

SIXTY-SECOND DAY

Wednesday, April 29, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 10:40 o'clock p.m., with the Vice President in the Chair.

The Divine Blessing was invoked by Mr. James Brazil, Office of Senator James Aki, after which the Roll was called showing all Senators present.

The Chair announced that she had read and approved the Journal of the Sixtieth and Sixty-First Days.

The following introductions were made to the members of the Senate:

Senator A. Kobayashi introduced Mrs. Kiyo Miyamoto from Maui, who was sitting in the gallery, and said: "She is a very good friend and a very hardworking woman who stays very late with us when the Ways and Means conference committee meets. She deserves a lot of thanks and appreciation."

Senator Hee then introduced Colbert Matsumoto and said:

"Madam Vice President, through the deliberations of the Judiciary Committee, many rumors have been spread regarding the influence behind the Judiciary budget and, contrary to popular views, it is not Earl Anzai. The real man behind the Judiciary Committee has come to witness the session, just as an arsonist goes to view the fire. I would like, at this time, to introduce the man behind the Judiciary budget, the man who will be back to take a forefront next year (he's pushing Earl Anzai on the side), he's Colbert Matsumoto."

Senator Kuroda then introduced former Senators: Lt Governor Ben Cayetano, Neil Abercrombie, Duke Kawasaki, Gerald Machida and Charles Toguchi; and Senate Sergeant-at-Arms Ben Villaflor, as follows:

"Madam Vice President, one is tempted to introduce the persons who are seated on the floor with us this evening as a motley crew of ex-senators, but inasmuch as they do occupy very important positions in the State of Hawaii, I don't think it's proper to do that. In light of the fact that we are short of time due to our long caucus and I did have a long introduction for you five gentlemen, I will cut it short by saying welcome back to you former senators.

"We do want to recognize the achievements of our former Senator Cayetano who is now our lieutenant governor; a 1957 graduate of Farrington High School; a boy from Kalihi, succeeding

in becoming an attorney, state representative, state senator, and now lieutenant governor. Congratulations and welcome back, Lt. Governor Cayetano!

"Then we have next to him, former Senator Duke Kawasaki, now deputy city managing director; also a son of Kalihi; someone who has been very outspoken in this Legislature, criticizing, especially, the two dailies and their monopoly; a champion of capital punishment. Welcome back, Duke Kawasaki!

"The next gentlemen, former Senator Charles Toguchi is a former school teacher who achieved the highest position in the Department of Education; someone who spent ten years in the state Legislature and has been very instrumental in developing the future of our children's education as chairman of the Committee on Education in both the House and the Senate. We're very proud to welcome back superintendent of education, former Senator Charles Toguchi.

"It says here, Senator Neil Abercrombie, doctor of philosophy. Welcome back, Dr. Abercrombie. Senator Abercrombie, as you are well aware, spent a few months as a member of Congress, representing Hawaii, and he did an excellent job in focusing attention of the nation on Hawaii. We thank you, Senator Abercrombie. He is now a special assistant to Superintendent Charles Toguchi. Welcome back, Senator Neil Abercrombie!

"We do want you four gentlemen to know that the decibel level of this chamber has decreased considerably with your absence, but welcome back.

"The next gentlemen is quiet but effective. Very effective on the golf course because he's taken a lot of my money on the golf course, former Senator Gerald K. Machida, now a member of the Hawaii Labor Relations Board; a Maui High School graduate; football star at the University of Hawaii; spent his career in the Legislature, since 1974, and chaired the agriculture, health, and labor and employment committees, and has been very instrumental in improving the welfare of the public employees. Please welcome former Senator Gerald Machida.

"The empty chair is not the absence of former Senator Buddy Soares, although he was invited, but someone of greatest importance in this chamber, the former Lightweight Champion of the World, our Sergeant-at-Arms Ben Villaflor. (The honoree took a seat with the former

senators.)

"We present to Ben this Hawaii State Senate Special Certificate (framed) honoring him. It includes a xerox copy of the Advertiser article on Ben Villaflor and his family, a well-deserved recognition. I might add that he was the number one assessor of the recent Leonard-Hagler fight because he predicted that if it went the distance, Leonard 'will win,' and he did."

Senate President Wong then added his remarks as follows:

"Madam Vice President, I'd like to say a few words.

"For one thing, in the past few months I've thrown away about three boxes of aspirin because I didn't think I needed them anymore. Before saying another word, I want to emphasize that the honorees here this evening are only here to be recognized and they are not here to speak on or enter into debates on the bills on the floor before us.

"I also want to indicate, Madam Vice President, that I've received two letters from organizations outside of this building. One, in particular, the Book Binding Association has complained most adamantly about the lack of business here in the Senate. It seems that our journal has decreased in pages by half.

"The Honolulu Paper Company has indicated that the paper bill from the Senate is quite low.

"Much more importantly, Madam Vice President, it is the people who make the tapes for recordings here at the Capitol that have complained the most. There has been a two-thirds drop in the recordings here in the Senate.

"And I did read an article that said thank goodness for Dickie Wong, they all are successful today ... and making five times the money that I do.

"But, I wish all of them well. I love them all. Have a good evening!"

The honorees rose to be recognized and were presented their Senate Certificates, respectively, by Senator Kuroda and leis by Senators Fernandes Salling, McMurdo, Solomon, Young, George, Ikeda and A. Kobayashi.

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

The Senate reconvened at 11:00 o'clock p.m. with the President in the Chair.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 270 and 271) were read by the Clerk and were placed on file:

Gov. Msg. No. 270, transmitting a report prepared by the Department of Transportation in response to H.C.R. No. 154 (1986), requesting the chairman of the Board of Land and Natural Resources to issue a temporary moratorium on the issuance of new permits for commercial boating operations on public beaches located on the North Shore of Kauai.

Gov. Msg. No. 271, transmitting the Annual Report, 1985-1986, prepared by the School Health Services Branch, Department of Health.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1015 to 1065) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1015, informing the Senate that the amendments proposed by the Senate to House Bill No. 2, H.D. 1, were agreed to by the House; and H.B. No. 2, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 27, 1987, was placed on file.

Hse. Com. Nos. 1016 and 1017, 1019 to 1025, 1050 to 1060, returning the following Senate Concurrent Resolutions, which were adopted by the House of Representatives on April 28, 1987, were placed on file:

Hse. Com. No. 1016 - S.C.R. No. 56;
Hse. Com. No. 1017 - S.C.R. No. 63, S.D. 1;
Hse. Com. No. 1019 - S.C.R. No. 81;
Hse. Com. No. 1020 - S.C.R. No. 90;
Hse. Com. No. 1021 - S.C.R. No. 100, S.D. 1;
Hse. Com. No. 1022 - S.C.R. No. 138, S.D. 1;
Hse. Com. No. 1023 - S.C.R. No. 149;
Hse. Com. No. 1024 - S.C.R. No. 160;
Hse. Com. No. 1025 - S.C.R. No. 175, S.D. 1;
Hse. Com. No. 1050 - S.C.R. No. 14;
Hse. Com. No. 1051 - S.C.R. No. 54;
Hse. Com. No. 1052 - S.C.R. No. 46, S.D. 1;
Hse. Com. No. 1053 - S.C.R. No. 99, S.D. 1;
Hse. Com. No. 1054 - S.C.R. No. 101, S.D. 1;
Hse. Com. No. 1055 - S.C.R. No. 102, S.D. 1;
Hse. Com. No. 1056 - S.C.R. No. 106;
Hse. Com. No. 1057 - S.C.R. No. 151;
Hse. Com. No. 1058 - S.C.R. No. 166, S.D. 1;
Hse. Com. No. 1059 - S.C.R. No. 173, S.D. 1; and
Hse. Com. No. 1060 - S.C.R. No. 181.

Hse. Com. Nos. 1018, 1026 to 1042, 1044 to 1049, 1061 to 1064, returning the following Senate Bills which passed Third Reading in the House of Representatives on April 27, 1987, were placed on file:

Hse. Com. No. 1018 - S.B. No. 1734, S.D. 1;
 Hse. Com. No. 1026 - S.B. No. 393, S.D. 1;
 Hse. Com. No. 1027 - S.B. No. 419;
 Hse. Com. No. 1028 - S.B. No. 444, S.D. 1;
 Hse. Com. No. 1029 - S.B. No. 448, S.D. 1;
 Hse. Com. No. 1030 - S.B. No. 450;
 Hse. Com. No. 1031 - S.B. No. 451;
 Hse. Com. No. 1032 - S.B. No. 521;
 Hse. Com. No. 1033 - S.B. No. 522;
 Hse. Com. No. 1034 - S.B. No. 525, S.D. 1;
 Hse. Com. No. 1035 - S.B. No. 632, S.D. 1;
 Hse. Com. No. 1036 - S.B. No. 727, S.D. 1;
 Hse. Com. No. 1037 - S.B. No. 877, S.D. 1;
 Hse. Com. No. 1038 - S.B. No. 956, S.D. 1;
 Hse. Com. No. 1039 - S.B. No. 968, S.D. 1;
 Hse. Com. No. 1040 - S.B. No. 1001, S.D. 1;
 Hse. Com. No. 1041 - S.B. No. 1002;
 Hse. Com. No. 1042 - S.B. No. 1023, S.D. 1;
 Hse. Com. No. 1044 - S.B. No. 1224, S.D. 1;
 Hse. Com. No. 1045 - S.B. No. 1284, S.D. 1;
 Hse. Com. No. 1046 - S.B. No. 1295, S.D. 2;
 Hse. Com. No. 1047 - S.B. No. 1431, S.D. 1;
 Hse. Com. No. 1048 - S.B. No. 1526, S.D. 2;
 Hse. Com. No. 1049 - S.B. No. 452, S.D. 1;
 Hse. Com. No. 1061 - S.B. No. 216, S.D. 1;
 Hse. Com. No. 1062 - S.B. No. 365, S.D. 1;
 Hse. Com. No. 1063 - S.B. No. 366, S.D. 1;
 and
 Hse. Com. No. 1064 - S.B. No. 368.

Hse. Com. No. 1043, transmitting Senate Bill No. 1139, which passed Third Reading in the House of Representatives on April 27, 1987, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

Hse. Com. No. 1065, returning Senate Concurrent Resolution No. 135, which was adopted by the House of Representatives on April 29, 1987, in an amended form, was placed on file.

By unanimous consent, S.C.R. No. 135, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO DO A STUDY ON THE FEASIBILITY OF ESTABLISHING A KANEOHE BAY AUTHORITY," was placed on the calendar for further consideration on Thursday, April 30, 1987.

STANDING COMMITTEE REPORTS

Senator Aki, for the Committee on Housing, Hawaiian Programs and Natural

Resources, presented a report (Stand. Com. Rep. No. 1511) recommending that Senate Concurrent Resolution No. 132 be adopted.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TO ESTABLISH A JOINT FEDERAL-STATE TASK FORCE ON FEDERALLY-CONTROLLED LANDS IN THE STATE OF HAWAII," was adopted.

Senator Kuroda, for the majority of the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 1512) recommending that House Concurrent Resolution No. 100, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator George and carried, the report of the majority of the Committee was adopted and H.C.R. No. 100, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CLARIFYING THE INTENT OF THE LEGISLATURE WITH RESPECT TO THE DIAMOND HEAD STATE MONUMENT," was adopted on the following showing of ayes and noes:

Ayes, 20. Noes, 2 (Cobb and Solomon).
 Excused, 3 (Holt, Nakasato and Yamasaki).

ORDER OF THE DAY

MATTER DEFERRED FROM
 MONDAY, APRIL 27, 1987

Stand. Com. Rep. No. 1377 (H.C.R. 40, H.D. 1):

By unanimous consent, Stand. Com. Rep. No. 1377 and H.C.R. No. 40, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AGENCY STUDY," were recommitted to the Committee on Legislative Management.

MATTERS DEFERRED FROM
 TUESDAY, APRIL 28, 1987

Stand. Com. Rep. No. 1505 (H.C.R. No. 152, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1505 was adopted and H.C.R. No. 152, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS TO ACCOMMODATE THE NEXT AMERICA'S CUP YACHT

RACE," was adopted on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (A. Kobayashi and Reed). Excused, 3 (Holt, Nakasato and Yamasaki).

H.C.R. No. 23, H.D. 1:

On motion by Senator Blair, seconded by Senator George and carried, H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE POSTING OF THE PRICE OF GASOLINE BY THE GALLON," was adopted.

H.C.R. No. 99, H.D. 1:

On motion by Senator Blair, seconded by Senator George and carried, H.C.R. No. 99, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII ASSOCIATION OF REALTORS AMEND THEIR PROPERTY CONDITION TERMS TO PROVIDE NOTICE OF THE TERMS OF ANY REVERSIONARY OR SURRENDER CLAUSE," was adopted.

H.C.R. No. 155:

On motion by Senator Blair, seconded by Senator George and carried, H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO AN INTERIM STUDY BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS REGARDING COMPLIANCE WITH PL 99-660 THE HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986," was adopted.

H.C.R. No. 258, H.D. 1:

On motion by Senator Blair, seconded by Senator George and carried, H.C.R. No. 258, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ENFORCEMENT OF STATE DEPARTMENT OF TRANSPORTATION INSURANCE COVERAGE REQUIREMENTS," was adopted.

H.C.R. No. 259:

On motion by Senator Blair, seconded by Senator George and carried, H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY OF STATUTORILY REQUIRING REAL ESTATE LICENSEES AND NON-LICENSEES TO ASCERTAIN AND DISCLOSE PERTINENT FACTS, AND DEFINING PERTINENT FACTS," was adopted.

FINAL READING

MATTER DEFERRED
FROM TUESDAY, APRIL 28, 1987

Senate Bill No. 767, S.D. 1, H.D. 1:

At 11:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:04 o'clock p.m.

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 767, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 8 (Blair, Chang, Fernandes Salling, George, Henderson, McMurdo, Menor and Reed). Excused, 3 (Holt, Nakasato and Yamasaki).

FINAL READING

Senate Bill No. 515, S.D. 2, H.D. 1:

On motion by Senator McMurdo, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 515, S.D. 2, and S.B. No. 515, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Nakasato and Yamasaki).

Senate Bill No. 792, H.D. 2:

On motion by Senator McMurdo, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 792, and S.B. No. 792, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR CRIMINAL INJURIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Nakasato and Yamasaki).

Senate Bill No. 797, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 797, S.D. 1, and S.B. No. 797, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Nakasato and Yamasaki).

Senate Bill No. 994, S.D. 1, H.D. 2:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 994, S.D. 1, and S.B. No. 994, S.D. 1, H.D. 2, 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, 22. Noes, none. Excused, 3 (Holt, Nakasato and Yamasaki).

Senate Bill No. 1126, S.D. 1, H.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1126, S.D. 1, and S.B. No. 1126, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Nakasato and Yamasaki).

At 11:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:06 o'clock p.m., with the Vice President in the Chair.

Senate Bill No. 1143, H.D. 1:

On motion by Senator Hee, seconded by Senator Kuroda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1143, and S.B. No. 1143, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1201, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1201, S.D. 1, and S.B. No. 1201, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONETARY LAUNDERING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1399, S.D. 1, H.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Blair and carried, the

Senate agreed to the amendments proposed by the House to S.B. No. 1399, S.D. 1, and S.B. No. 1399, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1424, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1424, S.D. 1, and S.B. No. 1424, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT-APPOINTED ATTORNEYS AND GUARDIANS AD LITEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1443, S.D. 1, H.D. 2:

On motion by Senator Hee, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1443, S.D. 1, and S.B. No. 1443, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTED COUNSEL FOR INDIGENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1500, S.D. 1, H.D. 2:

On motion by Senator Mizuguchi, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1500, S.D. 1, and S.B. No. 1500, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 3 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1673, S.D. 1, H.D. 1:

On motion by Senator Blair, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1673, S.D. 1, and S.B. No. 1673, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Senate Bill No. 1751, S.D. 1, H.D. 2:

On motion by Senator McMurdo, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1751, S.D. 1, and S.B. No. 1751, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

MATTER DEFERRED FROM
TUESDAY, APRIL 28, 1987

CONFERENCE COMMITTEE REPORT

Conf. Com. Rep. No. 81 (S.B. No. 548, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 81 and S.B. No. 548, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

CONFERENCE COMMITTEE REPORTS

Conf. Com. Rep. No. 36 (S.B. No. 481, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Aki and carried, Conf. Com. Rep. No. 36 was adopted and S.B. No. 481, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL MINING LEASES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

At 11:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:09 o'clock p.m.

Conf. Com. Rep. No. 69 (S.B. No. 576, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 69 and S.B. No. 576, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 76 (H.B. No. 369, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 76 and H.B. No. 369, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 84 (H.B. No. 1931, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 84 was adopted and H.B. No. 1931, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 85 (H.B. No. 1002, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 85 was adopted and H.B. No. 1002, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPERSONATING A LAW ENFORCEMENT OFFICER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 86 (H.B. No. 287, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 86 was adopted and H.B. No. 287, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 87 (H.B. No. 208, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Chang and carried, Conf. Com. Rep. No. 87 was adopted and H.B. No. 208, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 88 (H.B. No. 951, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 88 and H.B. No. 951, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 89 (H.B. No. 922, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 89 was adopted and H.B. No. 922, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 90 (H.B. No. 418, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 90 was adopted and H.B. No. 418, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 91 (H.B. No. 1270, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Chang and carried, Conf. Com. Rep. No. 91 was adopted and H.B. No. 1270, 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, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 92 (H.B. No. 1907, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 92 was adopted and H.B. No. 1907, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 93 (S.B. No. 1164, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hagino, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 1164, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 94 (S.B. No. 1747, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hagino, seconded by Senator Blair and carried, Conf. Com. Rep. No. 94 was adopted and S.B. No. 1747, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 95 (H.B. No. 121, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 95 and H.B. No. 121, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 96 (H.B. No. 328, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 96 was adopted and H.B. No. 328, H.D. 1, S.D. 1, 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, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 97 (H.B. No. 4, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 97 and H.B. No. 4, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 98 (H.B. No. 903, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Chang and carried, Conf. Com. Rep. No. 98 was adopted and H.B. No. 903, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 99 (S.B. No. 141, H.D. 1, C.D. 1):

Senator Mizuguchi moved that Conf.

Com. Rep. No. 99 be adopted and S.B. No. 141, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fernandes Salling.

Senator Henderson then rose to inquire if the vice chairman of the Committee on Ways and Means, in the absence of the chairman, would yield to a question and the Chair having posed the question and Senator Mizuguchi having answered in the affirmative, Senator Henderson asked:

"Madam Vice President, I notice the bond authorization is for \$427 million. I was wondering how we're going to float all those bonds when we only sell about a \$150 million a year. Do we intend to sell a lot more bonds?"

Senator Mizuguchi answered:

"Madam Vice President, as far as my knowledge is concerned, there will be three bond sales over the next fiscal year."

Senator Henderson interjected:

"For \$427 million?"

Senator Mizuguchi answered:

"Madam Vice President, it may not be for that amount and it is the governor's prerogative, but there will be three bond sales."

Senator Henderson continued:

"I guess my question is that we're talking about \$427 million to fund the CIP budget, and, historically, we have not sold more than \$150 million a year, so we're going to be about \$277 million short on our bond sales which is tied into the capital improvement projects budget. What I'm asking is, are we not going to have the projects funded or are we going to sell more bonds?"

At 11:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

By unanimous consent, action on Conf. Com. Rep. No. 99 and S.B. No. 141, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 100 (H.B. No. 1861, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 100 was adopted and H.B. No. 1861, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read

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

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 101 (H.B. No. 1585, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Blair and carried, Conf. Com. Rep. No. 101 was adopted and H.B. No. 1585, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 102 (H.B. No. 520, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 520, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 103 (H.B. No. 1530, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Blair and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 1530, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 104 (H.B. No. 285, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 285, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 105 (H.B. No. 1525, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by

Senator Blair and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 1525, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINT OF TRADE; MONOPOLIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 106 (H.B. No. 1849, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Hagino, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 1849, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 107 (S.B. No. 634, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Blair and carried, Conf. Com. Rep. No. 107 was adopted and S.B. No. 634, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 108 (S.B. No. 1000, H.D. 2, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Blair and carried, Conf. Com. Rep. No. 108 was adopted and S.B. No. 1000, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 109 (S.B. No. 486, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 109 and S.B. No. 486, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 110 (S.B. No. 769, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Conf. Com. Rep. No. 110 was adopted and S.B. No. 769, S.D.

1, H.D. 1, C.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, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 111 (S.B. No. 847, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Conf. Com. Rep. No. 111 was adopted and S.B. No. 847, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SENTENCES FOR CRIMES COMMITTED WITH A FIREARM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 112 (S.B. No. 320, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 112 was adopted and S.B. No. 320, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 113 (S.B. No. 1735, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 113 was adopted and S.B. No. 1735, S.D. 2, H.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, 16. Noes, 5 (George, Henderson, Ikeda, A. Kobayashi and Reed). Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 114 (H.B. No. 310, S.D. 2, C.D. 1):

On motion by Senator Chang, seconded by Senator Blair and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 310, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Ikeda). Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 115 (S.B. No. 1068, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 115 and S.B. No. 1068, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 116 (H.B. No. 49, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 49, 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, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 117 (S.B. No. 1367, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 117 and S.B. No. 1367, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 118 (H.B. No. 35, H.D. 1, S.D. 2, C.D. 1):

Senator Aki moved that Conf. Com. Rep. No. 118 be adopted and H.B. No. 35, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hagino.

Senator Matsuura rose to speak in support of the measure as follows:

"Madam Vice President, this bill is a culmination of ten years of hard work by many individuals and I think it's appropriate that I at least give some history to this measure.

"The framework of this bill was really prepared by a number of people who have served on the Advisory Study Commission on Water Resources and I would like to read the names of these people into the journal. They are Susumu Ono, Hideto Kono, Kent Keith, Georgiana Padeken, Charles Clark, Leslie Matsubara, Kazu Hayashida, Bill Sewake, Bill Haines, Vince Bagoyo, Raymond Sato, Reuben Wong, Gregory Gomes, Charles Reppun, Dickie Nitta, James Nakatani, Fred Trotter, Yukio Naito, Professor Williamson B.C. Chang, Samuel B.K. Chang and Charles Nishimura. These were the original drafters of the water code bill. They actually provided the information on which the bill was drafted.

"There is another thing that I would like to put into the journal. There is one portion of the bill that was not prepared by the Advisory Study Commission on Water Resources. It is that portion prepared by the late Richard Kawakami's staff, perhaps Richard's best friends. They are Kevin Ebata, Neil Shigemura, Gail Sagara, Barbara Leong, Lorraine Koike and Mona Sakata Ho. I would just like to read that portion which they were responsible in drafting — the bill has been dedicated to the late Richard Kawakami:

'In enacting this legislation, the Legislature acknowledges the farsighted contribution of the late Richard A. Kawakami, Speaker of the House of Representatives of the Fourteenth Legislature, State of Hawaii, who as chairman of the House Water Land Use Development and Hawaiian Affairs Committee from 1971 through 1980, laid the foundation for the state water code. His visionary concern for the protection of Hawaii water resources for all its people pre-dated by many years, the 1978 Hawaii State Constitutional Convention Amendment to Article XI, Section 7, of the Hawaii Constitution, and the final report of the Legislature's Advisory Study Commission on Water Resources submitted in January 1985. The enactment of the state water code constitute a legacy from the late Speaker which will benefit not only the citizenry of today but the countless generations yet to come. The Legislature can find no greater or more precious monument to the memory of this wise and dedicated public servant than the passage of this act.'

"This is the language that was drafted by Richard's closest friends here in the State Capitol. There are others that I should also mention, Bill Paty and Manabu Togamori who have also contributed a lot to the drafting of the water code.

"I should also thank Senator Aki because, basically, the Senate bill passed over to the House first, but Senator Aki graciously consented that we hold back the Senate bill and we pass the House bill to honor Richard. So I want to thank Jimmy for being so generous because it was his bill that should have been passed.

"Of course, I must thank Senator Yamasaki (he's not here) ... but we did have a little impasse whereby the House wanted the county to come up with the water use development plan. We were mandating the county to do a plan but we lacked the funds to support it. I went to see Senator Yamasaki for some money. At first, he gave \$600,000 of GO money then a few days later, he called me up and said that he had

turned the GO bond into cash. He came up with \$600,000 of cash. Someday, I'm going to ask Senator Yamasaki if that money was part of the slant/drilling money that I did not receive. However, I feel very honored that he did transfer and did provide the needed funds to improve the water code bill.

"But I think the key to the passage of the water code ... the person that really deserves the credit for the passage is none other than the wife of the late Speaker because when we had this impasse on Friday, Representative Bertha Kawakami entered into the picture. She was determined that the state water code was going to pass this session and she came in and talked to both sides and really stayed with the negotiations although she was not a conferee. She did enter into the picture and really saw the bill through. She deserves the credit for the passage of the water code.

"This bill truly is a Kawakami bill because you have both the late Representative Richard Kawakami and the present Representative Bertha Kawakami working very hard for the passage.

"I really feel very honored to have been a part of this bill and, thanks to Bertha and Richard, we have a water code. Thank you."

Senator Aki also rose to speak in support of the measure and said:

"Madam Vice President, let the Journal also reflect that Senator Richard Matsuura was the co-sponsor of the Senate bill. But, more importantly, Madam Vice President, I think the Journal should reflect that without the leadership, hard work, and patience of Senator Matsuura I don't believe we would have a water code today.

"I think all of us here today and the people of Hawaii owe a deep gratitude to Senator Matsuura and all of those who worked on the water code. Thank you very much."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 118 was adopted and H.B. No. 35, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 119 (H.B. No. 1500, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chang, seconded by Senator Blair and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 1500, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE ESTABLISHMENT OF A NEW INDUSTRY TRAINING PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 120 (H.B. No. 42, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 42, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 5 (George, Ikeda, Henderson, Menor and Reed). Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

At 11:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:36 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 69 (S.B. No. 576, S.D. 1, H.D. 1, C.D. 1):

Senator Hee rose to speak on the recommittal of Conf. Com. Rep. No. 69 and S.B. No. 576, S.D. 1, H.D. 1, C.D. 1, as follows:

"Madam Vice President, it is with great reluctance that I'm asking as chairman of the committee to have this matter recommitted, not because of the intent but, rather, because there are some questions regarding the broad nature of the bill. Its intent is a noble one.

"This bill conforms and sends a message clearly from the Legislature that gifts to a legislator should be a matter of public record. However, in the caucus several members have brought to bear questions which, frankly, need to be addressed.

"I have a commitment from the chairman of the House Judiciary Committee, Representative Metcalf, that we will tighten up the language, take care of some of the ambiguity and bring this bill back in a much tighter framework in 1988. So I am asking that this matter be recommitted because of the overly broad nature of this bill whose spirit and intent is a noble one.

"Thank you."

Senator Hee, chairman of the Committee

on Conference, having requested a recommittal of Conf. Com. Rep. No. 69 and S.B. No. 576, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GIFTS DISCLOSURE STATEMENT," and the Chair noting that there no objections, so ordered.

Conf. Com. Rep. No. 76 (H.B. No. 369, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 76 and H.B. No. 369, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 81 (S.B. No. 548, S.D. 2, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 81 be adopted and S.B. No. 548, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Henderson rose to inquire if the chairman of the Committee on Conference would yield to a question. The Chair having posed the question and Senator Hee having answered in the affirmative, Senator Henderson asked:

"Madam Vice President, prior to this bill, what happens now to kuleana lands?"

Senator Hee answered:

"Madam Vice President, the kuleana lands now revert to the owner of the ahupua'a and in many cases what has happened in the past is you will have an isolated kuleana, for example, in the middle of a canefield owned by the, perhaps, one of the Big Five, Dillingham for example, in Kona. What happens is when the owners cannot be found is that, presently, the lands are escheated into the ahupua'a and are consumed by, in the case of Kona, one of the bigger landowners.

"In many cases, there is cane over the kuleana land because the nature of the land ownership of the Hawaiians, the diversity and the multiplicity of the owners is many times unknown and this bill addresses that concern by having the lands escheat to the Department of Land and Natural Resources.

"At such time that the Office of Hawaiian Affairs can come up with a plan that is approved by the State Department of Land and Natural Resources then the kuleana lands would revert to the Office of Hawaiian Affairs, the duly formed body, to take care and be in charge of the Hawaiian and native Hawaiians."

Senator Henderson further inquired:

"Madam Vice President, are there some kuleana lands that are not owned by native

Hawaiians?"

Senator Hee answered:

"Madam Vice President, it was told to us that that possibility exists. However, no evidence was brought before the committee indicating that."

Senator Henderson remarked and further inquired:

"I think that there are a lot of kuleana lands that are not owned by native Hawaiians, Madam Vice President.

"My question is why shouldn't these lands, if they're going to escheat to somebody, why shouldn't they escheat to the state?"

Senator Hee answered:

"Madam Vice President, this bill provides that the lands would escheat to the state and not the owner of the ahupua'a.

Senator Henderson then asked:

"Yes, but don't they go to OHA?"

Senator Hee answered:

"It would go to the Office of Hawaiian Affairs at such time that the Department of Land and Natural Resources approves a plan regarding kuleana lands. Until that time occurs the lands would be escheated to the State of Hawaii."

Senator Henderson then responded:

"Madam Vice President, I agree with not having the lands escheat to the state, but I have some grave concern about the kuleana lands going to OHA and not to the State of Hawaii for all the residents of the State of Hawaii."

Senator Hee answered:

"Madam Vice President, as I said earlier, this bill provides that the lands would be escheated to the State Department of Lands and Natural Resources."

Senator Henderson then spoke against the measure and said:

"Madam Vice President, I understand in the bill that it's only there temporarily and eventually the lands are turned over to OHA. I don't see why kuleana lands should be turned over to OHA when it should be the property of all citizens of the State of Hawaii. I would urge a 'no' vote on this bill."

Senator Hee responded:

"Madam Vice President, it's a policy

question for the members of the Senate, the Minority Leader has made his position clear. Let's put it to a vote."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 81 was adopted and S.B. No. 548, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESCHEAT OF KULEANA LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Henderson). Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 88 (H.B. No. 951, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Hee and carried, Conf. Com. Rep. No. 88 was adopted and H.B. No. 951, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 95 (H.B. No. 121, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Chang and carried, Conf. Com. Rep. No. 95 was adopted and H.B. No. 121, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 97 (H.B. No. 4, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Chang and carried, Conf. Com. Rep. No. 97 was adopted and H.B. No. 4, 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, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

Conf. Com. Rep. No. 99 (S.B. No. 141, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 99 was adopted and S.B. No. 141, H.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, 21. Noes, none. Excused, 4 (Holt, Nakasato, R. Wong and Yamasaki).

At 11:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Conf. Com. Rep. No. 109 (S.B. No. 486, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 109 and S.B. No. 486, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were recommitted to the Committee on Conference.

Senator Hee spoke on the recommitment as follows:

"Madam Vice President, by way of informing the members of the Senate, I rise to state the reason for the recommitment of the bill.

"Unfortunately, there is a flaw in the bill which although the other parts of the bill is good, on negligent homicide it would be a worse situation than it is today. That is to say, the negligent homicide section of the bill would turn the current statutes into disarray.

"So for that reason and on the suggestion of Mothers Against Drunk Driving, we are asking that this bill be recommitted and a better bill be put forth. If the Legislature should go to Friday, we have the C.D. 2 prepared to deck tonight; if not, we yield to those who have suggested that we recommit this bill at this time. Thank you."

Conf. Com. Rep. No. 115 (S.B. No. 1068, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Conf. Com. Rep. No. 115 was adopted and S.B. No. 1068, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS OR EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Nakasato and R. Wong).

Conf. Com. Rep. No. 117 (S.B. No. 1367, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 117 was adopted and S.B. No. 1367, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and R. Wong).

At 11:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock p.m.

**MATTER DEFERRED FROM
EARLIER ON THE CALENDAR**

Conf. Com. Rep. No. 76 (H.B. No. 369, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 76 and H.B. No. 369, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," were recommitted to the Committee on Conference.

The following executive order was then read by the Clerk and was placed on file.

"EXECUTIVE ORDER

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

WHEREAS, pursuant thereto, the presiding officers of both houses extended the 1987 regular session of the Fourteenth Legislature of the State of Hawaii for a period of two days to 12:00 midnight, April 29, 1987; and

WHEREAS, the governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby further extend the 1987 regular session of the Fourteenth Legislature of the State of Hawaii for a period of one hour following 12:00 midnight, April 29, 1987.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 29th Day of April, 1987.

/s/ John Waihee
JOHN WAIHEE
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Warren Price
WARREN PRICE, III
Attorney General"

Senator B. Kobayashi, chairman of the Committee on Health, then moved that the referral of H.C.R. No. 204, H.D. 1, be withdrawn from the Committee on Health and returned to the Clerk's desk, seconded by Senator Matsuura and carried.

By unanimous consent, H.C.R. No. 204, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A REPORT ON THE IMPLICATIONS OF THE CURRENT HAWAII STATE HOSPITAL CONSTRUCTION PLAN ON THE OVERALL FUTURE STATE MENTAL HEALTH BUDGET," was placed on the calendar for further consideration on Thursday, April 30, 1987.

At 11:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock p.m.

CONFERENCE COMMITTEE REPORT

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 486, S.D. 1, presented a report (Conf. Com. Rep. No. 124) recommending that S.B. No. 486, S.D. 1, H.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 124 and S.B. No. 486, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, on motion by Senator Blair, seconded by Senator George and carried, the Senate adjourned until 12:01 o'clock a.m., Thursday, April 30, 1987.