day. Originally, the purpose of the tax in the first place was to go to the visitor industry, and now we see that the counties and others are looking at this as an increase source of revenue for general operations.

"I think what people continue to forget is that 30 percent of the rental cars go to residents and so therefore we are voting to tax ourselves again. There's no justification for raising this increase and again I would remind my colleagues that the original versions of the bill sought to have an even higher rate and they will be back next year to seek a higher rate. So, I urge a 'no' vote."

Senator Iwase rose in opposition and said:

"Mr. President, for the reasons articulated by my colleague from Hawaii Kai, I will be voting 'no.'

"Thank you."

Senator Chun rose to support the measure as follows:

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

"Mr. President, even though I voted against the bill in the initial crossover, after talking with the Conference chairmen and reading literature regarding the disclosure of certain service charges and fees in other states and how that can be held as deceptive in those states, I have looked at the provisions and the protections contained in this bill and I'm satisfied that we are not going to be in similar situations.

"So, Mr. President, I believe this bill is good. It is helpful to our economy and I think it's a good compromise by all parties concerned."

Senator Sakamoto rose to speak on the measure with reservations as follows:

"Mr. President, I rise to speak with reservations.

"I understand, just as the Senator from Kauai, that numerous letters have been sent in about the compromise the industry had requested for the unbundling because of many tourists' complaints. And I'm sure the complaints were because of high costs. We cannot keep coming to our industry -- in this case, the rental car industry, a business that really is a part of our State -- just raising fees, putting it in the highway fund and then taking it back out.

"Down the road, Mr. President, we're going to raise gas taxes because we don't have money in that fund, and if we take these monies out for these types of things, we're going to be in trouble. You wouldn't want to come home, Mr. President, and find a syphon hose sticking out of your gas tank. Nobody would. I think we ought to use the funds and monies for the appropriate use and not just steal it for other uses, Mr. President.

"Thank you."

Senator Kawamoto rose to speak on the measure and said:

"Mr. President, I'd like to thank you for allowing me to sit in as a member on this committee because a lot of these items in this bill were pertaining to TIA, and many of the concerns were taken out of the bill; many concerns that we had were put into the bill.

"This bill does give us an opportunity to give \$11 million to the general fund and add another \$11 million to the highway fund. And after two years it provides the money . . . for eight years provides the money for the highway fund. This would provide an opportunity where we may not have a gas tax increase in 2001. So all of this included, this is a good bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 184 was adopted and H.B. No. 765, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 185 (H.B. No. 1198, H.D. 1, S.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 185 be adopted and H.B. No. 1198, H.D. 1, S.D. 1, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the bill and said:

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

"This establishes the integrated tax information management system special fund and appropriates \$17.8 million in the next fiscal year and then \$7.5 million after that. These are monies that should be in the general fund and accountable, not in special funds.

"Thank you"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 185 was adopted and H.B. No. 1198, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 186 (H.B. No. 989, H.D. 1, S.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 186 be adopted and H.B. No. 989, H.D. 1, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I'm rising to speak against this bill.

"While there are many people that are entitled to claims against the State and it seems that the number grows every year, a careful examination of the people that are being compensated here shows that one individual -- a person who used to be one of the top three lieutenants in the past gubernatorial administration -- is receiving approximately three-quarters of a million dollars in claims for legal fees paid and I don't think that's right. I don't think that's the purpose of this claim fund.

"I urge a 'no' vote."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 186 was adopted and H.B. No. 989, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 193 (H.B. No. 1038, H.D. 1, S.D. 2, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 193 be adopted and H.B. No. 1038, H.D. 1, S.D. 2, C.D. 1 having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Nakata rose in support of the measure as follows:

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

"This bill will fulfill a long-standing commitment to the public workers of this State, so I urge my colleagues to vote for it.

"Thank you."

Senator Slom spoke in favor of the measure and said:

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

"As I mentioned before, I fully support the State's promise to fund collective bargaining agreements that were bargained in full faith and negotiation, and this is what we should do. This is the proper way to do it -- have a separate bill and address that issue and that issue only, and not combine it with other issues.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 193 was adopted and H.B. No. 1038, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING

APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:55 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 44, S.D. 1, H.D. 2:

Senator Fukunaga moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 44, S.D. 1, seconded by Senator Chun and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 44, S.D. 1, seconded by Senator Chun.

Senator Fukunaga explained:

"Mr. President, S.B. No. 44 and S.B. No. 638 are part of the Senate's original business incentives package. During conference, your Senate managers held out for perhaps more artfully drafted versions of S.B. No. 44, S.D. 1, H.D. 2, and S.B. No. 638, S.D. 1, H.D. 2. This is not because they were flawed but because they could be improved upon. Mr. President, you, members of the Senate, and your Committee on Ways and Means, throughout this session have supported the change in taxing exported and imported services and the depyramiding of the general excise tax on services. As stated in the budget committee report, these tax incentives would yield the greatest positive impact on the business community, both large and small, crossing all industries. They will stimulate the economy by lowering the cost of doing business in Hawaii, making Hawaii's service providers more competitive and levelling the playing field for Hawaii's service providers. Finally, they will bring money into the State as service providers will no longer be at a 4 percent disadvantage in competition with Mainland counterparts.

"The House has advised us that the Department of Taxation has approved both of these bills and that it can administer them both. I would note that both bills are effective on January 1, 2000 and any problems that exist can be quickly addressed during the year 2000 Regular Session. These bills would round out the Legislature's attempt to improve the economy. Coupled with other tax incentives provided in this year's S.B. No. 1583 for high technology businesses and the income tax decrease enacted last year, the Senate will have sent to the Governor the tools necessary for improving our economy.

"For all of the foregoing reasons, Mr. President, I would urge my colleagues to vote in support of these measures.

"Thank you."

At 3:01 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.

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 44, S.D. 1, and S.B. No. 44, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 638, S.D. 1, H.D. 2:

Senator Fukunaga moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 638, S.D. 1, seconded by Senator Chun and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 638, S.D. 1, seconded by Senator Chun and carried.

Senator Fukunaga moved that S.B. No. 638, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Chun.

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

"Mr. President, I rise to speak in support of S.B. No. 638.

"This is a key measure to help the small business community. The bill reduces the pyramiding effect of the general excise tax by reducing to one-half of 1 percent on the wholesale sale of services that are currently taxed at the 4 percent rate.

"The president and CEO of the Chamber of Commerce of Hawaii was quoted as saying, 'This is the best approach to helping small business and to revitalize the economy.'

"This bill lessens the tax burden on small business, and I urge my colleagues to support this measure. Thank you."

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

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

"I certainly appreciate the kind remarks of the small business representative -- my colleague from Makakilo who has always stood for small business issues -- but lest anybody get overjoyed, what the business community has said about general excise tax pyramiding is -- it has been the number one issue year, after year, after year. And the idea was to get rid of pyramiding, and it's unfortunate that our Governor, last year, thought it would have a major impact on our economy and then this year did a 180 degree turn and said that it wasn't that important. And the bill that we are passing, while it is a good bill and it addresses a major issue, we're talking about nearly seven years, Mr. President, seven years until the 4 percent general excise tax is phased down and the pyramiding reduced to 0.5 percent.

"I would suggest to you and to my colleagues that many of our business friends will not be here in seven years to enjoy the benefits of that bill. So, I would suggest again, when we talk about something at the beginning of the legislative session and say how important it is and what we're going to do, then, by God, we should do it! And we should do it right away and we should do it completely, not piece meal and not over seven years. So, with those caveats, I support the bill, Mr. President.

"Thank you."

Senator Anderson then said:

"Can that be a me too?" (Laughter.)

The Chair replied:

"We will incorporate the Minority Floor Leader's remarks as if they were your own."

Senator Nakata rose to speak in favor of the measure with reservations and said:

"Mr. President, I rise to speak in favor of this bill with reservations that are somewhat different from my colleague from Hawaii Kai.

"My reservation does relate back to the ERTF package which also, in addition to the depyramiding, included a slight raise in the general excise tax.

"Thank you."

Senator Taniguchi supported the measure with reservations as follow:

"Mr. President, I also wish to rise in support of this bill with reservations similar to the Senator from Kahaluu, and dissimilar to the ones from the Senator from Hawaii Kai."

Senator Levin rose to speak on the measure and said:

"Mr. President, I have two comments, actually both directed to the media.

"First of all, those of little faith who reported that depyramiding was dead on Friday, I hope that those stories will be retracted. Second, whenever there is any discussion whatsoever about increasing a tax, say from 4 percent to 5 percent, that is not reported to be a 1 percent increase; that's a 25 percent increase. I hope as we go down from 4 percent to 3-1/2 and 3, that those will be portrayed as 12-1/2 percent and 25 percent decreases as they should be if there is to be fairness and equity.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 638, S.D. 1, and S.B. No. 638, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

Senator Fukunaga moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 1177, S.D. 1, seconded by Senator Chun and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1177, S.D. 1, seconded by Senator Chun and carried.

On motion by Senator Fukunaga, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1177, S.D. 1, and S.B. No. 1177, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1180, S.D. 1, H.D. 1:

Senator Fukunaga moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 1180, S.D. 1, seconded by Senator Chun and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1180, S.D. 1, seconded by Senator Chun and carried.

On motion by Senator Fukunaga, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1180, S.D. 1, and S.B. No. 1180, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF NONRESIDENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1325, S.D. 1, H.D. 2:

Senator Fukunaga moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 1325, S.D. 1, seconded by Senator Chun and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1325, S.D. 1, seconded by Senator Chun.

Senator Fukunaga noted:

"I'd like to note, Mr. President, that S.B. No. 1325, S.D. 1, H.D. 2, is a measure that signifies the Senate's commitment to rebuilding the economy by providing a qualified improvement tax credit, the core of which is improvement to hotels which will stimulate the hotel industry. Unfortunately, during our conference deliberations this bill was not amended into an appropriate form. If we do not act upon this bill today, the discussion is ended and our opportunity to take action will be lost. If we can send this bill to the Governor, the dialogue can continue, and if the House and the Governor agree, we can meet at a later date to fully flesh out this bill with appropriate corrections.

"For all of the foregoing reasons, Mr. President, I would urge my colleagues to vote in support of this measure.

"Thank you."

Senator Iwase rose to inquire as follows:

"Mr. President, just a point of inquiry. We received a memo, May 3, 1999, setting forth the bills that we are discussing now for final reading, and S.B. No. 1325 is not on it. Are we adding this to that agenda?"

The Chair responded: "Exactly."

Senator Iwase then said:

"Okay. Thank you very much."

The motion was put by the Chair and carried.

Senator Fukunaga moved that S.B. No. 1325, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Chun.

Senator Inouye rose to support the measure as follows:

"Mr. President, I speak in support of this measure. I am very pleased that we are able to resurrect the subject measure to assist hotels in construction renovations through this action of tax credit. We have been presented with plans for renovations and added construction from some in the industry who are committed to making necessary improvements to their properties, in turn, enhancing areas within their districts, adding new job opportunities for our people. It also gives other hotels incentives to upgrade their facilities, as well.

"Mr. President, I need to apologize. I have been a pain in your side for my persistence to resurrect the hotel renovations and construction bill. Though I also pushed for one addressing all construction, all is not lost, Mr. President. On behalf of the Hiltons, the Outriggers and, hopefully, more to follow, we thank you very much.

"I urge my colleagues' support."

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

"Mr. President, I had reservations on this measure. I'm glad it's out, but originally we were looking at \$25 million before they had any tax credits and then when we first started out it was supposed to be 4 percent across for them. I was upset that we were going to give a 4 percent off of refurbishing, when in fact every state building, every school, we have done nothing for in repair and maintenance and yet we're going to help private industry. However, the evening of going over these renovation bills, what we did is we allowed from \$25 million we went down to \$5 million. I asked if there is a way that we can take care of some of the smaller hotels. So Mr. Towill was going to give us a book on that. Maybe now with this bill at least going up to the Governor, I don't think it will be passed. I think he will veto it, and we'll be able to work on it.

"But the concerns are the smaller hotels. There should be an area in there where you can go from a zero to a hundred room hotel or motel whereby those people would be able to get at least a \$2 million break, if they refurbish. There's got to be a way so that we are not having big business fight small business all the time.

"So I think for those reasons and those reservations, I would hope my colleagues would consider it if it comes back.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1325, S.D. 1, and S.B. No. 1325, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 570, S.D. 1, H.D. 2:

Senator Inouye moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 570, S.D. 1, seconded by Senator Levin and carried.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 570, S.D. 1, seconded by Senator Levin.

Senator Inouye noted:

"The purpose of this bill is to extend the Waianae Coast Community Benchmarking Pilot Project through June 30, 2003 and to appropriate funds to support the work of the project.

"Thank you, Mr. President."

The motion was put by the Chair and carried.

On motion by Senator Inouye, seconded by Senator Levin and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 570, S.D. 1, and S.B. No. 570, S.D. 1, H.D. 2, 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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 207, H.D. 2:

Senator Nakata moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 207, seconded by Senator Chun and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 207, seconded by Senator Chun.

Senator Nakata noted:

"Mr. President, on S.B. No. 207, Relating to Wastewater, the House renamed the special fund involved and made a technical amendment in order that fees can be deposited into the special fund, rather than the general fund."

The motion was put by the Chair and carried.

Senator Nakata moved that S.B. No. 207, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Chun.

Senator Slom rose to speak against the bill and said:

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

"The bill creates the Board of Certification special fund. I oppose the bill.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 207 and S.B. No. 207, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 635, S.D. 1, H.D. 2:

Senator Nakata moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 635, S.D. 1, seconded by Senator Chun and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 635, S.D. 1, seconded by Senator Chun.

Senator Nakata rose and stated:

"Mr. President, on S.B. No. 635, the House draft on this bill Relating to Substance Abuse Testing, the House version contains language which allows for more use of the on-site pre-employment drug testing while still protecting the privacy and due process rights of employees."

The motion was put by the Chair and carried.

On motion by Senator Nakata, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 635, S.D. 1, and S.B. No. 635, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1147, S.D. 2, H.D. 2:

Senator Nakata moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 1147, S.D. 2, seconded by Senator Chun and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 1147, S.D. 2, seconded by Senator Chun.

Senator Nakata explained:

"Mr. President, S.B. No. 1147, the House draft, Relating to the Hawaii Workforce Development Council, these are just technical amendments."

The motion was put by the Chair and carried.

At 3:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:22 o'clock p.m.

On motion by Senator Nakata, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1147, S.D. 2, and S.B. No. 1147, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.C.R. No. 64, S.D. 1, H.D. 1:

Senator Nakata moved that the Senate reconsider its action taken on April 27, 1999, in disagreeing to the amendments proposed by the House to S.C.R. No. 64, S.D. 1, seconded by Senator Chun and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 64, S.D. 1, seconded by Senator Chun.

Senator Nakata then noted:

"On S.C.R. No. 64, S.D. 1, the amendment is to change the word from handicapped to disabled."

The motion was put by the Chair and carried.

On motion by Senator Nakata, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 64, S.D. 1, and S.C.R. No. 64, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A HAWAII STATE LAW ON EMPLOYMENT OF SEVERELY DISABLED PERSONS," was Finally Adopted.

S.B. No. 1011, H.D. 2:

Senator D. Ige moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 1011, seconded by Senator Fukunaga and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 1011, seconded by Senator Fukunaga.

Senator D. Ige rose to speak on the measure as follows:

"Mr. President, S.B. No. 1011 clarifies the roles of the State Foundation on Culture and the Arts and the executive director and staff. This bill was pursuant to an audit by the Legislative Auditor to clarify roles and responsibilities within the foundation. House Draft 1 removed the penalty provisions allowing the comptroller to assess penalties against other agencies, and House Draft 2 added the purpose and findings section requiring the Governor to appoint at least three commission members from each of the neighbor islands and made other clarifications in the program.

"It also inserted language from H.B. No. 316, H.D. 2, that: (1) designates the State Foundation as the lead state agency for the promotion of arts education in consultation with the DOE, UH and other organizations; (2) directs the State Foundation on Culture and the Arts to review, revise and complete the Hawaii Content and Performance Standards in the Arts for grades K-12 and develop a statewide strategic plan for its implementation with funding from the Works of Art special fund until June 30, 2001; and (3) requires the State Foundation on Culture and the Arts to include in its annual report its efforts and progress on the Hawaii Content and Performance Standards in the Arts.

"We did receive confirmation from the State Foundation on Culture and the Arts and the State Department of Accounting and General Services that they both express support for S.B. No. 1011, H.D. 2."

The motion was put by the Chair and carried.

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1011, and S.B. No. 1011, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.C.R. No. 77, H.D. 1:

Senator Chun Oakland moved that the Senate reconsider its action taken on April 27, 1999, in disagreeing to the amendments proposed by the House to S.C.R. No. 77, seconded by Senator Iwase and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 77, seconded by Senator Iwase.

Senator Chun Oakland then noted:

"Mr. President, S.C.R. No. 77 requests that Child Protection Legislative Round Table and the Appleseed Public Interest Law Foundation examine and discuss selected issues relating to child abuse. All amendments are agreeable."

"Thank you."

The motion was put by the Chair and carried.

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 77 and S.C.R. No. 77, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHILD PROTECTION LEGISLATIVE ROUNDTABLE AND THE APPLESEED PUBLIC INTEREST LAW FOUNDATION TO EXAMINE AND DISCUSS SELECTED ISSUES RELATING TO CHILD ABUSE," was Finally Adopted.

S.C.R. No. 91, S.D. 1, H.D. 1:

Senator Chun Oakland moved that the Senate reconsider its action taken on April 27, 1999, in disagreeing to the

amendments proposed by the House to S.C.R. No. 91, S.D. 1, seconded by Senator Iwase and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 91, S.D. 1, seconded by Senator Iwase.

Senator Chun Oakland noted:

"Mr. President, S.C.R. No. 91 urges the Department of Health to foster an improved partnership with the University of Hawaii, School of Public Health. All amendments are agreeable."

"Thank you."

The motion was put by the Chair and carried.

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 91, S.D. 1, and S.C.R. No. 91, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO FOSTER AN IMPROVED PARTNERSHIP WITH THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH," was Finally Adopted.

S.C.R. No. 194, S.D. 1, H.D. 1:

Senator Chun Oakland moved that the Senate reconsider its action taken on April 27, 1999, in disagreeing to the amendments proposed by the House to S.C.R. No. 194, S.D. 1, seconded by Senator Iwase and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 194, S.D. 1, seconded by Senator Iwase.

Senator Chun Oakland rose and said:

"Mr. President, S.C.R. No. 194 urges the collaboration of the Department of Health, Department of Education, the University of Hawaii, county Departments of Parks and Recreation, and other agencies and organizations to improve the fitness and physical activities of Hawaii's children and youth. All amendments are agreeable.

"Thank you."

The motion was put by the Chair and carried.

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 194, S.D. 1, and S.C.R. No. 194, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COLLABORATION OF THE DEPARTMENT OF HEALTH, DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII, COUNTY DEPARTMENTS OF PARKS AND RECREATION, AND OTHER AGENCIES AND ORGANIZATIONS TO IMPROVE THE FITNESS AND PHYSICAL ACTIVITY OF HAWAII'S CHILDREN AND YOUTH," was Finally Adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 100 to 107) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 100 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE INDIVIDUALS WHO OPENED A DAY OF THE SENATE, TWENTIETH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1999, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 100, was adopted.

No. 101 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTIETH LEGISLATURE, REGULAR SESSION OF 1999."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 101, was adopted.

No. 102 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTIETH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 102, was adopted.

No. 103 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 103, was adopted.

No. 104 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 104, was adopted.

No. 105 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 105, was adopted.

No. 106 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 106, was adopted.

No. 107 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Ihara, Anderson.

On motion by Senator Ihara, seconded by Senator Anderson and carried, S.R. No. 107, was adopted.

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 15, from the Senate Judiciary Committee dated April 12, 1999, transmitting the executive summary and report reflecting the Committee's inquiry into the management

of and safety within Hawaii's correctional facilities and the response submitted by the Department of Public Safety, was read by the Clerk and was placed on file.

Senator Chumbley rose at this time and stated:

"Mr. President, in January you had instructed your Judiciary Committee to undertake a fact-finding inquiry into the management of and the safety within the Hawaii Correctional Facilities. Mr. President, we'd like to have these two reports (Misc. Com. No. 15) inserted into the Journal for the record."

The Chair having so ordered, Misc. Com. No. 15 is identified as ATTACHMENT "A" to the Journal of this day.

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, as you well know, over the last few days I think a lot of us have been getting a lot of communications. I don't mind when someone does a lot of name calling or whatever, but I think it's pretty bad when they think I'm rather stupid and don't understand what a threat is. And I just got this one today that says, 'Please understand that this is not a threat. This is a plea for reality.'

"Well, let me tell you what a threat is. When you have people phoning up . . . the last one was yesterday that says, 'Tell your father-in-law either vote the right way -- this is your second chance -- or you lose your job.' And my son-in-law said, 'I'm a custodian. You can have my job.' That's a threat. When you have people say, 'Things can happen to your house, we know where you live.' That's a threat. When you have people telling you your car is a certain color; your house is located in a certain area; your wife works at a certain place; your children go to school; we know where they play different games. That's a threat.

"Now, the Governor (the other night on television during a half hour that the media gave him) said that a threat, we don't understand. He said the Senators, I think, are rather new and they don't understand these people are not going to vote for them. Well, if that's the way the Governor feels, I don't know why he has guards all around him that we pay for. I don't understand why his house has security guards all around his home. I think that he believes that we are different. He has threats; all we get is people telling us what they're not going to do.

"So for those reasons, Mr. President, I stand now to tell people I don't think we're rather dumb. I don't mind being told that they won't vote for me. I don't mind if they feel they have to work against me. But don't make me feel like I'm a fool and I don't understand what a damn threat is, because I do. I resent it, and I will not stand for it. We have turned it over to the Police Department. That's how dumb we are. We have also turned it over to the school. That's how dumb we are.

"So I would hope that my colleagues, if you get the same thing, we were told if you get any threats turn it in, because if anything happens to you, if anything happens to your family, at least it's on record. So for those of you who believe that the Governor is right and it's just the people out there getting a little emotional and telling you that they're not going to vote for you or work for you, let me tell you there is a difference.

"Thank you."

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

"Mr. President, I thank my colleague from the windward side. Now that he mentions in terms of the threat and respectively I have received a threat for my family, and I have turned it over to the Police Department and they are now

investigating. I thank you for reminding us in terms of to stand up and be accounted for and be brave and not to be afraid of threats. I, quite frankly, don't take it lightly, especially when it goes against my family, my two young ones who are very innocent and who are now six years old and seven years old. It's very distasteful to me and to the rest of society.

"And also a second announcement, if I may, Mr. President. Previously, as the chairman for the Education Committee under your guidance, we had the pleasure during the interim of making a report on the players of educational roles, and respectively I will be submitting this to your office for the record. Thank you. We have identified in regards to the description of the roles of the players like the parents, the educator, the principal, the legislator and even the governor. And we appreciate in terms of the involvement in describing their respective roles so that we can work together.

"Thank you."

At 3:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:34 o'clock p.m.

Senator Slom also rose on a point of personal privilege and said:

"A point of personal privilege, Mr. President.

"So, we've come to the end of another legislative session. I just want to thank you, Mr. President, and I want to thank members of the Majority caucus, my colleagues.

"The fact is that I think the public has seen that in this body we have had full and open debate. We have debated a number of issues -- sometimes we've agreed; sometimes we've disagreed. Hopefully, the points that have been raised have been valid points and will make people think further and look at things further. And I think that's very healthy for democracy and for our process. I think that we understand that the purpose of us being here is to have better legislation and have a better economy, have a better standard of living for the people who sent us here.

"In the words of the Senator from Palolo that are historic . . . they were made just about a week-and-a-half ago as I was being lambasted by cheerleaders from one of my own area high schools. The Senator from Palolo made remarks that will be carved and etched in stone like this. He said and I quote: 'High Risk throw ups.' And some of the high risk throw ups this time were the fact that we did not work on the stress factor in workers' compensation. And we did not really turn the economy around. We did not really allay the fears of those who are hanging on by their fingernails and who will not be with us next year. We talk a great deal. We still are big in spending other people's money. We still have a lot of studies and task forces and panels and blue ribbon commissions. And we have to learn how to do things a little bit more efficiently and have the urgency that our friends and our neighbors have in our communities.

"But we made a start, Mr. President, and I'm here to say that I appreciate everything that my colleagues have done and the staff has done -- the staff of every individual here -- because those of us that are here know how hard they work and how dedicated they are and what they try to do.

"So I say mahalo for all of these things and remind you that this is the first session of the Twentieth State Legislature. We will all be back next year and hopefully -- after spending more time with our constituents and listening because, with apologies to Mitch Kahle, that's why God gave us two ears and only one mouth; it's better to listen and to find out what our constituents have to say -- we can come back and we can do even better. Because when we say that there's something important and we

want to do it, then lets do it immediately. Let's do it during the first months. Let's do it in January or February. Let's not wait until 11:59 p.m. on the 60th day of the legislative session. Let's get the people's work done.

"Reverend Peter Kamakawiwoole today in his prayer to us this morning said that it is a privilege for us to serve, and let us never forget that -- that it is a privilege and that we are, in fact, public servants. Let us not forget who sent us here and what they expect us to do. Let us listen to them. Let us accept their wisdom because every day they are faced with tough decisions that they alone have to make, and they have to reach into their own pockets and they have to do without. So when we vote on bills and we consider legislation, let's make sure that we can do the very best that we can do for our children, for our friends, and for our constituents.

"Thank you and Aloha, Mr. President."

Senator Buen rose on a point of personal privilege and stated:

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

"Last week, Mr. President, some of us freshman Senators discovered that a trophy was given to a freshman Senator. And as a freshman Senator, I think I can speak for the other freshmen that this came as no surprise when our colleague from Waianae was selected by the University of Hawaii Professional Assembly to be honored and recognized as the outstanding freshman Senator. We were really proud of her.

"At this time, I'd like to ask the Senator from Hilo to come up and present the trophy on behalf of the University of Hawaii Professional Assembly, for all to see."

Senator Matsuura then rose and said:

"One other comment I would also like the Journal to reflect, the media to reflect, and especially our colleagues to understand, is that, as of today, we are no longer the freshman group. We are now the sophomore group.

"Thank you, Mr. President."

Senator Buen then added:

"Mr. President and fellow Senators, as freshmen, I'd like to say that when it comes to making tough decisions and hearing tough issues, we are no longer considered as freshmen.

"Thank you."

At 3:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At this time, Senator Matsuura presented Senator Hanabusa with the trophy from the University of Hawaii Professional Assembly.

The Senate reconvened at 3:41 o'clock p.m.

Senator Matsunaga then rose and stated:

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

"First of all, I want to thank the Senator from Hawaii Kai for reminding me of my historic words not too long ago. I had hoped that we would entertain a motion for reconsideration of Gov. Msg. No. 145, but it doesn't look like that's going to happen.

"On behalf of the Senate Judiciary Committee, I would like to thank all the members for their kokua. People often ask me why we're pushing out such tough crime bills. There was an article in yesterday's paper that I would just like to make sure everyone is aware of: 'A man attacked Ernie and Cookie

Monster in yesterday's Sesame Street live performance at Blaisdell arena. The unidentified man in the audience of the 1:00 p.m. show apparently flew into a rage after volunteering to dance with the character on stage. He flipped Ernie over and tried to pull off Cookie Monster's head. The woman who plays Ernie suffered from a stiff neck and went to the hospital. The performer who plays Cookie Monster was shaken but not injured.' Mr. President, that's why we need tougher crime laws. (Laughter.)

"One final mention, on H.B. No. 32 we didn't have the vigorous debate that we had had previously and I just want to read a poem that I had drafted. This is on industrial hemp. (Laughter.) I didn't read it during the debate because I was kind of hoping the bill would just slide through and it seems to have worked.

'A tiger lily is not a large cat,
The comic book Batman isn't a bat,
A dogwood isn't a canine, you know,
And wishing it was, still won't make it so,
The spice girls will not season your cooking,
And wine glasses will not help with your looking,
Linda Lingle, of course, isn't Kimo Apana,
And industrial hemp is not marijuana.' (Laughter.)

"Thank you, Mr. President."

The Chair responded:

"I believe there is a continuing education course in poetry writing at the University of Hawaii, Senator." (More laughter.)

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

"A point of personal privilege, Mr. President.

"I like the levity from the Senator from Palolo, but I think Walt Disney said, 'perception is reality, and we're all on a stage here, like it or not.' And my prayer or my hope is that in the interim we can change the perception that we're all bad people, that we're all this or we're all that, into being truly representative of our people, and on issues, the hard issues, people have justifiable reasons for voting the way they voted. But my prayer is that we can get renewed and come back and work together, Mr. President."

Senator Chun Oakland then rose and said:

"Mr. President, I also wanted to say thank you to my colleagues for all the hard work that you have done, as well as our staff, the media and everyone here.

"I did want to acknowledge two colleagues of ours, the birthdays of Senators Andrew Levin as well as the birthday of Senator Colleen Hanabusa. Can we please extend a happy birthday to them."

Senate President Mizuguchi then delivered his closing remarks as follows:

"Members of the Senate, after many 'Sleepless in Honolulu' nights, I know you all want to head home for a well-deserved rest, so I'll keep my remarks very brief this evening.

"On opening day of the Twentieth State Legislature, I talked about the many challenging issues we faced during this special time in our history when two centuries will soon be converging.

"I also said that our most serious challenge during this session was -- and still is -- the economy. After lengthy and careful deliberations, we reached agreement with the House of Representatives on a number of measures that will lay the foundation for improving Hawaii's economy and helping all the people of our island community, most especially our children.

ADJOURNMENT

- First and foremost is the cornerstone of our tax relief package -- de-pyramiding of the General Excise Tax on goods and services that will provide our businesses with the tax relief they have sought for many years. In addition, excise taxes on professional services performed out-of-state have been eliminated, thus continuing our efforts to improve the business climate in Hawaii.
- We passed a balanced budget that provides for current services, including the basic necessities of health, human services, public safety, and education.
- We passed a high-tech omnibus bill that provides tax credits and other incentives for those wishing to invest in the technology business.
- We passed comprehensive legislation to establish 'new-century' schools, whereby existing and new schools will have the autonomy to chart their own course in meeting the demands of the twenty-first century. While these student-centered schools will have the flexibility to define their academic goals, they will be held accountable for the academic performance of their students.
- We provided funding to enable the Department of Education to fulfill the requirements of the Felix v. Cayetano consent decree and prevent reducing or discontinuing essential services for students in regular and special-education programs.
- We held fast to our promise to make good on the retroactive collective-bargaining pay raises negotiated for government workers last year. We are also providing for well-deserved judicial pay raises.
- We passed measures to put more 'teeth' into our criminal justice system in order to protect women and most especially our children.

"The 1999 legislative session ends today, but our work does not end. During the interim, I will be conferring with the various chairs to address their respective key issues and the work we must do as we enter the new millennium. Two vital areas that will need our full attention during the interim are to develop major reforms in education and civil service.

"I want to thank all the Majority and Minority Senators who worked together to develop the final product that we can all be proud of. The vast experience of the veteran Senators coupled with the fresh ideas and enthusiasm of the freshmen Senators greatly contributed to the excellent balance during the process.

"We all want to serve our constituents and the greater public good. In working together, the chords of unity within the Senate became a bit frayed at times. However, I am confident after this session that we will continue to work together toward the noble objectives that have brought us together.

"I'm grateful to you and your staffs for all the hard work.

"Mahalo and aloha."

At this time, the President appointed Senators Ihara, Chumbley, Chun, Anderson and Slom to inform the House of Representatives that the Senate is ready to adjourn, Sine Die.

At 3:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:06 o'clock p.m.

Senator Chun moved that the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, adjourn Sine Die, seconded by Senator Slom and carried.

At 4:07 o'clock p.m., the President rapped his gavel and declared the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, adjourned Sine Die.

ATTACHMENT "A"

**Senate Judiciary Committee
Inquiry into the Management of and Safety within
Hawaii's Correctional Facilities**

During the summer of 1998, as the Co-Chairs of the Senate Judiciary Committee, we were contacted by journalist Robert Rees, Governor Benjamin Cayetano, members of the American Civil Liberties Union of Hawaii and the United States Civil Rights Commission, and others who urged the Committee to investigate allegations of physical abuse and neglect of inmates incarcerated in Hawaii correctional facilities. Based upon these concerns, we made the commitment to conduct a fact-finding investigation during the 1999 legislative session. After consultation with the Senate leadership, we have proceeded with a fact-finding inquiry that was conducted within the Senate's limited resources and time constraints of the legislative session. The following summarizes the Committee's findings:

- Inmate abuse and neglect is a symptom of a larger problem, which is the lack of a clear vision for the state correctional system and the lack of strong leadership to address systemwide problems that have plagued the Department of Public Safety (formerly the Department of Corrections) since its inception.
- Communication between the department's administration and the management and staff at state correctional facilities has been poor, resulting in widely differing interpretations of departmental policy and procedures.
- Personnel recruitment, screening, promotion, and grievance procedures are ineffective, resulting in low employee morale and vast disparities in employee quality within state correctional facilities.
- The department's grievance process and internal investigation mechanisms lack accountability, which have resulted in inadequate investigation and follow-up regarding allegations of inmate abuse and neglect.

In our capacity as legislators, we have limited authority over the administration of the department and the management of their programs and personnel. However, as the Co-Chairs of the Senate Judiciary Committee, we acknowledge our responsibility for the oversight of public safety programs and our need to address these findings to the extent practicable. Thus, we are recommending a multi-level approach, to include:

- A written response from the department's administration, to be submitted to the Committee within thirty days, outlining a plan of action and timelines to correct deficiencies noted by the Committee in their report to the department, including an immediate review of and any necessary revisions to departmental policies and procedures relating to acts of violence within the correctional facilities.
- The introduction and adoption by the Legislature of a Senate Concurrent Resolution requesting a department-wide management and financial audit, with annual follow-up audits during the tenure of the present administration.

- The establishment of a joint interim oversight committee to receive and review status reports on the administration's progress in implementing their action plan to address the Committee's findings.
- Transmittal of information received by the Committee, which may need further investigation by either the county or federal prosecutor, or both.

* * * * *

SENATE JUDICIARY COMMITTEE

INQUIRY INTO THE MANAGEMENT OF AND SAFETY WITHIN HAWAII'S CORRECTIONAL FACILITIES

I. BACKGROUND

A. THE PRISON SYSTEM

As of January 24, 1999, Hawaii's eight correctional facilities housed a total population of 3,634 inmates. This number does not include the 1,200 inmates residing in mainland facilities. Statewide, correctional facilities are operating well above the desired normal occupancy rates. Hawaii's correctional facilities have a total design capacity of 2,197 and an operational capacity of 3,122. This translates into an occupancy rate of 116 percent. Halawa Correctional Facility is operating at an occupancy rate of 129 percent. Rapid growth in the prison population has taxed all systems within the prisons: construction, programming efforts, and training of corrections staff have all been challenged by the ongoing increases in the number of inmates committed to our correctional system.

Ensuring the safety of inmates and staff is an immense challenge for prison officials, given the nature and size of the prison population. Many of the inmates housed within the correctional facilities, especially Halawa, have demonstrated a strong propensity for violence. All of them have a history of violating established rules and norms set by society.

Nevertheless, the Eighth Amendment of the United States Constitution requires that prison officials provide inmates with such minimum essentials as adequate food, shelter, clothing, medical care, and safety. The basic responsibility of PSD is to house offenders in an environment that is secure. This security includes an obligation to prevent physical harm to inmates wherever possible.

B. THE INQUIRY

1. The issue is brought to the Committee's attention.

In the July 22, 1998 edition of the Honolulu Weekly, journalist Robert Rees wrote an expose, entitled "Notes from the Underground," which recounted the stories of several Halawa Correctional Facility inmates who died, suffered serious injuries, or apparently committed suicide while in the correctional system. As a

result of this article, Governor Benjamin Cayetano, the American Civil Liberties Union of Hawaii, the United States Civil Rights Commission, and others urged the Committee to investigate the allegations of physical abuse and neglect of prison inmates.

2. The Committee begins its inquiry.

It is within this Committee's purview to oversee all matters relating to public safety and corrections pursuant to the Senate rules. Thus, the Co-Chairs sought the advice and approval of the Senate President to conduct an investigation into the abuse and neglect of inmates by correctional officers. The possibility of creating a senate special investigative committee with full subpoena power was discussed and rejected as being too presumptive at this time. Therefore, the Committee's inquiry was limited to those resources available and at our disposal.

In December 1998, the Committee began its inquiry by researching reported cases of inmate abuse and neglect, including inmate deaths. The Committee also spent several weeks conducting interviews with the State Auditor, the Ombudsman, several correctional officers who preferred to remain anonymous, and other disinterested individuals to fully understand the extent of the problem, the underlying causes, and possible solutions. The Committee believed that these disinterested individuals would provide a reasonably objective view of the issues involved.

3. The Committee holds a public inquiry.

The Committee held a two-day inquiry to determine the status of efforts in the state correctional system to ensure the safety and welfare of inmates and staff. On January 28, 1999, the Committee held a public inquiry and requested the presence of the Acting Director of the Department of Public Safety, the Attorney General, the State Director of the United Public Workers' Union, the American Civil Liberties Union, the United States Commission on Civil Rights, and journalist Robert Rees.

On January 29, the Committee provided the general public an opportunity to voice concerns about the perceived problems within the correctional system. The intent of this hearing was to afford any individuals who were not invited to the prior day's inquiry or interviewed by the Committee an opportunity to share their knowledge and concerns about the issue. Testimony was received from the Community Alliance on Prisons, Government Efficiency Teams, Inc., TJ Mahoney & Associates, former inmates of the Womens Community Correctional Facility, family members of current and former inmates, and other concerned individuals.

II. FINDINGS

Due to the severe time and resource constraints, the Committee limited its review to documents and information reasonably available. Therefore, this fact summary is in no way meant to be exhaustive. The majority of information contained in this summary originates from:

- The Department of Public Safety
- The Department of the Attorney General
- The Department of Human Resource Development
- The State Auditor
- The State Ombudsman
- The American Civil Liberties Union
- The United States Commission on Civil Rights
- Inmates, including their attorneys or family members
- Employees of the Department of Public Safety who wished to remain anonymous

The Committee recognizes that neither the inmates nor PSD personnel can be considered neutral witnesses. For reasons that are self-evident, inmates and staff are interested in the outcome of this inquiry. The Committee must also take into account the undeniable presence of a "code of silence." As the evidence clearly shows, this unwritten but widely understood code is designed to encourage prison employees to remain silent regarding the improper behavior of their fellow employees, particularly where excessive or unreasonable force has been alleged. Those who defy the code risk retaliation and harassment. The Committee has considered all of the above, as well as the manner and demeanor of informants, in assessing their credibility and in making our findings.

A. PROFESSIONALISM OF PSD EMPLOYEES AND STAFF

A serious problem for PSD is the recruitment, training, and retention of qualified staff. By all accounts, the duties of a correctional officer are stressful and oftentimes dangerous. All parties agree that correctional officers work with some of the most antisocial persons in our community, but many are inadequately trained or are not given the support they need to effectively deal with the inmates.

This inability of some correctional officers to deal with difficult inmates leads some to conclude that all correctional officers are corrupt, violent, and brutal manipulators of the system. Despite the stigma attached to their occupation, the majority of officers work diligently and take pride in their work.

1. Recruitment

Entrance requirements for a correctional officer are essentially similar to those of a deputy sheriff, a police officer, and other law enforcement personnel. Applicants are required to demonstrate that they possess the traits and characteristics required for the job. These include alertness, tact, integrity, honesty, good judgment, and the ability to deal with inmates and other employees. In addition, applicants are required to possess the emotional and mental stability appropriate to the job and working conditions. However, the Committee notes that these qualifications are so subjective that they render ineffective any screening process based solely on these factors.

2. Training and Retention

Proper training of correctional officers is the means through which staff can understand the responsibilities of their job, how they receive instruction and training for promotions, and how the department's goals, objectives, and vision are made known. Testimony indicated that newly recruited correctional officers are required to attend a 264-hour basic training course that covers such areas as security procedures, supervision of inmates, suicide detection, use of force, safety procedures, fire and other emergency procedures, interpersonal relations, stress management, and governing rules and regulations. This basic training appears to meet the standards set forth by the American Corrections Association.

At the same time, PSD also provides a variety of in-service and out-service training programs to meet the needs of all departmental employees. The typical courses offered by the department include: anger management, conflict management, communications, cultural diversity, dealing with conflict, and dealing with hostile people among others. Further, PSD affords its employees the opportunity to attend classes conducted by the Department of Human Resources Development as well as attend training classes sponsored by other governmental agencies and the National Institute of Corrections.

The Committee finds that while PSD offers adequate training courses for all of its employees, correctional officers do not take advantage of these classes. PSD testified at the inquiry that it is sometimes difficult for employees to take advantage of the training courses, because when an employee attends training, the department needs to find another employee to cover the shift, which may lead to overtime

compensation. However, the Committee has also learned that many correctional officers are not receptive to the idea of additional training, and some officers view training as a type of punishment, and therefore, they may not put into practice what they have learned.

3. Staff Morale

Staff morale is an important key to effective management and maintaining sound employee/management relationships.

During its preliminary research, the Committee learned that many correctional officers were dissatisfied with the low salary, the limited opportunities for promotion, and the promotion process in general. There were several reported instances where correctional officers were promoted after passing a written examination even though they had been subject to disciplinary action in the past. This practice had a demoralizing effect upon other correctional officers who had clean records, perfect attendance records, and superior job performance ratings. At the inquiry, the Committee questioned PSD officials and learned that promotions are awarded based solely upon a written examination process. Seniority is a factor that is considered only when there are two equally qualified individuals and that disciplinary actions are not considered when determining promotions.

Another factor that impacts upon staff morale is the lack of a nepotism policy. Section 378-2, Hawaii Revised Statutes, prohibits an employer from refusing to hire, fire, or promote an employee based on a marital relationship. However, there is nothing in statutes that would prohibit the department from promulgating its own rules or establishing guidelines that would prohibit a spouse or close relative from working in any part of the organization where they would be under the direct or indirect supervision of a relative.

The Committee also noted during its investigation that a dichotomy exists between the correctional officers and other employees within the facility. The result is that these two groups do not work cooperatively together and are often at odds with each other. The correctional officers are charged with controlling the security of the facility and view their role as maintaining discipline and preventing escapes. On the other hand, the other institutional employees are identified as the "professionals;" social workers, nurses, psychologists, physicians, and teachers whose role is to provide counseling to the inmates and help inmates improve their lifestyles.

B. INCIDENTS OF ABUSE AND NEGLECT

1. Standard of Conduct

Although correctional officers abide by a code of conduct, the Committee was told that this code is "hypocritical" and ineffective because employees constantly violate these standards.

2. Possible Deviations from Standards

According to the 1997 Sourcebook of Criminal Justice Statistics, a total of eleven inmates died while in Hawaii's prisons. Six inmates died of illnesses or from natural causes. One inmate died from AIDS. Another died at the hands of another. Three inmates committed suicide. This means that for every 1,000 inmates, 3.1 inmates die. In Utah, whose prison population is similar in size to Hawaii, they average only 1.7 inmate deaths per 1,000 inmates. Thus, Hawaii is on par with the death rate of Texas (3.1) which has a significantly larger prison population. Texas has a total population of 127,766 inmates with 399 prison deaths.

During the inquiry, the Committee heard stories of corruption and inappropriate staff misconduct in which inmates were allegedly abused throughout the state correctional system. While the Committee cannot judge the validity of this information, the fact that there is a widespread perception of abuse must serve as a clear warning sign that PSD has many significant problems to overcome.

Since the early 1980s, the corrections system has been hampered by allegations of the use of excessive force by correctional officers when subduing or regaining control of inmates. In 1981, the Oahu Community Correction Center conducted a search and seizure of the facility that lasted five days, cost the state well over \$250,000, and led to a series of investigations spanning three years. During this 1981 shakedown, seventeen inmates were treated for injuries and one inmate had to be sent to a local hospital for treatment. The Ombudsman conducted an investigation into the 1981 shakedown and found evidence that unreasonable force had been used against forty-four inmates and requested that disciplinary action be brought against thirty-two employees. However, all charges against these officers were dismissed. The use of unreasonable force became a chronic problem that allegedly continues today.

The Committee discovered that the number of inmate complaints alleging the use of force peaked during 1995 and 1996 at Halawa Correctional Facility and attributes this to the policy of "Treatment for Special Case Inmates." This was articulated in a memo from the Chief of Security to the Warden providing guidelines "in an effort to manage disruptive inmates who continue to disregard the good government of the facility." There seems to be a dispute about who knew of the existence of the policy and what administrators and line staff were involved in the implementation of the policy. However, it is undisputed that the policy was in effect and several inmates were seriously injured because of it. The Committee noted that the use of video monitors placed at strategic points, which would provide an objective view of all in-prison activities, are severely lacking inside the correctional facilities. The Committee believes that there is a compelling need for this type of monitoring, which would provide an independent view of events, after the fact, if required to assist an investigation.

3. Prior Complaints and Investigations

According to the Department of the Attorney General, from 1991-1998, the state settled 67 lawsuits, arising from actions taken by PSD, for approximately \$3,174,357. From 1989 to the present, the Tort Litigation Division handled approximately 204 civil lawsuits filed by or on behalf of inmates. Of these 204 cases, fifty-six cases involved issues of brutality, use of excessive force, and/or inappropriate conduct.

In two reported and well-publicized cases of inmate abuse, the Ulysses Kim and Anthony DeGuzman lawsuits, the State settled out of court for a total of approximately \$400,000. The Attorney General noted that the State does not settle cases without some substantiation of negligence on behalf of the State, whether it is the line staff or the administration. The Committee was informed that along with the recommendation to settle a lawsuit, the Attorney General offers PSD possible resolutions to the present problem in order to prevent future similar lawsuits. In the cases of Kim and DeGuzman, the special handling policy was withdrawn before the State settled these cases. The Attorney General was not aware of that any other recommendations were given to PSD.

The Committee was informed of allegations of inadequate investigation, questionable practices by the Internal Affairs, and that no disciplinary actions were taken in any of those cases.

4. Allegations of Specific Abuses

The Committee received information from several independent sources alleging abuses ranging from individual cases to system-wide corruption. The Committee recognizes the serious nature of these charges. However, this Committee has neither the appropriate authority nor the personnel, resources, or time to

investigate these claims. Furthermore, the Legislature is not the appropriate branch of government for the investigation of any criminal activity. The Committee believes that the prosecutors, either state or federal, would be the more appropriate body to pursue these charges.

C. ACCOUNTABILITY OF STAFF FOR THEIR MISCONDUCT THE GRIEVANCE PROCEDURES

There are multiple mechanisms within Hawaii's correctional facilities for reporting incidents or conditions that require the attention of upper management. PSD officials testified about its inmate grievance procedures and the role of the Investigations Division Administrator and the Internal Affairs divisions that investigate all inmate complaints. In addition, independent agencies such as the Ombudsman's Office, the American Civil Liberties Union Hawaii Chapter, the courts, and the legislature also play a role in overseeing prison conditions.

Within PSD, various divisions have distinct responsibilities for dealing with problems within the state correctional system. The following is an overview of these mechanisms.

1. The Inmate Grievance Process

The grievance system operates through the normal chain of command. As part of inmate orientation, inmates are given an explanation of their right to complain about conditions or events. Every grievance is reviewed by staff not associated with the event or condition for which a grievance is made.

The grievance process has three steps. The first step of review of inmate grievances takes place in the unit where the inmate is incarcerated and is handled by the facility's grievance officer. An inmate must file a grievance within fourteen days from the date of the incident. The grievance officer has fourteen days to respond to the inmate's complaint. For all grievances where this informal resolution is not possible, the grievance officer assigns appropriate staff to investigate and respond within fifteen days. If the inmate is not satisfied with the result, the second step is that the inmate may file an appeal and the appropriate personnel have fifteen days to respond. The final step is that if the inmate appeal is not resolved to the inmate's satisfaction, the inmate may file an appeal with the division administrator or the inspector general who must respond to the inmate within 20 days. The inmate should also receive written notification of the disposition of his case at each step of the process. Inmates must exhaust their administrative remedies in the grievance system before they can pursue either state or federal litigation.

During 1995, Hawaii correctional facilities reported 5,658 inmate grievances. In 1998, Halawa Correctional Facility alone reported approximately 4,000 inmate grievances. The majority of inmate complaints concerned missing clothing or other laundry mishaps. However, PSD testified that it could not provide the Committee with any specific information on these grievances.

2. Investigation of Grievances

Once an inmate files a complaint alleging brutality, excessive force, or inappropriate conduct on behalf of a correctional officer, the incident reports are reviewed and an investigation is conducted by the correctional facility. If the investigation finds that a correctional officer has used excessive force, the division administrator recommends to the Director that internal affairs should become involved in the investigation.

PSD could not provide the Committee with information regarding how many cases of excessive force are reviewed each year or the number of allegations that were sustained and resulted in a disciplinary action.

However, there are important questions that still remain:

- How many staff members received serious injuries in altercations with inmates?
- How many inmates received serious injuries in altercations with correctional officers?
- How many cases involved an inmate who was seriously injured and yet the department did not find an excessive use of force?
- Is there a correlation between excessive force and serious injury?
- Is there a correlation between the filing of multiple grievances by an individual inmate and subsequent injury to the inmate?

The problems associated with the lack of a reliable system for reporting serious injuries became apparent during the inquiry. Enough injuries take place in the prison system to warrant some type of remedial action. However, in the absence of a clear accounting of injuries, it is impossible for prison managers to specify where action is most needed and where they are likely to be most effective. Systemic problems and dangerous trends are impossible to remedy if they have not been specifically identified.

III. RECOMMENDATIONS

A. SUMMARY

Throughout the two month long inquiry into the state correctional system, the one major theme that kept surfacing was that the management of the department dictates whether or not the correctional facilities are run properly. Although the Committee received favorable comments about the ability of the Acting Director to lead the Department of Public Safety, the Committee has reservations about the efficacy of the department to make the necessary changes without outside assistance and oversight.

Since the Governor controls the ultimate management of PSD, through his appointment of the Director, the Committee believes that the Governor should assist the Acting Director with developing and articulating a clear philosophy of corrections. Therefore, the Committee requests that the Acting Director submit, within thirty days, a plan of action that clearly articulates the Department's long-term, intermediate, and short-term goals and objectives; including the specific means and a timetable by which these goals and objectives will be achieved.

B. SPECIFIC RECOMMENDATIONS FOR THE DIRECTOR

This plan should also address the following:

1. Administration

- The department's administration needs to take a more "hands on" and directly involved approach to the management of corrections. The Director should be more visible within the prisons and to be more readily accessible to discuss problems and concerns with correctional employees. The Director is encouraged to not adopt a strict "chain of command" approach in which he relies exclusively on his correctional administrators and supervisors to inform him of problems and needs within our State's prisons. The Director is advised to set up regularly scheduled, on-site visits to each correctional facility during which he can talk with corrections employees and meet with representatives of each management and employee group, and especially with adult correctional officers.
- Correctional branch administrators should be given no later than the end of the year to bring their management skills up to acceptable standards. If the administrator fails to do so, a process should be undertaken immediately to replace the administrator.

- The department's administration needs to better and more thoroughly familiarize itself with contemporary studies and research relating to the department's correctional programs and management.
- The department's administration must work to foster communication and working relationships among the administrators and staff of the correctional facilities and between each facility and the department. It is especially important that each facility shares a common understanding of departmental priorities and objectives.
- The director should seek the input of correctional professionals and experts from Hawaii and the mainland.
- In the future, the department's administration needs to be more open with the Legislature in discussing concerns and problems affecting the state correctional system.
- The department's administration should examine, with the Attorney General, the feasibility of requesting a full-time deputy attorney general and support staff dedicated to managing and monitoring all inmate grievances and legal proceedings, especially to ensure that all settlement recommendations are followed through.

2. Personnel

- The administration of the department needs to make visible and substantial progress in resolving long-standing management problems within corrections.
- The department's administration should make a greater and more visible effort to discipline or reprimand supervisors or other employees within the department who are guilty of misconduct.
- The department's administration should collaborate with the Department of Human Resources Development to conduct a "needs assessment" for all departmental staff, and then institute training and educational programs that will facilitate improving staff morale.
- The department's administration should collaborate with the University of Hawaii, through the community colleges, and other corrections experts to develop a curriculum that would help correctional officers deal with the daily on-the-job situations. (similar to the EMS programs)
- The department's administration should consider the implementation of a nepotism policy and work with the Department of the Attorney General to develop such a policy.
- The department's administration should consider reviewing and revising the screening factors for hiring of correctional facility staff and the promotions policy.
- The department's administration should consider, with the United Public Workers Union, feasibility of allowing employees to transfer to from one facility to another voluntarily without the employee having to show hardship.

3. Inmate Abuse and Neglect

- The department's administration should examine the feasibility of requesting assistance for those inmates who suffer from mental illnesses from the appropriate mental health agency. In addition, the department's administration should collaborate with these agencies to examine ways to get the inmates the treatment they need.
- The department's administration should examine the problem of substance abuse by both inmates and staff and to identify the ways in which drugs are being brought into the system.

- The department's administration should examine the feasibility of using video monitoring at all correctional facilities as a means of monitoring the activities of inmates and staff as well as a tool to assist in the timely administration of an investigation.

4. Grievance Process

- The department's administration should examine the investigation process - the internal affairs structure, staffing, and the independence of the division.
- The department's administration should implement a more effective information management system. There is a clear need for an accurate, comprehensive reporting system that will enable PSD to look beyond anecdotal evidence to determine where prison conditions are unnecessarily dangerous.

C. Recommendations to the Auditor

In addition, the Committee will request that the Auditor conduct a comprehensive financial and management audit of the Department of Public Safety and require yearly follow-up audits for the next four years to ensure that the Director implements the recommendations of the Auditor.

D. Recommendations for Further Legislative Action

In addition, the Committee will request that the Legislature adopt a concurrent resolution that establishes a committee that will provide oversight and further direction to the department's administration regarding the implementation of these recommendations.

E. Recommendations for Further Criminal Investigation

The Committee received information that alleges abuses ranging from individual cases to system-wide corruption and believes that some of these charges might indicate criminal activities that should be made known to the appropriate agencies for investigation.

IV. CONCLUSION

It is important to note that there are limits to the efficacy of measures taken to ensure inmate and corrections officer safety. No amount of heightened vigilance can prevent isolated altercations from occurring between physically confined individuals with histories of aggressive behavior or untreated mental illness. The most effective method for dealing with this challenge is to implement clear rules for both guards and inmates, and to make the consequences of inappropriate behavior swift and fair. The relationship between the safety of guards and inmates cannot be overemphasized. If guards feel safe in their jobs, they are much more likely to respond to difficult situations in an appropriate, measured manner. If inmates feel safe, they are less likely to be aggressive to ward staff and other inmates.

The Committee heard troubling testimony about various kinds of problems within the state correctional system. Although much of the testimony was compelling, the fact remains that the Committee - and the Legislature in general - is not the appropriate venue to adjudicate specific disputes or to determine the veracity of wildly differing accounts of the same event. Thus, in this report, the Committee does not believe it should respond in a reckless manner, resulting in setting "policy by anecdote", but rather the Committee seeks to establish standards of accountability that will be generally applicable in guiding the correctional system in creating sound management policy for the future.

Department of Public Safety
Response to the
Senate Judiciary Committee's
Inquiry into the Management of and Safety within
Hawaii's Correctional Facilities

Submitted to the Senate Judiciary Committee
March 10, 1999

INTRODUCTION

We would like to thank the Senate Judiciary Committee for this opportunity to respond to the findings and recommendations of its Inquiry into the Management and Safety within Hawaii's Correctional Facilities. The Department of Public Safety (PSD) submits the following response.

Vision for the State Correctional System

The Director of Public Safety is a corrections professional. Like the Committee, he is painfully aware that there has been a lack of clear vision for the state correctional system. This problem has been compounded by instability in the leadership of the department. From 1987, when the Department of Corrections (predecessor to the Department of Public Safety) was formed, until 1998, five separate persons have served as director or acting director. Only one of these persons had any background in corrections.

This Director has a firm understanding of the various complex aspects of corrections. He is aware that much work needs to be done in such basic areas as inmate programming, inmate classification, delivery of health care, security awareness, staff-inmate interaction, and emergency preparedness. He has already changed some important procedures and started the implementation of training programs to effect other changes. Even more importantly, he has emphasized - and will continue to emphasize - to correctional staff that his operational philosophy is rooted in principles such as:

- Correctional facilities operate within our nation's overall system of democracy, and one of the basic tenets of any democratic community is justice. Therefore, the principles of justice must be applied inside the correctional facilities as well. All persons in any correctional facility--every employee and all inmates--deserve to be treated justly;
- Inmates are incarcerated as punishment, not for punishment; they are criminal offenders, but they are human beings first;
- The primary purpose of correctional facilities is to securely incarcerate, but this period of incarceration gives us a unique opportunity to effect positive changes in peoples' lives;
- Everyone who works in corrections is a role model for inmates. Therefore we must model positive behaviors for inmates; and
- While sound programming is essential, it cannot take place unless there is adequate and appropriate security.

The Director also understands the need for strong leadership in the department, and is willing and prepared to provide it. He believes leadership is best communicated through actions. To this end, he is committed to hard work; open communication with staff, inmates, and the public; a high level of visibility; and an unwavering adherence to ethical behavior and professional standards.

The Director is also keenly aware of the need for leadership and accountability at all management levels of the department. To this end, he has instituted training for key managers in leadership principles, as part of a process of clarifying the department's mission and developing a unified strategy for fulfilling that mission. This process will also help to solidify the leadership team for the department. The Director is also committed to holding managers accountable, and will insist that managers in turn hold their subordinates accountable.

Policies and Procedures Relating to Acts of Violence

The department has asked the American Correctional Association (ACA) to review five of its policies and procedures relating to acts of violence within correctional facilities. The department will review recommendations made by the ACA and incorporate changes to our present policies as soon as it receives ACA's response. Meanwhile, the department has moved forward with the following:

- I. Reiterated current policies by emphasizing to all managers that use of unnecessary or excessive force will not be tolerated. Any staff member found guilty of using unnecessary or excessive force will receive immediate and appropriate disciplinary action.
- II. Reviewed the training course provided for adult correctional officers in Use of Force and identified needed improvements. The Director has tasked several experienced senior staff who are also qualified trainers, with updating this course. All adult corrections officers in the system will be retrained by May 30, 1999.
- III. Committed to implementing training in Crisis Intervention and Defusion Techniques. This course is designed to defuse and contain crises to minimize the instances in which physical force is needed. It also trains staff on defensive techniques that help them out of situations that turn physical.
- IV. Twelve departmental staff will be provided with intensive training to certify them as instructors in this course. Subsequently, these staff members will train other staff who have inmate contact. The department projects that it will take at least one year to put its entire correctional staff through this week-long course, after the trainers are certified.
- V. Reiterated current policies by emphasizing to all managers that the following will be strictly enforced:
 - A. All incidents in which force is used shall be immediately reported to the Director.
 - B. All staff involved in incidents in which force is used shall submit written reports prior to leaving the facility.
 - C. All planned uses of force shall be video taped.
 - D. The Director shall be immediately notified of all deaths.

- E. The scene of each death shall be handled as a crime scene. The police and Internal Affairs shall investigate each death. All staff involved in the case shall submit written reports prior to leaving the facility.
- F. The Health Care Unit of the facility shall complete a mortality review in each case of an inmate death.

RESPONSE TO SPECIFIC RECOMMENDATIONS FOR THE DIRECTOR

I. Administration

- A. The Director's preferred style is "leadership by walking around (LeBWA)"--that is, making it a point to be physically present throughout his department on a regular basis. He intends to visit correctional facilities periodically, on announced and unannounced bases. Effective immediately, he expects his deputies and division administrators to adopt this management style as well.

Furthermore, the Director has an open door policy that extends to all staff within the department, regardless of their position and rank. His willingness to talk with all departmental staff led him to visit all facilities at various times, including the night shift, prior to the opening of the 1999 Legislative Session.

- B. The Director is currently planning the implementation of an accountability system for correctional managers. The system will involve the establishment of clear performance standards for each manager. This will enable the executive staff of the department to measure the progress made by its managers. In turn, each manager will know what is expected of him/her (i.e., identifying priorities, setting goals and objectives, etc.). Performance expectations will be set forth by June 30, 1999. This system will provide information essential to conducting each manager's Annual Performance Appraisal (PAS). At the end of each annual rating period, managers who do not meet performance expectations will be handled in accordance with established State personnel rules.
- C. The department understands that it can improve its programs and management by taking advantage of contemporary studies and research relating to corrections. It will take full advantage of all opportunities that may be available. For example, in January, the department arranged through the Department of Justice to have two experts review its substance abuse treatment program. Specifically, these experts focused on assessments, appropriateness of available programs, and whether the department's policies and practices facilitate proper placement of inmates in the treatment programs consistent with their need.

Also, this week, the leading national expert on suicides in correctional facilities will be reviewing the department's policies and procedures for identifying inmates at risk of suicide, as well as programs for preventing suicides. We intend to implement every recommendation made by the consultant to the extent possible and as our resources allow. The department also intends to utilize the consultant's expertise to provide training to staff, if training is needed to improve our programs.

The Director's executive management team will be in continuous contact with resource organizations such as the American Correctional Association and the National Institute for Corrections (NIC) for technical and training assistance and to keep abreast of current issues and trends in correctional program management. For example, the Director recently learned that the NIC will be providing a series of training courses for the Northern Marianas, Guam and Saipan. He has obtained an oral commitment from the Director of the NIC to allow trainers to stop in Hawaii to provide training for Hawaii's correctional staff.

The department will make every effort to bring national experts to Hawaii as often as possible, so that its staff can be exposed to the latest research and best programs and practices in the field. The department recognizes, however, that this is not enough. We also need to attend training seminars in other states, visit other effective programs and facilities to obtain first hand perceptions, and attend professional conferences where we can meet and learn from the leaders in our field.

To this end, the department will request a budget of \$30,000 to allow at least twelve of its staff to attend selected conferences and seminars, and to make site visits so that they can improve their programs. This will also be used to develop up and coming managers who will be the future leaders of the department.

In addition, the Department will make every effort to nominate its staff, especially its line and middle management staff, for training slots at the NIC's National Training Academy.

- D. To foster better communication and better working relationships among all levels, the department will institute the following, effective immediately:
1. The department administration will hold regular staff meetings with wardens and other correctional managers. Each correctional manager will be expected to hold weekly staff meetings with their section supervisors. These section supervisors will be required to inform their subordinates of what transpired at the meetings.
 2. In addition, the department is researching the feasibility and cost-benefits of implementing pre-shift briefings between supervisors and correctional officers for each shift. Currently only OCCC conducts such briefings. Other facilities can conduct such briefings only if they pay overtime to officers. These briefings are essential for effective communication with officers. To remedy this situation, the department has two alternatives: pay officers overtime for briefings; or negotiate a change in work schedules to allow for briefing times as part of the regular workday. The department has estimated that these briefings will result in a cost of about \$1.7 million. It has also informally discussed with the union the possibility of a change in work schedules. The union expressed a willingness to work out a change in schedules, because it recognizes the importance of briefings. Because the new Agreement, now pending implementation, includes a major change in the scheduling procedures, the

union and the department has chosen to wait until after the implementation of the new Agreement before attempting to affect another change in scheduling.

3. Moreover, each warden, deputy warden, and chief of security will be required to walk through the facility at least three times per week to get a pulse of what is occurring and to provide an opportunity for him or her to talk to line staff and inmates. At least one of these persons shall walk through each day.
 4. Each Watch Commander shall make a complete tour of every part of the facility at least once per work shift.
 5. Each warden, deputy warden, and chief of security will periodically work a variety of shifts and on weekends.
- E. Over the years, the Director has established, nurtured, and maintained contacts with corrections professionals across the nation. He has established relationships with the Director of the National Institute of Corrections (NIC); the Chief of the Prisons Division of the NIC; the Chief of the Training Academy Division of the NIC; the President of the American Correctional Association; the co-Executive Directors of the Association of State Correctional Administrators; and the Director of the Corrections Program Office of the Department of Justice. The Director will not hesitate to contact them for advise and assistance on any matter.

The Director is also aware that local resources are available at the University of Hawaii and Chaminade University, and that some of his own staff has developed a strong level of professional expertise in corrections. He will seek their input and counsel as well, and encourage his staff to do the same.

- F. The department's administration welcomes the interest of the Legislature on issues involving all aspects of corrections operations, and will respond to all questions/concerns raised by the Legislature. The Director invites the Legislature to visit its operations at any time.
- G. The department is working to improve its internal grievance process to better address concerns prior to involving the Attorney General. The department will be submitting a reorganization proposal that clarifies the roles and responsibilities for management and staff involved in the grievance process. Target date for submission of the department's reorganization proposal to the Department of Budget and Finance is September 1999.

In addition, the department will open discussions with the Attorney General to assess the feasibility of requesting a full-time deputy attorney general and support staff dedicated to managing and monitoring all inmate grievances and legal proceedings. Issues such as appropriate funding sources and organizational placements of these positions will need to be considered.

II. Personnel

- A. The department will take steps to make visible and substantial progress to resolve long-standing management problems. These actions will require planning and collaboration with other organizations so that the steps can be systemic and have long-term positive effects. The department will not make change simply for the sake of making change.
- B. Accountability System: As noted in our response to recommendation #1, the department is currently planning for the establishment of an accountability system, through which managers will be provided with clear performance expectations. Managers will be required to provide regular reports to the department's executive management team, which will enable the Director to monitor and measure performance. These reports will include oral presentations in which managers will be expected to explain and defend their reports.

The department will continue its commitment to holding managers and staff accountable for any misconduct. Personnel records confirm that the department has taken and will continue to take disciplinary action against staff, including managers, when just and proper cause is established.

The department is also restructuring its model for disciplinary action to allow managers to carry out such action in an orderly and timely fashion. We will be working with the United Public Workers and the Hawaii Government Employees' Association to accomplish this task. A target date of May 30, 1999 has been set.

- C. Training and Retention: PSD and the Department of Human Resources and Development (DHRD) have begun the process of identifying staff needs and instituting training and educational programs for Public Safety staff members. This process will include collaboration with staff and staff groups.

To enable more staff to take advantage of training opportunities, the department will immediately:

1. Conduct training, when feasible, at the correctional facilities rather than at off-site locations.
2. For selected courses, allow facilities to "lock-down" inmates to allow for maximum participation by adult corrections officers.
3. With the assistance of DHRD, conduct a needs assessment by June 30, 1999 to:
 - a) Identify staff training needs;
 - b) Seek reinstatement of the Management Development Leadership Academy. This successful program was terminated several years ago. Since then, state government has not had any program for development of managers. Additional funds will be required to establish this program; and
 - c) Implement a Career Development Program that will provide staff with incentives towards professional development, thereby encouraging the retention and promotion of qualified individuals.

4. In addition, the department will develop a more proactive approach in its training program, to address the perception that assignment to training is considered as punishment. To achieve this goal, the department will ensure that appropriate training is provided to all staff members on a regular, on-going basis before incidents occur. The department plans to meet this goal of having policies and procedures in place by September 30, 1999.

- D. Recruitment: The department, with the assistance of the DHRD, reconstructed its screening factors for the hiring of correctional officers. This resulted in a new entrance examination process that was implemented in 1996. Prior to that time, applicants for adult corrections officer positions were hired after passing a relatively simple written test rated at the 8th grade level.

Under the new process, candidates are required to pass a series of tests before they can qualify for an interview. These tests include a written civil service examination rated at high school equivalency, physical abilities test, and psychological inventory test. For those who pass this battery of tests, a background check, consisting of a criminal history check, a check on employment history, a door to door character check, a drug test, and a physical examination is then conducted.

- E. Staff Morale: The department will examine the feasibility of conducting a study, with the guidance of DHRD and possibly a consultant, to determine whether it has a problem with staff morale. If the department determines that there is in fact a problem, it will proceed to address the appropriate areas.

Additionally, the department is taking the following steps towards improving staff morale, with respect to salary levels and opportunities and processes for promotion.

1. Salary schedule: The Department acknowledges that the perceived low salary levels has a negative effect on correction officers' morale. For example, recruit police officers currently make more than correction officer sergeants. This situation is compounded by the fact that there have been no collective bargaining increases for corrections officers since 1995.
2. Promotion process: The department will work with DHRD to reevaluate its selection criteria to include any available record of disciplinary action as a weighted factor when awarding promotions. The department expects to have revised selection criteria by April 30, 1999.

The department notes the following, however, regarding the use of disciplinary action as a part of the selection criteria when awarding promotions:

- a) Discipline should not be an automatic disqualifies. To ensure that each candidate has a fair and equal opportunity for advancement, the department

must assess the relatedness of the disciplinary action and subsequent effect of rehabilitation to the candidate's present ability to perform at the higher level.

- b) Under collective bargaining agreements, staff have the right to have adverse information removed from their files after two years. In these cases, the disciplinary action cannot be used in any way against the staff member.

In addition, the department has already collaborated with DHRD to improve the promotion process for adult corrections officers. This new process, implemented in 1998, involves an intra-departmental competitive examination administered by DHRD, followed by selection interviews conducted by PSD. Prior to this new process selection interviews were conducted only by individual facilities and were the only factor in determining promotions.

- F. Policy on Nepotism: The department will work with the DHRD to adopt a policy on nepotism. Because there is no state-wide policy, the department must develop an internal one. We are in the process of examining other departments' internal policies as models for our own. The department expects to have its policy completed and implemented by May 30, 1999.
- G. Dichotomy Between Correctional Officers and Others: The department acknowledges that a dichotomy exists between correctional officers and other groups of staff in the various correctional facilities. To address this problem, the department will:
 1. Institute a Unit Team Management Program to improve communications among staff from various areas and between staff and inmates. This concept involves teams of staff members across disciplines such as social workers, corrections officers, and mental health professionals working together on individual inmates. The department's training administrator has made contact with the National Institute of Corrections to provide technical assistance in implementing this concept, starting with the Halawa Correctional Facility. Training in Unit Management will begin no later than October 1, 1999.
 2. The department will ask DHRD to examine the feasibility of broadbanding correctional positions, to foster a team building climate, shared responsibilities, and cross-training opportunities within the correctional facilities (e.g., allow adult corrections officers to provide some counseling to inmates; allow social workers and others to perform minor security functions).
 3. Hold managers accountable for team building and collaborative approaches to care and custody of inmates.
- H. Staff turnover: In 1998, the Department adopted a policy that requires a three-year waiting period after initial employment before a staff member can request a voluntary transfer from one facility to another, except where a staff member can show a bona fide hardship. This policy was implemented due to previous abuse of the voluntary transfer policy.

In the past, adult corrections officers would accept positions in certain districts with less employment competition, only as a means of entering the civil service system. After completing their probationary period, these individuals would then transfer to other facilities in the district of their true preference.

This abuse of policy resulted in a constant turnover at facilities in certain counties, such as the Maui Community Correctional Center (MCCC) and the Kauai Community Correctional Center (KCCC), which thereby affected the stability of the operations at these facilities. The restriction on voluntary transfers was promulgated in response to these abuses.

The Department, in consultation with the United Public Workers, will review the effectiveness of this policy. Discussions with UPW will begin no later than March 30, 1999.

III. Inmate Abuse and Neglect

- A. Mental Health Services: In recent years the department has witnessed an increase in the number of inmates who exhibit symptoms of mental illness. Some of this increase is a result of an increase in the total inmate population. However, the department suspects that the increase can also be attributed to other factors. Unfortunately, the level of staffing of mental health professionals has not kept pace with the increase in population or the need for such specialized services. The director has therefore instructed the Health Care Division to fill its vacancies in this area. Moreover, the Health Care Division has suffered from a lack of leadership in the past year. A Physician, who is a dedicated professional, has been asked to serve as Physician for several correctional facilities as well as Health Care Administrator. This constitutes a virtually impossible task. Therefore, the department has recruited for a Health Care Administrator, and expects to fill that position by May 1, 1999. One of the new Administrator's top priorities will be to develop a plan to provide appropriate services for inmates suffering from mental illness.
- B. Mental Health Training: The Director has instructed corrections health care administrators to re-implement mental health training programs for corrections officers by April 30, 1999. It has been two years since this type of training has been provided.
- C. Substance Abuse: The presence of illicit drugs is a major concern in any organization, especially correctional facilities. Therefore, the department has addressed this problem in several ways:
 1. Drug Testing of Inmates: The department conducts substance abuse testing of inmates on the basis of random selection, suspicion, and participation in treatment programs. If inmates test positive, they can be sanctioned and will be referred to treatment programs. The department is assessing the cost-benefits of conducting drug testing of all inmates upon admission.
 2. Drug Testing of Staff: The department now conducts drug testing of all applicants for employment in positions that involve inmate contact or powers of arrest. The

department also conducts drug testing for a small number of staff who hold commercial driver's licenses, pursuant to Federal regulations.

Regarding other staff, the department is awaiting the final language of the recently negotiated Bargaining Unit 10 Agreement. This new agreement includes a provision that will allow for the substance abuse testing of Adult Correctional Officers. The department is currently developing a plan and the Director will implement this new program, as soon he receives authorization to do so from the Office of Collective Bargaining.

3. Interdiction: Drugs enter correctional facilities in many ways. They can be brought in by staff or visitors; they can arrive through the mail; they can be hidden in supplies, equipment, and vehicles that enter the facility for official purposes; they can be thrown over walls or fences; and they can be passed surreptitiously to inmates who have outside privileges.

Drug interdiction requires strict adherence to policies and procedures and constant vigilance by all correctional staff, especially the adult corrections officers. The department has the appropriate policies in place that require adult corrections officers to search all visitors, vehicles, supplies, and equipment that enter the facility. screen and search all inmate mail; regularly inspect recreation and other outside areas; and strip search all inmates who re-enter the facility.

To ensure that these and other security controls are carried out, the department has implemented a system of regular audits of operational and security procedures. All facilities will be audited on an annual and on an as-need basis. The first audit was conducted in February, 1999, at the Kulani Correctional Facility. The Halawa Correctional Facility will be audited beginning the end of March.

4. Searches: Each facility conducts regular searches of areas in which drugs may be found. In addition, each facility conducts shakedowns whenever there is information that drugs may be present.

In 1998, the Department established a canine unit, consisting of three trained dogs, under the Sheriff's Division. In January 1999, a fourth dog was added to the unit. This unit will enable the Department to conduct searches on a more effective and efficient manner. Every facility will be searched by the canine unit on a regular basis. In addition each Warden can request the use of the unit, or the Director can order a search of a facility using the unit.

The Wardens and the Sheriff Division will work out a schedule for searches by March 15, 1999.

5. Criminal and Disciplinary Action: Any person who brings drugs into a correctional facility has committed a felony. The department has and will continue to prosecute all

persons who are suspected of bringing drugs into any correctional facility. In addition, the department has and will continue to take administrative action against any staff member who brings drugs into any correctional facility.

Since 1992, 30 staff have been convicted for drug use. Of this amount, 28 have been dismissed and 2 have resigned from employment. In addition, 7 staff have been terminated and 2 have resigned without known convictions for drug use.

- D. Video Surveillance: There is no doubt that strategically placed cameras will enhance our ability to obtain objective information and facilitate investigations. The department is aware of the value of video surveillance and has taken the first step in this direction by installing cameras in modules at Oahu Community Correctional Center (OCCC). Complete installation of video surveillance at OCCC is targeted for completion in December, 1999. The department is also estimating the cost and feasibility of installing cameras in selected locations of the Halawa Correctional Facility. If funds are available in FY 1999, the department will proceed with the installation by July 1, 1999.

In addition to fixed cameras, the Department instituted a policy in 1998 requiring that all planned cell extractions, planned use of force incidents, and other significant events be video taped. Each facility was required to purchase video-cameras for this purpose. In early December, the Director instructed the Wardens, both at a meeting and in writing, that this policy will be strictly enforced.

IV. Grievance Process

- A. The Director is committed to the establishment of an Internal Affairs Office that is professional, competent, and independent. In the past two years, there has been an almost complete turnover of staff in this office. An experienced investigator has been installed as the administrator of the office, and a new team of investigators has been hired. Only one of the current staff members was with the office prior to 1997.

In addition, the Director has taken the following steps since he took office in December:

1. By directive, required that the Office reports to the Director and no one else. Previously, the Office reported to the Director through an intermediary.
2. Started the process to formally and permanently reorganize and expand the Office. Under this plan, which must eventually be approved by the Governor, the Office will report directly to the Director and will consist of three Sections - Criminal Investigations, Administrative Investigations, and Technical Support.
3. As part of the formal reorganization, the department will seek to add five additional positions to the Office. The office now consists of the administrator, five investigators, and one clerk. The new office will consist of the administrator, eight investigators, one technical specialist, and two clerical support staff. In comparison, the Honolulu Police Department, which has a comparable number of staff, has fourteen Investigators.

- B. The department believes that an effective management information system will be developed through the successful implementation of several management improvement initiatives. These include the management accountability system, revamped grievance system, and facility inspections program. Information gathered through these programs will provide as "early warning signals" that should enable the department to address present a danger to staff or inmates. The department expects to have its MIS system in place by December 31, 1999.

CONCLUSION

The Department of Public Safety has the capability of achieving the highest level of quality in the management of its operations. Although it recognizes its weaknesses, the department has made, and continues to make, substantial improvements as evinced by its recent release from the 1985 Spear v. Cayetano Consent Decree. The Women's Community Correctional Center was released from the consent decree in June 1998 and the Oahu Community Correctional Center was just released in March 1999.

As the Director has mentioned on several occasions, problems within the correctional facilities cannot be instantly repaired with the wave of a wand. In fact, it will take many months of hard work and the full commitment of the director's management staff to achieve the objectives of the action plan delineated in this report. The Director has every confidence that the vision he has set forth for the department will be realized.