

TWENTY-SIXTH DAY

Tuesday, March 9, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:54 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Kathy Ledgerwood, First United Methodist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Fifth Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. No. 101 to 126) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 101, transmitting H.B. No. 6, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 6, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed First Reading by title and was referred to the Committee on Education, Labor and Employment.

Hse. Com. No. 102, transmitting H.B. No. 16, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 16, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES," passed First Reading by title and was referred to the Committee on Tourism, Recreation and Transportation, then to the Committee on Judiciary.

Hse. Com. No. 103, transmitting H.B. No. 246, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 246, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOLOKAI WATER RESOURCE MANAGEMENT," passed First Reading by title and was referred to the Committee on Planning, Land and Water Use Management.

Hse. Com. No. 104, transmitting H.B. No. 569, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 569, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 105, transmitting H.B. No. 603, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 603, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was referred to the Committee on Consumer Protection.

Hse. Com. No. 106, transmitting H.B. No. 656, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 656, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM," passed First Reading by title and was referred to the Committee on Tourism, Recreation and Transportation, then to the Committee on Ways and Means.

Hse. Com. No. 107, transmitting H.B. No. 789, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 789, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY," passed First Reading by title and was referred to the Committee on Tourism, Recreation and Transportation, then to the Committee on Judiciary.

Hse. Com. No. 108, transmitting H.B. No. 921, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTERESTS AMOUNTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 109, transmitting H.B. No. 922, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 110, transmitting H.B. No. 948, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 948, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC INSPECTION OF STATEMENTS REQUIRED BY THE LOBBYISTS LAW," passed First Reading by title and was referred to the Committee on Legislative Management, then to the Committee on Judiciary.

Hse. Com. No. 111, transmitting H.B. No. 1047, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1047, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed First Reading by title and was referred to the Committee on Tourism, Recreation and Transportation, then to the Committee on Ways and Means.

Hse. Com. No. 112, transmitting H.B. No. 1374, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1374, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DIALYSIS MACHINE TO SERVE THE NEEDS OF THE RESIDENTS OF NORTH HAWAII," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

Hse. Com. No. 113, transmitting H.B. No. 1400, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1400, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 114, transmitting H.B. No. 1582, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1582, entitled: "A BILL FOR AN ACT RELATING TO MEAT INSPECTION," passed First Reading by title and was referred to the Committee on Agriculture.

Hse. Com. No. 115, transmitting H.B. No. 1584, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1584, entitled: "A BILL FOR AN ACT RELATING TO EXPORTS OF FLOWERS AND FOLIAGE," passed First Reading by title and was referred to the Committee on Agriculture.

Hse. Com. No. 116, transmitting H.B. No. 1587, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1587, entitled: "A BILL FOR AN ACT RELATING TO PESTS," passed First Reading by title and was referred to the Committee on Agriculture.

Hse. Com. No. 117, transmitting H.B. No. 1593, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1593, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 118, transmitting H.B. No. 1594, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 119, transmitting H.B. No. 1601, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1601, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed First Reading by title and was referred to the Committee on Science, Technology and Economic Development.

Hse. Com. No. 120, transmitting H.B. No. 1604, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES PROGRAM," passed First Reading by title and was referred jointly to the Committee on Science, Technology and Economic Development and the Committee on Agriculture.

Hse. Com. No. 121, transmitting H.B. No. 1606, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1606, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed First Reading by title and was referred to the Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 122, transmitting H.B. No. 1648, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1648, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL RUBELLA TESTING," passed First Reading by title and was referred to the Committee on Health.

Hse. Com. No. 123, transmitting H.B. No. 1660, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1660, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was referred to the Committee on Education, Labor and Employment, then to the Committee on Judiciary.

Hse. Com. No. 124, transmitting H.B. No. 1673, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1673, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Planning, Land and Water Use Management.

Hse. Com. No. 125, transmitting H.B. No. 1851, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1851, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed First Reading by title and was referred to the Committee on Agriculture.

Hse. Com. No. 126, transmitting H.B. No. 2003, which passed Third Reading in the House of Representatives on March 5, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 2003, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 65 to 69) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 65 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO RENAME THE HEALTH, PHYSICAL EDUCATION, AND RECREATION (HPER) ATHLETIC COMPLEX IN HONOR OF THOMAS K. KAULUKUKUI, SR."

Offered by: Senators McCartney, Blair, Fukunaga, George, Grauly, Hagino, Kobayashi, A., Koki, Levin, Matsunaga, Matsuura, Nakasato, Reed, Solomon, Tungpalan.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

No. 66 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING VARSITY BOXING PROGRAMS IN THE PUBLIC SECONDARY SCHOOLS."

Offered by: Senators McCartney, Fukunaga, George, Hagino, Iwase, Kobayashi, A., Koki, Levin, Matsunaga, Matsuura, Nakasato, Reed, Solomon, Tungpalan.

Referred to: Committee on Education, Labor and Employment

No. 67 "SENATE CONCURRENT RESOLUTION URGING THE ADOPTION OF SCANS COMPETENCIES AND FOUNDATION SKILLS TO PREPARE HAWAII'S RESIDENTS FOR A HIGH PERFORMANCE WORKPLACE."

Offered by: Senator McCartney.

Referred to: Committee on Education, Labor and Employment

No. 68 "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS AND ADMINISTRATION TO ESTABLISH A HAWAIIAN IMMERSION LAB SCHOOL AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS."

Offered by: Senators Tungpalan, Grauly, Kanno, Matsuura, Mizuguchi, Tanaka.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

No. 69 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO NAME THE HAWAIIAN STUDIES BUILDING IN HONOR OF GLADYS KAMAKAKUOKALANI AINOA BRANDT."

Offered by: Senators Tungpalan, Grauly, Kanno, Kobayashi, B., Koki, Matsuura, Mizuguchi, Tanaka.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 52 to 56) were read by the Clerk and were referred to committees:

Senate Resolution

No. 52 "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO RENAME THE HEALTH, PHYSICAL EDUCATION, AND RECREATION (HPER) ATHLETIC COMPLEX IN HONOR OF THOMAS K. KAULUKUKUI, SR."

Offered by: Senators McCartney, Blair, Fukunaga, George, Grauly, Hagino, Kobayashi, A., Koki, Levin, Matsunaga, Matsuura, Nakasato, Reed, Solomon, Tungpalan.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

No. 53 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING VARSITY BOXING PROGRAMS IN THE PUBLIC SECONDARY SCHOOLS."

Offered by: Senators McCartney, Fukunaga, George, Hagino, Iwase, Kobayashi, A., Koki, Levin, Matsunaga, Matsuura, Nakasato, Reed, Solomon, Tungpalan.

Referred to: Committee on Education, Labor and Employment

No. 54 "SENATE RESOLUTION URGING THE ADOPTION OF SCANS COMPETENCIES AND FOUNDATION SKILLS TO PREPARE HAWAII'S RESIDENTS FOR A HIGH PERFORMANCE WORKPLACE."

Offered by: Senator McCartney.

Referred to: Committee on Education, Labor and Employment

No. 55 "SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS AND ADMINISTRATION TO ESTABLISH A HAWAIIAN IMMERSION LAB SCHOOL AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS."

Offered by: Senators Tungpalan, Grauly, Kanno, Koki, Matsuura, Mizuguchi, Tanaka.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

No. 56 "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO NAME THE HAWAIIAN STUDIES BUILDING IN HONOR OF GLADYS KAMAKAKUOKALANI AINOA BRANDT."

Offered by: Senators Tungpalan, Grauly, Kanno, Matsuura, Mizuguchi, Tanaka.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

By unanimous consent, the Senate advanced the consideration of two measures listed on the Order of the Day:

S.B. 122:

By unanimous consent, S.B. No. 122, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," was recommitted to the Committee on Consumer Protection.

Stand. Com. Rep. No. 862 (S.B. No. 1071, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 862 and S.B. No. 1071, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were recommitted to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Matsunaga, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 875) recommending that S.R. No. 24, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 875 and S.R. No. 24, S.D. 1, was deferred to the end of the calendar.

Senator Matsunaga, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 876) recommending that S.C.R. No. 27, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 876 and S.C.R. No. 27, S.D. 1, was deferred to the end of the calendar.

Senator Ikeda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 877) recommending that S.B. No. 122, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 877 and S.B. No. 122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," was deferred until Thursday, March 11, 1993.

ORDER OF THE DAY

MATTER DEFERRED FROM FRIDAY, MARCH 5, 1993

APPROVAL OF JOURNAL

The President announced that he had now read and approved the Journal of the Senate of the Twenty-Third Day, February 24, 1993.

The President, in approving the Journal of the Twenty-Third Day, said:

"Members of the Senate, in so doing, the Chair would like to include remarks into the Journal to clarify earlier remarks made by the Chair. You have a copy of my remarks in front of you."

There being no objections, the remarks of the Chair follow:

"I want to clarify my remarks in response to a question raised by the Senator from Maui. The question asked was whether I was in contact with the chair of the Committee on Executive Appointments. My answer on the floor was that I was not in touch with him 'personally.'"

"I did not discuss the matter with the Chair face to face at any time before the vote and therefore felt that there was no 'personal' dialogue on the issue. I would have liked our brief conversation over the phone at the eleventh hour to have been more extensive."

"For me, a life-long resident of the Leeward Coast, a conversation by way of telephone is most impersonal. It

was in that sense that I felt that I did not have a 'personal' talk with the Chair."

"I wish to point out also that I did bring the chairman's request to delay the nomination until he gets back to Hawaii to the attention of the Senators in support of my leadership. After lengthy discussion, I made a decision to bring this matter for a vote."

"I will not include the additions that I had intended to make."

"I hope that this clarifies my statement and apologize for any problem it may have caused."

ADVISE AND CONSENT

Ldr. Com. Rep. No. 502 (Gov. Msg. No. 161):

Senator Holt moved that Ldr. Com. Rep. No. 502 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate advise and consent to the nomination of RIKI MAY AMANO for Second Judge of the Circuit Court of the Third Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution seconded by Senator A. Kobayashi.

Senator Holt spoke in support of the appointment, as follows:

"Mr. President, I rise to speak in support of this motion and the nominee Riki May Amano."

"As the chairman of the Committee on Executive Appointments, I would like to inform this body that all of the testimonies received on behalf of Judge Amano were both complimentary and very positive. I would also like to note, the common theme which echoed throughout the hearing was Judge Amano's exemplary sense of fairness, her impeccable integrity, and her strong character."

"In the words of one of the testifiers: 'Her elevation to the Third Circuit Court bench will reflect a true commitment to the ideal of appointing the legal community's best and brightest to the judiciary.'"

"I wholeheartedly agree with this assessment, Mr. President, and I therefore urge my colleagues to vote in support of Governor's Message No. 161."

Senator Matsuura also spoke in support of the nominee and said:

"Mr. President, I think I'm the only person in this room that has appeared before Judge Amano. This was regarding a geothermal trespass trial."

"In her court room, there were people who were pro-geothermal as well as anti-geothermal. Everyone came out of the trial saying that Judge Amano was a fair judge, a most responsible judge, and an honorable judge. She is definitely a professional judge and I wholeheartedly ask for your support for her confirmation. Thank you."

Senator Solomon also spoke in support of the nomination and said:

"Thank you, Mr. President. I also speak in support of the nominee and in support of the two previous speakers."

"I would like to add, Mr. President, that the nominee exemplifies the spirit of 'keiki o ka aina' in the State of

Hawaii and I am very happy to be in support of her nomination."

Senator Chang, also in support of the nominee, stated:

"Mr. President, I have not had the opportunity to be a schoolmate of the judge as my colleague from Kohala has, but, I have had the opportunity to observe Judge Amano through her undergraduate years, law school program and beyond. I'm very, very touched by this appointment. She is well-qualified. She brought life to her family, brought life to her college program, brought life to the Richardson School of Law, and will bring life, new life, to the Judiciary of the State of Hawaii. Thank you."

Senator Matsunaga added his remarks, as follows:

"Thank you, Mr. President.

"I rise to to speak in favor of Judge Amano. I think it is appropriate, in light of the fact that a few days ago we were visited by some of the members of the UH football team, to also bring to light that Judge Amano has not only displayed judicious wisdom but is a member of the 'Ete Bowl' (UH Law School annual women's touch football game) hall of fame. Thank you."

Senator Grauly also supported the appointment of the nominee and said:

"Mr. President, 17 years ago I had the honor and privilege of attending the University of Hawaii William Richardson School of Law, and Riki Amano was one of the members of the Class of '79 to which I belong. And I can say from personal experience that Riki was one of the outstanding members of the class in terms of her scholarship, and in terms of the difficulty she had going through law school with two young children. She has really demonstrated, I think, to all of us in the class and the rest of the law school her great ability, and I am greatly thrilled that she is now elevated to the circuit court. And I speak in favor of her nomination. Thank you."

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

Ayes, 25. Noes, none.

Senator Holt, on behalf of the Senate, then introduced Judge Amano, as follows:

"Mr. President, on behalf of the Senate, it's my privilege to introduce the new Circuit Court Judge for the Third Circuit, Riki May Amano. (Judge Amano, seated in the gallery, stood to be recognized.)

"She is accompanied here today by her mom May Hirano, daughters Dori and Elin Amano, brother James Hirano, sister Marie Chang, cousin Lt. Col. Darryl Nii, other members of her family and friends. (All rose to be recognized.)

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

THIRD READING

Stand Com. Rep. No. 412 (S.B. No. 1130, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 412 and S.B. No. 1130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY

DEVELOPMENT," were recommitted to the Committee on Ways and Means.

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Stand. Com. Rep. No. 413 (S.B. No. 1420, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 413 was adopted and S.B. No. 1420, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE PAYMENT PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chang, Holt, Nakasato).

S.B. No. 1523:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1523, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 415 (S.B. No. 1713, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 415 was adopted and S.B. No. 1713, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Chang, Nakasato).

Stand. Com. Rep. No. 416 (S.B. No. 1732, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 416 and S.B. No. 1732, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS," were recommitted to the Committee on Ways and Means.

S.B. No. 1738, S.D. 1:

By unanimous consent, S.B. No. 1738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was recommitted to the Committee on Ways and Means.

S.B. No. 125, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 125, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BOND AGENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Holt).

S.B. No. 126, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL

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

Ayes, 25. Noes, none.

S.B. No. 127, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 130:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 130, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 801, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 821:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 821, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1380, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1380, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1381, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1381, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1486, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1486, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DURATION OF LICENSE SANCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1488, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1488, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR DEALER AND MECHANIC REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1491, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1491, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1492:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1492, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1632, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1632, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION AND PRELICENSING REQUIREMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1664:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1664, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1665, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1666:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1666, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1708, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1708, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1922, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRECIOUS AND SEMIPRECIOUS METAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1404, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1404, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1405:

By unanimous consent, S.B. No. 1405, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL RUBELLA TESTING," was recommitted to the Committee on Health.

S.B. No. 1407, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1407, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR ADMISSION TO WAIMANO TRAINING SCHOOL AND HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1408:

By unanimous consent, S.B. No. 1408, entitled: "A BILL FOR AN ACT RELATING TO RADIUM FOR MEDICAL AND SURGICAL PURPOSES," was recommitted to the Committee on Health.

S.B. No. 1412, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1412, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1413:

By unanimous consent, S.B. No. 1413, entitled: "A BILL FOR AN ACT RELATING TO COORDINATION

OF SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL AND DEVELOPMENTAL PROBLEMS," was recommitted to the Committee on Health.

S.B. No. 1746, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1746, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 16:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 16, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 19:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL ENTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 26, S.D. 1:

By unanimous consent, S.B. No. 26, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," was recommitted to the Committee on Judiciary.

S.B. No. 35:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO LOYALTY OATHS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 118, S.D. 1:

By unanimous consent, S.B. No. 118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," was recommitted to the Committee on Judiciary.

S.B. No. 149:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 149, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 206:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 206, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTIONAL LIMIT OF THE DISTRICT COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 278, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 280, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 281, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 281, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 283:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 283, entitled: "A BILL FOR AN ACT RELATING TO JURORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Iwase, Ikeda).

S.B. No. 383, S.D. 1:

By unanimous consent, S.B. No. 383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was recommitted to the Committee on Judiciary.

S.B. No. 413:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 413, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE SENATE CONFIRMATION OF DISTRICT COURT JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 527, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 666:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 666, entitled: "A BILL FOR AN ACT RELATING TO SWITCHBLADE KNIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

S.B. No. 689, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 689, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 690, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 690, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 691, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 691, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 746:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 746, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 812, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 812, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1180, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1181, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1181, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1584, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1584, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEXATIOUS LITIGANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1815, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1815, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS FEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 723:

By unanimous consent, S.B. No. 723, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTEREST AMOUNTS," was recommitted to the Committee on Judiciary.

S.B. No. 739:

By unanimous consent, S.B. No. 739, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," was recommitted to the Committee on Judiciary.

S.B. No. 274:

By unanimous consent, S.B. No. 274, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing.

S.B. No. 1770:

By unanimous consent, action on S.B. No. 1770, was deferred to the end of the calendar.

S.B. No. 25, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 25, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIMS CONCILIATION PANELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 476 (S.B. No. 638, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 476 was adopted and S.B. No. 638, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 802, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 822, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 822, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1128, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE PRESCRIPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1352, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1352, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1489:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1489, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1701, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1701, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1705, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1705, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 205:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 205, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read

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

Ayes, 25. Noes, none.

S.B. No. 395, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Fernandes Salling, George, Hagino, Iwase, Mizuguchi, Reed, Solomon).

S.B. No. 833, S.D. 1:

By unanimous consent, action on S.B. No. 833, S.D. 1, was deferred to the end of the calendar.

S.B. No. 1054, S.D. 1:

By unanimous consent, S.B. No. 1054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTITUTION," was recommitted to the Committee on Judiciary.

S.B. No. 1214:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1214, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

S.B. No. 116, S.D. 1:

By unanimous consent, S.B. No. 116, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health.

S.B. No. 1546, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1546, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1692, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1692, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1716, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1716, S.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1433, S.D. 1:

By unanimous consent, S.B. No. 1433, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUARIUM FISH," was recommitted to the Committee on Tourism, Recreation and Transportation.

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

On motion by Senator Iwase, seconded by Senator Chang and carried, S.B. No. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 471, S.D. 1:

By unanimous consent, S.B. No. 471, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS," was recommitted to the Committee on Planning, Land and Water Use Management.

S.B. No. 1798, S.D. 1:

On motion by Senator Iwase, seconded by Senator Kanno and carried, S.B. No. 1798, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC INFORMATION SYSTEM DIGITAL DATA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Fernandes Salling, Fukunaga, Grauly, Mizuguchi, Solomon, Tanaka).

S.B. No. 523, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 523, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 525, S.D. 1:

By unanimous consent, action on S.B. No. 525, S.D. 1, was deferred to the end of the calendar.

S.B. No. 674, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 674, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MURDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1217:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1217, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," having been read throughout,

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

Ayes, 25. Noes, none.

S.B. No. 1624, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 503 (S.B. No. 964, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 503 was adopted and S.B. No. 964, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE MATSUNAGA INTERNATIONAL PEACE ACADEMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Hagino, Solomon, Grauly, Reed, Fukunaga, Tanaka, Blair, Fernandes Salling, Mizuguchi).

Stand. Com. Rep. No. 504 (S.B. No. 1344, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 504 was adopted and S.B. No. 1344, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 505 (S.B. No. 1475, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 505 and S.B. No. 1475, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS FOR ENERGY CONSERVATION," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 506 (S.B. No. 1594):

By unanimous consent, action on Stand. Com. Rep. No. 506 and S.B. No. 1594 was deferred to the end of the calendar.

Stand. Com. Rep. No. 507 (S.B. No. 10, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 507 was adopted and S.B. No. 10, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND DESIGN OF A VEHICULAR TUNNEL UNDER PEARL HARBOR INCLUDING A SUPPORTING ROADWAY NETWORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Blair, Chang, Fernandes Salling, Fukunaga, George, Hagino, Koki, Reed, Solomon, Tanaka).

Stand. Com. Rep. No. 508 (S.B. No. 178, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 508 was adopted and S.B. No. 178, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST DESTINATION HILO IN ITS EFFORTS TO STIMULATE TOURISM ACTIVITY IN EAST HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 509 (S.B. No. 530, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 509 was adopted and S.B. No. 530, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 510 (S.B. No. 619, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 510 was adopted and S.B. No. 619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDING AND DOCKAGE FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 511 (S.B. No. 871, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 511 was adopted and S.B. No. 871, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVENTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 512 (S.B. No. 967, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 512 was adopted and S.B. No. 967, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WORLD CUP YOUTH SOCCER TOURNAMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Blair).

Stand. Com. Rep. No. 513 (S.B. No. 968, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 513 was adopted and S.B. No. 968, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAII'S PLANTATION VILLAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 514 (S.B. No. 1730, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 514 and S.B. No. 1730, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS

FOR HARBORS," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 515 (S.B. No. 603, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 515 was adopted and S.B. No. 603, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (George, Koki).

Stand. Com. Rep. No. 516 (S.B. No. 1027, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 516 was adopted and S.B. No. 1027, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Reed, Koki).

Stand. Com. Rep. No. 517 (S.B. No. 1143, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 517 was adopted and S.B. No. 1143, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 518 (S.B. No. 1202, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 518 was adopted and S.B. No. 1202, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF THE MARINE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 519 (S.B. No. 1531, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 519 was adopted and S.B. No. 1531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Blair, George, Reed).

Stand. Com. Rep. No. 520 (S.B. No. 275):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 520 was adopted and S.B. No. 275, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 521 (S.B. No. 400, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 521 was adopted and S.B. No. 400, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING AND MAKING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 522 (S.B. No. 1680, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 522 was adopted and S.B. No. 1680, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Stand. Com. Rep. No. 523 (S.B. No. 1683):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 523 was adopted and S.B. No. 1683, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 524 (S.B. No. 1737, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 524 was adopted and S.B. No. 1737, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 525 (S.B. No. 217):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 525 was adopted and S.B. No. 217, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF THE JUDICIARY'S GENDER AND OTHER FAIRNESS COORDINATOR FROM CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 526 (S.B. No. 299, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 526 was adopted and S.B. No. 299, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF DIRECT SELLERS FROM UNEMPLOYMENT COMPENSATION PAYMENTS AND BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 527 (S.B. No. 324, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 527 was adopted and S.B. No. 324, S.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO A DONATION OF LEAVE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 528 (S.B. No. 336, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 528 was adopted and S.B. No. 336, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Blair, Reed).

Stand. Com. Rep. No. 529 (S.B. No. 355):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 529 was adopted and S.B. No. 355, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 530 (S.B. No. 408, S.D. 1):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 530 be adopted and S.B. No. 408, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator McCartney spoke in support of the bill and said:

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

"We all know that the issue of 'high three' has been a controversial issue in the Legislature and in the public arena. And what this bill does is stop the incentive that 'high three' gives to our Retirement System. It stops the windfall from participating in a system that rewards people who move from the legislative branch to the executive branch.

"For example, Mr. President, if you are in service in the Legislature for 16 years and then you took a 'high three' job that pays \$70,000 a year, your annual retirement would come up to \$48,575. If this bill passes, Mr. President, the same situation, that individual would not be precluded from serving in the executive branch, but it just says that that individual will have his or her retirement based upon legislative service and if they move to the executive branch there's a separate retirement formula that will be calculated there, and that is \$26,175. So there is a significant difference.

"And what this bill does, in my eyes, Mr. President, is restore the balance of power between the two branches of government and it prevents possible incentives or windfalls that would be leveraged on this branch.

"I think that this is a good move to show that the Legislature has some independence in taking a stand that we do believe legislators should be entitled to retirement but there should not be a windfall for serving in the executive branch.

"I urge my colleagues to vote 'yes.' Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 530 was adopted and S.B. No. 408, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 531 (S.B. No. 467, S.D. 2):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 531 be adopted and S.B. No. 467, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator McCartney spoke in support of the measure and said:

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

"Last year we passed the educational omnibus bill that talked about reform and about looking at Chapter 37 and the 'drop dead' clause. And we said, 'Who is the budget system designed for, bureaucrats or for the schools?' This is our attempt to follow up on that and this bill is a very important bill because it changes two important things. One, it allows schools to carry money over from one fiscal year to the next. No longer will schools be penalized for making good budgetary decisions and be forced to spend money at the end of the fiscal year. And second, this excludes schools from the quarterly allotment system. We all know that the quarterly allotment system does not support the way schools spend money.

"In the effort of putting this bill together, I'd like to thank the Budget and Finance director for being open-minded and looking at government in a new way and working with us to try and re-invent government and not having a budget system that supports bureaucracies but really support schools.

"This is a bill, I think, the Senate can be very proud of and is moving forward to change the nature of schooling and the way we support schools to make the school the focal point of the system, rather than the bureaucracy. Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 531 was adopted and S.B. No. 467, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION FINANCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 532 (S.B. No. 475, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 532 and S.B. No. 475, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 533 (S.B. No. 452, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 533 was adopted and S.B. No. 452, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 534 (S.B. No. 501, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 534 was adopted and S.B. No. 501, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 535 (S.B. No. 747, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 535 was adopted and S.B. No. 747, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Stand. Com. Rep. No. 536 (S.B. No. 1136, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 536 was adopted and S.B. No. 1136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 537 (S.B. No. 1735, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 537 and S.B. No. 1735, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 538 (S.B. No. 1741, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 538 was adopted and S.B. No. 1741, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 539 (S.B. No. 1754 S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 539 and S.B. No. 1754, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 540 (S.B. No. 1906, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 540 was adopted and S.B. No. 1906, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF YOUTH SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 541 (S.B. No. 655, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 541 was adopted and S.B. No. 655, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A PERMANENT RESEARCH ASSOCIATE IV POSITION IN HILO, HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 542 (S.B. No. 648, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 542 was adopted and S.B. No. 648, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURE LOAN REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 543 (S.B. No. 534, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 543 and S.B. No. 534, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 544 (S.B. No. 939, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 544 was adopted and S.B. No. 939, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 545 (S.B. No. 1550, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 545 was adopted and S.B. No. 1550, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE IMPLEMENTATION OF A SPECIAL MARKETING PLAN PROMOTING TOURISM ON KAUAI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 546 (S.B. No. 363, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 546 was adopted and S.B. No. 363, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 547 (S.B. No. 132, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 547 was adopted and S.B. No. 132, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SOIL STABILIZATION PROJECT STUDY FOR WAILUPE STREAM, OAHU," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 548 (S.B. No. 180, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 548 was adopted and S.B. No. 180, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ROUTE SURVEY, SOIL INVESTIGATION, AND PRELIMINARY ENGINEERING DESIGN OF THE POHAKULOA AND WAIMEA WATER DEVELOPMENT PROJECT AND TRANSMISSION LINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 549 (S.B. No. 641):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 549 was adopted and S.B. No. 641, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CIVIC CENTER IN KAPOLEI, OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 550 (S.B. No. 943, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 550 and S.B. No. 943, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 551 (S.B. No. 1063, S.D. 2):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 551 be adopted and S.B. No. 1063, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Solomon, in support of the measure, requested permission of the Chair to have her remarks on the measure entered into the Senate Journal.

The Chair having so ordered, Senator Solomon's remarks follow:

"Mr. President, we are all aware of the dilemma we face on the Hamakua Coast with the closure of Hamakua Sugar Co. and the impending closure of C. Brewer and Co. sugar operations. Perhaps we are not apprised of the real seriousness of the situation so, at this time, I would like to insert in the Senate Journal some information pertaining to Hamakua.

"Testimony presented by Yoshito Takamine of the Hamakua Development Council at the Human Services Committee informational hearing in Hamakua stated that a Legislative Reference Bureau study revealed that every dollar of sugar income generates \$1.15 of personal income in Hawaii. Thus, a direct payroll for the entire sugar industry \$71 million in 1990 equated to \$81.7 million to Hawaii's income stream.

"According to formula developed by economists, closure of Hamakua Sugar and C. Brewer could conceivably impact nearly 4,000 workers, triple the number of unemployed on the Island of Hawaii, and represent a 27% increase in unemployment statewide.

"Based on average monthly figures for individuals and families of four, closures in the Hamakua Coast would result in costs ranging from \$38.9 million to \$93.1 million in state and federal aid -- on a worst case scenario the costs would represent approximately 21% increase in state and federal assistance per year.

"In view of these findings, drastic and immediate steps must be taken to alleviate the effects of sugar plantation closures. We need help in Hamakua. As a matter of fact the whole state would be significantly affected by Hamakua's closures.

"Mahalo."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 551 was adopted and S.B. No. 1063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Stand. Com. Rep. No. 552 (S.B. No. 1195, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 552 was adopted and S.B. No. 1195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC FOR CAPITAL RECONSTRUCTION COSTS AS A RESULT OF HURRICANE INIKI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 553 (S.B. No. 499):

By unanimous consent, Stand. Com. Rep. No. 553 and S.B. No. 499, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 8, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CHIEF JUSTICE TO SUBMIT TO THE GOVERNOR A COMPLETE PLAN OF PROPOSED EXPENDITURES FOR THE JUDICIAL BRANCH FOR THE ENSUING FISCAL BIENNIIUM IN THE FORM PROVIDED BY LAW, AND SUCH OTHER INFORMATION AS THE GOVERNOR MAY REQUIRE," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 554 (S.B. No. 788, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 554 and S.B. No. 788, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOTER INFORMATION PAMPHLETS," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 555 (S.B. No. 1652, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 555 was adopted and S.B. No. 1652, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 556 (S.B. No. 1917, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 556 was adopted and S.B. No. 1917, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 557 (S.B. No. 696, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 557 was adopted and S.B. No. 696, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Fernandes Salling rose to speak on a point of personal privilege, as follows:

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

"It's really a sad day for me this morning when I read in the newspaper about the death of someone that most of us here have worked with, Mr. Earl Arruda, 48 years old, Kauai born. All of us are very proud of his achievements not only on Kauai but here and throughout the state, and especially with respect to education and improvements in the system.

"For quite a while, I thought that Earl was perhaps on a diet losing weight but, really, it turned out that he was very ill, and he just passed away Saturday.

"I would like to, on your behalf and on behalf of our fellow Senators here, extend the Senate's sincere sympathy and respect to his family and to his wife Beth and to his two daughters, and if we would also do so on a rising vote at end of session. Thank you."

At 12:51 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Reed and carried, the Senate stood in recess until 3:00 o'clock p.m.

AFTERNOON SESSION

The Senate reconvened at 3:24 o'clock p.m.

Stand. Com. Rep. No. 558 (S.B. No. 697, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 558 was adopted and S.B. No. 697, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Chang, Fernandes Salling, Grauly, Holt, Koki, Mizuguchi, Nakasato).

Stand. Com. Rep. No. 559 (S.B. No. 240):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 559 was adopted and S.B. No. 240, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Chang, Fernandes Salling, Grauly, Nakasato, Holt, Mizuguchi).

Stand. Com. Rep. No. 560 (S.B. No. 1150, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 560 was adopted and S.B. No. 1150, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fernandes Salling, Grauly, Holt, Nakasato).

Stand. Com. Rep. No. 561 (S.B. No. 1564):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 561 was adopted and S.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO COMPTROLLER TO SUPERVISE ACCOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 562 (S.B. No. 1612, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 562 and S.B. No. 1612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 563 (S.B. No. 673, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 563 and S.B. No. 673, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REVISED STATUTES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 564 (S.B. No. 1149, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 564 was adopted and S.B. No. 1149, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMUNITY-BASED TEENAGE HEALTH CLINIC DEMONSTRATION PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 565 (S.B. No. 1718, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 565 was adopted and S.B. No. 1718, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPEDITING THE PROCESSING OF UNCOLLECTIBLE ACCOUNTS FOR THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Blair). Excused, 3 (Chang, Holt, Nakasato).

S.B. No. 745:

On motion by Senator B. Kobayashi, seconded by Senator Hagino and carried, S.B. No. 745, entitled: "A BILL FOR AN ACT RELATING TO LOBBYIST EXPENDITURE STATEMENTS," having been read

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

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

S.B. No. 820, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Hagino and carried, S.B. No. 820, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1641, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator A. Kobayashi and carried, S.B. No. 1641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1160, S.D. 1:

Senator Fukunaga moved that S.B. No. 1160, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Blair.

Senator George rose to speak against the measure and said:

"Mr. President, I don't want to hold the proceedings up too much, but I feel that because the vote I'm about to cast is a 'no' that, perhaps, I should explain it.

"Being generally known as a 'green thumb' advocate, I feel that we're going in the wrong direction by suggesting that landscaping in Hawaii give special consideration to imports from Polynesia. These are plants mostly that require a great deal of water and what we should be looking at are xeriscopic plants, plants that require little water, and I think this is at a time when our water supply has a finite end. That's what we ought to be looking at. I will cast a 'no' vote."

The motion was then put by the Chair and carried, S.B. No. 1160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDSCAPING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (George, Koki, Matsuura). Excused, 3 (Chang, Holt, Nakasato).

S.B. No. 687, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 687, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL PERMITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 704, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 923, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 923, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1192, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 1192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 12. Noes, 11 (Blair, Fernandes Salling, Graulty, Hagino, Ikeda, Iwase, Kanno, Levin, Mizuguchi, Reed, Solomon). Excused, 2 (Holt, Nakasato).

S.B. No. 1285, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 1285, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1474, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 1474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL SET-ASIDE FOR EMERGENCY AND ESSENTIAL NEEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1524:

By unanimous consent, S.B. No. 1524, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC REDEVELOPMENT PROGRAM FOR DEPRESSED AREAS," was recommitted to the Committee on Science, Technology and Economic Development.

S.B. No. 1580, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 1580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL SUBZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1619, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 1619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Hagino). Excused, 2 (Holt, Nakasato).

S.B. No. 1659:

By unanimous consent, S.B. No. 1659, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," was recommitted to the Committee on Science, Technology and Economic Development.

S.B. No. 1316, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1316, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1442:

By unanimous consent, S.B. No. 1442, entitled: "A BILL FOR AN ACT RELATING TO SCHEDULE IV CONTROLLED SUBSTANCES," was recommitted to the Committee on Judiciary.

S.B. No. 1443:

By unanimous consent, S.B. No. 1443, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was recommitted to the Committee on Judiciary.

S.B. No. 1533, S.D. 1:

By unanimous consent, S.B. No. 1533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," was recommitted to the Committee on Judiciary.

S.B. No. 1625, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 226, S.D. 1:

On motion by Senator Kanno, seconded by Senator Tanaka and carried, S.B. No. 226, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 993, S.D. 1:

On motion by Senator Kanno, seconded by Senator Tanaka and carried, S.B. No. 993, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1467, S.D. 1:

By unanimous consent, S.B. No. 1467, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAT INSPECTION," was recommitted to the Committee on Agriculture.

S.B. No. 1469:

By unanimous consent, S.B. No. 1469, entitled: "A BILL FOR AN ACT RELATING TO EXPORTS OF FLOWERS AND FOLIAGE," was recommitted to the Committee on Agriculture.

S.B. No. 1471:

On motion by Senator Kanno, seconded by Senator Tanaka and carried, S.B. No. 1471, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDE RESIDUE LABELING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1472:

By unanimous consent, S.B. No. 1472, entitled: "A BILL FOR AN ACT RELATING TO PESTS," was recommitted to the Committee on Agriculture.

S.B. No. 1473, S.D. 1:

On motion by Senator Kanno, seconded by Senator Tanaka and carried, S.B. No. 1473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1158, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsunaga and carried, S.B. No. 1158, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1250, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1250, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1538, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, S.B. No. 1538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Matsuura). Excused, 2 (Holt, Nakasato).

S.B. No. 1697, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator A. Kobayashi and carried, S.B. No. 1697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII HEALTH COMMISSION," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 12 (Fernandes Salling, Fukunaga, George, Ikeda, Iwase, Koki, Matsuura, McCartney, Mizuguchi, Reed, Solomon, Tanaka). Excused, 2 (Holt, Nakasato).

S.B. No. 233, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH SERVICES FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 503:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 503, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 599 (S.B. No. 1693, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 599 was adopted and S.B. No. 1693, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOND AUTHORITY FOR PUBLIC HEALTH FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 600 (S.B. No. 1695, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 1695, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 601 (S.B. No. 1905, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 601 was adopted and S.B. No. 1905, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION AND IMMUNIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

S.B. No. 1679, S.D. 1:

By unanimous consent, S.B. No. 1679, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," was recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 603 (S.B. No. 305):

By unanimous consent, Stand. Com. Rep. No. 603 and S.B. No. 305, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABLE AGRICULTURE," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 604 (S.B. No. 643, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 604 was adopted and S.B. No. 643, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL AND ERADICATION OF FRUIT FLIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 605 (S.B. No. 644, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 605 was adopted and S.B. No. 644, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATEWIDE AGRICULTURAL ACTIVITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 606 (S.B. No. 647, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 606 was adopted and S.B. No. 647, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF PINEAPPLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 6 (Grauly, Ikeda, Mizuguchi, Solomon, Tanaka, Tungpalan). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 607 (S.B. No. 266, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 607 was adopted and S.B. No. 266, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A CENTER FOR DISABILITY STUDIES AT THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 608 (S.B. No. 1626, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 608 was adopted and S.B. No. 1626, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ARTIFACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 8 (Blair, Fukunaga, Fernandes Salling, Mizuguchi, Reed, Solomon, Tanaka, Grauly). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 609 (S.B. No. 1712, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 609 was adopted and S.B. No. 1712, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 610 (S.B. No. 1421):

By unanimous consent, action on Stand. Com. Rep. No. 610 and S.B. No. 1421 was deferred to the end of the calendar.

Stand. Com. Rep. No. 611 (S.B. No. 1751, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 611 was adopted and S.B. No. 1751, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 612 (S.B. No. 219, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 219, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF LAW CLERKS FROM CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 613 (S.B. No. 111, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 613 was adopted and S.B. No. 111, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND CONSTRUCTION OF LIGHTS FOR A PLAYING FIELD AT THE KAILUA RECREATION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Blair, Fernandes Salling, Fukunaga, Grauly, Mizuguchi). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 614 (S.B. No. 866, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 614 was adopted and S.B. No. 866, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 615 (S.B. No. 1226):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 615 be adopted and S.B. No. 1226, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Fernandes Salling rose to speak against the measure and said:

"Mr. President, I will be voting 'no' on this measure. Very briefly, I will explain why, with respect to traffic lights.

"I don't believe that in a time of fiscal constraints, such as we are facing now, where we have higher priority needs, the one that we are constantly hearing about -- education, that we should try and fund these traffic lights with general funds. The proper place for these monies is through the special fund of the Department of Transportation, the Highway Special Fund. As a former chairman, this is how we would handle these requests when they came to our committee. We would try and fund them through the Highway Special Fund, rather than sending them out for funding through the general fund. So for those reasons I would be voting 'no' on these bills."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 1226, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO INSTALL TRAFFIC LIGHTS AT THE INTERSECTION OF MAIPALOA STREET AND FARRINGTON HIGHWAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Fernandes Salling, Blair, Solomon, Koki, Fukunaga, Hagino, Grauly, Tanaka, Mizuguchi). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 616 (S.B. No. 1229):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 616 was adopted and S.B. No. 1229, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO INSTALL TRAFFIC LIGHTS AT THE INTERSECTION OF PUHANO STREET AND FARRINGTON HIGHWAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Fernandes Salling, Solomon, Koki, Fukunaga, Hagino, Grauly, Tanaka, Blair, Mizuguchi). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 617 (S.B. No. 353, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 617 was adopted and S.B. No. 353, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 618 (S.B. No. 949):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 949, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS AND INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Fernandes Salling, Solomon). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 619 (S.B. No. 1479, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 619 and S.B. No. 1479, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," were recommitted to the Committee on Ways and Means.

At 3:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:45 o'clock p.m.

Stand. Com. Rep. No. 620 (S.B. No. 1570, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 620 was adopted and S.B. No. 1570, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 621 (S.B. No. 1574, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 621 and S.B. No. 1574, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE TELECOMMUNICATIONS PROGRAMS," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 622 (S.B. No. 1586, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 1586, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Koki, Reed). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 623 (S.B. No. 1851, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 623 was adopted and S.B. No. 1851, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Fernandes Salling, Reed, Tanaka). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 624 (S.B. No. 1623, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 624 was adopted and S.B. No. 1623, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE REDUCTION FINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 625 (S.B. No. 1653, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 625 was adopted and S.B. No. 1653, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PRECINCT OFFICIALS AND OTHER ELECTION DAY OFFICIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 626 (S.B. No. 1810, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 626 was adopted and S.B. No. 1810, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 627 (S.B. No. 250):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 627 was adopted and S.B. No. 250, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE PACIFIC MAPPING CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Blair, Fernandes Salling, Hagino, Mizuguchi, Solomon). Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 628 (S.B. No. 1218, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 628 was adopted and S.B. No. 1218, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATURAL DISASTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 629 (S.B. No. 1440):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 629 was adopted and S.B. No. 1440, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 630 (S.B. No. 1728, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 630 and S.B. No. 1728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR THE DEPARTMENT OF TAXATION," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 631 (S.B. No. 1347, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 631 was adopted and S.B. No. 1347, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 632 (S.B. No. 1672):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 632 was adopted and S.B. No. 1672, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Nakasato).

Stand. Com. Rep. No. 633 (S.B. No. 709, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 633 was adopted and S.B. No. 709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN FUELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 634 (S.B. No. 1568, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 634 was adopted and S.B. No. 1568, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SAND ISLAND MARINE EDUCATION AND TRAINING CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 635 (S.B. No. 1852, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 635 was adopted and S.B. No. 1852, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE MAIN STREET PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 636 (S.B. No. 448, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 636 was adopted and S.B. No. 448, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1839:

On motion by Senator Tungpalan, seconded by Senator Grauly and carried, S.B. No. 1839, entitled: "A BILL FOR AN ACT RELATING TO LILI'UOKALANI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 300, S.D. 1:

On motion by Senator Koki, seconded by Senator Chang and carried, S.B. No. 300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR

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

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

S.B. No. 438, S.D. 1:

On motion by Senator Koki, seconded by Senator Chang and carried, S.B. No. 438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1445, S.D. 1:

On motion by Senator Koki, seconded by Senator McCartney and carried, S.B. No. 1445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1451, S.D. 1:

On motion by Senator Koki, seconded by Senator McCartney and carried, S.B. No. 1451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE CENTERS FOR COMMITTED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3, S.D. 1:

On motion by Senator Iwase, seconded by Senator Chang and carried, S.B. No. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 5, S.D. 1:

On motion by Senator Iwase, seconded by Senator Nakasato and carried, S.B. No. 5, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 644 (S.B. No. 301, S.D. 1):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 644 was adopted and S.B. No. 301, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIHAOLE VALLEY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 405, S.D. 1:

On motion by Senator Iwase, seconded by Senator Kanno and carried, S.B. No. 405, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAY WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1799:

By unanimous consent, S.B. No. 1799, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was recommitted to the Committee on Planning, Land and Water Use Management and the Committee on Public Safety and Corrections.

S.B. No. 1864, S.D. 1:

On motion by Senator Iwase, seconded by Senator Kanno and carried, S.B. No. 1864, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1572, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, S.B. No. 1572, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

S.B. No. 1575, S.D. 1:

Senator Matsunaga moved that S.B. No. 1575, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Matsuura spoke in support of the measure, as follows:

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

"This bill is perhaps one of the most significant measures that will be discussed this session. What it does is that it creates a telecommunications free trade zone on Oahu, the Big Island, Maui and Kauai.

"The telecommunication industry is moving and expanding so rapidly that the innovations taking place in this industry are so dramatic that any delay would put us back significantly.

"This measure, if passed, would give Hawaii an opportunity to compete for the world telecommunication hub in the Pacific. We are very fortunate in that Hawaii is located geographically in the middle of the East and the West. We can work both time zones from this geographic location.

"The other important aspect is that the trans-Pacific fiber-optic cables passes through Hawaii. By July of this year, there will be a telecommunication satellite above Hawaii. Having this telecommunication fiber-optic cables and the satellite would put Hawaii into a very favorable position where many of the multi-national companies would want to come to Hawaii to put their headquarters here in Hawaii. This measure would be make all of that possible!

"Some of you may wonder, would Hawaiian Tel revenues be affected? Hawaiian Tel can compete in this zone like anybody else. Right now in the United States there are about 53 million enhanced ISDN lines available to all the business customers. Hawaii has zero. There are companies that are willing to come to Hawaii to put

these ISDN facilities in the State of Hawaii at their cost. I have written to almost 200 of the 'Fortune 500' companies if they would open an office in Hawaii. I'm sure we'll get some favorable response. Should we have a telecommunication free zone, a lot of these large companies will come and base their Pacific headquarters here in Hawaii.

"I want to urge all of my colleagues to vote up on this measure because it will have a tremendous economic development prospect for Hawaii. Thank you."

Senator Fukunaga rose to speak against the measure and said:

"Mr. President, I rise to speak in opposition to this measure. I would like to point out that ISDN, which is a very advanced technology as Senator Matsuura has stated, can be achieved in a number of different ways that a number of states are adopting across the country. About half of the 50 states have already revised their regulations to try and spur advance telecommunications through rate-of-return price structuring, in which modernization investment can be recouped through a higher percentage of revenue coming back to the company as a profit. Other governments are turning to price cap regulations, locking in prices for various services to force firms to innovate, to reduce costs and to improve efficiency.

"I'd just like to cite a few examples of some of the things that other state PUCs are doing to achieve results similar to those that are stated as the purpose of this bill. For example, the Vermont PUC grants greater pricing flexibility to the local phone company in return for its commitment to upgrade technology and provide basic levels of service to every community.

"In Nebraska, deregulated rates, except for basic phone service, have resulted in wide ranging technology improvements. The state also requires the telephone companies to file a plan for their disposition of revenues resulting from tax law changes.

"And in Michigan, Governor Blanchard's vision of the country's finest infrastructure is now coming to fruition, where the state has provided grants and incentives for development of a variety of telecommunication devices. Michigan Bell Telephone now receives a range of rates of return depending on how much profit the company generates and how much it invests in capital equipment, particularly in the deployment of fiber-optic technology to towns and rural upper peninsulas.

"In conclusion, Mr. President, I would like to urge the members to consider whether we might be able to achieve the same type of results by giving our local PUC greater flexibility in rate-of-return types of pricing. Thank you."

Senator Matsunaga rose to support the measure and said:

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

"This measure would be a great step in making Hawaii more competitive in the telecommunications industry. I'm hopeful that, with the passage of this measure, Hawaii will be known not only for its sun, surf and sand but also for its systems, and that's digital systems. Thank you very much."

Senator Matsuura then added:

"Mr. President, I just want to reiterate our advantage. The sugar company in Hamakua is going down, and we are in some economic crisis. I can assure you that Oahu

Sugar may not be operating in the year 1996. The telecommunication free zone will provide a lot of jobs, a lot of high paying jobs. It's a clean non-polluting industry. I just want to make it very clear that this ISDN technology that is being promoted into this free zone has nothing to do with the regular telephone service. Hawaiian Tel has a total monopoly of that. The simplest way I can explain ISDN to you is that, if a fax message comes from Hong Kong to Hawaii, one page of the fax can come to Hawaii in one second. Today, it will take 20 seconds to produce one page of fax. If we had an ISDN line, the whole page will come out in one second!

"These are some of the technologies that are available in Hong Kong, Tokyo, New Zealand, Singapore, Guam, etc. It's not important what the other states do or don't have. The important thing is that we don't have any ISDN lines. We have the geographic advantage right here in the State of Hawaii because we have the fiber-optic trans-Pacific line coming right straight through Hawaii. The VSAT satellites are going to be launched this July and will be operational by the end of this year.

"I can guarantee that if these bills pass, it'll open up a tremendous business opportunity for the State of Hawaii. We cannot miss this window of opportunity!

"It is true the other states have initiated and moved ahead of us. If you look at New Zealand, the whole country is a telecommunication free-zone. We're not the first in terms of initiating some of these kinds of ideas; nevertheless, what is important is that we still have a window of opportunity for six months because the State of Hawaii is at the right place at the right time. Thank you!"

The motion was then put by the Chair and carried, S.B. No. 1575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Fukunaga, Hagino, Solomon, Tanaka, Chang, Blair, Fernandes Salling, Mizuguchi, Reed).

Stand. Com. Rep. No. 650 (S.B. No. 789, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 650 was adopted and S.B. No. 789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 651 (S.B. No. 1476):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 651 was adopted and S.B. No. 1476, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 652 (S.B. No. 1769, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 652 was adopted and S.B. No. 1769, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL

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

Ayes, 25. Noes, none.

S.B. No. 625, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROPOSED KALAKAUA MARINE EDUCATION CENTER AT THE UNIVERSITY OF HAWAII AT HILO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 654 (S.B. No. 1706):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 1706, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERING EMPLOYEES OF THE HAWAII PUBLIC BROADCASTING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 655 (S.B. No. 583, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 655 was adopted and S.B. No. 583, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR SUPPORT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 656 (S.B. No. 1040, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 1040, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 657 (S.B. No. 1529, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 1529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 658 (S.B. No. 1562, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 1562, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 659 (S.B. No. 9):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 659 be adopted and S.B. No. 9, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Blair rose to speak against the measure, as follows:

"Mr. President, I will be voting against this because it's a city park, from the way it's defined in the bill. I think it's inappropriate, at a time when the other chamber is talking about cutting the counties' share of the TAT, to be giving with one hand and taking back with the other.

"In recent years, we've differentiated the state parks from the county parks and established clear, although not yet perfected, criteria for differentiating between state parks and the county parks. It seems to me that, under those criteria, this park should be funded by the City and County of Honolulu. Thank you."

The motion was then put by the Chair and carried. Stand. Com. Rep. No. 659 was adopted and S.B. No. 9, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PURCHASE LAND FOR A MAJOR PARK IN CENTRAL OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Blair, Fernandes Salling, Fukunaga, Grauly, Hagino, Koki, Reed, Solomon, Tanaka).

Stand. Com. Rep. No. 660 (S.B. No. 294):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 660 was adopted and S.B. No. 294, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF MOKU O LOE (COCONUT ISLAND) AND RELATED PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Chang, Fernandes Salling, Grauly, Hagino, Mizuguchi, Reed, Solomon).

Stand. Com. Rep. No. 661 (S.B. No. 1367):

By unanimous consent, action on Stand. Com. Rep. No. 661 and S.B. No. 1367 was deferred to the end of the calendar.

Stand. Com. Rep. No. 662 (S.B. No. 1726, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 662 was adopted and S.B. No. 1726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 327:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 327, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," having read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 664 (S.B. No. 1628, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 664 was adopted and S.B. No. 1628, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DREDGING OF MAUNALUA BAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Hagino, Solomon, Grauly, Reed, Fukunaga, Tanaka, Blair, Fernandes Salling, Mizuguchi).

Stand. Com. Rep. No. 665 (S.B. No. 1807, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 1807, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 666 (S.B. No. 18, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 666 was adopted and S.B. No. 18, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 667 (S.B. No. 154, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 667 was adopted and S.B. No. 154, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 668 (S.B. No. 222, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 668 and S.B. No. 222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 669 (S.B. No. 901, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 901, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC GUARDIAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 670 (S.B. No. 972):

By unanimous consent, Stand. Com. Rep. No. 670 and S.B. No. 972, entitled: "A BILL FOR AN ACT RELATING TO PARKING VIOLATIONS EXEMPTION FOR WITNESSES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 671 (S.B. No. 1498, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 671 and S.B. No. 1498, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 672 (S.B. No. 1651, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 672 was adopted and S.B. No. 1651, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 673 (S.B. No. 168, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 673 was adopted and S.B. No. 168, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEWORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Blair).

Stand. Com. Rep. No. 674 (S.B. No. 1338, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 1338, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 675 (S.B. No. 1599, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 1599, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AVIATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 676 (S.B. No. 478, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 677 (S.B. No. 920, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 677 was adopted and S.B. No. 920, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 678 (S.B. No. 1164, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 678 was adopted and S.B. No. 1164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1208, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1208, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LIBRARY AT KANOELANI ELEMENTARY SCHOOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Stand. Com. Rep. No. 680 (S.B. No. 1748, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 680 was adopted and S.B. No. 1748, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 681 (S.B. No. 649, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 681 was adopted and S.B. No. 649, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DEMONSTRATION PREDATOR AUGMENTATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 682 (S.B. No. 1300, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 682 was adopted and S.B. No. 1300, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP AN ALIEN SPECIES ACTION PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 683 (S.B. No. 1749, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 683 was adopted and S.B. No. 1749, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE FOR CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 191, S.D. 1:

On motion by Senator Levin, seconded by Senator Ikeda and carried, S.B. No. 191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER FIREFIGHTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 685 (S.B. No. 192, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 685 was adopted and S.B. No. 192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 686 (S.B. No. 195, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 686 was adopted and S.B. No. 195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 308, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 308, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fernandes Salling, Chang, Mizuguchi, Solomon).

S.B. No. 492:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 492, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 555, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 555, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MURDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 667, S.D. 1:

On motion by Senator Levin, seconded by Senator Ikeda and carried, S.B. No. 667, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STRATEGIC

LAWSUIT AGAINST PUBLIC PARTICIPATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Solomon, Grauly, Blair, Fernandes Salling, Iwase). Excused, 1 (Holt).

Stand. Com. Rep. No. 691 (S.B. No. 728, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 691 was adopted and S.B. No. 728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OIL SPILLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 741, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 693 (S.B. No. 831):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 693 was adopted and S.B. No. 831, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 694 (S.B. No. 937, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 694 and S.B. No. 937, S.D. 1, was deferred to the end of the calendar.

S.B. No. 1216:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1216, entitled: "A BILL FOR AN ACT RELATING TO SPOUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Iwase, Ikeda). Excused, 1 (Holt).

S.B. No. 1387:

By unanimous consent, S.B. No. 1387, entitled: "A BILL FOR AN ACT RELATING TO CREDITORS' REMEDIES," was recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 697 (S.B. No. 1422, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 1422, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 698 (S.B. No. 1429, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 698 and S.B. No. 1429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were recommitted to the Committee on Judiciary.

S.B. No. 1441:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1441, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCE REGISTRATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 700 (S.B. No. 1453):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 1453, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1444, S.D. 1:

By unanimous consent, S.B. No. 1444, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSOR CHEMICALS," was recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 702 (S.B. No. 1485, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 1485, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER AND AUTHORITY OF INVESTIGATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Grauly, Mizuguchi). Excused, 1 (Holt).

Stand. Com. Rep. No. 703 (S.B. No. 1493):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 703 was adopted and S.B. No. 1493, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1579, S.D. 1:

By unanimous consent, S.B. No. 1579, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECORDING OF TELEPHONE CONVERSATIONS," was recommitted to the Committee on Judiciary.

S.B. No. 1606, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1816, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1438, S.D. 1:

On motion by Senator Iwase, seconded by Senator Kanno and carried, S.B. No. 1438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 726, S.D. 1:

By unanimous consent, action on S.B. No. 726, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 709 (S.B. No. 396, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 709 was adopted and S.B. No. 396, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 10, OF THE HAWAII CONSTITUTION WITH RESPECT TO THE APPOINTMENT OF THE AUDITOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 427, S.D. 1:

By unanimous consent, action on S.B. No. 427, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 711 (S.B. No. 646, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 711 was adopted and S.B. No. 646, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 692:

By unanimous consent, S.B. No. 692, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC INSPECTION OF STATEMENTS REQUIRED OF LOBBYISTS," was recommitted to the Committee on Judiciary.

S.B. No. 693:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 693, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIONS ON POST-EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1172, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Blair, Fukunaga, Matsuura, Matsunaga, Ikeda, Kobayashi, A., Fernandes Salling). Excused, 1 (Holt).

Stand. Com. Rep. No. 715 (S.B. No. 1363, S.D. 2):

On motion by Senator Levin, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 715 was adopted and S.B. No. 1363, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Grauly, Blair, Ikeda). Excused, 1 (Holt).

S.B. No. 1556, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 717 (S.B. No. 1423, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 717 and S.B. No. 1423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were recommitted to the Committee on Judiciary.

At 4:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:20 o'clock p.m.

Stand. Com. Rep. No. 718 (S.B. No. 1424, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 718 was adopted and S.B. No. 1424, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Ikeda, McCartney).

Stand. Com. Rep. No. 719 (S.B. No. 1425, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 719 was adopted and S.B. No. 1425, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Ikeda).

Stand. Com. Rep. No. 720 (S.B. No. 1428, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 720 was adopted and S.B. No. 1428, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Ikeda).

Stand. Com. Rep. No. 721 (S.B. No. 1430):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 721 was adopted and S.B. No. 1430, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Ikeda).

Stand. Com. Rep. No. 722 (S.B. No. 1434, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 722 was adopted and S.B. No. 1434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Ikeda).

Stand. Com. Rep. No. 723 (S.B. No. 1484, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 1484, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED ACTIVITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Ikeda).

Stand. Com. Rep. No. 724 (S.B. No. 1698, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 724 and S.B. No. 1698, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," were recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 725 (S.B. No. 1779, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 725 was adopted and S.B. No. 1779, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt, Ikeda).

Stand. Com. Rep. No. 726 (S.B. No. 1824, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 726 was adopted and S.B. No. 1824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Iwase). Excused, 1 (Holt).

S.B. No. 235, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Levin and carried, S.B. No. 235, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1547, S.D. 1:

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, S.B. No. 1547, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD HEALTH SUPERVISION SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 120, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 124, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR FUEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 131, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 131, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 819, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 819, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES TO OWNER-OCCUPANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1148, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1148, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Koki, George).

S.B. No. 1223, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1239, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1239, S.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1353, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1353, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 738 (S.B. No. 1483, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 738 was adopted and S.B. No. 1483, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1868, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1868, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE SALES PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 740 (S.B. No. 1904):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 740 was adopted and S.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO RENT CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 741 (S.B. No. 799, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 741 was adopted and S.B. No. 799, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A PEER ASSISTANCE PROGRAM FOR CHEMICALLY DEPENDENT NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 829, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 637, S.D. 1:

On motion by Senator Chang, seconded by Senator Kanno and carried, S.B. No. 637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

S.B. No. 933, S.D. 1:

On motion by Senator Chang, seconded by Senator Kanno and carried, S.B. No. 933, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 745 (S.B. No. 119, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 745 was adopted and S.B. No. 119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL LANDSCAPES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Reed, Koki, Fernandes Salling).

Stand. Com. Rep. No. 746 (S.B. No. 930, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 746 was adopted and S.B. No. 930, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 747 (S.B. No. 269):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 747 was adopted and S.B. No. 269, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 748 (S.B. No. 539, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 748 was adopted and S.B. No. 539, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 749 (S.B. No. 1711, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 749 was adopted and S.B. No. 1711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 750 (S.B. No. 652, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 750 was adopted and S.B. No. 652, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LOW-INPUT SUSTAINABLE AGRICULTURE (LISA) RESEARCH, EDUCATION, AND DEMONSTRATION PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 751 (S.B. No. 1874, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 751 was adopted and S.B. No. 1874, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 752 (S.B. No. 1543, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 752 was adopted and S.B. No. 1543, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 753 (S.B. No. 1643, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 753 was adopted and S.B. No. 1643, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 754 (S.B. No. 1714, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 754 was adopted and S.B. No. 1714, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 755 (S.B. No. 1823, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 755 was adopted and S.B. No. 1823, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 756 (S.B. No. 612, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No.

756 was adopted and S.B. No. 612, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 243, S.D. 1:

By unanimous consent, S.B. No. 243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL AND REVOLVING FUNDS," was recommitted to the Committee on Ways and Means.

S.B. No. 229:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 229, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ETV HAWAII/ELEPHANT TELEVISION, INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 759 (S.B. No. 700, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 759 was adopted and S.B. No. 700, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE AND COASTAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 760 (S.B. No. 711, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 760 was adopted and S.B. No. 711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 761 (S.B. No. 1146, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 761 and S.B. No. 1146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 762 (S.B. No. 1209, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 762 and S.B. No. 1209, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 763 (S.B. No. 1345, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 763 was adopted and S.B. No. 1345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR INTELECT, INC.,"

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

Ayes, 21. Noes, 4 (Chang, Fernandes Salling, Grauly, Solomon).

Stand. Com. Rep. No. 764 (S.B. No. 1460, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 764 and S.B. No. 1460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 765 (S.B. No. 1587, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 765 was adopted and S.B. No. 1587, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 766 (S.B. No. 1914, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 766 was adopted and S.B. No. 1914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AN INDUSTRIAL ENTERPRISE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chang, Fernandes Salling, Mizuguchi, Solomon).

Stand. Com. Rep. No. 767 (S.B. No. 535, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 767 was adopted and S.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 768 (S.B. No. 1076, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 768 was adopted and S.B. No. 1076, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECREATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1080, S.D. 1:

By unanimous consent, action on S.B. No. 1080, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 770 (S.B. No. 1592, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 770 was adopted and S.B. No. 1592, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ALOHA FESTIVAL ACTIVITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 552, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 772 (S.B. No. 1555, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 772 was adopted and S.B. No. 1555, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EFFICIENCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 773 (S.B. No. 1765, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 773 was adopted and S.B. No. 1765, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fernandes Salling, Ikeda, Mizuguchi, Solomon).

Stand. Com. Rep. No. 774 (S.B. No. 1377, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 774 was adopted and S.B. No. 1377, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 775 (S.B. No. 208, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 775 was adopted and S.B. No. 208, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT FEES AND COSTS IN THE DISTRICT COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 776 (S.B. No. 213, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 776 was adopted and S.B. No. 213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPREME COURT LAW LIBRARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 777 (S.B. No. 506, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 506, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 778 (S.B. No. 511, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 778 was adopted and S.B. No. 511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 779 (S.B. No. 1281, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 779 was adopted and S.B. No. 1281, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING THE POSITION OF CONTROLLER OF THE CHILD SUPPORT ENFORCEMENT AGENCY OF THE DEPARTMENT OF THE ATTORNEY GENERAL AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 780 (S.B. No. 1448, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 780 was adopted and S.B. No. 1448, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 781 (S.B. No. 1449, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 781 and S.B. No. 1449, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 782 (S.B. No. 1495, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 782 and S.B. No. 1495, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 783 (S.B. No. 1622, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 783 was adopted and S.B. No. 1622, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN OFFICE OF THE MEDICAL EXAMINER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 11, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 11, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN ALL-WEATHER TRACK AT MILILANI HIGH SCHOOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Stand. Com. Rep. No. 785 (S.B. No. 189, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 785 was adopted and S.B. No. 189, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 786 (S.B. No. 352, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 786 was adopted and S.B. No. 352, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 787 (S.B. No. 476, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 787 was adopted and S.B. No. 476, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 788 (S.B. No. 680, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 788 was adopted and S.B. No. 680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING SECTION 386-32, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 789 (S.B. No. 877, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 789 was adopted and S.B. No. 877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 879:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 879,

entitled: "A BILL FOR AN ACT RELATING TO THE RETIREMENT OF UNIVERSITY OF HAWAII FOOTBALL COACHES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 791 (S.B. No. 1426, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 791 was adopted and S.B. No. 1426, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 792 (S.B. No. 1669, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 792 was adopted and S.B. No. 1669, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 793 (S.B. No. 1670, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 793 was adopted and S.B. No. 1670, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1682:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1682, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 795 (S.B. No. 1724, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 795 was adopted and S.B. No. 1724, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF EMPLOYEE BENEFIT PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Graulty, Solomon).

Stand. Com. Rep. No. 796 (S.B. No. 1888, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 796 was adopted and S.B. No. 1888, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 797 (S.B. No. 1303):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 797 was adopted and S.B. No. 1303, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Stand. Com. Rep. No. 798 (S.B. No. 1759, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 798 and S.B. No. 1759, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 799 (S.B. No. 1616, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 799 was adopted and S.B. No. 1616, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 800 (S.B. No. 1777, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 800 was adopted and S.B. No. 1777, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HONOLULU POLICE DEPARTMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 801 (S.B. No. 537, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 801 and S.B. No. 537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 802 (S.B. No. 1397, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 802 was adopted and S.B. No. 1397, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 239, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL AND REVOLVING FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 804 (S.B. No. 350, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 804 and S.B. No. 350, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 805 (S.B. No. 366, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 805 was adopted and S.B. No. 366, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT INCENTIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1582, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1582, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 298, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NATIVE HAWAIIAN OWNED INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 808 (S.B. No. 1028, S.D. 2):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 808 be adopted and S.B. No. 1028, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

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

"Mr. President, I rise to speak in favor of this bill relating to Hawaiian Sovereignty.

"Our Hawaiian people have kept Queen Liliuokalani's plea for steadfastness or to 'onipa'a' for the past 100 years. We began our journey this past January 17th when tens of thousands of Hawaiians came together with dignity and solemnity to observe the Centennial of the Overthrow of our Queen's Kingdom.

"Another major step on the honored path to sovereignty is being taken with this measure. It has the broad support of the Hawaiian community because it allows them to chart and decide their own destiny. This bill provides hope that our beloved Hawaiian people and heritage will survive and flourish after having waited a 100 years for justice.

"Before Queen Liliuokalani's death in 1917, she left us with the following thoughts which ring true today, tomorrow and for all times:

"I could not turn back the time for the political change, but there is still time to save our heritage. You must remember never to cease to act because you fear you may fail. The way to lose any earthly kingdom is to be inflexible, intolerant and prejudicial. Another way is to be too flexible, tolerant of too many wrongs and without judgment at all. It is a razor's edge. It is the width of a blade of pili grass. To gain the kingdom of heaven is to hear what is not said, to see what cannot be seen, and to know the unknowable -- that, is Aloha! All things in this world are two; in heaven there is but One."

Senator Chang also supported the measure and remarked:

"Mr. President, your Committee on Government Operations, Environmental Protection and Hawaiian Programs held hearings on several proposals relating to this subject. They included proposals from the Office of Hawaiian Affairs, Ka La Hui, the Hou Hawaiians, and the Pele Defense Fund. Ultimately, after a hearing that exceeded ten hours and several other work sessions that were conducted by our colleague, Senator Malama Solomon, your committee utilized a vehicle that had been submitted by both the majority and the minority and combined the proposals that had been submitted by the aforementioned groups, and included the prefatory language that had been drafted by Senator Eloise Tungpalan in Senate Bill 1139. We utilized that language guided by the foundational work that she had earlier described and put it all into this vehicle, Senate bill 1028. It is truly a work of 'laulima,' many hands.

"We look forward to further refinement of these proposals and establishing a framework which will incorporate all of the different elements of the Hawaiian community, and look forward to the next two months in resolving the different issues that still remain.

"I want to thank, at this time, our colleagues, Senator Eloise Tungpalan and Senator Malama Solomon, for their fine work and efforts in crafting this bill. Thank you."

Senator Solomon, in support of the bill, stated:

"Mr. President, I would like your permission to submit some remarks into the Journal in support of the bill."

The Chair having so ordered, Senator Solomon's remarks follow:

"Mr. President, a most important step in the pursuit of sovereignty is to achieve Hawaiian Home Lands Trust claim against the federal government.

"Arent Fox Kintner Plotkin & Kahn, who has had extensive experience in successfully advocating the interests of the Commonwealth of Puerto Rico and several Native American governments recommends that the State of Hawaii initially pursue a legislative solution that would, first, to the extent possible, provide a simple administrative mechanism for fair settlement of outstanding claims as to lands currently occupied and used by the federal government; and second, create the basis for litigation in federal courts of remaining claims.

"To pursue legislative remedies, first, a legislative package will be developed. This will lead to education of members and staff of key congressional committees. In order for a successful result, there will be a need to

recruit allies outside of Hawaii for the purpose of establishing a coalition of support for Hawaii's goals.

"If we are to follow the recommendations of Arent Fox, the input of native Hawaiians would be all important.

"This bill will work toward the creation of a common and rightful voice for native Hawaiians that would guide any effort toward the goal of sovereignty."

Senator Tungpalan then added:

"Mr. President, I would also like to thank the chair of the Government Operations, Environmental Protection and Hawaiian Programs Committee. He certainly was a good chef in putting together this wonderful bill. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 808 was adopted and S.B. No. 1028, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 809 (S.B. No. 1361, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 809 was adopted and S.B. No. 1361, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 810 (S.B. No. 1346, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 810 and S.B. No. 1346, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 811 (S.B. No. 1627, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 811 was adopted and S.B. No. 1627, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CENTER FOR HAWAIIAN LANGUAGE CURRICULUM RESEARCH AND DEVELOPMENT AT THE UNIVERSITY OF HAWAII AT MANOA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fernandes Salling, Hagino, Solomon, Tanaka).

Stand. Com. Rep. No. 812 (S.B. No. 1709, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 812 was adopted and S.B. No. 1709, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 813 (S.B. No. 320, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No.

813 was adopted and S.B. No. 320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 814 (S.B. No. 1647, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 814 was adopted and S.B. No. 1647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 815 (S.B. No. 1694, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 815 was adopted and S.B. No. 1694, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEASE OF PUBLIC HEALTH FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1744, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1744, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 817 (S.B. No. 1715, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 817 was adopted and S.B. No. 1715, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDER TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Koki, Reed).

S.B. No. 417, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 417, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LIAISON RESOURCE TEACHER TO THE ASTRONAUT ELLISON S. ONIZUKA SPACE CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1729, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 820 (S.B. No. 881, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 820 and S.B. No. 881, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were recommitted to the Committee on Education, Labor and Employment.

S.B. No. 1382, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1382, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1629, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, S.B. No. 1629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1668, S.D. 1:

On motion by Senator Ikeda, seconded by Senator A. Kobayashi and carried, S.B. No. 1668, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1319, S.D. 1:

By unanimous consent, S.B. No. 1319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was recommitted to the Committee on Government Operations, Environmental Protection and Hawaiian Programs.

S.B. No. 14, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 14, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 15, S.D. 1:

By unanimous consent, action on S.B. No. 15, S.D. 1, was deferred to the end of the calendar.

S.B. No. 33:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 33, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 828 (S.B. No. 204, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 828 was adopted and S.B. No. 204, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 829 (S.B. No. 390):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 829 was adopted and S.B. No. 390, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 830 (S.B. No. 393, S.D. 2):

On motion by Senator Levin, seconded by Senator Ikeda and carried, Stand. Com. Rep. No. 830 was adopted and S.B. No. 393, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Blair, Grauly, Mizuguchi, Solomon).

Stand. Com. Rep. No. 831 (S.B. No. 394, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 831 and S.B. No. 394, S.D. 1, was deferred to the end of the calendar.

S.B. No. 495, S.D. 1:

By unanimous consent, action on S.B. No. 495, S.D. 1, was deferred to the end of the calendar.

S.B. No. 551, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 551, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Iwase).

Stand. Com. Rep. No. 834 (S.B. No. 553, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 834 was adopted and S.B. No. 553, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOMMODATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 554, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HELIPORTS AND HELIPADS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Matsuura).

Stand. Com. Rep. No. 836 (S.B. No. 664, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 836 and S.B. No. 664, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," were recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 837 (S.B. No. 886, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 837 was adopted and S.B. No. 886, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 838 (S.B. No. 1247, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 838 was adopted and S.B. No. 1247, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1393:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1393, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 840 (S.B. No. 1490, S.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 840 was adopted and S.B. No. 1490, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 841 (S.B. No. 1503, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 841 and S.B. No. 1503, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," were recommitted to the Committee on Judiciary.

S.B. No. 1534, S.D. 1:

By unanimous consent, S.B. No. 1534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," was recommitted to the Committee on Judiciary.

S.B. No. 1557, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 844 (S.B. No. 1605, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 844 was adopted and S.B. No. 1605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1637:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1637, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1675, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 847 (S.B. No. 1722, S.D. 2):

On motion by Senator Levin, seconded by Senator Grauly and carried, Stand. Com. Rep. No. 847 was adopted and S.B. No. 1722, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF PRETRIAL INMATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Blair).

Stand. Com. Rep. No. 848 (S.B. No. 1805, S.D. 2):

On motion by Senator Levin, seconded by Senator Grauly and carried, Stand. Com. Rep. No. 848 was adopted and S.B. No. 1805, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Blair, Matsunaga, Matsuura).

S.B. No. 1819, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1819, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Iwase).

S.B. No. 1901, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, S.B. No. 1901, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFIDENTIALITY IN LITIGATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 851 (S.B. No. 1920, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 851 was adopted and S.B. No. 1920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 852 (S.B. No. 256, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 852 and S.B. No. 256, S.D. 2, was deferred to the end of the calendar.

S.B. No. 732, S.D. 1:

On motion by Senator Chang, seconded by Senator Iwase and carried, S.B. No. 732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

S.B. No. 1608, S.D. 1:

On motion by Senator Chang, seconded by Senator Matsunaga and carried, S.B. No. 1608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 645, S.D. 1:

By unanimous consent, action on S.B. No. 645, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 856 (S.B. No. 519, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 856 was adopted and S.B. No. 519, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HISTORY MUSEUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 857 (S.B. No. 1137, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 857 was adopted and S.B. No. 1137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 858 (S.B. No. 1466):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 858 was adopted and S.B. No. 1466, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 859 (S.B. No. 1593, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 859 was adopted and S.B. No. 1593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 860 (S.B. No. 1794, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 860 was adopted and S.B. No. 1794, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES AND PURCHASES OF SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 861 (S.B. No. 212):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 861 was adopted and S.B. No. 212, entitled: "A BILL FOR AN ACT RELATING TO INTEREST INCOME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 863 (S.B. No. 1752, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 863 was adopted and S.B. No. 1752, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 864 (S.B. No. 1740, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 864 was adopted and S.B. No. 1740, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 865 (S.B. No. 1863, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 865 was adopted and S.B. No. 1863, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR A CONVENTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1318, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 867 (S.B. No. 818, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 867 was adopted and S.B. No. 818, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 751, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 751, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DESIGN OF A LIBRARY FOR KOHALA, HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 5:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:03 o'clock p.m.

Stand. Com. Rep. No. 869 (S.B. No. 1604, S.D. 2):

Senator Ikeda moved that Stand. Com. Rep. No. 869 be received and placed on file, seconded by Senator Reed and carried.

Senator A. Kobayashi then moved that S.B. No. 1604, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator A. Kobayashi then offered the following amendment (Floor Amendment No. 3) to S.B. No. 1604, S.D. 2:

SECTION 1. S.B. No. 1604, S.D. 2, is amended by adding the following new section at page 3, line 2:

"SECTION 2. Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§237- Educational facilities excise tax surcharge.
Any provision of chapter 237 to the contrary notwithstanding, for ten years beginning on July 1, 1994, an additional _____ per cent surcharge on the excise tax levied pursuant to this chapter shall be assessed on all taxpayers."

SECTION 2. S.B. No. 1604, S.D. 2, sections 2, 3, 5, and 6 are renumbered sections 3, 4, 6, and 7, respectively.

SECTION 3. S.B. No. 1604, S.D. 2, section 4, at page 6, line 8, is renumbered and amended to read as follows:

"SECTION 5. The implementation of sections 2 and 3 of this Act shall be contingent upon the development of streamlined educational facilities construction specifications and a plan for the implementation of the department of education's capital improvement program

priority system. The department of education shall work in conjunction with the department of accounting and general services on the development of the specifications and plan which shall be submitted for approval by the legislature during the 1994 regular session."

Senator A. Kobayashi then moved that the amendment be adopted, seconded by Senator B. Kobayashi and carried.

By unanimous consent, S.B. No. 1604, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE FINANCING OF PUBLIC EDUCATIONAL FACILITIES," was placed on the calendar for Third Reading on Thursday, March 11, 1993.

Stand. Com. Rep. No. 870 (S.B. No. 483, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 870 was adopted and S.B. No. 483, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NEW HILO DAY ACTIVITY CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 871 (S.B. No. 1410, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 871 was adopted and S.B. No. 1410, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 872 (S.B. No. 952, S.D. 2):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 872 and S.B. No. 952, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator A. Kobayashi, speaking in support of the measure, stated:

"Mr. President, this is an emergency measure that was sent to us on Friday by the administration. It enables the sugar growers to receive the same exemption from GET as they receive now when they sell to C&H. Alexander & Baldwin bought C&H and that's why we need this measure before us. And it helps the sugar industry, so I speak in support of the bill."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 872 was adopted and S.B. No. 952, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 873 (S.B. No. 1354):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 873 was adopted and S.B. No. 1354, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE WAIANAE COAST COMPREHENSIVE HEALTH

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

Ayes, 25. Noes, none.

S.B. No. 1126, S.D. 1:

By unanimous consent, action on S.B. No. 1126, S.D. 1, was deferred to the end of the calendar.

RE-REFERRAL OF SENATE BILL

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

Senate Bill	Referred to:
No. 15, S.D. 1	Committee on Judiciary

At 5:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:32 o'clock p.m.

There being no objections, consideration of the following Senate bills was advanced to consider the offering of floor amendments:

S.B. No. 833, S.D. 1:

Senator Ikeda moved that S.B. No. 833, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Reed.

Senator Levin then offered the following amendment (Floor Amendment No. 1) to S.B. No. 833, S.D. 1:

SECTION 1. S.B. 833, S.D. 1, section 1, is amended by amending lines 2-15, page 2, to read:

"(3) Prisoner's plan and participation. Each prisoner shall be given reasonable notice of his parole hearing and shall prepare a parole plan, setting forth the manner of life he intends to lead if released on parole, including specific information as to where and with whom he will reside and what occupation or employment he will follow. The prisoner shall be paroled in the county of original commitment or to a location outside the state, unless the prisoner can establish to the satisfaction of the Hawaii paroling authority that a permanent residence and occupation or employment in a county having a population greater than 500,000 has been established prior to the prisoner's release. The institutional parole staff shall render reasonable aid to the prisoner in the preparation of his plan and in securing information for submission to the authority. In addition, he shall:"

Senator Levin moved that the amendment be adopted, seconded by Senator Blair and carried.

By unanimous consent, S.B. No. 833, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," was placed on the calendar for Third Reading on Thursday, March 11, 1993.

S.B. No. 15, S.D. 1:

Senator Ikeda moved that S.B. No. 15, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Reed.

Senator Levin then offered the following amendment (Floor Amendment No. 2) to S.B. No. 15, S.D. 1:

SECTION 1. S.B. 15, S.D. 1, section 2, number 16, is amended as follows

(1) By amending lines 11 to 20 on page 32, to read:

"(d) [This section shall not apply to elected officials or candidates who failed to be nominated or elected."] Candidates who fail to be nominated or elected and do not become a candidate for nomination or election to office within four years thereafter and elected officials who resign their office before the end of their term or who do not file to become a candidate for reelection within four years after their resignation or the end of the term for which they did not seek reelection, shall surrender all consumer goods, vehicles, and equipment for which fifty per cent or more of the purchase price was paid with campaign funds to the commission, or pay into the election fund an amount equal to the campaign funds used. All goods surrendered shall become the property of the State."

Senator Levin then moved that the amendment be adopted, seconded by Senator Blair and carried.

By unanimous consent, S.B. No. 15, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES," was placed on the calendar for Third Reading on Thursday, March 11, 1993.

S.B. No. 1126, S.D. 1:

Senator Ikeda moved that S.B. No. 1126, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Reed.

Senator Matsuura then offered the amendment (Floor Amendment No. 4 - See EXHIBIT "A" *infra*) to S.B. No. 1126, S.D. 1.

Senator Matsuura, in support of the measure, stated:

"Mr. President, there've been several key changes made on S.B. 1126, S.D. 1.

"In Section 411A, the number of exemptions from competitive bidding have been cut from 14 to 5. In order to achieve competitive pricing and accountability, the number of blanket exemptions has been strictly limited. The bill contains a provision for emergency procurement so the elimination of these exemptions will not hinder officials in responding to any threat of public health, welfare, or safety.

"In Part II, the composition of the policy board has been changed from 13 to 5 members who will not be full time employees. Because the function of the policy board is to assist the chief procurement officer in the initial transition to a centralized procurement system, it is important that the board not be so large to prevent it from reaching a consensus. The board should be composed of members whose position does not conflict with the goal of centralization. To avoid creating a permanent bureaucracy, a board of five members will expire in three years, unless reauthorized.

"Penalty provisions have been added to Part I (we put it back in) and sections 805 and 806, strong penalty provisions are necessary to guarantee that the procurement code is followed and to prevent the state from being victimized by overpriced and improper purchases.

"Provisions for independent auditing have been added to Part I and Part X. Independent oversight will insure that the proper procedures are being utilized.

"Part XII on Product Preferences has been added. This part provides for geographic bidding, that means people on the neighbor islands, the businesses, can bid on some of these contracts.

"Finally, the amended version of the bill is substantially longer because the provisions of existing law which would be repealed or amended have been included.

"Those are the major changes that have been suggested in the amendment. Thank you."

Senator Chang offered the following amendment to Floor Amendment No. 4 and said:

"Mr. President, I would first like to thank the chairman of the Ways and Means Committee and the Committee on Ways and Means for advancing the draft to the floor of the Senate, which this floor amendment proposes to amend. By advancing that version to the floor the Committee on Ways and Means and its chairman permitted further discussion on the various issues which revolve around the need to reform our procurement system; a need that has been perceived for several sessions.

"I state, on behalf of the Committee on Government Operations, our appreciation for the work performed by the Majority Leader in examining that draft and attempting to reconcile the differences between the original Senate Bill 1126 and Senate Draft 1 of 1126. In his attempt to reconcile the differences, he has come up with proposed Senate Draft 2.

"Upon examination of this draft, we think that, all in all, it represents a good vehicle to advance to the House for further discussion by both chambers. It represents a step forward, progress in reconciling the different issues; there remains just one fundamental issue that needs to be solved. It is necessary to solve that issue, Mr. President, because we have previously attempted to reform the procurement process and the previous attempt was vetoed by the executive.

"As we go forward in this area, therefore, we need to always be aware that the proposal we advance needs to conform to the constitutional and statutory framework of laws in our nation and our state. This one remaining area of concern, Mr. President, has to do with the language found on page 2 of the amendment. It's Subsection 2(b), the section that talks about the creation and membership of the procurement policy office, at the top of the second page of the floor amendment. The amendment provides that 'The speaker of the house of representatives shall submit a list of nominees for two of the members, one of which shall be from the business community and the other from the general community. The president of the senate shall submit a list of nominees for two of the members, one of which shall be from the business community and the other from the general community.'

"The difficulty we foresee with this provision, Mr. President, is that this kind of appointment structure is not found anywhere in the laws of the nation, and nowhere in the laws of the State of Hawaii, which relate to the appointment of administrative officers by the Executive. And the reason that we do not find this kind of appointment structure, Mr. President, is because it violates the principle of the separation of powers. I'd like to go on for just a little bit about this principle.

"In 1992, the Legislature requested in H.C.R. No. 72 that the state auditor study the fiscal relationship between Hawaii's legislative and executive branches. The report stated: 'The separation of powers among the executive,

legislative, and judicial branches of government is a basic principle of the political system in the United States.' When we examine this principle, Mr. President, by looking into American Jurisprudence, that tome states:

'It has been said that the principle of the separation of the powers of government is fundamental to the very existence of constitutional government as established in the United States. The principle has also been referred to as one of the chief merits of the American system of written constitutions. It has been declared that the division of governmental powers into executive, legislative, and judicial represents probably the most important principle of government declaring and guaranteeing the liberties of the people, and preventing the exercise of autocratic power, and that it is a matter of fundamental necessity, and is essential to the maintenance of a republican form of government. It has been stated that no maxim has been more universally received and cherished as a vital principle of freedom.'

"American Jurisprudence goes on to say, 'The principle of separation of the powers of government operates in a broad manner to confine legislative powers to the legislature, executive powers to the executive department, and those which are judicial in character to the judiciary. The principle is not new; it certainly antedates the Federal Constitution, and indeed, has been traced back to Cicero, Aristotle, Locke, and Montesquieu.'

"Mr. Arthur T. Vanderbilt, in discussing the doctrine of the separation of powers and its present day significance, said, 'Washington, in his Farewell Address, warned: "The spirit of encroachment" (This is back in 1700s, Mr. President.) "The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism."

"James Sundquist, in his treatise entitled 'Constitutional Reform and Effective Government,' noted that 'The men who made up the Federal Convention of 1787 wavered during the course of their deliberations on most of the specific features of the constitutional structure they evolved, but they never vacillated on its central principle. That was the doctrine that the powers of government must be separated into independent branches--legislative, executive, and judicial. Nearly all the delegates arrived in Philadelphia clearly committed to that objective.

"And so, clearly, were the constituents of the delegates. In the Federalist papers that explained the new Constitution to the country, James Madison of Virginia referred to the separation of powers as "the sacred maxim of free government,".'

"Turning then to the Federalist papers, Mr. President, beginning at No. 47, Mr. Madison exclaims that 'the political maxim' is 'that the legislative, executive, and judiciary departments ought to be separate and distinct.' You will notice, Mr. President, that he uses the term 'department' for branches. He goes on to say that 'this accumulation of power, or ... a mixture of powers,' has 'a dangerous tendency to such an accumulation,' and that 'the preservation of liberty requires that the three great departments of power should be separate and distinct.'

"He notes in Paper No. 47 that 'As to the appointment to offices, particularly executive offices, is in its nature an executive function, ...'

"Then he goes on to say, 'The legislative department derives a superiority in our governments from other circumstances. Its constitutional powers being at once

more extensive, and less susceptible of precise limits, it can, with greater facility, mask, under complicated and indirect measures, the encroachments which it makes on the co-ordinate departments. ... 'the legislative department alone has access to the pockets of the people, and has in some constitutions full discretion, and in all a prevailing influence over the pecuniary rewards of those who fill the other departments, a dependence is thus created in the latter, which gives still greater facility to encroachments of the former.'

"Finally, Mr. President, in Paper No. 51, Mr. Madison asks, 'To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments as laid down in the Constitution? The only answer that can be given is ... by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. ... each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others.'

"Thus, Mr. President, when the Legislature of North Carolina sought to control the appointment of members to their Environmental Management Commission, in the case of State of North Carolina, Baarkalow and Armstrong, Thomas, Bone and Nash, examined the doctrines and principles which I just summarized and states that 'There should be no doubt that the principle of separation of powers is a cornerstone of our state and federal governments.'

"Numerous decisions from sister states show strict adherence to the separation of powers principle and do not tolerate legislative encroachment or control over the function and power of the executive branch.

"With these statements in mind, Mr. President, your committee is very concerned that the arrangement proposed on page 2 of the floor amendment does not meet with the requirements of these principles, and invites disapproval by the executive -- the last thing that we would want in this session.

"To that end, Mr. President, I move to delete the language found in the floor amendment on page 2 beginning with the words 'The speaker of the house of representatives' and ending with the words 'and the other from the general community.'"

Senator Blair rose to second the motion.

At 5:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:08 o'clock p.m.

The motion was then put by the Chair and, Roll Call vote having been requested, failed to be adopted on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Aki, George, Holt, Ikeda, Iwase, Kanno, Kobayashi, A., Kobayashi, B., Koki, Levin, Matsunaga, Matsuura, McCartney, Nakasato, Tungpalan).

Senator Chang then rose to state:

"Mr. President, recognizing the practicalities of the situation, I'm sure that with the concerns having been expressed, the Senate will find a way to nevertheless fully investigate the issues and come up with a workable and practical and effective position. Thank you."

Senator Matsuura then moved that the Floor Amendment No. 4 be adopted, seconded by Senator Matsunaga.

Senator Blair then rose to speak against Floor Amendment No. 4, as follows:

"Mr. President, the Constitution overrides our policy preferences. Therefore, despite the fact that there are some good things in the amendment, I will vote 'no' on the amendment, in order to preserve the separation of powers, and urge my colleagues to do likewise. Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes 19. Noes, 6 (Blair, Fernandes Salling, Hagino, Mizuguchi, Solomon, Tanaka).

By unanimous consent, S.B. No. 1126, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was placed on the calendar for Third Reading on Thursday, March 11, 1993.

At 6:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:17 o'clock p.m.

STANDING COMMITTEE REPORT

Senator A. Kobayashi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 878) recommending that S.B. No. 1071, S.D. 2, as amended in S.D. 3, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 878 and S.B. No. 1071, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred until Thursday, March 11, 1993.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 875 (S.R. No. 24, S.D. 1):

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 875 was adopted and S.R. No. 24, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR GEOTHERMAL AND OTHER ALTERNATIVE ENERGY EXPLORATION AND DEVELOPMENT," was adopted.

Stand. Com. Rep. No. 876 (S.C.R. No. 27, S.D. 1):

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 876 was adopted and S.C.R. No. 27, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR GEOTHERMAL AND OTHER ALTERNATIVE ENERGY EXPLORATION AND DEVELOPMENT," was adopted.

THIRD READING

S.B. No. 1770:

On motion by Senator George, seconded by Senator Tungpalan and carried, S.B. No. 1770, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 525, S.D. 1:

On motion by Senator Levin, seconded by Senator Grauly and carried, S.B. No. 525, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Blair, Iwase).

Stand. Com. Rep. No. 506 (S.B. No. 1594):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 506 was adopted and S.B. No. 1594, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ACQUIRE THE NAVAL OCEAN SYSTEMS CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (George, Hagino, Fukunaga, Fernandes Salling, Blair, Chang, Mizuguchi, Reed, Koki, Solomon)

Stand. Com. Rep. No. 532 (S.B. No. 475, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 532 was adopted and S.B. No. 475, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Hagino, Solomon, Grauly, Fukunaga, Tanaka, Blair, Fernandes Salling, Mizuguchi).

Stand. Com. Rep. No. 537 (S.B. No. 1735, S.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 537 was adopted and S.B. No. 1735, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Blair).

Stand. Com. Rep. No. 539 (S.B. No. 1754, S.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 539 was adopted and S.B. No. 1754, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT SYSTEM MEMBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 543 (S.B. No. 534, S.D. 1):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 543 be adopted and S.B. No. 534, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Fernandes Salling then rose to inquire if the chair of the Committee on Consumer Protection would yield to a question? The President posed the question to

the chair and the chair having responded in the affirmative, Senator Fernandes Salling asked:

"Mr. President, is this by any chance a vehicle to be used for further discussion in the House with respect to dealing with the motor vehicle insurance problems?"

Senator Ikeda responded: "Yes, it is."

Senator Fernandes Salling continued:

"Okay. Based on that, I rise to support the bill -- on the basis that it is a vehicle. Because I'm sure that those of you who have read the bill would see that if, indeed, it came back in this same form, what we're really doing is penalizing people who are unable, even more today than they were last year, to purchase automobile insurance by mandating that, in the end, their cars could be towed away. And I don't think that's what the Senate proposes to do, so I will be voting in favor of this bill on the basis that this is to be used as a vehicle to deal with some of the automobile insurance problems that we have left over from last year, including the guaranteed 15 percent reduction to the consumer."

Senator Solomon, also in support of the measure, said:

"Mr. President, I too will be voting for the bill and, also, I would like the previous speaker's remarks to be incorporated into the Journal as though they were my own. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 543 was adopted and S.B. No. 534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 610 (S.B. No. 1421):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 610 was adopted and S.B. No. 1421, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 661 (S.B. No. 1367):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO THE STATE DISASTER LOAN PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 694 (S.B. No. 937, S.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Stand. Com. Rep. No. 694 was adopted and S.B. No. 937, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS FRAUD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 726, S.D. 1:

On motion by Senator Chang, seconded by Senator Fukunaga and carried, S.B. No. 726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Matsunaga, Matsuura)..

S.B. No. 427, S.D. 1:

By unanimous consent, S.B. No. 427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," was recommitted to the Committee on Judiciary.

S.B. No. 1080, S.D. 1:

By unanimous consent, action on S.B. No. 1080, S.D. 1, was deferred to the end of the calendar.

At 6:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:26 o'clock p.m.

Stand. Com. Rep. No. 810 (S.B. No. 1346, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 810 and S.B. No. 1346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE UNIVERSITY," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 831 (S.B. No. 394, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 831 and S.B. No. 394, S.D. 1, was deferred to the end of the calendar.

S.B. No. 495, S.D. 1:

Senator Levin moved that S.B. No. 495, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Blair.

Senator Matsunaga rose to speak against the measure and said:

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

"Mandatory minimum sentencing is now a very effective aid to our law enforcement officials. This bill would severely undercut that and hurt our law enforcement officials who use this as a powerful tool to encourage accomplices to testify for the state. These accomplices are faced with the tough prospect of being prosecuted and facing these mandatory minimums, and thus often plea bargain and become a witness in favor of the law enforcement officials. Thank you."

The motion was then put by the Chair and carried, S.B. No. 495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Matsunaga, Kanno, Matsuura, Reed, Iwase, Tungpalan, McCartney, Ikeda).

Stand. Com. Rep. No. 852 (S.B. No. 256, S.D. 2):

Senator McCartney moved that Stand. Com. Rep. No. 852 be adopted and S.B. No. 256, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Holt.

Senator Blair then rose to inquire if the chair of the Committee on Education, Labor and Employment would yield to a question? The President, posed the question to the chair and the chair having responded in the affirmative, Senator Blair asked:

"I just need a clarification before I vote in favor of this bill. Am I correct in understanding that this bill does not create a requirement that an employer, who wants his premises entirely non-smoking, designate a smoking area?"

Senator McCartney answered:

"You are correct and that was not the intent of the bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 852 was adopted and S.B. No. 256, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Nakasato, Fernandes Salling, Mizuguchi, Holt).

S.B. No. 645, S.D. 1:

On motion by Senator Chang, seconded by Senator Kanno and carried, S.B. No. 645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Reed, Levin).

At 6:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:40 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 1080, S.D. 1:

By unanimous consent, S.B. No. 1080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 831 (S.B. No. 394, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 831 and S.B. No. 394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF HAWAII'S NATIVE FLORA AND FAUNA," were recommitted to the Committee on Judiciary.

Senator Holt rose to speak on a point of personal privilege, as follows:

"Mr. President, I know the hour is late but I would like to rise to speak on a point of personal privilege.

"Mr. President, I was very surprised to read the Lieutenant Governor's remarks this morning in the Advertiser concerning the nomination of Mario Ramil to the Supreme Court. It appears to me that the Lieutenant Governor has taken it upon himself to personally evaluate and judge the merits of each Supreme Court nominee. In so doing, Mr. President, he has questioned the character and integrity of at least two candidates and the judicial selection process as set forth in our State Constitution. In his defense, he has justified his actions with the following

public statement which he made in a speech to the Rotary Club of Maui:

"The public deserves to have the most capable legal talent sitting on the State Supreme Court. It is not just a matter of finding people who are intelligent. Intelligent people holding degrees are a dime a dozen. It is a matter of finding individuals who demonstrate they possess wisdom and fairness, strength of character, depth of experience, maturity and compassion."

"I would like to remind the Lieutenant Governor that those who are bound by the Constitution to make the selection of judges, which are the Judicial Selection Commission, the Governor, and this Senate, are in complete agreement with him. I am certain that this was uppermost in the mind of the Judicial Selection Commission when they developed a list of potential candidates, and the Governor when he made the selection of nominees. It will also be a principal consideration for me and the members of your Committee on Executive Appointments, next Tuesday.

"I'd like to take this opportunity, Mr. President, to assure the Lieutenant Governor that the Senate will carry out its constitutional responsibilities to the best of its ability. If it was the intent of the Lieutenant Governor to remind the Senate of these responsibilities, then I would like to thank him for his consideration. If it was not, then I would like to invite him to participate in the public hearing on the nomination of Mario Ramil to the Supreme Court, next Tuesday. Thank you."

Senator Chang, also on a point of personal privilege, stated:

"Mr. President, as we approach adjournment, one could argue that there was sufficient time to have printed the amendment to the amendment to Senate Bill 1126 had it successfully passed. I would like to encourage leadership to examine the new process which we have instituted, which permits floor amendments to bills on third or final reading, and perhaps institute a procedure whereby these amendments to the bill can be thoughtfully considered and possibly amended and not compel the members of this body to accept concepts which they may not entertain in their hearts, merely because of the logistical problems that are presented by either printing or reproducing the text of the amendment to the amendment.

"I did note that there seemed to be a quiver of interest on the part of the assembly. There was one 'kanalua' and two muffled 'noes,' so we were very close to agreement on this one. Thank you."

The Chair responded:

"Thank you. Your comments are very good and we will take them into consideration."

At 6:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:46 o'clock .m.

ADJOURNMENT

At 6:47 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 11, 1993, on a rising vote in memory of the late Earl Arruda.

EXHIBIT "A"

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 4
TO S.B. No. 1126, S.D. 1

DATE: March 9, 1993

SECTION 1. S.B. No 1126, S.D. 1, section 2, is amended as follows:


(1) By amending lines 15 to 22 on page 3, and lines 1 to 5 on page 4, to read:

"§ -105 Application of this code. (a) This Act applies only to contracts solicited or entered into after the effective date of this Act, unless the parties agree to its application to a contract solicited or entered into before the effective date of this Act.

(b) This Act shall apply to every expenditure of public funds irrespective of their source, including federal assistance money, except as otherwise specified in section -403 of this Act, acting through a governmental body under any contract. However, this Act does not apply to either grants or contracts between the State and its political subdivisions or other governmental bodies, except as provided by part X. This Act also applies to the disposal of equipment and supplies of the State."

(2) By amending lines 4 to 22 on page 12 and lines 1 to 20 on page 13, to read:

"§ -201 Creation and membership of the procurement policy office. (a) There is hereby created in the department of accounting and general services an autonomous state procurement policy office.

Offered by 

- () Carried
- () Failed to Carry
- () Withdrawn

(b) The policy office shall consist of a board of five members appointed by the governor pursuant to section 26-34, who shall not otherwise be full-time employees of the State of Hawaii. Each appointed member shall have demonstrated sufficient business or professional experience to discharge the functions of the policy office. The speaker of the house of representatives shall submit a list of nominees for two of the members, one of which shall be from the business community and the other from the general community. The president of the senate shall submit a list of nominees for two of the members, one of which shall be from the business community and the other from the general community.

(c) The policy office shall function for three years from the effective date of this Act and shall be terminated unless reauthorized by new legislation.

(d) The members of the policy office shall devote such time to their duties as may be necessary for the proper discharge thereof.

(e) The department of accounting and general services shall provide at least one full time support staff and funding necessary to support the policy office, or as the policy office may request. The funding shall include, but is not limited to, salaries and wages, fringe benefits, supplies and materials, equipment, office space, member per diem, and travel.

§ -202 Authority and duties of the policy office. (a) Except as otherwise provided by this Act, the policy board shall have the authority and responsibility to assist the chief procurement officer in the centralization of the State of Hawaii's procurement activities. The policy office shall consider and decide matters of policy within the scope of this Act including those referred to it by the chief procurement officer. The policy office shall have the power to review, monitor and audit the implementation of the rules and requirements of this Act, but shall not exercise authority over the award or administration of any particular contract, or any other dispute, claim or litigation pertaining to a contract.

(b) Members shall be allowed compensation at the rate of \$100 per day for each day's actual attendance at meetings; transportation fares between islands and abroad; and personal expenses at a rate established for civil service employees while attending board meetings or while on official business as authorized by the chairperson."

(3) By amending lines 7 to 20 on page 31 to read:

"§ -411A Exemptions. Expenditures may be made for the following supplies, equipment, services, and construction without using competitive sealed bidding or any other source selection method provided for in this chapter:

- (1) Grants;
- (2) Works of art for museum and public display;

- (3) Supplies, equipment, services, or construction obtained from another governmental body or the federal government;
- (4) Meats and foodstuffs for the Kalaupapa settlement when the department of health does not receive or receives only one bid; and
- (5) Supplies purchased by the University of Hawaii bookstore for resale."

(4) By adding a new sentence to page 35, line 2, to read as follows:

"For compliance audit purposes, a file of all working papers, to include but not limited to staff notes shall be retained in a central file."

- (5) By amending lines 13 to 22 on page 43 to read:

"§ -805 Disclosure requirements. The state ethics commission shall adopt rules to implement disclosure requirements, and shall inform all employees and prospective employees of those procedures and the rules governing conflict of interest. Any person who violates this part shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ -806 Penalty. Findings of employee violation of this part shall require appropriate disciplinary action by the appointing authority which may range from a written reprimand to dismissal in accordance with rules adopted by the chief procurement officer. This part does not impair any other remedies against employees which are in existence on its effective date.

In addition, any individual who violates any material provision of this chapter or makes, or causes to be made any excessive expenditure or incurs or causes to be incurred any excessive obligation shall be deemed in violation of this part, and shall be subject to pay all excess expenditures or obligation and shall be guilty of a felony, and shall be subject to a fine no greater than \$15,000 and shall be imprisoned for not more than five years. Acts of misfeasance, malfeasance or gross nonfeasance done in connection with this chapter shall also be considered a violation of this part."

- (6) By adding the definitions of "office of purchasing" and "policy office" to page 9, to read as follows:

"Office of purchasing" means the office of the chief procurement officer.

"Policy office" means the state procurement policy office created by part III of this Act."

- (7) By adding the definition of "State" to read as follows:

"State" means the executive, legislative, and judicial branches of the State; all public elementary, intermediate, and high schools; the University of Hawaii; all state-funded hospitals; and each county of the State; provided that this term shall not include the public libraries."

(8) By amending lines 22 to 23 on page 13, and lines 1 to 15 on page 14 to read:

"§ -301 Appointment and qualifications of initial chief procurement officer. (a) The policy office shall appoint the initial chief procurement officer. The chief procurement officer shall have a minimum of eight years experience, at least five years of which shall have been in public procurement within twelve years preceding the date of appointment in a large-scale procurement of supplies, equipment, services, or construction, and shall be a person who has demonstrated executive and organizational ability. Appointments of the policy office shall require the advice and consent of the senate.

(b) The chief procurement officer shall be a full-time public official of the State appointed to serve a term of ten years and may be removed from office upon a showing of just cause. The chief procurement officer shall serve without regard to chapters 76 and 77.

(c) The subsequent appointment or reappointment of the chief procurement officer shall be made by the comptroller of the department of accounting and general services, if the policy office is not reauthorized by the legislature."

(9) By adding three new sections to page 12, designated and to read as follows:

"§ -110 Criminal penalties. Any person, employee, or officer who intentionally violates this chapter or any rule shall be guilty of a misdemeanor.

§ -111 Legislative auditing. The auditor shall, in accordance with generally accepted auditing principles, conduct compliance audits of the State's procurement activities. Copies of the audit shall be provided to the comptroller, the legislature and the chief procurement officer.

§ -112 Applicability of chapter 103. The provisions of chapter 103 not inconsistent with this chapter shall apply to the procurement of all goods and services under this chapter.

(6) By adding three new sections to page 56, designated and to read as follows:

"§ -1012 Compliance audit unit; establishment and purpose. There is hereby established a compliance audit unit within the office of the legislative auditor. The purpose of this unit shall be to periodically review and audit procurement practices within government to ensure compliance with this chapter and all applicable rules.

§ -1013 Compliance audit unit; duties and responsibilities. When this unit has discovered noncompliance to provisions of this chapter or applicable rules, the unit shall make a report to the appropriate agency and the chief procurement officer stating the areas of noncompliance and recommendations for remedial action. This report shall be a matter of public record. This unit shall utilize as part of the review process, a review of records and activities specifically for trends and patterns of occurrence.

§ -1014 Compliance audit unit; government officer and employees to cooperate. The officers and employees of the State and of each county shall cooperate with this unit and furnish to them such information related to procurement activities as may be called for in connection with the research activities of this unit. The information shall be provided in a timely manner and shall be free of charge."

(7) By adding the following new material to page 60 line 22:

"PART XII. PREFERRED PRODUCTS

§ -1201 Preference for American products. In all expenditures of public money for any public work or in the purchase of materials or supplies preference shall be given to American products, materials, and supplies.

§ -1202 Geographic bidding. The chief procurement officer shall, to the extent possible utilize geographic bidding in providing goods, services, and construction to best meet the needs of the State.

§ -1203 Reciprocity. (a) To ensure fair and open competition for Hawaii businesses engaged in contracting with other States, reciprocal action shall be imposed on bidders from those States applying preferences.

(b) A bidder shall qualify as a Hawaii business under this section if, during the twelve months prior to filing a bid, the bidder:

- (1) Filed for business status with the State as a Hawaii business;
- (2) Filed a business tax return with the department of taxation indicating gross receipts;
- (3) Filed quarterly payments for unemployment compensation with the department of labor and industrial relations.

(c) The filing or withholding under subsection (b) shall be indicative of a substantial business presence in the State, considering the size and the nature of the activities of the business.

(d) Any bidder submitting a bid under this chapter shall indicate the bidder's principal place of business for the purpose of determining the bidder's business status.

(e) If the lowest bid in a procurement transaction exceeds \$100,000, the department shall apply preference to Hawaii

business in the same manner the out-of-state bidder would receive in the bidder's principal state of business.

(f) The chief procurement officer shall compile a list of States that provide preference to in-state businesses on an annual basis. An agency may rely on this compilation in implementing the provisions of this Act without incurring liability to any bidder.

(g) A bidder waives any entitlement to claim a preference under this Act if the bidder has not authorized the release of information to verify entitlement.

(h) A bidder shall not fraudulently certify that it is a Hawaii business under this Act or falsely indicate the State in which the bidder is principally based for the purpose of avoiding this section.

(i) Any person or business that purposefully or willfully misrepresents its principal place of business shall be guilty of a felony, punishable by a fine of not less than \$25,000.

(j) The department shall assess the costs and consequences of implementing this section two years after the effective date of this chapter. The department shall solicit input from state agencies and the business community and shall submit findings and recommendations to the legislature with respect to the feasibility of continuing this section.

(k) This section shall not apply to any transaction if the provisions of the section conflict with any federal laws."

SECTION 3. Section 103-3, Hawaii Revised Statutes, is amended to read as follows:

"§103-3 Employment of attorneys. (a) No department of the State, other than the attorney general, shall make any expenditure of public funds for the employment or retention by contract or otherwise of any attorney for the purpose of representing the State or such department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply:

- (1) To the housing finance and development corporation or the public utilities commission;
- (2) To any court or judicial or legislative officer of the State;
- (3) To the legislative reference bureau;
- (4) To such compilation commission as may be constituted from time to time;
- (5) To the real estate commission in any action involving the real estate recovery fund, the contractors license board in any action involving the contractors recovery fund, and the trustees in any action involving the travel agency recovery fund;
- (6) To grand jury counsel;
- (7) To the office of Hawaiian affairs;

- (8) To the department of commerce and consumer affairs; provided that its attorney shall be responsible for the prosecution of consumer complaints;
- (9) To the employees retirement system;
- (10) To the Hawaiian home lands trust individual claims review panel; or
- (11) In the event the attorney general, for reasons deemed by the attorney general good and sufficient, declines representation or counsel, or approves a department's expenditures; provided that the governor thereupon waives the provision of this section.

For the purpose of this section the term "department of the State" means any department, board, commission, agency, bureau, or officer of the State.

Every attorney employed by any department on a full-time basis, except an attorney employed as a grand jury counsel, the department of commerce and consumer affairs in prosecution of consumer complaints, or the Hawaiian home lands trust individual claims review panel, shall become a deputy attorney general.

(b) Attorney services shall be procured in accordance with the source selection and contract formation provisions of part IV of chapter . The attorney general, in consultation with the chief procurement officer, shall adopt rules governing the competitive procurement of attorneys. No department or agency of the State, including those enumerated in subsection (a), shall procure attorney services without complying with the competitive procedures delineated in rules adopted by the attorney general."

SECTION 4. Section 201-82, Hawaii Revised Statutes, is amended to read as follows:

"[[]\$201-82[]] Powers of the department. The department, subject to the approval of the director of budget and finance, shall have the following general powers to operate out-of-state offices established:

- (1) To enter into contracts, leases, or cooperative agreements, or perform other transactions with any person, firm, partnership, association, company, corporation, or foreign nation, as may be necessary in the conduct of its business and on such terms as the department may deem appropriate, [notwithstanding the provisions of chapter 103;] using competitive procurement practices, to the extent practicable, in accordance with rules adopted by the chief procurement officer;
- (2) To establish operational bank accounts in out-of-state locations, including foreign denomination accounts, as may be necessary in the conduct of its business, notwithstanding the provisions of chapter 38;
- (3) To receive by gifts, grants, devises, bequests, or otherwise from private sources or a foreign nation, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and

- disposed of, either the principal or the income therefrom, in accordance with the conditions under which it was received;
- (4) To sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in accordance with the conditions under which it was received;
 - (5) To hire such personnel as may be necessary in the conduct of its business and on such terms as the department may deem appropriate; and
 - (6) To do any or all other acts reasonably necessary to carry out the objects and purposes of this part, provided that the department shall not obligate any funds of the state not appropriated to the department."

SECTION 5. Section 201-85, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~201-85 Exemptions.] The department is authorized to hire employees necessary to staff its out-of-state offices subject to chapters 76 and 77 and legislative appropriations.

The department may also appoint such other employees exempt from chapters 76 and 77 as may be necessary to administer the affairs of its out-of-state offices. The initial appointment shall not exceed three years, during which time the department shall submit to the legislature a request for approval prior to continuation of the position. The department shall set the duties, responsibilities, salaries, holidays, vacations, leaves, hours of work, and working conditions for these employees.

Subject to the approval of the director of budget and finance, the department may be exempted from the following state laws only to the extent necessary for the conduct of its business in operating out-of-state offices:

- (1) Sections 36-27 and 36-30, relating to special fund transfers and reimbursements to the general fund;
- (2) [~~Chapter 103, relating to advertising for bids and purchases to be made in Hawaii whenever public moneys are expended;~~] Chapter _____, relating to advertising for bids and purchases made in Hawaii whenever public moneys are expended;
- (3) Chapter 36, relating to management of state funds;
- (4) Chapter 38, relating to deposits of public funds;
- (5) Chapter 40, relating to audit and accounting, except that the department shall comply with section 40-81;
- (6) Chapter 76, relating to civil service;
- (7) Chapter 77, relating to compensation;
- (8) Section 78-1, relating to public employment, except when expressly hiring personnel subject to section 78-1; and
- (9) Section 171-30, relating to acquisition of real property.

Notwithstanding any other law to the contrary, the department may establish a special fund for the deposit of moneys

received from the legislature for the purpose of establishing and operating its out-of-state offices and for the deposit of other sources of income or revenue."

SECTION 6. Section 41D-2, Hawaii Revised Statutes, is amended to read as follows:

"§41D-2 Responsibilities of the comptroller. (a) The comptroller, through the risk manager, shall:

- (1) Have discretion to purchase casualty insurance for the State or state agencies, including those employees of the State who, in the comptroller's discretion, may be at risk and shall be responsible for the acquisition of all casualty insurance;
- (2) Have discretion to purchase property insurance for the State or state agencies and shall acquire all property insurance;
- (3) Direct and manage all risk management and insurance programs of the State, except for employee benefits insurance and workers' compensation insurance programs or as otherwise provided in chapters 87, 88, 383 to 386A, 392, and 393;
- (4) Consult with state agencies to determine what property, casualty, and other insurance policies are presently in force or are sought by the state agencies and to make determinations about whether to continue subscribing to insurance policies. In the event that the risk manager's determination is not satisfactory to the state agency, the state agency may have the risk manager's decision reviewed by the comptroller. In this case, the comptroller's decision shall be final;
- (5) Consolidate and combine state insurance coverages, and purchase excess insurance when, in the comptroller's discretion, it is appropriate to do so;
- (6) Acquire risk management, investigative, claims adjustment, actuarial, and other services, except attorney's services, as may be required for the sound administration of this chapter;
- (7) Gather from all state agencies and maintain data regarding the State's risks and casualty, property, and fidelity losses;
- (8) In conjunction with the attorney general and as otherwise provided by this chapter, compromise or settle claims cognizable under chapter 662;
- (9) Provide technical services in risk management and insurance to state agencies; and
- (10) Do all other things appropriate to the development of sound risk management practices and policies for the State.

(b) [The requirements of chapter 103 shall not apply to the acquisition of insurance by or for state agencies.

(c)] Any provision in this section to the contrary notwithstanding, the University of Hawaii (as to casualty

insurance risks only), the Research Corporation of the University of Hawaii (as to casualty insurance risks only), and the public health facilities of the department of health (with respect to medical malpractice risks only) shall be exempt from the requirements of this chapter."

SECTION 7. Section 102-6, Hawaii Revised Statutes, is amended to read as follows:

"§102-6 Deposits of legal tender, etc., to accompany bid. All bids shall be accompanied by a deposit of legal tender or by a certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, or official check drawn by, or a certified check accepted by, a bank, savings institution, or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, in a sum not less than five per cent of the amount bid, payable at sight or unconditionally assigned to the officer advertising for tenders; provided that when the amount bid exceeds \$50,000, the deposit shall be in a sum not less than \$2,500 plus two per cent of the amount in excess of \$50,000.

A bid deposit for a bid requiring a deposit may be in the form of a surety bond [conforming to the requirements of section 103-31.] executed to the officer calling for bids by the bidder as principal and by any corporation organized for the purpose of becoming surety on bonds, authorized under the laws of the United States or of the State to act as surety, and doing business in the State under the laws of the United States or the State, if a foreign corporation; and under the laws of the State, if a Hawaii corporation as surety, in a penal sum of equal amount, conditioned upon the bidder entering into contract and furnishing satisfactory security within ten days after the award or within any further time as the officer may allow, if the bidder is awarded the contract."

SECTION 8. Section 103-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person who renders a proper statement for goods delivered or services performed, pursuant to contract, to any agency of the State or any county, shall be paid no later than thirty calendar days following receipt of the statement or satisfactory delivery of the goods or performance of the services. In the event circumstances prevent the paying agency from complying with this section, the person shall be entitled to interest from the paying agency on the principal amount remaining unpaid at the effective rate of [twelve per cent] the prime rate as established from time to time by the Bank of Hawaii and First Hawaiian Bank, averaging any difference simple interest per year commencing on the thirtieth day following receipt of the statement or satisfactory delivery of the goods or performance of the services, whichever is later, and ending on the date of the warrant."

SECTION 9. Section 206-8, Hawaii Revised Statutes, is amended to read as follows:

"§206-8 Development of lands acquired. Where lands are acquired by the board of land and natural resources with its own funds, it shall subdivide and develop the lands into residence lots, or dwellings and lots in a manner best designed to carry out the purposes of this chapter.

The board may contract with any private developer to provide for the financing of the acquisition of lands, the subdivision and development of acquired lands, and the disposition of residence lots, or the construction of dwellings on the lots and the disposition of both. The contracts may be entered into after published advertisement for sealed tenders, setting forth the terms of the proposed contract, including necessary plans, specifications, and time schedules. The contract shall provide for the establishment of such sale prices of the residence lots, or dwellings and lots as will repay to the developer the amount of the actual cost or expense incurred in the acquisition and development of the land together with a reasonable developer's profit computed thereon as determined by the board. The contract shall also provide for the sale of residence lots, or dwellings and lots only to persons entitled to purchase from the board, upon the terms and conditions provided in sections 206-9 to 206-12 with respect to sales by the board. Every contract shall be made with the responsible bidder whose proposal complies with the requirements of the call for tenders and states the lowest rate of developer's profits; provided that the board may reject all tenders if it deems that the lowest rate of developer's profit is unreasonable. Publication of the call for tenders shall be made [as required by section 103-26,] by publishing a call for tenders not less than three times in a newspaper of general circulation in the State. No more than one publication shall be made on any one day or on two consecutive days and the time for opening of the tenders shall be not less than thirty days after the last publication."

SECTION 10. Section 264-33, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The work of the removal, relocation, replacement, or reconstruction may be performed in the following manner, subject to the following conditions:

- (1) The work shall be performed in accordance with standards of construction currently used by the utility; and
- (2) Such work may be performed by contract as provided in [section 103-22 and 103-25; or after first calling for bids under such sections,] section _____, or after calling for bids under section _____. the director of transportation or other officer having power to award such contract, may contract with the public utility owning the utility facility to have the work performed

by it, with the use of its own employees and equipment at not to exceed actual cost or in the amount of the lowest responsible bid (if such bids have been submitted), whichever is the lowest amount, with the adjustments hereinafter provided for."

SECTION 11. Section 201E-33, Hawaii Revised Statutes, is amended to read as follows:

"[[~~§~~201E-33~~]]~~ **Public works contracts.** The corporation may make, execute, and carry out contracts for, or in connection with, any housing project in the manner provided in sections [103-26 to 103-38 and 103-53; and, with regard to such contracts, the term "officers", as used in sections 103-26 to 103-38, shall mean the authority of such officer authorized by the corporation to act as its contracting officer.] chapter _____. Unless made and executed in the name of the State, each contract made and executed as authorized in this section shall state therein that it is so made and executed."

SECTION 12. Section 206-21, Hawaii Revised Statutes, is amended to read as follows:

"**§206-21 Contracts.** The board of land and natural resources, in addition to its other powers, may make, execute, and carry out contracts for, or in connection with, any project in the name of the State, in the manner provided in [sections 103-26 to 103-38 and 103-53; and, with regard to such contracts, the term "officers", as used in sections 103-26 to 103-38, means the board or such officer as is authorized by the board to act as its contracting officer.] Chapter _____. Each contract authorized in this section shall state that it is made and executed in the name of the State."

SECTION 13. Section 356-22, Hawaii Revised Statutes, is amended to read as follows:

"**§356-22 Public works contracts.** The authority may make, execute, and carry out contracts for, or in connection with, any housing project in the manner provided in [sections 103-26 to 103-38 and 103-53; and, with regard to such contracts, the term "officers", as used in sections 103-26 to 103-38, shall mean the authority or such officer authorized by the authority to act as its contracting officer.] chapter _____. Unless made and executed in the name of the State, each contract made and executed as authorized in this section shall state therein that it is so made and executed."

SECTION 14. Section 103-8.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) The [comptroller] chief procurement officer and the state foundation on culture and the arts shall decide on the

specific art objects to acquire, giving first consideration to placing appropriate pieces of art at the locations of the original appropriation.

The selection of, commissioning artists for, reviewing of design, execution, and placement of, and the acceptance of works of art shall be the responsibility of the [comptroller] chief procurement officer and the state foundation on culture and the arts in consultation with the affected agency or department.

Expenditures from the works of art special fund shall be made by the comptroller."

SECTION 15. Section 103-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) All payments for goods delivered or services performed to a state agency which are less than \$25 shall be made from the petty cash funds of the agency; provided that the [comptroller] chief procurement officer may establish a higher threshold for petty cash payments and may grant exceptions to this requirement."

SECTION 16. Section 103-11, Hawaii Revised Statutes, is amended to read as follows:

"§103-11 Rules of comptroller regulating expenditures; violations, penalty. Subject to chapter 91 the [comptroller] chief procurement officer may adopt rules, not inconsistent with law, further controlling and regulating the expenditure of state moneys. The rules shall have the force of law. Any violation of the rules shall be subject to the penalties prescribed in section 103-9."

SECTION 17. Section 103-22.1, Hawaii Revised Statutes, is amended to read as follows:

"§103-22.1 Services of the handicapped. When a governmental agency contracts for or purchases services, five per cent preference shall be given to services to be performed by nonprofit corporations or public agencies operating sheltered workshops servicing the handicapped in conformance with criteria established by the department of labor and industrial relations pursuant to chapter 91; provided that service contracts awarded under this section shall be exempt from the wages provision of section 103-55. The [state comptroller] chief procurement officer shall adopt rules under chapter 91 to establish the preference for the services to be performed by nonprofit corporations or public agencies operating sheltered workshops consistent with this section."

SECTION 18. Section 103-24.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The [department] chief procurement officer shall adopt rules pursuant to chapter 91 appropriate to carry out the purposes of this section."

SECTION 19. Section 103-32.1, Hawaii Revised Statutes, is amended to read as follows:

"[[§103-32.1]] Contract provision for retainage. Any public contract issued under this chapter may include a provision for the retainage of a portion of the amount due under the contract to the contractor to insure the proper performance of the contract; provided that the sum withheld by the contracting officer from the contractor shall not exceed [five] ten per cent of the amount due the contractor and that after fifty per cent of the contract is completed and progress is satisfactory, no additional sum shall be withheld; provided further that if progress is not satisfactory, the contracting officer may continue to withhold as retainage, sums not exceeding five per cent of the amount due the contractor."

SECTION 20. Section 103-40, Hawaii Revised Statutes, is amended to read as follows:

"§103-40 Federal-aid highway contracts. Anything in section [103-39] -403 to the contrary notwithstanding, any federal-aid highway contract shall be binding and of force if the director of finance certifies that the director anticipates the accrual of an amount in the highway fund sufficient to pay the State's share of the contract before the performance contracted for is completed."

SECTION 21. Section 103-42, Hawaii Revised Statutes, is amended to read as follows:

"§103-42 Hawaii products list, bidding and [advertisements.] public notice. The [state comptroller] chief procurement officer shall make rules and regulations for the establishment and administration of a Hawaii products list, including the various classifications of Hawaii products; for necessary procedures for qualifying and registering products for such list; for the annual revision of the list; and for such other purposes as may be necessary to carry out the intent of the preferences provided for in section 103-43.

The [comptroller] chief procurement officer shall distribute copies of the list to the purchasing departments of the various governmental agencies.

The [comptroller] chief procurement officer shall have the authority to examine and review the financial statements and such other reports as may be necessary, of any person, who desires to have the person's products on the Hawaii products list, to determine whether the products meet the qualifications. All persons whose products are on the Hawaii products list shall be responsible for informing the [comptroller] chief procurement

officer of any change in the classifications of their products which have been originally registered with the Hawaii products list within two months of the change. In any event, such persons shall file annually with the [comptroller] chief procurement officer such documents or information as may be required in determining any change in the classification of a Hawaii product under the rules and regulations to be established by the [comptroller,] chief procurement officer, within two months from the closing of their books, whether on a fiscal or calendar year.

[Advertisement for bids] Public notice of invitations for bids and requests for proposals by a governmental agency shall contain, if applicable, a notice referring to the preferences for Hawaii products and to section 103-43, and shall also contain a notice referring to the place where the Hawaii products list may be examined."

SECTION 22. Section 103-42, Hawaii Revised Statutes, is amended to read as follows:

"§103-43 Mandatory purchase of Hawaii products. In any expenditure of public funds, a governmental agency shall review purchase and design specifications of public works contracts including repair and maintenance requirements for products and purchase any required product from the Hawaii products list established under section 103-42 where such products are available, provided the products meet the minimum specifications and the selling price f.o.b. jobsite; unloaded including applicable general excise tax and use tax does not exceed the lowest delivered price in Hawaii f.o.b. jobsite; unloaded including applicable general excise tax and use tax of a similar non-Hawaii product by more than three per cent, where Class I Hawaii products are involved, or five per cent where Class II Hawaii products are involved, or ten per cent where Class III Hawaii products are involved.

Where a package bid or purchase contains both Hawaii and non-Hawaii products, then for the purpose of selecting the lowest bid or purchase price only, the price bid or offered for a non-Hawaii product item shall be increased by adding thereto three per cent, five per cent, or ten per cent where similar Class I, Class II, or Class III Hawaii product items have been bid or offered by another party pursuant to the preferences stated above. The lowest total bid, taking into consideration the above preferences, shall be awarded the contract but the contract amount of any contract awarded, however, shall be the amount of the bid or price offered, exclusive of such preferences.

Notwithstanding the provisions of the preceding paragraphs, an additional five per cent preference shall be applicable to Hawaii products manufactured by nonprofit corporations and public agencies operating sheltered workshops as certified by the department of labor and industrial relations for physically or mentally handicapped persons. The [state comptroller] chief procurement officer shall adopt rules under chapter 91 to require

a governmental agency to give an additional five per cent preference to the purchase of products manufactured by nonprofit corporations or public agencies operating sheltered workshops consistent with this section."

SECTION 23. Section 103-48, Hawaii Revised Statutes, is amended to read as follows:

"§103-48 Penalty. Any officer of the State or of any municipality, county, or other political subdivision thereof, or any person acting under or for such officer, or any other person who violates any provisions of [sections 103-22,] section 103-22.1, [103-23, 103-29, and 103-33] shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Any officer or employee of any governmental agency who violates any provisions of sections 103-41 through 103-47 shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Any person, or any officer or employee of any person, who violates any provisions of sections 103-41 through 103-47 shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and any person who is awarded a contract or given an order for purchase as a result of misrepresentation in the person's bid or makes a claim in the person's bid that the person will purchase Hawaii products, but fails to do so shall, in addition, be fined the difference between the price of the products actually used or supplied and the price the person would have paid for Hawaii products and shall not be awarded any contract or be given any order for purchase or be eligible for bidding until one year after the date when such person pays the fines levied under this section."

SECTION 24. Section 103-49, Hawaii Revised Statutes, is amended to read as follows:

"§103-49 Value engineering clauses; rules and regulations. The State and each of the respective counties shall insert clauses providing for value engineering incentives in all public works contracts for amounts in excess of \$100,000. The clauses shall provide:

- (1) That cost reduction proposals submitted by contractors:
 - (A) Must require, in order to be applied to the contract, a change order thereto; and
 - (B) Must result in savings to the State or county, as the case may be, by providing less costly items than those specified in the contract without impairing any of their essential functions and characteristics such as service life, reliability, economy of operation, ease of maintenance, and necessary standardized features.
- (2) That accepted cost reduction proposals shall result in an equitable adjustment of the contract price so that

the contractor will share a portion of the realized cost reduction.

The [comptroller of the State or the treasurer or director of finance of each of the counties, as the case may be,] chief procurement officer shall promulgate, pursuant to chapter 91, such rules and regulations as may be necessary and proper to implement this section, provide adequate incentives to contractors, realize savings for the State or counties, and to otherwise carry out the purposes of this section."

SECTION 25. Section 103-51, Hawaii Revised Statutes, is amended to read as follows:

"§103-51 Printing, binding, and stationery work. All printing, binding, and stationery work for the State or any county, or other political subdivision thereof shall be performed within the State, including all preparatory work, presswork, bindery work, and any other production-related work, and all requests for bids or contracts for such work shall so stipulate; provided that whenever it is established that any such work cannot be performed within the State or that the lowest price for which such work can be procured within the State exceeds the bid or charge of a mainland manufacturer of such item by fifteen per cent, the work or any part thereof so affected may be performed outside the State.

No payment shall be made by the State or any county, or other political subdivision thereof for printing, binding, or stationery work unless it appears that the work was done within the State or was authorized to be done outside the State pursuant to this section. In addition, any manufacturer violating a stipulation in a bid or contract that all work will be performed within the State shall be subject to a civil penalty in an amount not to exceed the bid or contract price to be collected by a civil action filed by the attorney general on behalf of the State.

[Every manufacturer responding to the requests for bids or contracts shall submit an affidavit stating that the manufacturer's employees engaged in the performance of the contract will be paid the prevailing wages, which shall include the cost to the manufacturer of the fringe benefits, and will work under the prevailing hours of work. The prevailing wages and hours of work shall be for the locality in the State of Hawaii where the work is to be performed and shall be determined by the director of labor and industrial relations of the State. Any bid or proposal shall not be considered or accepted unless the affidavit is submitted.]"

SECTION 26. Section 103-52, Hawaii Revised Statutes, is amended to read as follows:

"§103-52 Inapplicable to printing, binding, or publishing by the University of Hawaii press. Sections [103-28, 103-30, 103-31,] 103-34 to 103-38 shall not be applicable to contracts of

the University of Hawaii for any printing, binding or publishing of publications."

SECTION 27. Section 103-81, Hawaii Revised Statutes, is amended by deleting the definition of "fair market price".

"[[[§103-81]]] Definitions. For the purpose of this part:

- (1) "Direct labor" means all work required for preparation, processing, or packing of goods or performance of services, but not work relating to supervision, administration, inspection, or shipping;
- (2) ["Fair market price" means the price of a product or service paid by a willing buyer to a willing seller, which price is reasonably comparable to prices on the open market;
- (3)] "Handicapped individual" means any person who is so severely incapacitated by any physical or mental disability that the person cannot engage in normal competitive employment because of the disability;
- [(4)] (3) "Public agency" means any agency of the state or county governments; and
- [(5)] (4) "Qualified rehabilitation facility" means a nonprofit rehabilitation facility for the handicapped which:
 - (A) Is organized and incorporated under the laws of the United States or this State, and located in the State;
 - (B) Is operated in the interest of and employs handicapped individuals;
 - (C) Does not inure any part of its net income to any shareholder or other individual;
 - (D) Complies with all applicable occupational health and safety standards required by the federal, state, and county governments; and
 - (E) Is certified as a sheltered workshop or work activity center by the United States Department of Labor, and abides by the state department of labor and industrial relations' rules relating to the employment of handicapped individuals."

SECTION 28. Section 103-82, Hawaii Revised Statutes, is amended to read as follows:

"[[[§103-82]]] Purchase by public agency. (a) Any public [agency without advertising or calling for bids] body may purchase products and services provided by qualified rehabilitation facilities serving the handicapped which have [indicated] an interest in supplying such goods and services, [and on an equitable basis may apportion the business among the interested facilities; provided that such goods and services meet the specifications and needs of the purchasing agency and are purchased at a fair market price as determined by the appropriate

public agency; and provided further that such facilities] if they comply with the following:

- (1) Meet all of the requirements as a qualified rehabilitation facility [under section 103-81(5);] as defined in section 103-81; and
- (2) Maintain a handicapped-to-nonhandicapped employee ratio equal to or in excess of three-to-one for work hours of direct labor at all times on the work contracted.

[(b) The purchasing department or agent of a public agency shall:

- (1) Receive and review proposals submitted by qualified rehabilitation facilities to sell products and services, and determine if they are suitable for purchase by the agency;
- (2) Negotiate the conditions and terms for the purchase, including the price of the product or service, between the agency and the qualified rehabilitation facility; provided that the price of the product or service shall not exceed the fair market price and there is assurance that the qualified rehabilitation facility proposal is in compliance with all of the public agency's rules related to purchasing; and
- (3) Ensure that any product or service purchased from a qualified rehabilitation facility shall not be placed on the Hawaii products list under section 103-42.]"

SECTION 29. Section 103-83, Hawaii Revised Statutes, is amended to read as follows:

"[[§103-83[] Qualified rehabilitation facility; proposal to sell products and services. A qualified rehabilitation facility interested in selling products or services to a public agency, may submit a proposal to the agency containing the following information:

- (1) A description of the product or service;
- (2) The price of the product or service; and
- (3) Documents and information necessary to qualify as a qualified rehabilitation facility under section 103-81(5).] Preference for qualified rehabilitation facilities. Qualified rehabilitation facilities shall be provided a five per cent price preference in competing with the private business sector for providing products and services to the State."

SECTION 30. Section 103-5, Hawaii Revised Statutes, is repealed.

["§103-5 Emergency expenditures from general appropriations. No expenditure shall be made under any general appropriation for emergencies except for urgent causes arising when the legislature is not in session, or without the approval of the governor."]

SECTION 31. Section 103-22, Hawaii Revised Statutes, is repealed.

["§103-22 Advertisement for bids required; exceptions. No expenditure of public money, except salaries or pay of officers or employees, or permanent settlements, subsidies or other claims or objects for which a fixed sum must be paid by law, or for other purposes which do not admit of competition, or for the purchase of materials or supplies from any other department, bureau, organization, or municipal or political subdivision of the federal, state, municipal or county governments, other than University of Hawaii bookstores, or for the performance of public work or contracts by any other such department, bureau, organization, or municipal or political subdivision of the federal, state, municipal or county governments, where the sum to be expended is \$8,000 or more shall be made except under contract let after public advertisement for sealed tenders, in the manner provided by law. In all cases of expenditures of public money that is more than \$4,000 but less than \$8,000, a call for informal bids shall be published at least once in a newspaper of general circulation printed and published within the State; provided that in the case of public works or repairs and maintenance of buildings, roads and other site improvements where the expenditure is more than \$4,000 but less than \$15,000, a call for informal bids shall be published at least once in a newspaper of general circulation printed and published within the State. No expenditures for public purposes shall be so divided or parceled as to defeat or evade this section."]

SECTION 32. Section 103-23, Hawaii Revised Statutes, is repealed.

["§103-23 Additional exceptions. (a) Expenditures in excess of such sum without so contracting may be made, with the approval of the legislative body, in the case of a county, or of the governor, in the case of the State, or of the board of regents, in the case of the University of Hawaii, or of the board of education, in the case of the department of education, or of its board or other governing authority in the case of any independent board or agency, when the expenditures are for repairs of roads, waterworks, and buildings, or, with such approval, expenditures not in excess of \$15,000 for alterations of buildings, or when the work to be done is of such a nature that its extent and character cannot be known or specified beforehand with reasonable certainty, or when no tender is received in response to an advertisement, or, with such approval, expenditures not in excess of \$15,000 for new roads, waterworks, and buildings, either on behalf of the expending division of government or for the federal or state government or any department thereof may be made, without contract, advertisement, or sealed tenders; and, in the case of such new roads, waterworks, and buildings, expenditures in excess of \$15,000 may be made, with the same approval; provided that the expending

division of government shall first advertise for sealed tenders and shall keep a full and true account of the cost of the work, if done by itself, without awarding a contract therefor, and shall, upon the completion of the work, publish a full and true statement of its cost and of the amounts of rejected tenders, if any; and provided further that any governmental agency actually performing the work shall in no case receive more than the actual cost thereof.

(b) Nothing provided in section 103-22 shall prevent the department of health, if, after publication of a call for tenders, it receives no bids from any responsible bidder or only one bid therefrom, from purchasing at regular market prices, meats, on the hoof or otherwise, and foodstuffs, as may from time to time be required for the Kalaupapa settlement.

(c) Special contracts or subcontracts by any governmental agency for materials or supplies or purchases of materials or supplies made in furtherance of the contract referred to in this section shall be subject to the requirement of public advertisement for sealed tenders in the manner provided by law.

(d) Nothing provided in subsection (a) above or in section 103-22 shall prevent the department of education from expending funds from school-level minor repairs and maintenance accounts as established by section 296-41, for the purpose of acquiring repair and maintenance services to address immediate needs of the public schools."]

SECTION 33. Section 103-23.2, Hawaii Revised Statutes, is repealed.

["§103-23.2] University of Hawaii bookstores; exception. Notwithstanding any other provision, purchases of materials, supplies, and books by University of Hawaii bookstores for resale shall be exempt from public bidding requirements of this chapter."]

SECTION 34. Section 103-23.5, Hawaii Revised Statutes, is repealed.

["§103-23.5] Hawaii public broadcasting authority; exception. Any other provision to the contrary notwithstanding, purchases by the Hawaii public broadcasting authority which must be made on an expedited basis and which are essential to maintaining transmission or production services shall be exempt from the public bidding requirements of this chapter with the approval of the governor."]

SECTION 35. Section 103-24, Hawaii Revised Statutes, is repealed.

["§103-24 Preference for American products. In all expenditures of public money for any public work or in the purchase of materials or supplies, preference shall be given to American products, materials and supplies."]

SECTION 36. Section 103-25, Hawaii Revised Statutes, is repealed.

["§103-25 Qualifications of bidders. Before any prospective bidder shall be entitled to submit any bid for the performance of any contract with the State, or any county, or with any independent board or agency of the State or any county, for the construction of any public building or other public work (not including contracts between government agencies or political subdivisions) he shall, not less than six calendar days prior to the day designated for opening bids, give written notice to the officer charged with letting such contract of his intention to bid and such officer shall satisfy himself of the prospective bidder's financial ability to perform the work intended and of his experience and competence in performing similar work. For this purpose, the officer may, in his discretion, require any prospective bidder to submit answers, under oath, to questions contained in a standard form of questionnaire to be prepared by the comptroller by and with the approval of the governor, setting forth a complete statement of the experience of the prospective bidder and his organization in performing similar work and a statement of the equipment proposed to be used, together with adequate proof of the availability of the equipment. Whenever it appears to the officer, from answers to the questionnaire or otherwise, that the prospective bidder is not fully qualified and able to perform the intended work, the officer shall, after affording the prospective bidder an opportunity to be heard and if still of the opinion that the bidder is not fully qualified to perform the work, refuse to receive or consider any bid offered by the prospective bidder. All information contained in the answers to the questionnaire shall be and remain confidential, and any government officer or employee who knowingly divulges or permits to be divulged any such information to any person not lawfully entitled thereto shall be fined not more than \$250. Questionnaires so submitted shall be returned to the bidders after having served their purpose."]

SECTION 37. Section 103-26, Hawaii Revised Statutes, is repealed.

["§103-26 Advertisement for bids. Publication of a call for tenders shall be made not less than three times in a newspaper of general circulation printed and published within the State. No more than one of these publications shall be made on any one day or on two consecutive days."]

SECTION 38. Section 103-27, Hawaii Revised Statutes, is repealed.

["§103-27 Bids; opening; rejection. The time of opening of such tenders shall be not less than five days after the last publication. All bids shall be sealed and delivered to the officer advertising therefor and shall be opened by the officer

at the hour and place to be stated in the call for tenders in the presence of all bidders who attend, and may be inspected by any bidder. All bids which do not comply with the requirements of the call for tenders shall be rejected. The officer calling for bids may reject any or all bids and waive any defects when in the officer's opinion such rejection or waiver will be for the best interest of the public."]

SECTION 39. Section 103-28, Hawaii Revised Statutes, is repealed.

["§103-28 Deposits of legal tender, etc., to accompany bid. The comptroller shall determine on a case-by-case basis which bids shall be accompanied by a deposit of legal tender or by a certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, or official check drawn by, or a certified check accepted by, a bank, a savings institution, or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, in a sum not less than five per cent of the amount bid, payable at sight or unconditionally assigned to the officer advertising for tenders; provided that when the amount bid exceeds \$50,000, the deposit shall be in a sum not less than \$2,500, plus two per cent of the amount in excess of \$50,000. Notwithstanding the foregoing, in solicitations for price-term, open-end, and requirements contracts a maximum deposit of \$2,500 shall apply; provided that a standing deposit of \$2,500 may be furnished to the comptroller and held for a period convenient to the bidder. During the period held by the comptroller, the standing deposit shall be sufficient for all bids submitted by the bidder for price-term, open-end, or requirements contracts. A certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, official check, or certified check may be utilized only to a maximum of \$100,000.

A bid deposit for a bid requiring a deposit in excess of \$100,000 shall be in the form of legal tender or a surety bond conforming to the requirements of section 103-31."]

SECTION 40. Section 103-29, Hawaii Revised Statutes, is repealed.

["§103-29 Bids to include certain information. In addition to meeting other requirements of bidders for public works construction contracts each such bid shall include the name of each person or firm to be engaged by the bidder as a joint contractor or subcontractor in the performance of the public works construction contract. The bid shall also indicate the nature and scope of the work to be performed by such joint contractor or subcontractors. All bids which do not comply with this requirement shall be rejected."]

SECTION 41. Section 103-30, Hawaii Revised Statutes, is repealed.

["§103-30 Forfeiture of deposits, etc.; return thereof. If the bidder to whom the contract is awarded fails or neglects to enter into the contract and furnish satisfactory security, as required by sections 103-34 to 103-37 within ten days after the award or within the time as the officer awarding the contract may allow, the officer shall pay the amount of the deposit into the treasury as a realization of the State, county, or other governmental agency, as the case may be. Deposit forfeiture for price-term, open-end, and requirements contracts shall be for five per cent of the amount bid, up to a maximum of \$2,500 regardless of the amount bid. If the contract is entered into and the security furnished within the required time, the deposit, certificate, or check shall be returned to the successful bidder. The deposits made by the unsuccessful bidders shall be returned to them after the contract is entered into or, if the contract is not awarded or entered into, after the officer's determination to publish another call for tenders; provided that inactive standing deposits shall be retained or returned at the option of the bidder."]

SECTION 42. Section 103-31, Hawaii Revised Statutes, is repealed.

["§103-31 Bond may be substituted for deposits, etc. In lieu of the deposits prescribed by section 103-28, a bid may be accompanied by a surety bond executed to the officer calling for bids by the bidder as principal and by any corporation organized for the purpose of becoming surety on bonds, authorized under the laws of the United States or of the State to act as surety, and doing business in the State under the laws of the United States or of the State, if a foreign corporation, and under the laws of the State, if a Hawaii corporation, as surety, in a penal sum of equal amount, conditioned upon the bidder entering into the contract and furnishing satisfactory security within ten days after the award or within any further time as the officer may allow, if the bidder is awarded the contract."]

SECTION 43. Section 103-32, Hawaii Revised Statutes, is repealed.

["§103-32 Contracts to be in writing; lowest responsible bidder. All contracts shall be in writing and shall be executed in the name of the State, county, or the board, bureau, or commission thereof authorized to let contracts in its own name, as the case may be, by the officer letting the contracts, and shall be made with the lowest responsible bidder, except as provided for in section 103-43 and section 103-53.5, if the bidder qualifies by providing the security required by sections 103-34 to 103-37. If the lowest bid or any other bid is rejected, or if the bidder to whom the contract was awarded fails to enter into the contract and furnish satisfactory security, the officer may, in the officer's discretion, award the contract to the lowest remaining responsible bidder or may publish another

call for tenders as provided in section 103-26; provided that at the officer's discretion the officer, after determining the lowest responsible bidder, may negotiate with such bidder to reduce the scope of work and to award the contract at a price which reflects the reduction in the scope of work, or may, in the case of only one bidder and when the bid exceeds available funds for the contract, negotiate with such bidder to reduce the price and award the contract at the reduced price."]

SECTION 44. Section 103-33, Hawaii Revised Statutes, is repealed.

["§103-33 Termination of contract by contracting agency. The contracting officer for any contract executed in accordance with this chapter may terminate the contract at any time or bar the contractor from bidding on any project let to bid pursuant to this chapter, for a period not to exceed one year when, in the opinion of the contracting officer, the contractor has made unjustifiable and substantive changes from the condition set forth in the contractor's original itemized bid; provided that the changes which are due directly to the failure, refusal, or inability of a subcontractor named in the contractor's original itemized bid in accordance with section 103-29 to enter into the subcontract or because of the subcontractor's insolvency, inability to furnish a reasonable performance bond, suspension or revocation of the subcontractor's license, or failure or inability to comply with other requirements of the law applicable to contractors, subcontractors, and public works projects shall not be deemed to be unjustifiable and substantive changes warranting termination of the contract by the contracting officer or for barring the contractor from bidding on future projects. Upon termination, the contracting officer shall limit payment to the contractor to that part of the contract satisfactorily completed at the time of termination. In the case of barring contractors from bidding on future contracts, each contracting officer taking that action shall notify other contracting agencies of the action."]

SECTION 45. Section 103-33.5, Hawaii Revised Statutes, is repealed.

["[§103-33.5] Substandard work, disqualification of contractors. The director of any department or the chairperson of any board or commission which lets state contracts may issue a written notice to any contractor, banning the contractor from receiving any state contracts for two years following the issuance of the notice if the director or chairperson determines in a hearing that the contractor has performed substandard work, including consistent failure to meet contract completion schedules, that disqualifies the contractor in advance as a responsible bidder for any state contract. The notice shall set forth the reasons for the director's or chairperson's decision and shall also inform the contractor that the contractor has a

right to appeal the decision to the circuit courts for judicial review under the standard set forth in section 91-14(g) for contested cases. The appeal shall not act as a stay of the director's or chairperson's decision."]

SECTION 46. Section 103-39, Hawaii Revised Statutes, is repealed.

["§103-39 Contract not binding unless appropriation available. (a) No such contract shall be binding or of any force unless the comptroller of the State, the director of finance of the county, or the chief financial officers of the University of Hawaii and the department of education, as the case may be, indorses thereon a certificate that there is an available unexpended appropriation or balance of an appropriation over and above all outstanding contracts sufficient to cover the amount required by the contract; provided that this section shall not apply to any price-term, open-end, or requirements contract under which the total amount to be paid to the contractor cannot be accurately estimated at the time the contract is to be awarded.

Notwithstanding the requirement for certification set forth above, certification of a portion of the total funds required for a contract may be permitted in the following instances:

- (1) When an immediate call for tenders will result in significantly more favorable contract terms and conditions to the state or county agency than a call for tenders made at a later date; or
- (2) When an extension of the contract period beyond the period permitted by currently available funds will (i) significantly reduce the amounts of the periodic payments to be made by a state or county agency, or (ii) result in significantly more favorable contract terms and conditions to the state or county agency, or (iii) promote competition among qualified bidders and attract qualified bidders who otherwise may be precluded from bidding;

provided that certification for partial funding shall be permitted only if the comptroller of the State, the director of finance of a county, or the chief financial officers of the University of Hawaii and the department of education, as the case may be, certifies either that there exists substantial assurance that the necessary funds will be available for the payments set forth in the contract or that special fund revenues will be sufficient to cover the cost of the contract.

(b) In all cases of certification for partial funding, the contract and the certificate shall state that availability of funds in excess of the amount certified as available shall be contingent upon future appropriations or special fund revenues. All contracts partially funded shall be enforceable only to the extent to which funds have been certified as available.

In any contract involving not only local funds but supplemental funds from the federal government, this section shall be applicable only to that portion of the contract price

involved in the contract as is payable out of local funds. As to such portion of the contract price as is expressed in the contract to be payable out of federal funds, the contract shall be construed to be an agreement to pay the portion to the contractor, only out of federal funds to be received from the federal government when the federal funds are so received, and shall not be construed as a general agreement to pay the portion at all events out of any funds other than those which are received from the federal government. This paragraph shall be liberally construed so as not to hinder or impede the State or any county in contracting for any project involving financial aid from the federal government."]

SECTION 47. Section 103-54, Hawaii Revised Statutes, is repealed.

["§103-54 Wages of certain laborers paid weekly; penalty. All contracts executed pursuant to this chapter involving the employment of laborers shall provide for weekly payment of wages to all laborers whose rate of compensation is \$5 or less per day. Every laborer employed by the contractor or any subcontractor under any such contract whose rate of compensation is \$5 or less per day shall be paid the laborer's wages weekly by the laborer's employer, whether or not the requirement is set forth in the contract. Every contractor or subcontractor who violates this section shall be fined not more than \$500."]

SECTION 48. Section 103-56, Hawaii Revised Statutes, is repealed.

["§103-56 Pay days. Except as provided in section 103-54 the fifteenth and last days in each month shall be the pay days of all employees engaged in constructing or repairing roads, bridges, or streets for the State."]

SECTION 49. Sections 36-41, 42D-1, 46-56, 53-9, 104-7, 106-15, 206E-11, 206J-9, 266-2, 268-1.5, 299-3, 329-58, 354D-4, 354D-8, and 507-17, Hawaii Revised Statutes, are amended by substituting the chapter designation for the Hawaii Procurement Code enacted in section 1 of this Act for the term "chapter 103" as it appears in those sections and the context requires.

SECTION 50. Sections 128-10(10), 128-13(3), and 382-3, Hawaii Revised Statutes, are amended by inserting a reference to the new chapter enacted in section 1 of this Act with the term "sections 103-21 to 103-57" as it appears in those sections and the context requires.

SECTION 51. Sections 39A-32, 39A-72, 39A-112, 39A-152, 39A-192, 201E-202, 227D-7, 261-52, 266-52, 304-8.94, 307-4, and 356-15.5, Hawaii Revised Statutes, are amended by substituting a reference to the new chapter enacted in section 1 of this Act for

the term "section 103-22" as it appears in those sections and the context requires.

SECTION 52. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000, or so much thereof as may be necessary for fiscal year 1993-1994, and the sum of \$400,000, or so much thereof as may be necessary for fiscal year 1994-1995, to be expended for the purposes of this Act. Of the sums appropriated, \$250,000 in fiscal year 1993-1994 and 1994-1995, shall be expended by the office of the auditor. Of the sums appropriated, \$250,000 in fiscal year 1993-1994, and \$150,000 in fiscal year 1994-1995, shall be expended by the office of purchasing.

SECTION 53. Statutory material to be repealed is bracketed. New statutory material in underscored.

SECTION 54. This Act shall take effect upon approval.