

## SIXTIETH DAY

Monday, May 2, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:08 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Very Reverend Joseph Bukoski, III, SS.CC., Judicial Vicar, Diocese of Honolulu Provincial, Sacred Hearts Congregation, after which the Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 408 to 410) were read by the Clerk and were placed on file:

Gov. Msg. No. 408, dated April 20, 1994, transmitting the "Uniform Protocol Procedures," prepared by the Office of International Relations (OIR) pursuant to Act 101, SLH 1992.

Gov. Msg. No. 409, advising the Senate of the withdrawal of the nomination of CAROLE M. MCCARTY from the State Foundation on Culture and the Arts, under Gov. Msg. No. 393, dated April 26, 1994.

In compliance with Gov. Msg. No. 409, the nomination listed under Gov. Msg. No. 393 was returned.

Gov. Msg. No. 410, informing the Senate that on April 29, 1994, he signed the following bills into law:

Senate Bill No. 3064 as Act 47, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1994 FOR HAMAKUA MEDICAL CENTER";

Senate Bill No. 2151 as Act 48, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE"; and

Senate Bill No. 2404 as Act 49, entitled: "RELATING TO INCOME TAXATION."

## STANDING COMMITTEE REPORT

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3364) recommending that H.C.R. No. 156, H.D. 1, be adopted.

On motion by Senator Ikeda, seconded by Senator Hagino and carried, the report of the Committee was adopted and H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION FOR A NEW ELEMENTARY SCHOOL IN KIHEI, MAUI," was adopted.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Ldr. Com. Rep. No. 3342 (Gov. Msg. No. 378):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 3342 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of DAVID A. NOBRIGA and ROBERT G. GIRALD to the Commission on Water Resource Management, terms to expire June 30, 1997, seconded by Senator McCartney.

Senator A. Kobayashi rose to speak in support of the nominees, as follows:

"Mr. President, I'd like to thank all of these individuals who have a big responsibility ahead of them serving on these boards and commissions. We appreciate their willingness to serve. I urge confirmation. Thank you."

The Chair then stated:

"The Chair thanks the Senator from Manoa for the good job that she has done on the Executive Appointments Committee."

At 11:14 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:16 o'clock a.m.

Senator McCartney rose in support of nominee, David Nobriga, and said:

"Mr. President, I rise to speak in support of Gov. Msg. No. 378 on behalf of Mr. David Nobriga. I'd like to submit some questions that Mr. Nobriga answered regarding water and protection of water, into the Senate Journal, if I may?"

The Chair having granted the request, the document is identified as Exhibit "A."

Senator Baker also rose in support of nominee, David Nobriga, and stated:

"Mr. President, I rise to speak in support of David Nobriga, Gov. Msg. No. 378.

"Mr. President and colleagues, I've known and worked with David 'Buddy' Nobriga for a number of years. His tireless efforts on behalf of the West Maui Soil and Water Conservation District makes him exceptionally suited for service on this commission. I know he's always been very concerned with preserving our precious natural resources. I urge all of my colleagues to vote in support of this nominee. Thank you."

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 3343 (Gov. Msg. No. 358):

By unanimous consent, action on Ldr. Com. Rep. No. 3343 and Gov. Msg. No. 358 was deferred to the end of the calendar.

Ldr. Com. Rep. No. 3344 (Gov. Msg. No. 358):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 3344 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of RUSSELL TADAO HIGA to the Hawaii Labor Relations Board,

term to expire June 30, 2000, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 3345 (Gov. Msg. No. 365):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 3345 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of CHRISTOPHER J. YUEN to the Board of Land and Natural Resources, term to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 3346 (Gov. Msg. No. 392):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 3346 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations to the Kaneohe Bay Regional Council of the following:

LYNN LEE, term to expire June 30, 1996; and

DAVID JARRETT GRUPEN, term to expire June 30, 1998,

seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 3347 (Gov. Msg. Nos. 394 and 395):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 3347 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of the following:

FRANKLIN J. HAYASHIDA to the Board of Directors, Research Corporation, University of Hawaii, term to expire June 30, 1997 (Gov. Msg. No. 394); and

ALLEN Y. KAJIOKA to the Land Use Commission, term to expire June 30, 1998 (Gov. Msg. No. 395),

seconded by Senator McCartney

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 3348 (Gov. Msg. No. 407):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 3348 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of JOHN M. HARA to the State Foundation on Culture and the Arts, term to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 3363 (Gov. Msg. No. 365):

By unanimous consent, action on Ldr. Com. Rep. No. 3363 and Gov. Msg. No. 365 was deferred to the end of the calendar.

### FINAL READING

Conf. Com. Rep. No. 141 (H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 141 be adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hagino.

Senator Ikeda rose in support of the measure, as follows:

"Mr. President, I rise to speak in favor of this bill. I'd like to share a few thoughts about my first year as Chair of the Ways and Means Committee and speak in favor of H.B. 2500, H.D. 1, S.D. 1, C.D. 1.

"Mr. President, this session has been a long but, I feel, productive one. You, as well as my other colleagues here, have put your confidence in me. I hope that this supplemental budget has served to meet your expectations. If anything, my year as your Ways and Means Chair has impressed upon me the great responsibility that has been bestowed upon us by the people of this state. It is not simply a popularity contest. To think in those terms would only be a disservice to those whom we serve. Our responsibility requires long hours and constant commitment. I've had to make some difficult and, at times, unpopular decisions this year but I've done so, always bearing in mind the interest of our state and its people.

"I came into this job with some very clear goals in mind. First and foremost was the preparation of a budget that left the state a sound reserve so that Hawaii can maintain its excellent bond rating. Hawaii has continued to be an attractive place for investment and maintaining our bond rating is crucial to that end. Second, I sought to stay within the constraints of a tight CIP ceiling. Through lapsing of some projects, we were able to find monies to fund some of the state's more pressing capital improvement needs. Finally, I wanted not to downsize but to right-size government. Simply cutting funds does not guarantee savings over the long haul, but maintaining that balance between vision and efficiency can help government work for all.

"Mr. President, the Ways and Means Committee presents to you a supplemental budget that, I feel, in many ways embodies these beliefs. We have constructed a budget that is fair, responsible, compassionate and forward looking. To bolster our state's economy we have added \$5 million to the promotion of tourism in our state. In social services, we have provided funding for the Quest Program which could save the state money over the coming years. In education, we have added funds for both the schools and school level personnel and look forward to a greater role our schools would take in the

education of our children. Lastly, we have taken serious efforts to right-size our government by adopting the provisions of early retirement in H.B. 759, C.D. 1, reducing the number of exempt positions throughout the state and encouraging the movement towards program self-sufficiency.

"We feel that we have taken steps to make government more responsive and responsible to the people of Hawaii. Mr. President, I believe that we met many of the goals we sought out to achieve.

"I would be remiss if I didn't take a moment to recognize the diligent work of the people who helped us meet these goals. To you, Mr. President, and members of the Senate leadership, my deepest appreciation for your support and guidance during this first year. To the members of the Ways and Means Committee, thank you for your long hours of service in crafting this supplemental budget. To the subject matter committees, my thanks for your concern and your expertise in your respective areas. And to the Ways and Means staff, your work was first rate and truly appreciated. I would like to introduce the staff, Mr. President, if I may this morning. Will you all wave? I owe a great deal to these people.

"And, finally, to Chairman Say and his members of the House Committee on Finance. We have worked well together and can be proud of the budget we have put forward.

"With that, Mr. President, I ask that all of my colleagues join me in voting in favor of this measure. Thank you."

The Chair then interjected:

"Thank you for a job well done, Senator Ikeda. To the Ways and Means staff who supported the Chair, we appreciate all your hard work, thank you."

Senator Levin also rose in support of the bill and said:

"Mr. President, I rise to speak in favor of the bill, very briefly. As one of the members of the Ways and Means Committee, I would like to express my thanks to the Chair and to the staff. They put in incredible hours. They dealt with an impossible task and in the end they came out with a document that we really all can be very proud of. I think the Chair of the Ways and Means Committee deserves our deep debt of thanks and gratitude for the work that she put in. Thank you."

Senator McCartney, also rising in support of the measure, then said:

"Mr. President, I too rise to speak in favor of the budget and especially appreciate the work that the Chair has done on education and, importantly, the staff worked so hard. The Chair commented to me that the Ways and Means staff feels like family to her. And when you go into their office, you see everybody working together as a team, as a family. They're the ones that help to translate all the ideas into reality. It's not easy to put together the state budget.

"Mr. President, one of the things that I admire about this Chair is that she has taught me a lot of things. She taught me how to say 'no' with dignity. And I think that in this tight budget year she had to make some really difficult decisions. Sure we wanted to give people a lot more, but we couldn't. The resources weren't there. We had to make some very tough decisions. I think it's a budget that we, as the leaders of the state, and the people of Hawaii can be very proud of. I want to commend her

for the excellent job that she and her staff and the rest of the committee did. Thank you."

Senator Holt also rose in support and added:

"Mr. President, just to restate what the previous Senators have said in congratulating the Chairman for her excellent job and the excellent job by her staff. Most especially, I want to recognize the chief clerk. It's very difficult to work for three different chairmen in three years. That's what Kevin Kuroda has done, and he's done a 'hell-of-a-job.' I think Kevin deserves our finest accolades.

"I urge everyone to support this budget."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### RECOMMITTAL OF HOUSE BILLS

Conf. Com. Rep. No. 118 (H.B. No. 3458, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 118 and H.B. No. 3458, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT BY THE COMMUNITY HOSPITALS," were recommitted to the Committee on Conference.

Stand. Com. Rep. No. 3361 (H.B. No. 3550):

By unanimous consent, Stand Com. Rep. No. 3361 and H.B. No. 3550, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," were recommitted to the Committee on Ways and Means.

At 11:26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:32 o'clock a.m.

Senator Chang, Majority Floor Leader, then made the following announcement:

"Mr. President, I understand that the House is presently debating and discussing the budget. In order to ensure the viability of our bills, we will take a brief recess and await the House adoption of the budget."

At 11:33 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

#### HOUSE COMMUNICATION

Hse. Com. No. 622, informing the Senate that the report of the Committee on Conference on House Bill No. 2500, H.D. 1, S.D. 1, C.D. 1, was adopted and that said bill passed Final Reading in the House of Representatives on May 2, 1994, was read by the Clerk and was placed on file.

#### FINAL READING

S.B. No. 2162, S.D. 1, H.D. 2:

On motion by Senator Chang, seconded by Senator Fukunaga and carried, the Senate agreed to the

amendments proposed by the House to S.B. No. 2162, S.D. 1, and S.B. No. 2162, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2272, S.D. 1, H.D. 2:

On motion by Senator Ikeda, seconded by Senator Grauly and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2272, S.D. 1, and S.B. No. 2272, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIKOLU WELL DEVELOPMENT PROJECT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2648, S.D. 1, H.D. 2:

On motion by Senator Ikeda, seconded by Senator Grauly and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2648, S.D. 1, and S.B. No. 2648, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 7 (S.B. No. 2605, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tungpalan and carried, Conf. Com. Rep. No. 7 was adopted and H.B. No. 2605, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8 (H.B. No. 1046, S.D. 1, C.D. 1):

On motion by Senator Tanaka, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 8 was adopted and H.B. No. 1046, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 9 (H.B. No. 3198, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 9 was adopted and H.B. No. 3198, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII INTERCOLLEGIATE ATHLETIC PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 10 (H.B. No. 3447, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 3447, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 11 (H.B. No. 2294, S.D. 2, C.D. 1):

On motion by Senator Grauly, seconded by Senator Baker and carried, Conf. Com. Rep. No. 11 was adopted and H.B. No. 2294, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 12 (H.B. No. 2197, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Grauly, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 12 was adopted and H.B. No. 2197, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13 (H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOING OUT OF BUSINESS SALES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15 (H.B. No. 2642, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 15 was adopted and H.B. No. 2642, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16 (H.B. No. 3255, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Baker and carried, Conf. Com. Rep. No. 16 was adopted and H.B. No. 3255, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17 (H.B. No. 2491, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 2491, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPENSING OF PRESCRIPTION DRUGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18 (H.B. No. 2640, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 2640, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE BROKERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19 (H.B. No. 3170, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Holt and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 3170, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20 (H.B. No. 2913, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Baker and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 2913, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22 (H.B. No. 2238, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 2238, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (H.B. No. 1590, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 24 was adopted and H.B. No. 1590, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (H.B. No. 2219, H.D. 1, S.D. 1, C.D. 1):

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

and H.B. No. 2219, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26 (H.B. No. 2220, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 2220, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27 (H.B. No. 2725, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Levin and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 2725, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28 (H.B. No. 2975, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 2975, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29 (H.B. No. 2981, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 2981, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SETTING OF BAIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (H.B. No. 3201, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 3201, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (H.B. No. 2461, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Holt and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 2461, H.D. 1, S.D. 1, C.D. 1, entitled: "A

**BILL FOR AN ACT RELATING TO MORTGAGES OF REAL PROPERTY OR FIXTURES,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34 (H.B. No. 2599, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Levin and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 2599, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO TELEPHONE SERVICE,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35 (H.B. No. 3209, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 3209, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37 (H.B. No. 2921, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 37 was adopted and H.B. No. 2921, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO EQUINE ACTIVITIES,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38 (H.B. No. 2322, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 38 was adopted and H.B. No. 2322, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO ATTORNEYS' FEES,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39 (H.B. No. 3470, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 39 was adopted and H.B. No. 3470, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO THE RELEASE OF PRETRIAL INMATES,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40 (H.B. No. 1712, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 1712, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO ELECTRICIANS,"**

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (H.B. No. 3416, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 3416, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO LIFE INSURANCE,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42 (H.B. No. 2449, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 2449, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO TORT LIABILITY,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46 (H.B. No. 740, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Holt and carried, Conf. Com. Rep. No. 46 was adopted and H.B. No. 740, H.D. 1, S.D. 2, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANTS,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49 (H.B. No. 3017, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 49 was adopted and H.B. No. 3017, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50 (H.B. No. 2985, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 2985, H.D. 1, S.D. 1, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 51 (S.B. No. 3180, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 3180, S.D. 1, H.D. 2, C.D. 1, entitled: "A **BILL FOR AN ACT RELATING TO PUBLIC**

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53 (S.B. No. 2829, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 2829, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (S.B. No. 2630, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 2630, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55 (S.B. No. 2180, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 2180, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56 (S.B. No. 2722, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 2722, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58 (S.B. No. 2182, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 2182, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO PROVIDE FOR CONSENT OF THE SENATE TO THE APPOINTMENT OF DISTRICT COURT JUDGES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59 (S.B. No. 2183, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 2183, H.D. 1, C.D. 1, entitled: "A BILL

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67 (S.B. No. 2615, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 67 was adopted and S.B. No. 2615, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM FOR CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73 (S.B. No. 2172, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 73 was adopted and S.B. No. 2172, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76 (S.B. No. 576, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 576, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77 (S.B. No. 2366, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 77 was adopted and S.B. No. 2366, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80 (S.B. No. 3303, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 3303, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 82 (S.B. No. 2261, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 2261, S.D. 2, H.D. 3, C.D. 1, entitled: "A

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83 (S.B. No. 2908, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 2908, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII QUALIFIED HEALTH CENTERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87 (S.B. No. 2653, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 87 was adopted and S.B. No. 2653, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111 (H.B. No. 1731, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 1731, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113 (H.B. No. 2333, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 2333, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 115 (H.B. No. 3326, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 3326, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS DIVISION'S PILOT AUTONOMY PROJECT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 117 (H.B. No. 3160, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 117 was adopted

and H.B. No. 3160, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR CHILD FOSTER CARE PAYMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119 (H.B. No. 3132, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 3132, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NONPRESENTMENT OF WARRANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122 (H.B. No. 2605, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 122 was adopted and H.B. No. 2605, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (H.B. No. 1317, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 130 was adopted and H.B. No. 1317, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURES IN REAL ESTATE TRANSACTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131 (H.B. No. 2928, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 131 was adopted and H.B. No. 2928, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136 (H.B. No. 3323, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 136 was adopted and H.B. No. 3323, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF PAYMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142 (H.B. No. 3144, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 142 was adopted and H.B. No. 3144, S.D. 2, C.D. 1, entitled: "A



**BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147 (H.B. No. 3456, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 147 was adopted and H.B. No. 3456, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL EXEMPTIONS FOR THE COMMUNITY HOSPITALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 148 (H.B. No. 3324, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 148 was adopted and H.B. No. 3324, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMANENT AUTONOMY FOR HILO AND MAUI MEMORIAL HOSPITALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 149 (H.B. No. 2515, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 149 was adopted and H.B. No. 2515, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 150 (H.B. No. 3169, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 150 was adopted and H.B. No. 3169, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 152 (H.B. No. 3458, H.D. 1, S.D. 2, C.D. 2):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 152 was adopted and H.B. No. 3458, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT BY THE COMMUNITY HOSPITALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 153 (H.B. No. 3428, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 153 was adopted and H.B. No. 3428, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

Stand. Com. Rep. No. 3350 (H.B. No. 2622, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3350 was adopted and H.B. No. 2622, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS DISPOSSESSED OR DISPLACED BY VOLCANIC ERUPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3351 (H.B. No. 3055, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3351 was adopted and H.B. No. 3055, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR VETERANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3353 (H.B. No. 3147):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3353 was adopted and H.B. No. 3147, 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. 3354 (H.B. No. 3152):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3354 was adopted and H.B. No. 3152, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3355 (H.B. No. 3157):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3355 was adopted and H.B. No. 3157, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3356 (H.B. No. 3332):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3356 was adopted and H.B. No. 3332, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POST-SECONDARY

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3358 (H.B. No. 3464, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3358 was adopted and H.B. No. 3464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3359 (H.B. No. 3468, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3359 was adopted and H.B. No. 3468, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3362 (H.B. No. 3716, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3362 was adopted and H.B. No. 3716, H.D. 1, entitled: "A BILL FOR AN ACT RELATED TO CENTRAL COORDINATING AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### FINAL READING

Conf. Com. Rep. No. 30 (H.B. No. 3133, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 3133, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65 (S.B. No. 905, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 905, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AIRPORT REVENUES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70 (S.B. No. 3307, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 70 was adopted

and S.B. No. 3307, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72 (S.B. No. 2875, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 72 was adopted and S.B. No. 2875, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROVISION OF AMBULANCE SERVICES ON OAHU," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74 (S.B. No. 1628, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 1628, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DREDGING OF MAUNALUA BAY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (S.B. No. 2378, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 2378, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78 (S.B. No. 3292, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 3292, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT TAXI SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79 (S.B. No. 2161, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 2161, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85 (S.B. No. 2377, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 2377, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 88 (S.B. No. 2262, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 2262, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112 (H.B. No. 2746, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 2746, H.D. 2, S.D. 2, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114 (H.B. No. 2344, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 2344, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLICATION OF THE HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121 (H.B. No. 3333, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 121 was adopted and H.B. No. 3333, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PANAewa RESIDENTIAL LOTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123 (H.B. No. 2647, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 123 was adopted and H.B. No. 2647, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (H.B. No. 1609, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 124 was adopted and H.B. No. 1609, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125 (H.B. No. 1615, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 1615, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126 (H.B. No. 1618, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 1618, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (H.B. No. 3630, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 127 was adopted and H.B. No. 3630, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128 (H.B. No. 3135, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 128 was adopted and H.B. No. 3135, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE JUVENILE JUSTICE INFORMATION SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 129 (H.B. No. 3506, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 129 was adopted and H.B. No. 3506, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132 (H.B. No. 759, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 132 was adopted and H.B. No. 759, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (H.B. No. 1332, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 1332, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 135 (H.B. No. 2221, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 135 was adopted and H.B. No. 2221, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 139 (H.B. No. 2780, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 2780, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 140 (H.B. No. 2990, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 2990, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 143 (H.B. No. 2730, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 143 was adopted and H.B. No. 2730, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145 (H.B. No. 3600, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 145 was adopted and H.B. No. 3600, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146 (H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 146 was adopted and H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

Stand. Com. Rep. No. 3349 (H.B. No. 2005, H.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3349 was adopted and H.B. No. 2005, H.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. 3352 (H.B. No. 3140):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3352 was adopted and H.B. No. 3140, 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. 3357 (H.B. No. 3463, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3357 was adopted and H.B. No. 3463, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF PUBLIC SAFETY FUNCTIONS AND EMPLOYEES FROM THE DEPARTMENT OF DEFENSE 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. 3360 (H.B. No. 3473, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3360 was adopted and H.B. No. 3473, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having

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

Ayes, 25. Noes, none.

### FINAL READING

Conf. Com. Rep. No. 14 (H.B. No. 2641, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 2641, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 21 (H.B. No. 3491, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 21 was adopted and H.B. No. 3491, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Koki, Reed, Ikeda).

Conf. Com. Rep. No. 23 (H.B. No. 3303, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Holt and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 3303, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USED MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 31 (H.B. No. 3137, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 3137, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCESS FOR CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 36 (H.B. No. 2680, H.D. 1, S.D. 1, C.D. 1):

Senator Iwase moved that Conf. Com. Rep. No. 36 be adopted and H.B. No. 2680, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hagino.

Senator Matsuura rose to speak against the bill as follows:

"Mr. President, I rise to speak against H.B. 2680 and the insertion of a clause into this bill that would prohibit the construction of overhead lines 46-kv or greater on lands designated for the future University of Hawaii - West Oahu Campus at Kapolei.

"While the intent of undergrounding utility line is good, it is not relevant to the issue of the land exchange. The cost of undergrounding 46-kilovolt and greater lines is

tremendous. While in some instances undergrounding may be desirable, these decisions are properly the responsibility of the PUC, which has the responsibility for balancing all sides of the issue, including costs and aesthetics and determining whether or not such lines should be placed underground.

"This clause makes no determination of the cost of such undergrounding or who's going to pay. In caucus, the Chairman of the Planning, Land and Water Use Management Committee mentioned that the cost on this property will not be borne by the state or the ratepayers. The cost will have to be borne by the utility company. This is unfair. We should not be making these decisions by legislation. The PUC is mandated to make these decisions. The clause also contains language on page 3, line 9, that may prohibit the provision of electrical service to the exchanged land.

"In conclusion, the Legislature's forcing the utility lines underground without a thorough evaluation would only limit future options without the health or reliability benefits. Although there appears to be no such planned lines currently designated for the campus, we should not be limiting ourselves in excluding that option now.

"The thing that I have serious objections to and I think is bad policy is when we legislate a private company, such as Hawaiian Electric, in telling them what to do, and whatever we tell them to do that they will have to pay for it. It is a very bad policy to initiate. That's one of the reasons why these issues are usually decided by the PUC ... as to who's going to pay for it. If not, we're going to say everything's got to be underground. Ratepayers are not going to pay for it. The state is not going to pay for it. Guarantee, Hawaiian Electric will go broke.

"Thank you."

Senator Iwase then rose in favor of the bill and stated:

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

"I do wish to briefly correct some misunderstandings. If the bill is closely and properly read, the bill's purpose is to make sure that no overhead line is placed on the 500-acre campus site for the University of Hawaii - Kapolei. The state owns 1100 acres at Kapolei. This bill does not preclude use of any of the remaining 600 acres for overhead lines. So, Mr. President, I just wanted to make that correction clear.

"Secondly, with respect to the issue of rate, this bill does not really go to who pays for the overhead lines. Assuming that it's overhead, I hope that the Hawaiian Electric Company would assume some of the costs. I do not advocate that the state subsidize Hawaiian Electric, in performing its function as a monopoly in this state, to provide electrical service to the people of this state.

"And finally, Mr. President, with respect to cost, which may be borne by Hawaiian Electric, I would hope that at some point and time that the repeated request for an audit of Hawaiian Electric is passed so that we can have a clear understanding of how much profit they're making.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 2680, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Matsuura).

Conf. Com. Rep. No. 43 (H.B. No. 1733, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 43 was adopted and H.B. No. 1733, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF MERCHANDISE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44 (H.B. No. 3290, H.D. 1, S.D. 1, C.D. 1):

Senator Grauly moved that Conf. Com. Rep. No. 44 be adopted and H.B. No. 3290, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Reed rose to speak against the measure and said:

"Mr. President, I rise to speak against this bill, primarily, for three reasons.

"First, it gives legislators special privileges it doesn't give other public employees. Secondly, it changes the law to allow for public hearings when people violate the ethics code and then turns around and allows the commission to close the hearing for any reason they want. And, finally, it requires a higher standard of evidence, just to hold the hearings on whether there's been an ethics violation, than a grand jury needs to indict someone for murder.

"Mr. President, I have longer remarks and I'd like to have your permission to insert them into the journal.

"In closing, I would like to simply say that this bill is not ethics reform -- it is an insult. If it passes, I hope the governor will veto this bill.

"Thank you."

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

"The legal problems with this bill are complex. What's simple is this:

1. This bill provides confidentiality for legislators and other elected officials while at the same time requiring that complaints against other public employees be public record. Legislators should not be singled out for special treatment.
2. This bill gives the commission extremely broad discretion to close any so-called 'public hearings,' and to prevent certain complaints and findings from being public record.
3. This bill provides for public hearings when there is a complaint filed, but then requires a standard of 'clear and convincing evidence' to even hold a hearing to find out if there's a violation. A grand jury may indict for murder with a considerably lower standard -- probable cause."

Senator Matsuura also rose to speak against the measure and said:

"Mr. President, I also rise in opposition to this measure.

"The State Ethics Commission introduced this bill to abolish its now secret hearings in favor of public hearings.

"However, contrary to the stated wishes of the commission, this bill was altered to weaken ethics law enforcement by requiring the commission to find 'clear and convincing evidence' or, in other words, overwhelming evidence of a violation of the State Ethics Code before the commission could hold a public hearing.

"For the past 25 years, the commission needed to find only 'probable cause' of a violation of the State Ethics Code in order to hold a hearing, and 'probable cause' is indeed the appropriate standard for the commission to follow.

"A prosecutor only needs probable cause to go to trial in a criminal case. A grand jury only needs to find 'probable cause' for even the most serious of crimes -- like rape or murder. The 'clear and convincing evidence' standard placed in his bill is a gross anomaly. It's a standard that doesn't even exist in criminal law in this state. Our ethics laws are not criminal laws, but civil statutes. Yet, this bill applies a standard not even found in criminal law. This does not make any sense.

"It is evident that H.B. 3290 has been structured to provide legislators with legal protections an ordinary citizen does not enjoy. As legislators, we should be holding ourselves to higher standards -- not creating almost insurmountable legal barriers to insulate us from the very laws we have passed to ensure high ethical standards for ourselves.

"The 'clear and convincing evidence' standard applies to weighing evidence after a hearing, not and I repeat not before. Using the standard prior to a hearing is going to create a legal confusion.

"The motive for inserting the 'clear and convincing evidence' standard in this bill is transparent -- to throw a legal roadblock in the way of public hearings.

"This bill does not stand for ethics reform. It's a phony attempt to look good, while in fact looking bad, by weakening ethics enforcement.

"Legislators again have given themselves special legal treatment. It's time for us to set higher standards for ourselves, or at least the same standards that apply to everyone else, but certainly not lesser standards, and I say this in all sincerity. It's time that we at least tell the public that we're not here for loyalty or anything like that -- this is a matter of integrity.

"Thank you."

Senator B. Kobayashi, also against the bill, then said:

"Mr. President, I'd like to join in the remarks of the prior speakers. I will be voting 'no' on the bill. Thank you."

Senator Grauly then rose in support of the measure and stated:

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

"Mr. President, we've been dealing with this bill from the beginning of this particular session and the questions that were often posed to me as Chairman of the committee was, 'Why is there an inconsistency in our law, such that under the information practices act the record of the proceedings is disclosed upon the conclusion of any

proceedings? And why is it under previous versions of this bill there is a requirement that the information regarding the proceedings be disclosed prior to the final hearing? What your committee has done is made this particular bill consistent with the information practices act.

"It does not create a higher standard because there are three particular points in the investigation of an ethics violation. First is the complaint stage, and the bill requires probable cause. Secondly, is the point that a charge is actually made. That is where the requirement under this bill is that 'clear and convincing evidence' be presented. Finally, there is the third stage which is the hearing stage. It's at that third stage that the proceeding becomes public.

"We need to balance the rights of those who have been brought before the Ethics Commission with the interest of the public. I think this bill does that. Not everyone will agree with it, but I think it's a bill that we can look to and say it provides for fairness and is consistent with the philosophy of making sure that everyone is given the opportunity to defend himself or herself, whether he is a legislator, a state employee, or whatever, before any body in which the charge is made against that particular individual.

"For this reason, Mr. President, I ask that all members vote 'aye' on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 44 was adopted and H.B. No. 3290, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE STATE ETHICS CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Kobayashi, B., Matsunaga, Matsuura, George, Koki, Reed).

Conf. Com. Rep. No. 47 (H.B. No. 929, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 47 was adopted and H.B. No. 929, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Conf. Com. Rep. No. 48 (H.B. No. 1088, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 1088, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Kanno, Levin).

Conf. Com. Rep. No. 52 (S.B. No. 2515, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Baker and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 2515, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION, TO CHANGE THE COMPOSITION OF THE APPOINTEES TO THE JUDICIAL

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

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

Conf. Com. Rep. No. 57 (S.B. No. 2563, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Holt and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 2563, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND OTHER COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

Conf. Com. Rep. No. 60 (S.B. No. 2663, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Gaulty, seconded by Senator A. Kobayashi and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 2663, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Conf. Com. Rep. No. 61 (S.B. No. 256, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 61 be adopted and S.B. No. 256, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Matsuura rose to speak in opposition to the measure as follows:

"Mr. President, let me explain why I'm going to vote 'no' on this issue.

"Basically, I have always protected people in private business whether it's in restaurants, in homes etc. It was the policy of this Senate body in the past that we try to prohibit smoking in public places. It was also a policy within this Senate body that if the counties wanted to adopt something stricter, that's their prerogative and we have also gone along with that.

"Now you may ask, for a person like myself who has initiated no smoking in airplanes and later protected the private industry, primarily the restaurants, protecting them from the smoking laws -- why the change? I can explain the turning point as to my stand. At the last hearing, one of the things that made me switch was the detrimental effects of the second-hand smoke. This is not the guys who are smoking. Those that want to smoke, they can smoke as many packs as they like because it's their life. That's their prerogative. But second-hand smoke is something else because it has a detrimental health effect on non-smokers.

"The reason why I'm so concerned is that the EPA has now classified second-hand smoke as a class A carcinogen. There are basically four class A carcinogens -- benzene, asbestos, radon and cigarette smoke. If there's a school next to a gas station and the benzene vapor comes out of the gas pump and there's no preventive measure, that school is going to get closed!

"One of the reasons I have switched is that it's not an issue of privatization anymore. For me, it is an issue of

health -- health for the people who don't smoke -- and we must protect the non-smokers from this second-hand smoke class A carcinogen. For that reason, I'm voting 'no' on this issue.

"Thank you."

Senator Levin then rose to speak in opposition to the bill as follows:

"Mr. President, I rise to speak against the bill, but in doing so, I want to start by complimenting the Chair of the Conference Committee. I know how hard he worked to put together a good bill and it is a bill that is a compromise and clearly incorporates much of what the 'pro-health community,' if you will, wanted to see in the bill. Nevertheless, I do have to vote against it in spite of feeling that he did do a very credible job and worked very hard on the issue.

"My problem with the bill is the pre-emption clause that would impose what is basically a moratorium for four years and potentially a permanent moratorium if the Legislature takes any action over the course of the next four years with respect to smoking. We have a relatively unusual statute on the books in terms of smoking, under which the state has taken a position but said that the counties can deal with the smoking area if they want to impose laws that are more stringent than the laws that the state has imposed.

"The reason that the smoking lobby has come to the Legislature is to prevent the City and County of Honolulu from using that provision to impose more stringent laws. Apparently the bill the council wants to pass, an ordinance that they want to pass, will deal with restaurants.

"If I don't want to go to a restaurant that allows smoking or if I don't want to be in a restaurant that allows smoking, I can just stay away. And in that sense I don't think we need laws to deal with restaurants. However, there are workers in those restaurants, and I don't think it is any fairer to say to those workers 'if you don't want to work in a smoke-filled restaurant, then get a different job,' it is no more fair to say that, than it would be to say to a woman 'accept sexual harassment or get a different job.' We've crossed that bridge. We know that's not acceptable, and we pass laws against it.

"I think that if the City and County wants to pass a law, and I'm not saying that the state should, but if the City and County wants to pass a law that says 'There shall not be smoking in restaurants,' then I think that the City and County, elected officials just as we are, ought to have that option.

"So, I'll be voting 'no.' Thank you for letting me make these comments."

Senator B. Kobayashi also rose in opposition to the bill and said:

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

"I believe that this is a compromise that almost made it. It represents some good things as the prior speaker has said and the Chairman should be complemented for having gone this far. It does, however, have a very strong pre-emption clause and the pre-emption clause is the major objection to the bill.

"Let me read from some material that comes from a June 1991 memo from the president of the Smokeless Tobacco Council in which he details a strategy on behalf of the tobacco industry to support the interests of the

tobacco industry. The memo, addressed to various lobbyists in the State of California and in Washington, D.C., talks about a new strategy -- that of developing comprehensive legislation and making that comprehensive legislation look like an anti-tobacco law. Quote: 'The trick in doing this, passing a law with pre-emption, would be that such an act would have to have the appearance of a comprehensive scheme.' unquote. The idea is to pass a multi-point, comprehensive piece of anti-smoking legislation, but include within it a pre-emption clause. This would enable the tobacco interests to concentrate their lobbying efforts at the state legislature only, and not in numerous local levels of government.

"The memo goes on to say, quote: 'The chances of success depend upon the perception that the act was comprehensive.' unquote. This strategy, which was first enunciated in June 1991, resulted in a bill introduced into the California State Legislature approximately two weeks after the memo was written. In the following two years after this memo was written, numerous pieces of legislation were introduced in states across the country and in a number of states -- less than half -- pre-emption legislation was passed.

"Hawaii is now on this path of following a memo advocating a strategy presented by the Smokeless Tobacco Council, in passing a multi-point, so-called comprehensive piece of legislation, which has a strong pre-emption clause. The pre-emption clause, as was noted earlier, starts with a four-year moratorium and becomes permanent, forever and ever, if any legislation is passed within four years.

"The bill does not specify what kind of legislation needs to be passed within the four years. A technical change of a comma or a nonsubstantive bill could indeed trigger a permanent pre-emption. Although this was not the intent of the drafters, this is, in effect, the effect of the bill. And so we put ourselves in a very awkward position of having, on one hand, certain attractive features in the bill, but also a pre-emption clause that could prevent the counties from protecting citizens against a class A carcinogen.

"I think that counties are sovereign entities unto themselves and they have legislative bodies which are answerable to the people. We have a notion of home rule and the county councils should be given the opportunity to exercise their sovereign responsibility under the notion of home rule.

"I would note that we have to understand how much our attitude towards smoking has changed over the last few years. Smoking has indeed been recognized more and more as the most hazardous, preventable habit in the United States public health today. Smoking was once seen as a sort of benign kind of thing that affected only the smokers themselves. We know now that it affects people around smokers. Restaurants are also an attractive place to be, but they can also be a dangerous place when smoking is allowed.

"I have a document here from the U.S. Public Health Service, not a radical organization, and it says, quote: 'Restaurants that allow smoking can have six times the pollution of a busy highway. Don't be fooled. Restaurants that have separate smoking and non-smoking sections cannot eliminate your exposure to toxins from second-hand smoke. Ventilation systems are designed to efficiently circulate air within an enclosed environment, not to filter and clean. Trying to have a smoke-free section of a restaurant is like trying to have a chlorine-free section of a swimming pool.' unquote.



"In short, we have a situation in which the bill before us has a potential harm that is permanent, and that is the major objection to the bill. I would hope that we recognize if we pass this bill, that we have to be very clear about what we pass over the next few years. Conceptually, even a resolution might be considered specific legislation and that might even trigger a permanent pre-emption.

"Thank you."

Senator Kanno then rose to support the measure as follows:

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

"This is a reasonable measure, providing for a balance between health concerns and economic impact concerns. It implements new standards for restaurants requiring 35 and 50 percent of their seating areas to be reserved for non-smokers. A previous speaker mentioned needing to sit next to a smoker in a restaurant. That situation should no longer be required with the provisions that are included in this bill. There are also new requirements for non-smoking policies for all private businesses with two or more employees.

"In regards to the appropriateness of the state implementing smoking policies, we already regulate smoking in the following areas: elevators, hospitals, doctors' offices, restaurants, theaters, museums, libraries, public auditoriums, sports arenas and meeting rooms, airports, restrooms, banks and stores. And clearly it's a concern at the state level.

"This measure provides for a balance of the economic impact on small business and the health and safety concerns of the public. I'm very pleased to support small business and I urge my colleagues to support this measure.

"Thank you."

At 1:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:01 o'clock p.m.

Senator Chang then stated:

"Mr. President, with respect to the bill before us, I share the concerns expressed by previous speakers about pre-empting county decisions in this area. However, in the interest of insuring that my position on the subject had some grounding in the real world, I shared the evening with Senator Kanno last night and we went to various venues which might be impacted by regulation and I must say that the impact of Golden Week on the economy of the State of Hawaii really needs to be taken into account. (Laughter.)

"Upon the Senator's detailing of the various areas in which the state already has regulatory powers, and in view of the real life situation that we found last evening, I've changed my position and I will vote for the measure. However, I do have continuing concerns about the pre-emption language and I am hoping that when we develop a consistent statewide approach to this, that appropriate decision making can then be left to the counties. Thank you."

Senator B. Kobayashi then added:

"Mr. President, if I had been on last night's inspection, I might be voting in favor too." (Laughter.)

The motion was put by the Chair and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 256, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Matsuura, Levin, Kobayashi, B., Matsunaga, Tungpalan, Kobayashi, A., Reed).

Conf. Com. Rep. No. 62 (S.B. No. 495, S.D. 1, H.D. 1, C.D. 1):

Senator Gaulty moved that Conf. Com. Rep. No. 62 be adopted and S.B. No. 495, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

"Mr. President, I oppose this bill because (1) it sends the wrong message to our community, (2) it will significantly damage our law enforcement efforts, and (3) it is a misguided attempt to address an issue in an inappropriate and piecemeal manner.

"This bill sends the wrong message to our community because it proposes to allow probation for our most serious drug offenders. Under current law, certain convicted criminals are not eligible for probation at sentencing. These include murderers, career criminals, criminals who use firearms in the commission of a felony, and our most serious drug offenders -- Class A drug felons. Class A drug felons include drug traffickers, dealers and those who distribute dangerous drugs to minors.

"The rationale for our current law is rooted in the Model Penal Code. The philosophy of the Code is to penalize according to the degree of social harm. The Hawaii Supreme Court in 1979 in State v. Caldeira stated, 'social harm in drug distribution is great indeed. The drug seller, at every level of distribution, is at the root of the pervasive cycle of destructive drug abuse.'

"In 1980, the Senate Committee on Judiciary stated, 'The seriousness of Class A drug felonies merits mandatory imprisonment.' In the '80s, we saw the drug problem in Hawaii become epidemic. In fact, during a nationwide marijuana eradication program, Hawaii accounted for 25% of all the marijuana seized in the entire country. We also saw an alarming increase of drug sales in elementary and secondary schools.

"The problem of drugs and drug-related crimes has not diminished since our drug policies were effected. In fact, law enforcement's war against drugs is raging full force as more addictive and available forms of drugs infiltrate our society. Yet, we are now proposing to weaken the penalties for drug traffickers and those who sell dangerous drugs to our kids?

"It appears as if we're changing our message from 'Just Say No' to 'Just Say Maybe.'

"This bill will significantly damage our law enforcement efforts because it removes the 'teeth' from law enforcement's attack against the drug community. Presently, law enforcement uses the mandatory minimum sentence as leverage to obtain from offenders information about accomplices. This enables law enforcement to not only prosecute the carriers, but also the kingpins.

"Two examples come to mind -- the Hackett Brothers case and the Troy Barboza case.

"The Hackett Brothers Case - In 1989, Ray Batungbacal was arrested and charged with promoting a dangerous drug in the first degree, a Class A felony. Batungbacal was linked to a four-person cocaine ring which, during only a six-month period, had successfully imported 22 kilos (45-47 pounds) of cocaine from Los Angeles to our state. Batungbacal possessed the information and inside position to help law enforcement arrest members of this mainland-based cocaine ring. Prosecutors were able to negotiate an exchange of reduction to a Class B felony for Batungbacal's cooperation in identifying and arresting the members of the ring.

"As a result of Batungbacal's cooperation, Stephen and James Hackett, Lisa Estrada and Leonard Ullibarre were arrested, charged and convicted, putting an end to the continued importation to this state of an alarming amount of cocaine.

"The Troy Barboza Case - In 1988, Japan Honda and Alexander McAllister were arrested and charged with promoting a dangerous drug in the first degree, a Class A felony. Both individuals had information regarding the murder of Honolulu police officer Troy Barboza. Prosecutors were able to negotiate an exchange for cooperation and information leading to the arrest and conviction of Tony Williams for the first-degree murder of Officer Barboza.

"Using his drug connection with Williams, Honda was able to lure Williams back to Hawaii where he secretly obtained a taped confession concerning Williams' involvement in Officer Barboza's murder. Law enforcement agents who were monitoring this exchange were then able to secure the arrest of Williams. Both Honda and McAllister testified at Williams' trial offering valuable information leading to his conviction.

"Honda and McAllister entered guilty pleas to the Class A drug offense and received favorable recommendations from prosecutors to the paroling authority. Without the threat of the mandatory sentence accompanying a Class A drug offense, our prosecutors would not have had the leverage to extract cooperation and information from Honda and McAllister, and the arrest and conviction of Williams may never have been realized.

"The bill's apparent purpose is to give judges more flexibility in sentencing. Yet, judges are not the ones asking for this bill. In fact, the Judiciary did not testify in support of this bill.

"Further, amending only one aspect of our mandatory minimum sentencing laws is an inappropriate piecemeal attempt to modify our existing penal code.

"If, indeed, this body believes we should revisit our mandatory minimum sentencing policy, why not defer to the recommendations of the Committee to Conduct Comprehensive Review of the Hawaii Penal Code? This committee was appointed by our chief justice in response to Act 284 (which the Legislature passed last year), and includes amongst its members judges, prosecutors, defense counsel, university professors, mental health experts, parole and probation personnel, police counsel and representatives of the attorney general and public safety departments. This committee has met several times in plenary session, has formed subcommittees, has articulated an agenda for 1994, and is well into the business of comprehensive review. The committee's recommendations will be submitted to the Legislature in ample time for us to act next session.

"Why not defer to the comprehensive work of this committee instead of passing a bill which has not even had a public hearing this year?

"Finally, for those of you who think our current drug laws are too severe, you should be aware that a mandatory minimum of 20 years for Class A drug felons does not mean 20 years in prison. In fact, the average length of minimum sentences determined by the Hawaii Paroling Authority for Class A drug felons is approximately 3-4 years.

"This bill is a bad bill, and I urge my colleagues to vote 'no.'"

Senator Matsuura then said:

"Mr. President, I thank the previous speaker and I'm voting 'no' on this measure. Thank you."

Senator Grauly rose in support of the measure and said:

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

"Mr. President, this bill was a bill that my predecessor, Senator Levin, had hearings on. He adopted a policy that I personally support and the reason why this bill is before us today is also for three good reasons. First, Mr. President, I believe that the court should have discretion in sentencing a defendant convicted of a Class A felony drug offense. I believe that we have to have faith in our judges, that under all the facts and circumstances of which they have been made aware, that they will render the proper decision, appropriate under the circumstances of the case.

"Secondly, this bill extends probation to ten years for these kinds of offenses. This will enable the judges to evaluate all the appropriate sentencing and treatment alternatives available for drug offenders.

"Thirdly, Mr. President, in the event that a judge feels that probation is warranted, he needs to be able to state on the record, why, in order that the public can properly evaluate the judge's decision and make an evaluation of the judge when they feel the sentence was inappropriate.

"Mr. President, I think this bill provides wide discretion to judges and I think that is important and necessary for these kinds of offenses. I believe that this is the direction in which your committee would like to go now and more so, in the future.

"Thank you, Mr. President."

Senator Levin also rose in support of the bill and said:

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

"I'm not sure what the Majority Floor Leader had in mind when he set the three civil libertarians back here on one table. Originally, I thought that it might be to oversee the Republicans to make sure that they were under proper control. If he expected us to act in unison, obviously that was a disappointment. I was unable to convince my two colleagues here of the obvious wisdom of prohibiting rocket launches as an example. Two of us were unable to convince the Judiciary Chair of the obvious wisdom of allowing domestic partnerships among same-sex couples. And now our young colleague has not been able to see the obvious wisdom of allowing our judges the ability to use their discretion when they hear the facts of a particular case and are in the best position to know what an appropriate sentence is.

"I think this is a good bill. I'm pleased to have the opportunity to support the Judiciary Chair on this. I urge my colleagues to vote 'yes.' Thank you.

Senator B. Kobayashi then rose in opposition and stated:

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

"If all of our judges were as astute as the members of the back row, I would certainly support this bill. However, this bill particularly segregates out one type of Class A felony, a most grievous and serious type of felony, that having to do with Class A drug offenses, and says that somehow this category deserves less harsh treatment. Given what has happened with the drug scene in the last few years, I think that is absolutely the wrong message to send. We should have discretion, no doubt, within the court system, but to have such a narrow opportunity for discretion would not, I believe, make our prisons less crowded. It will send a wrong message and I think it could have been handled such that, perhaps we could have gone with longer probations, but without this one particular exception.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 495, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Matsunaga, Matsuura, Kobayashi, B., McCartney, Kanno, Iwase, Tungpalan, George, Koki, Reed).

Conf. Com. Rep. No. 63 (S.B. No. 2393, S.D. 1, H.D. 1, C.D. 1):

Senator Graulty moved that Conf. Com. Rep. No. 63 be adopted and S.B. No. 2393, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

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

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

"Mr. President, it's quite a coincidence that the last bill on the agenda for the Judiciary Committee is the first bill that we began this session with. In the middle of December, we held informational hearings on gun control and I think the effort reflects, very greatly, the tremendous amount of work that your Judiciary Committee did during this particular session. As I count the number of measures on our agenda today, there are 32 that came from the Judiciary Committee. I'd like to take this opportunity to thank the members of the committee for their hard work and support of the Chair as we dealt with every one of these issues. Some of these issues have been more difficult than others, admittedly, and there were no measures more difficult for us than same-sex marriage and gun control.

"With regard to this particular measure, Mr. President, I'm proud to stand as a member of this Senate for more gun control in our state. We took a very strong position in support of stricter gun control measures by a vote of 16 to 8. This bill will make it possible for Hawaii to stand strong and to stand as the first state in the nation to have universal registration of all firearms in our state. It does a few other good things. It provides for absolute liability

in the case of personal injury or property damage arising from the discharge of any firearm. Secondly, it requires that before one can get a handgun permit or to acquire a handgun, one must demonstrate that he or she has undertaken the necessary training and live firing and can use the handgun properly. Thirdly, it provides for very strong forfeiture of vehicles language in order to arrest the number of drive-by shootings that we find so prevalent in certain areas of our state. And lastly, it provides for very strong language with regard to TROs, the most volatile period in a domestic violence situation.

"Mr. President, this is not what we wanted. We wanted something more than this, but this is something we can still be proud of. It's taken a lot of hard work on the part of the members of your committee. It wasn't easy dealing with the House. It wasn't easy dealing with a very vocal minority, but we managed to come up with a bill that will make our community safer. And for that, Mr. President, I ask all my colleagues to vote 'aye.'"

Senator Matsunaga also rose in support and said:

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

"I'd like to just compliment the Chair of the Judiciary Committee for his hard work and tenacity in the face of quite a bit of adversity, for bringing this measure out.

"Mr. President, I fear my colleague from the Big Island may vote 'no' just to prove that his prior speech was correct.

"Thank you."

Senator Reed then rose to speak against the measure as follows:

"Mr. President, thank you. I rise to speak in opposition. I want to compliment the Chairman of the Judiciary Committee first, however, on his good sense for front page photo material.

"I believe there are many good elements to this bill. I definitely support training and the forfeiture measure as well as the temporary restraining order aspects of this bill. In fact, I was involved in the committee discussion that led to providing for the tough aspects of the TRO in this bill, and to the extent that that will help reduce the potential for violence in domestic problems, I'm wholly in support.

"There are good elements to this bill, but I oppose it not so much because of the specifics, but rather on principle, and also, for the record, to underscore the reality as it relates to gun control and our attempt as a society to reduce violent crime. Making it more difficult for law-abiding citizens to buy and own guns would do nothing to reduce crime. Studies across our country suggest in fact that gun control may in fact increase crime, as criminals become the only ones who have the arms and who know that people are unarmed.

"The main point of my opposition to this kind of measure is that the focus is wrong. If our goal is to reduce the criminal use of guns, which I'm led to believe by the proponents of this kind of measure that it is, then we should pass legislation that focuses on the criminal. I am reminded, in this kind of debate, of the most recent presidential race where Bill Clinton and his campaign workers had a sign in their headquarters while George Bush was talking about international problems, that said, 'It's the economy, stupid!' I think that in this kind of debate, we should all have signs or at least remember a bumper sticker type of slogan that would read 'It's the

criminal, stupid!' because indeed our focus should be on the criminal and not on the law-abiding citizens.

"We need to be willing to get tougher with people who use guns in the commission of crimes. There's an irony in the thinking of those who support this kind of legislation and that is their reticence to get tough with people who use guns in the commission of crimes. I favor the death penalty for anybody who kills another with a gun. For those who are opposed to imposing the severest penalty society has to offer to murderers then I would suggest we seriously consider a sentence of life without the possibility of parole for anybody who uses a gun in the commission of any crime. The result would be that criminals would know that they cannot use a gun in the commission of a crime and get away with it. The result would be that they would be afraid to use guns. Criminals, of course, and those intent on violent behavior would find some other weapons, whether it is a knife, a machete, a hammer, or baseball bat, but they would leave guns alone because they would know they would spend the rest of their lives behind bars if they used guns in the commission of crimes.

"We all agree that the goal of reducing violent crime is worthy and essential. So let's put the focus where it belongs, where it will help achieve that goal and that is not on law-abiding citizens, but on the criminal.

"I will be voting 'no' on this measure. Thank you."

Senator Koki rose in favor of the measure and said:

"Thank you, Mr. President. I want to say that I agree wholeheartedly with the previous speaker in making criminal acts with a firearm to be a very onerous sentence, and we can include extremely harsh penalties for anyone who does commit a crime with a firearm. It has been our big push to ban handguns and I have always been opposed to banning handguns.

"This bill, however, presents a little dilemma for myself. This does not ban anything, but it does clarify what a loaded firearm means. It does eliminate hunters who are travelling on private roadways with a loaded firearm from not being a Class B felon anymore. This allows them to go and hunt with a loaded firearm because it's going to be too late by the time they spot their prey. And also because of the forfeiture, we all know the kinds of problems that we're having with youth gang activities, the forfeiture of their vehicles if they're caught with a firearm would go a long way in guarding against this kind of activity.

"So, although I'm hesitant about this bill, I will be voting in favor of it because of the things that I see that are positive.

"Thank you."

Senator Levin also rose in support of the measure and said:

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

"I was going to make light of this and say that I was doing this in order to make sure that every permutation and combination is accounted for during this session. But there really is a serious flaw in the bill (what I see as a flaw) and that is that it takes away the rights of 18, 19 and 20 year-olds to have a firearm, which means it takes away their right to hunt independently. I suppose that if they are with somebody who's over the age of 21 they can still hunt, but without that, I don't think they would be

allowed to. And I think that is going to cause major problems.

"Nevertheless, I will be voting in favor of the bill because I do think there are a lot of good points in it. Thank you."

Senator Iwase rose in support of the bill and said:

"Mr. President, thank you. I'd like to also rise to speak in support of the bill. I do want to, very sincerely, commend the Chair of the Judiciary Committee. I know that this bill and others have been a very trying experience for him in his first year in the Senate, and I'm glad that as a 'sophomore' in the Senate, I did not have to go through that.

"I do want to point out, Mr. President, that this bill, as it is before us today, goes beyond merely focusing on criminal activity. It involves other public policy matters which, I think, strongly supports the reason for its passage. Let me just go over some.

"First, as to the TRO. It addresses the question of domestic violence. People in that flash of anger may do things, and have done things, which in calmer times, normal human beings would not do. This bill would seek to remove, or allow police officers to remove, a dangerous weapon from that environment.

"Second, forfeiture of auto to go after those who illegally carry guns in cars. You don't need to carry a loaded handgun in a car.

"Third, the area of safety and education. This bill provides a strong training program for those who seek permits to buy a gun, whether it is a long gun or a handgun.

"Finally, registration -- to have a record of who owns what. I would also point out that to have this knowledge is also very important in situations involving a TRO. A police officer can go to the house or the property in question, know that the individual has a registered weapon, and seek to remove it.

"I think we must understand, Mr. President, that guns are not toys. They're not pillows; they're not TVs; they're not radios. Guns are dangerous weapons. Guns have a valid use. People have used them for valid purposes -- for hunting, for skeet shooting, for target practice, for a number of things -- but it is a dangerous weapon. This bill attempts to recognize that and attempts to deal fairly with it and attempts to cover a number of public policies which need to be addressed.

"I again commend the Chair for his efforts in this regard. Thank you."

Senator Holt rose in favor of the measure and said:

"Mr. President, I hadn't planned on speaking, but I rise to speak in support of the bill, with reservations.

"First, I'd like to commend the Chair and also Senator Iwase for the good work they did on this bill. There are some provisions in the bill which I still have some concerns with, however, the bill has come a long way since it passed the Senate and due to the good work that has been done in the other provisions which are included in the bill, I'm going to vote in support of the bill. Thank you."

Senator Chang also rose in favor and said:

"Mr. President, in rising to speak in favor of the bill, I'd just like to use the occasion to thank and compliment the Chairman of the Judiciary Committee and the members who have served him and the Senate well, in presenting all perspectives on a variety of very thorny issues presented to us this year.

"Much attention has been paid to the state's power to tax and spend, but I believe that the fundamental test, the fundamental role of the Legislature, has to do with the questions of power, privilege and rights that have been considered by the Committee on Judiciary. I believe that the allocation that the leadership provided in the beginning of the session has proven itself. All of the members that reside in that sector have contributed to the debate. Our Republican colleagues, our young colleague from Palolo, our colleague from the neighbor island have presented different perspectives and, interestingly enough, all of these have revolved around the chairman, who sits calmly in the eye of the various storms. If I would concede to a mistake in this arrangement, Mr. President, I would say that on the next occasion, we'll be sure to thrust our Senator from Mililani into that sector.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 2393, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

At 1:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:39 o'clock p.m.

Conf. Com. Rep. No. 64 (S.B. No. 3309, S.D. 2, H.D. 3, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 64 be adopted and S.B. No. 3309, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Matsuura rose in support of the measure as follows:

"Mr. President, I'm going to be voting in favor of this bill, but with reservations.

"I'm getting to the conclusion that maybe nobody is listening to what I have been saying on the Senate floor. But this will prove that this body is not listening to me. This same measure came up at the last day of the crossover, the Senate bills going over to the House, and I have a copy of the floor speech that I made at that time and I'm going to read the floor speech one more time so that you can understand my objection to this measure.

"The portion that I have objections to is 'The department may negotiate and enter into leases of lands eligible under section 4 of not less than fifteen years but not more than thirty-five years with any person who, as of December 31, 1994, holds a revocable permit for a slaughterhouse and feedlot or for any other agricultural purpose, issued in accordance with section 166-6 or 171-55.' My objection is that the same language is in this bill and my objection is the same as it was at that time. I'm going to read my floor speech that was made at that time. Quote:

'When I saw this bill, I checked to see if there were others in Hamakua who may be interested in bidding for this slaughterhouse facility. I made a few phone calls to the people who were presently involved in the slaughterhouse business in the Hamakua district. There appears to be four other slaughterhouse operators who are interested in bidding for this facility. The major problem that I see in this bill is on page 4, section 3, and it reads:' (That's the same language that I have read earlier.)

'I'll give you an example of why I think the language of the bill narrows it down to just one person. I talked to a Mrs. Andrade, and the Andrade family has been in the slaughterhouse business since 1906. Perhaps, they're the oldest slaughterhouse operation in Hamakua. She sent me a set of letters as to what happened to her regarding this state property. The first letter was dated June 28, 1993, and it is addressed to Mr. Yukio Kitagawa, Director of Agriculture. Mrs. Andrade saw, at that time, an ad in the Hilo Tribune that the state will be leasing the slaughterhouse and the feedlot, etc., interested persons should apply. Mrs. Andrade's letter is informing Mr. Kitagawa that she is interested in leasing the state property. Mr. Kitagawa replies to her a few days later, on July 2nd, and he says, "Yes, it is going to go up for a lease. However, it's going to be a one-year lease, revocable on a monthly basis." Mr. Kitagawa says, "We will need some commitment of your intent and would like your reply by Tuesday, July 6th," which was four days later. It just doesn't make sense for anybody to pursue this lease because of the pre-conditions of what one had to do to qualify.'

And this is Yukio Kitagawa's letter to Mrs. Andrade. He said that in four days you will have to make the commitment and these are the pre-conditions.

'The pre-operational requirements for the month-to-month revocable permits of that facility would have cost hundreds of thousands of dollars and Mr. Kitagawa, in his letter says, "Please study the terms and conditions very carefully. We'll base our selection decision on your reply to those terms and conditions. You should be aware that the improvement and corrective work will require large capital outlays with no guarantee of reimbursement of such expenditures, nor of being selected for the long term lease.'

In other words, for the precondition they're telling her, you make all of these improvements for hundreds of thousands of dollars, but when the long term lease comes up and if you don't get it, you may not get reimbursed for your costs. This precondition is unfair and ridiculous.

'No sane person would ever apply for a month-to-month lease with a pre-condition that you may not recover a penny of the cost of your improvement that you are forced to make. So she didn't.'

And nobody else did. So what ultimately happened was that another person from Honolulu got the month-to-month lease. I don't know whether or not he fulfilled all of those pre-conditions.

'This bill favors the person who already has a month-to-month lease. The four slaughterhouse operators in Hamakua were shocked that we were going to vote on this bill today. I called the Department of Agriculture and they told me that it was their intent to go out on bid. I told them that we're going to vote on this bill today and they were surprised that we had such a bill on the floor for a vote. The Department of Agriculture was not in favor of this action.'

What I just quoted occurred several months ago when we voted on this measure to pass from the Senate and go to the House. At that time, I said it is better to just take out that objectionable language and let the Department of Agriculture handle it by going out to bid. Don't put language in the bill that the Department of Agriculture may negotiate the long-term lease, because once you put that language in, the Department of Agriculture is going to have some heavy lobbying and the Department of Agriculture may give in to the person who already has the month-to-month lease.

"The problem now is that whoever has the month-to-month lease has an advantage. The scenario has changed because Senator Inouye has been able to get some federal funding for a new electrical power generator for that slaughterhouse. In other words, they have federal money to put in a brand new generation plant. Also, Senator Inouye has gotten a large military contract that most of the meat from this slaughterhouse is going to be sold to the military. So you already got the market for the meat. Whoever ends up with the long-term lease will make a lot of money.

"The only thing that is unfair is that I wish that there was a level playing field for the people of Hamakua who we are trying to help with this bill. I want to make sure that this slaughterhouse and the feedlot, would definitely go on a bid basis and not be negotiated and given to this one person who has this month-to-month lease even though this bill, as written, permits it. I'm only citing this into the Senate journal to make sure that there's going to be fairness in this long-term lease proposal. The Department of Agriculture has given an oral commitment that the lease will not be negotiated but will be put out on bid. That is why we don't need the same objectionable language in this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 3309, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Conf. Com. Rep. No. 66 (S.B. No. 3161, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 3161, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71 (S.B. No. 2249, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 71 was adopted and S.B. No. 2249, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROLS TO BE EXERCISED IN THE EXECUTION OF THE BUDGET AND OTHER PROGRAM APPROPRIATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Conf. Com. Rep. No. 84 (S.B. No. 2170, S.D. 2, H.D. 3, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 84 be received and placed on file, seconded by Senator Chang and carried.

On motion by Senator Ikeda, seconded by Senator Chang and carried, S.B. No. 2170, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLED MATERIALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86 (S.B. No. 1249, S.D. 1, H.D. 3, C.D. 1):

Senator Holt moved that Conf. Com. Rep. No. 86 be adopted and S.B. No. 1249, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Matsuura then rose to speak against the measure and said:

"Mr. President, may I be permitted to give my speech on this bill and the next bill because they're sort of related. I'm speaking against these bills.

"Mr. President, at this time I want to express my concern over the combined effect of H.B. No. 3212, C.D. 1, and S.B. No. 1249, C.D. 1, relating to the creation of the class of advanced practice registered nurses and their ability to prescribe drugs. H.B. No. 3212 merely creates the category of advanced practice registered nurses. It does not give them the authority to prescribe drugs. Previous drafts of S.B. 1249 gave the advanced practice registered nurses the ability to prescribe drugs, but only within the scope of a prescriptive authority relationship with a physician. However, the C.D. 1 removes the requirement of a prescriptive authority, and merely requires the DCCA to grant prescriptive authority to advanced practice registered nurses, and requires the Board of Medical Examiners to designate the formularies, or lists of drugs, that an advanced practice registered nurse can prescribe.

"The conclusion that I draw from the combination and history of these bills is that the advanced practice registered nurses will be allowed to prescribe without physician supervision or collaboration.

"It does not appear that the Board of Medical Examiners has the ability to require advanced practice registered nurses to work with physicians, as S.B. 1249 merely assigns the Board of Medical Examiners the task of drafting the formulary. It would be outside the plain language of this bill for the Board of Medical Examiners to impose restrictions on the use of the formulary, such as physician collaboration. While it may be argued that the definition of a registered nurse requires working with the physician, a closer examination of the actual language is not so comforting. The practice of nursing as a registered nurse, according to the statute, 'includes but is not limited to' providing health care to the patient in collaboration with other members of the health care team. Therefore, registered nurses are not, and I repeat, not limited to working with members of a health care team. It appears that they may work on their own, open their own clinic, etc.

"The inescapable conclusion that I draw from the combined effect of these two bills is that they will permit the autonomous functioning of advanced practice registered nurses in prescribing drugs. I have very grave concerns about the impact of this unsupervised

prescribing ability on public health and safety. So I invite all of you to at least listen to my concerns and vote accordingly. Thank you."

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

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

"Mr. President, the major purpose of this bill is to authorize advanced practice registered nurses with limited prescriptive authority. As simple as this concept may sound, it has taken Hawaii's nurses four long and hard years to convince the Legislature that this change would allow them to practice their profession to the full extent of their education and training, which is the trend across the nation for primary health care. Among other benefits, this would result in an expansion and improvement of health care services and a lowering of health care costs for the people of this state.

"For every measure that we as Legislators consider, Mr. President, there will always be those who oppose it, oftentimes with good cause. This is the system in which we operate. As Legislators, we are ethically and constitutionally bound to weigh these arguments presented by each group and reach a fair and just decision which is in the best interest of the state. In this particular case, however, the objections of the opponents were unconvincing and clearly lacking of any merit.

"Aside from the issues I just mentioned, Mr. President, I would like to remind this body and the people of this state, that the debate over this bill also raised a much larger concern. This bill, Mr. President, is not just about prescriptive authority for nurses. This is also reflective of the discriminatory 'glass ceiling' that exists in those professions and occupations that are dominated by women. In short, this bill also falls within the realm of what has been referred to as 'women's issues.'

"I am therefore proud, Mr. President, to have played a part in removing yet another 'glass ceiling' for the women of this state.

"In closing, Mr. President, I would like to reiterate my support for this bill and urge my colleagues to vote in support of these measures to make Hawaii the 47th state in the nation to recognize the important role of nurses in health care and the role of women in general to our society.

"Thank you."

Senator B. Kobayashi also rose in support of the measure and said:

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

"I believe this bill is an opportunity to continue the discussion between the various parties. It is not a complete bill. It is so incomplete, in fact, that in granting the authority to DCCA to give prescriptive authority, it does not even cite Chapter 91, which is usually the procedure used for granting this kind of authority. Nonetheless, the Board of Medical Examiners has, under this bill, a very strong, shall we say, veto power as to what the nurses might prescribe.

"I've long felt that it is not a matter of so much prescriptive authority, but how much prescriptive authority and under what circumstances. I've said in public several times that I believe nurses should be able to prescribe certain things. On one hand, I don't think there's much controversy that public health nurses should

be given prescriptive authority for fluoride drops, especially on the neighbor islands where we have extraordinarily bad dental care. Also, they run into situations in which antibiotics for middle-ear infection and lacerations should and could very well be used by nurses, and safely. When you get up to the more complicated and powerful drugs, I think you have much more controversy. But nonetheless, the question is how much and under what circumstances.

"The Board of Medical examiners, being given the opportunity to develop the applicable formularies, does have control over what nurses can prescribe. But I think that eventually the two have to continue to talk together because granting of the authority is separate from granting the opportunity to practice.

"Thank you."

Senator Ikeda also rose in favor of the bill and said:

"Mr. President, I too rise in favor of this bill, but with some reservation.

"In relating to the remarks by the previous speaker, whether or not an advanced nurse practitioner would be able to go into private practice as a sole practitioner appears to be the crux of the concern on these measures. I believe that concern becomes even more evident at this point in time because we just passed the budget and the budget does include implementation of Quest. And for those that know about Quest, how little we know about Quest, but what we do know about Quest is that one of the provisions institutes a gatekeeper and that gatekeeper could be a nurse. Consequently, the concerns become even more evident as we deliberate and vote on these bills.

"However, Mr. President, it is my impression that the concerns are unfounded. Even though Quest does allow a nurse practitioner to become a gatekeeper, if the provider of services so chooses, it is not the intent, given current law, that an advanced nurse practitioner be allowed to practice solely and independently of a doctor. And it is only under this impression that I will vote in favor of these bills. Thank you."

Senator Matsuura rose again and said:

"Mr. President, let me just qualify some of the concerns that have been registered. One of the things about this bill ... I'm voting against this bill primarily because it is teamed up with the bill that's following.

"The Chairman of the Consumer Protection Committee gave me a page of the statute. It's a definition that includes the practice of nursing as a registered nurse. The present statute states that the registered nurse has to work in collaboration with the health care team. However, the bill before us says that the nurse practitioner doesn't have to. Some of the drafts that preceded this conference draft, I have no problem. I have no problem with these nurse practitioners working at the Palama Settlement or they're working in Kaiser Permanente group. But then this new conference draft took that all out, totally out. The previous draft specified where the nurse practitioners can practice, but that has been totally taken out now. And looking at this conference draft before us -- and I am not a lawyer but I checked with a lawyer -- it allows a nurse practitioner to go and practice, open up a private practice anywhere in the State of Hawaii. A nurse practitioner must work in collaboration with a physician and that language is not in the bill and that is my concern. That collaboration has been completely removed from the conference draft and that's where my objection is.

"Thank you."

At 2:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:09 o'clock p.m.

Senator Holt then said:

"Mr. President, just to clarify the previous Senator's concerns. The mention of the physician prescriptive authority relationship that he referred to, that was in the earlier draft by the House, was removed by the Senate in conference. That was part of the House's proposal, which also had the Board of Nursing determining the practice and also setting the formulary. All of those provisions were deleted in conference with the House, and the House agreed to the Senate's position.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 1249, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 120 (H.B. No. 3212, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 3212, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 134 (H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 134 and H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 137 (H.B. No. 2284, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 137 was adopted and H.B. No. 2284, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Kanno, Levin).

Conf. Com. Rep. No. 138 (H.B. No. 3300, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 3300, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151 (H.B. No. 3179, H.D. 1, S.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 151 be adopted and H.B. No. 3179, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Holt.

Senator Chang rose and stated:

"Mr. President, I had initially overlooked the changes that had been made to this bill, but upon further examination over the weekend, I find that the conference draft proposes to eliminate a deputy director in the Department of Health related to environmental protection. I don't know the reasons for that proposal, but I find that to be of extreme concern to me. I do not believe that the Department of Health has been able to sufficiently marshal all of these various state resources in order to address our environmental concerns. And for that reason there have been recurrent proposals to establish a Department of the Environment by eliminating the deputy director for environmental management. We take a giant step backwards and for that reason alone, I am compelled to vote against the bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 151 was adopted and H.B. No. 3179, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chang, Fukunaga, Levin, Reed).

Conf. Com. Rep. No. 154 (H.B. No. 3607, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 154 was adopted and H.B. No. 3607, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 156 (H.B. No. 3657, H.D. 2, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 156 be adopted and H.B. No. 3657, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

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

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

"Mr. President, the Senator from Kauai leaned over and told me, 'more hands are better than one.' A bill never becomes reality unless it's a team effort and everybody makes the bill happen -- it's not just one person. This education bill has a powerful impact on our schools and will cause a lot of systemic change, but there are a lot of people outside who helped and I just want to acknowledge them: the PTSA, the HSTA, the UPW, the HGEA, the Hawaii Business Roundtable, the Chamber of Commerce of Hawaii, and many, many of the public schools like Kapaa Elementary, Waiālae Elementary,



Waiiau Elementary, Moanalua and Kahuku High Schools. A lot of the people at those schools helped. There are many people in the Senate who worked behind the scenes who never really get recognized, but if it wasn't for their work and their efforts, this bill again would not become reality. People in the Senate Majority Research office like Laurel Johnston, Richard Wada, Susan Claveria; in your office, Mr. President, Carol Taniguchi; on the Ways and Means staff -- a person that worked really very hard on the bill and put in a lot of ideas, Clay Springer, along with Kevin Kuroda; in Senator Holt's office, Glenn Nakamura; on the House side there was Susan Char and Cara Watanabe; and I'd like to thank my staff -- Walter, Jason, Blossom, Nancy and Ann.

"And, Mr. President, there are many of you. First of all, I'd like to thank you for sitting me down in your office and looking me straight in the eye and saying, 'We've given a lot of flexibility to the department and the Board of Education,' and you looked straight at me and you said, 'What have we gotten for it? Not ourselves as a Legislature, but what have the schools gotten?' And you know, Mr. President, I couldn't answer and it caused me to examine a lot of things that we've been doing and it caused me to help turn around our direction and take a stronger stand. Along with Senator Ikeda, we sat down and with her guidance and support and sometimes telling me in conference, 'What are you doing?' it helped steer the bill in the right direction.

"In conference, there's one person I'd like to thank. You know, he's really good in conference and we asked him to be part of the conference committee and I can honestly say that if I didn't use his leadership, and his leadership didn't help us, this bill would not be a reality, and that's Senator Holt and I'd like to thank him for working so hard on the bill, not only on the language, but working closely with the House, all the conferees.

"Last, but not the least, I'd like to thank my counterpart, Representative David Ige. He and I worked very hard for the last three years. We've done a lot of things together. This summer we've been working on this bill and it was kind of interesting. In conference he was saying things that I would say three years ago and I was saying things that he was saying three years ago, so it truly was a transformation of ideas.

"Mr. President, this is a bill that the people of Hawaii and more importantly, all of us here in the Legislature can be very proud of because it's a transformation of the system. It provides a significant change, systemic reform. It challenges the status quo and it puts children first. It empowers the school. What this bill says, Mr. President, is that we trust those closest to the children to do what's right for education. And it finally translates all the rhetoric in education, into reality. There are many more steps to take, but this bill is a firm step in that direction. It's not a win-win bill, Mr. President. The children win in this bill and that's what's most important. I just want to thank my colleagues and the entire body for supporting this bill and looking over the years, it's something we can be very proud of.

"If I may, Mr. President, may I insert into the Journal today's Advertiser editorial so that history may see the environment that we operated in. I think the editorial is very accurate and correct and I'd like to insert it as a point of information.

"Thank you, Mr. President."

The Chair having granted the request, the document is identified as Exhibit "B."

The Chair then remarked:

"Senator McCartney, thank you for your leadership on this bill."

Senator Holt also rose in support of the measure and stated:

"Mr. President, I rise to speak in support of this bill. Before proceeding, Mr. President, I'd like to thank the Chairman of the Education Committee for his hard work on this measure and his steadfast dedication to improving the quality of our educational system, and also to the Chairman of Ways and Means for her support and her coaching. There were times when we looked like we were moving backwards, but she kept holding us together and we managed to come out with this bill.

"In particular, I'd like to thank the Education Chairman for agreeing to one area that I recommended of reserving appropriate language to involve the University of Hawaii to a much greater degree. With the agreement and approval of the Chair, language was inserted to provide for an articulation agreement with the University. Under this concept, qualified high school students would be able to enroll in college level classes which would satisfy both the DOE's requirements for graduation and the University's requirements for course credit. In recommending this program, it is my intent to provide the DOE and its students with a means to hopefully, quote, 'pull up the bottom by raising the top.' unquote. If successful, this would occur in both the traditional academic course of study, as well as in the vocational area.

"It is my sincere hope, Mr. President, by expanding early access to the rich educational resources of the University, especially in the neighbor islands, our students will be better served. As a former Chairman of the Higher Ed Committee, I'm very familiar with the capabilities of the University and therefore confident that this program will work as intended.

"For these reasons, Mr. President, I urge my colleagues to join me in support of this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 156 was adopted and H.B. No. 3657, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (H.B. No. 65, H.D. 1, S.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 45 be adopted and H.B. No. 65, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

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

"Very briefly, I'd like to thank Senator Baker, the Chairperson for our Housing Committee, for inserting language in this bill to take care of something that we acknowledged last Friday when we passed the resolution urging that the Filipino World War II veterans, who are American citizens by an act of Congress, be treated the same as all other veterans of the second world war. This bill, which allows them to have veterans' preference in our state housing projects, is consistent with the sense of

the Senate as passed last Friday. I'd like to thank Senator Baker and all the Senators for their support of this particular measure, which I think is morally right and equitable and I think the proper thing to do for those veterans. I urge my colleagues to vote 'aye' for that reason alone. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45 was adopted and H.B. No. 65, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 68 (S.B. No. 3254, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 68 was adopted and S.B. No. 3254, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1994 SAMOAN FLAG DAY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69 (S.B. No. 2728, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 69 was adopted and S.B. No. 2728, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 81 (S.B. No. 2141, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 2141, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SPOUSE/CHILD ABUSE SPECIAL ACCOUNT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Conf. Com. Rep. No. 89 (S.B. No. 3045, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 89 be adopted and S.B. No. 3045, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hagino.

Senator Hagino rose to speak in support of the bill as follows:

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

"Mr. President, first of all, when this session started, one of the things I outlined was that there were three bills that the Agriculture Committee would be considering. They say in baseball, if you're batting .300, you're a good hitter. Well, this is the only bill of the three that's still alive and hopefully we'll get to see this bill become a law.

"I'd also like, at this time, to thank the members of the conference committee. Without their support and effort, this bill probably would not be here today. There were times when I personally wanted to walk off the table and call it quits, but my conferees came in at very opportune times to move the bill along. I'd like to thank them for their efforts and their contributions.

"Mr. President, before I continue, there is one typographical error in the bill in which we make reference to Chapter ... it's supposed to be Chapter 174C, which is the chapter on water code; it is listed as Chapter 74C. I'm told that there is no Chapter 74C and this is a typographical error that can be corrected, so it is not a fatal error in the bill.

"Earlier this session, also today's session, the Education Committee Chair talked about his omnibus bill and how it would transform the educational system. I feel this bill is also a transformation of the agricultural community and there will be a step made to the future that will make agriculture a much more viable player in our economy. Right now, diversified agriculture is an important force, but with this bill, it will move forward and into the future.

"Again, I'd like to thank all the members for supporting this bill. Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 89 was adopted and S.B. No. 3045, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRIBUSINESS DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 116 (H.B. No. 3451, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 3451, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PUBLIC UTILITIES REGULATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Iwase, George, Koki, Reed).

Conf. Com. Rep. No. 144 (H.B. No. 3513, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 144 was adopted and H.B. No. 3513, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OVERSIGHT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

Conf. Com. Rep. No. 155 (H.B. No. 3676, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 155 was adopted and H.B. No. 3676, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

# **MATTERS DEFERRED FROM EARLIER ON THE CALENDAR**

## **ADVISE AND CONSENT**

Ldr. Com. Rep. No. 3343 (Gov. Msg. No. 358):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 3343 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of BERT M. TOMASU to the Hawaii Labor Relations Board, term to expire June 30, 2000, seconded by Senator McCartney.

Senator A. Kobayashi rose to speak against the nominee as follows:

"Thank you, Mr. President. First of all, Bert Tomasu is a friend. However, I must vote against him.

"We received petitions, phone calls, letters and testimony in opposition to his confirmation. Much of the opposition were from women, especially the members of Unit 3, who felt they were not treated fairly and this was a case of discrimination. Now that the strike is over and the position of many has softened, women still fear that they may be treated unfairly in the future. And because I assured them that I would support their stand against discrimination, I will be voting 'no.'

"Thank you."

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

Ayes, 22. Noes, 3 (Kobayashi, A., Nakasato, Tungpalan).

Ldr. Com. Rep. No. 3363 (Gov. Msg. No. 365):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 3363 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of LIBERT K. LANDGRAF to the Board of Land and Natural Resources, term to expire June 30, 1998, seconded by Senator McCartney.

Senator Matsuura rose to speak against the nominee and said:

"Mr. President, I speak in opposition of this nominee.

"Mr. President, I would like to insert the committee's report into the Journal as part of my opening statement. The reason why I'm doing this is that I would like to read at least a portion of the committee report.

'Your Committee has serious concerns regarding the nomination of Libert Landgraf to the Board of Land and Natural Resources. Concerns have been raised as to Mr. Landgraf's management style, his role in the bulldozing of the native forests, his unwillingness to involve the public in decision making processes, his fiscal practices, and his commitment to protecting the environment.

'Your Committee submitted seventeen questions to Mr. Landgraf. He did not respond to over half of the questions. He failed to resolve our concerns on several

others including those regarding receipts of per diem payments while living on Oahu. His reply was that the per diem payments stopped in 1980 is contradicted by the written record.

'Your Committee believes it is time to restore the public's trust in government. This appointment threatens to increase public cynicism and distrust of government and time has run out for any further attempts to resolve the Committee's concerns about this nomination.

'For these reasons, your Committee recommends that the Senate not consent to the nomination.'

And this is the committee report submitted by the Chairman of the Executive Appointments Committee.

"Mr. President, I have been here for ten years now and I've seen a number of nominees come and I have voted pretty much on all, but I can tell you for a fact, I have voted against a few of them. In fact, I voted against one not too long ago. It is extremely difficult to vote against a nomination, especially a friend and especially because you know that all of these people are volunteers. However, it is our responsibility to do what is right and in the best interest of the people of the State of Hawaii. It reminds me of when I used to Chair the Senate Special Investigation Committee. It was very difficult to subpoena people, subpoena documents and put these witnesses under oath and ask them some very leading questions. It is very difficult because these individuals ... you're known to them, you're friends of them. But yet, the thing that I have learned from that investigation and also from this nomination is that people in the State of Hawaii, they're afraid. I've never in my life experienced so many people, especially those working for the government, who are afraid of retribution, so it's amazing that according to the Executive Appointments committee report, a few of the state employees have stepped forward to express their concerns towards this nomination.

"So looking at all this data that has been produced, I feel that I have to vote my conscience. It is not, again, a question of loyalty. If it was a question of loyalty, I would vote up. But I think this is a question of integrity. If Libert was the only person in the whole State of Hawaii that can do this job, I would vote 'aye,' but I'm sure there's maybe a thousand other persons who can fulfill that responsibility. Having half of the committee members, including the Chairman, who sat through the hearings, listening to all of the testimonies and voting against this nomination tells you something. I'm not a member of the committee. I have to rely on the discretion of the Chairman, especially when I see four of the committee members going against it, it really gives me great concern that this nomination is even on the floor for a vote even against the wishes of the Chairman of the committee. And for that reason, Mr. President, I'm voting against this nomination to at least support the integrity of this Senate body.

"Thank you."

Senator A. Kobayashi then rose in opposition to the nominee as follows:

"Thank you, Mr. President. I ask all my colleagues to join me in opposing the confirmation of Libert Landgraf to the Board of Land and Natural Resources.

"The good part, however, of this, really a mess that's been happening, is that I guess a decision was reached that every nomination sent by the governor should be voted on by the Senate body as a whole. I think that is a good move forward. I'm glad that this came out. I'm

glad this happened, because it was said that this is a move on the part of leadership for more openness. So I'm sure the new governor in November will be happy to know that every nomination by the governor has to be voted on by the Senate body as a whole. It really is a good move forward.

"This attempt to confirm Mr. Landgraf by this body sends a troubling message. It is a blatant political move. We need to ask ourselves why after so many questions have been raised and why after so much opposition was raised by so many community groups, is the administration so insistent that Mr. Landgraf be placed on the Board of Land and Natural Resources? Why is this appointment so important? Why is it that after so much opposition from citizen groups, environmental groups, former employees, foresters and members of the fisheries group, why after all of that, instead of withdrawing his name and sending another name, as has been done in other instances, why did lobbying by the administration intensify? At a time when the public looks with increasing distrust at government, this appointment sends a wrong signal to our constituents.

"Mr. President, let me briefly present for you compelling reasons why Mr. Landgraf should not be appointed to the Board of Land and Natural Resources. We asked Mr. Landgraf to respond to a series of questions regarding his activities while working for the Department of Land and Natural Resources. Mr. Landgraf did not respond to over half of our questions. Particularly troubling was Mr. Landgraf's failure to clear a question regarding a per diem he received for his work on Oahu. Apparently he started receiving this per diem in 1978. He contends that the per diem was authorized by the Board of Land and Natural Resources. I'm not sure whether the board was authorized to grant him this per diem, particularly since the rules existing back then appear to forbid this practice. In any case, Mr. Landgraf contends that when it became clear that the state forester's job was not going to move to Hilo, he stopped receiving the per diem. It was abundantly clear that the state forester's job would be permanently located in Honolulu by 1980, two years after the creation of the Division of Forestry and Wildlife. The documents reveal he was still receiving per diem in November of 1982.

"Mr. Landgraf's failure to fully respond to our questions troubles me greatly. Questions have been raised and proof has been offered about his role in accelerating a program to bulldoze native forests. Documents reveal that he was slow to respond to citizen and staff complaints about illegal logging, bulldozing, construction and grazing. His actions at Nanawale, Laupahoehoe, Hanaula, Puuwaawaa and South Kona demonstrate an insufficient interest in protecting public resources and in addressing community concerns.

"It is time to restore the public's trust in government. This appointment will only increase public cynicism and I urge you to join me in opposing this nomination.

"Thank you, Mr. President."

Senator George then said:

"Thank you, Mr. President. Would the previous speaker respond to a question?"

Senator A. Kobayashi having responded in the affirmative, Senator George continued:

"Thank you, Mr. President. My curiosity is directed toward seeing the committee report. I never have. I see the speaker before last has a copy of the blue committee report. I saw it when it was circulated to me for

signature, but I believe mine and the Chair's were the only signatures at that point, so I had no idea who voted, how the votes were, or if the final text was as I saw it. Was that indeed distributed?"

Senator A. Kobayashi answered:

"Yes, and there was a majority of votes to have it reported out of committee, and the text remained the same. It is a report recommending that the Senate not consent to the nomination.

Senator George continued:

"My curiosity, Mr. President, is directed toward the fact that in this rainbow of colors, I don't seem to have any blue sheets to indicate distribution. There was something in the computer which I understand, subsequently from talking to the clerk, was an anomaly. I think perhaps I would like an explanation from the Chair or the Chairman as to what happened in this matter."

At 2:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:50 o'clock p.m.

Senator George then said:

"Thank you, Mr. President. Your Minority has now liberated the copy of the famous report. I assume we're still on G.M. No. 365 on the matter of Libert Landgraf to be confirmed.

"Mr. President, on perusing the report, I find that of the nine members of the leadership Committee on Executive Appointments, there are three affirmative signatures and there are four WRs, which might lead one to think that this would be in favor of confirmation, but I see that the report still reads as a negative recommendation. My understanding is that there are eight votes not to confirm and one member excused. Under the circumstances, Mr. President, I hope that my colleagues will join me in rejecting the nomination of Libert Landgraf.

"Thank you."

Senator McCartney then rose in support of the nominee, as follows:

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

"Mr. President, serving in the Legislature is not easy and I represent an area that has many people that are concerned about the environment. My father is one of those who fought long and hard to save Kahaluu from noxious industries. I have a record of supporting many environmental issues.

"Mr. President, I received many calls on this issue. Many calls saying not to confirm Mr. Landgraf. I was in the middle of working on this education bill which is my number one priority, and I got sidetracked. I said, what is going on here? I went to the hearings and raised some questions. There were a number of concerns still on the table, so, Mr. President, I met with Mr. Landgraf for over two hours on Friday. We had a very good meeting. It was very heart to heart; it was very to the point. There were many things that I asked him, many things that were covered. And to me, Mr. President, that's what the confirmation process is all about, everybody voting their conscience and doing what they think is right, not just going from one side or the other, but looking at the issue, looking at the man.

"Mr. President, when I examined the issues, many of the actions that he took were actions of the department or the board. He was implementing them. On the per diem issue, that was approved by the board. The board approved the per diem. He lived in Hilo and he worked in Honolulu, the same as any other state employee.

"Mr. President, what I found most interesting was that the experience in Hana had changed him. He was a different person after he lived in Hana. I asked him why and he said, 'because of the people.' They taught him that your integrity and your values are more important than money. He took a very tough stand to walk away from a six-figure job, Mr. President, because the commitments that he made on behalf of the company to the people, he felt were not going to be followed, so he walked away from that job. I looked at the man and I asked him, 'What is your commitment?' He said his commitment is to serve. His commitment is to Hawaii. He's retired; he's not looking for future employment. He talked about not working for other companies while he was on the board. He wanted to go back to school. He had sixteen grandchildren and the most important thing for him is making Hawaii a place where his children can live. We talked about environmental issues and he told me very clearly that serving on the Board of Land and Natural Resources, environmental issues are very important, but not the only issues. You also need to be a land manager. You have to look at all perspectives on how to manage public lands. His father, Mr. President, was a state forester and he comes from a long tradition. He himself worked in the forests and worked on the land.

"Mr. President, I think he has a good heart and one question stuck in my mind and I asked him, 'Back in the old days when you implemented those actions, you know how you felt, right?' He said, 'Yes.' I said, 'How will you act now, when you're a member of the board?' He said, 'much differently.' He's learned a lot and he said, 'Back in the old days, the public was an observer, and today, the public is a participant and partner in the decision-making process.' His main goal, if he gets confirmed, would be to provide an outreach program for the Board of Land and Natural Resources, not to just have hearings where the public comes and testifies. He said he'll be an active board member, get involved with the community, hear what people have to say and make decisions not just based upon what happens in executive sessions, not just what happens in the hearing room, but based upon his feel of the people of Hawaii.

"The other major issue that he wants to work on and he feels is so close to his heart is the Hawaiian issues. We all know the Kahoolawe Commission and all the issues coming to the Department of Land and Natural Resources will be very big issues, like Hawaiian Homes, and he feels that with all of his experience, his heritage and who he is, he can do a good job, Mr. President.

"So, Mr. President, there's no real right or wrong. There's no good or bad, or evil or good. It's just everybody here voting their conscience. That's what we set out to do in the Senate, to have a vote taken, and that's what's happening today. Mr. President, I know some people will not be happy with my vote, but I assume responsibility for that vote and I vote my conscience in supporting Mr. Landgraf for the Board of Land and Natural Resources.

"Thank you."

Senator Solomon also rose in support of the nominee as follows:

"Thank you, Mr. President. I'm speaking in support.

"I would just like to correct some of the remarks of our Chairwoman of the Executive Appointments Committee. I have here the minutes of the Board of Land and Natural Resources dated November 10, 1977, where the board in fact did take official action and sanctioned the per diem that Mr. Landgraf received all of those years. I also have a letter which was submitted by then chairperson, Mr. Thompson, that also explains the situation. Mr. Landgraf at the time was, in fact, assuming dual responsibilities. He was still the division chairperson of the Division of Forestry office in Hilo, as well as, acting as a deputy here on the Island of Oahu.

"So with those corrections, Mr. President, I'm hoping that my colleagues will vote in the affirmative. Again, I would like to just say on behalf of our Chairwoman that I think that she has done an excellent job. She had a very, very difficult job because of all the testimonies from many, many of the groups that were disenchanted with Mr. Landgraf. Many of those groups were the different environmental organizations and I agree with a lot of the concerns of the environmental groups, but I think in the case of Mr. Landgraf's appointment, we have something that is more delicate. In many instances he was enacting on the decisions of the Land Board and not on his own as an individual. I think that is a consideration that has to be taken seriously.

"With that, Mr. President, I'm urging all my colleagues to vote in the affirmative. Thank you."

Senator Iwase then rose in support of the nominee and said:

"Mr. President, I'd like to rise to speak in support of the nomination, and I'd like to explain my vote.

"Mr. President, initially when this matter was brought to the Senate and all of the publicity had come out about Mr. Landgraf, I had strong reservations about the nomination. I'm not on the Executive Appointments Committee. I basically followed the nomination through the newspapers and on television, which may not be the best thing to do given the accuracy of the press, but nevertheless, I did. What touched me the last two days, when I really got to focus on this, is an issue which this nomination and the controversy surrounding it has left in the distance, but which I believe must be kept in the forefront, and that is the issue of Hawaiian rights and Hawaiian sovereignty and the need to have a voice on the Land Board of someone who understands and who can reasonably respond to this important issue.

"Make no mistake about it, this issue -- the Hawaiian sovereignty issue and the Hawaiian rights issue -- will become a major, primary issue before this body, perhaps within the next year. We are going to talk about issues of ceded lands and whether they should be sold or exchanged. We're going to talk about conservation land and whether and how we can preserve it for cultural uses. These land use questions go beyond just the environmental issue.

"Over the last couple of days, it has come to my knowledge, and I've spoken to members of these groups, that Hawaiian groups have come out very strongly for Mr. Landgraf. I understand that it spans a broad cross section, from individuals who have come and testified on their behalf or not necessarily on behalf of organizations, but individuals from the Ohana Council, to people like, and whom I dearly love and respect, Frenchy DeSoto. And it's really talking to some of these people this morning that has allowed me to come to the conclusion that we're going to need someone like Mr. Landgraf on the board, who will bring an understanding of the issue of

Hawaiian sovereignty, who will come with an understanding of how emotional it's going to be and who will have the sensitivity to deal with it because we are going to need that kind of sensitivity, understanding, experience and intelligence as we move to deal with these issues over the course of the next year. These issues are as important as the environmental question.

"Thank you, Mr. President."

Senator Tungpalan, rising in support of the nominee, then said:

"Thank you, Mr. President. I rise to speak in favor of Mr. Libert Landgraf.

"I was thankful for the opportunity this morning to spend the hour with him. I was also concerned about the many questions that were not answered by the Executive Appointments Committee. But as I spoke with him, I learned that there was one thing that was coming through very clearly and that was, had he been in control, full control, things would have been different.

"I recall my work with Mr. Landgraf because as Chair of the historic preservation area I've had an opportunity to work very closely with him. One thing impressed me most, and that was, his willingness to work with people for many years to get them to return cultural artifacts at heiau sites that these stones or pohaku were taken from. I'd ask him, 'You know, Mr. Landgraf, I knew of three pohakus that were missing from a particular heiau for over 30 years, and I'd wondered how they got back.' I knew that he was instrumental in returning them and he said that when he was a little boy, he went with his father throughout various sites in the state (at that time it was a territory) and he had this memory bank of many, many pohaku and artifacts that were located at these heiau. He said when he had an opportunity to see them again at someone's home or in a museum, he worked very diligently with the individual to see that those were returned.

"I need not tell you about our work here in trying to preserve our heiaus and how it seems like it's an uphill battle because many of our artifacts and pohakus seem to be taken so unreligiously and at will. To find a man, who over the years ... in fact he said he spent three years with that individual to see that those pohaku were returned. To see a man with an institutional memory like this and a memory of historic sites and the memory that his father instilled in him, willing to give of himself and to serve as a member of the Land Board, moved me to change my vote to vote 'aye' on Mr. Landgraf's nomination today.

"Thank you."

Senator Holt also rose in support of the nominee and said:

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

"Mr. President, I find a little irony in sitting here today and listening to some of those who have concerns about Mr. Landgraf. Having worked with him previously, when he was deputy director of DLNR, and as Chairman of the land committee and my predecessor Senator Matsuura who was chairman before me, we found Libert Landgraf to be a very fair, responsible state employee, instrumental in helping us develop the industrial park law, which today we can make claim to as the foundation for 110 businesses to be able to survive down at Sand Island. He was instrumental in moving ahead a lot of programs in the forestry area. We knew of his involvement in a lot of

those things, yet, still today the Nature Conservancy supports him. The Office of Hawaiian Affairs supports him.

"Mr. President, as I stated earlier on the nurses bill, we're going to have measures that will always have those who oppose oftentimes a good cause. In this particular case, however, the objections of the opponents to Mr. Landgraf's nomination are unconvincing and to me, pretty lacking of any good cause. I urge my colleagues to vote in support.

"Thank you."

Senator A. Kobayashi rose again and stated:

"Thank you, Mr. President. Not to belabor the point, and I'll be very brief, but I did say in my remarks that the Board of Land and Natural Resources did approve the per diem. It's just that there were a lot of inconsistencies in his answers regarding dates, why and the length of time.

"In his first Hana job, we did receive a letter from the Hawaii Thousand Friends who quoted a news article in the Maui News, and also from one of the directors, that Mr. Landgraf was going to be terminated and that's why he left. This director also left because of some of the inconsistencies.

"Mr. President, I also worked with Mr. Landgraf when I was Chair of the Environmental Committee and I have nothing personal against the man. I've worked with him. However, we're still back to the basic question, why is this man needed so much on the Board of Land and Natural Resources when those in the field have been opposing him, those citizens groups, especially those environmental groups who keep a sharp eye on what happens in the environment? Why is it that when they oppose, the more they oppose the stronger the lobbying by the administration? And this is what frightens me the most; not so much the negative testimony that we received, but more, why is this man needed so badly on the board?

"Thank you, Mr. President."

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

Ayes, 18. Noes, 7 (Chang, Fukunaga, George, Kobayashi, A., Matsuura, Matsuura, Reed).

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 623 to 627) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 623, returning S.C.R. No. 35, H.D. 1, which was adopted by the House of Representatives on May 2, 1994, in an amended form, was placed on file.

On motion by Senator Ikeda, seconded by Senator Hagino and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 35 and S.C.R. No. 35, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONFIRMING THE USE OF THE HOMES REVOLVING FUND TO PROVIDE THE STATE'S EQUITY CONTRIBUTION FOR THE PAWAA PROJECT," was finally adopted.

Hse. Com. No. 624, returning S.C.R. No. 184, S.D. 1, which was adopted by the House of Representatives on May 2, 1994, in an amended form, was placed on file.

On motion by Senator Levin, seconded by Senator Nakasato and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 184, S.D. 1, and S.C.R. No. 184, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY OF THE JOBS PROGRAM AND MAKE RECOMMENDATIONS FOR ITS CONTINUANCE," was finally adopted.

Hse. Com. No. 625, returning S.C.R. No. 259, which was adopted by the House of Representatives on May 2, 1994, in an amended form, was placed on file.

On motion by Senator Gaulty, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 259 and S.C.R. No. 259, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE MANAGEMENT AUDIT OF THE JUDICIARY'S CIVIL SERVICE SYSTEM AND BUDGET OFFICE," was finally adopted.

Hse. Com. No. 626, returning S.C.R. No. 273, S.D. 1, which was adopted by the House of Representatives on May 2, 1994, in an amended form, was placed on file.

On motion by Senator Iwase, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 273, S.D. 1, and S.C.R. No. 273, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ENTER INTO A LEASE BACK/PURCHASE OPTION AGREEMENT FOR A NEW STATE OFFICE BUILDING IN KAPOLEI, OAHU," was finally adopted.

Hse. Com. No. 627, returning S.C.R. No. 108, S.D. 1, which was adopted by the House of Representatives on May 2, 1994, in an amended form, was placed on file.

On motion by Senator Chang, seconded by Senator Gaulty and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 108, S.D. 1, and S.C.R. No. 108, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION PRESERVING THE REPUBLIC AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA," was finally adopted.

### SENATE RESOLUTIONS

The following Senate resolutions (S.R. Nos. 239 to 246) were read by the Clerk and were disposed of as follows:

#### Senate Resolution

No. 239 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, SEVENTEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1994, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 239 was adopted.

At 3:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:13 o'clock p.m.

No. 240 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF

THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE SEVENTEENTH LEGISLATURE, REGULAR SESSION OF 1994."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 240 was adopted.

No. 241 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE SEVENTEENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 241 was adopted.

No. 242 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 242 was adopted.

No. 243 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 243 was adopted.

No. 244 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 244 was adopted.

No. 245 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 245 was adopted.

No. 246 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Solomon and George.

On motion by Senator Chang, seconded by Senator Reed and carried, S.R. No. 246 was adopted.

At 3:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:16 o'clock p.m.

### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 556, S.D. 1, H.D. 1:

Senator Gaulty moved that the Senate reconsider its action taken on April 15, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 556, S.D. 1, seconded by Senator Matsunaga and carried.

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 556, S.D. 1, and S.B. No. 556, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 3:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:28 o'clock p.m.

S.B. No. 475, S.D. 2, H.D. 2:

Senator Kanno moved that the Senate reconsider its action taken on April 15, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 475, S.D. 2, seconded by Senator Holt and carried.

On motion by Senator Kanno, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 475, S.D. 2, and S.B. No. 475, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2591, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 8, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 2591, seconded by Senator Hagino and carried.

On motion by Senator Ikeda, seconded by Senator Hagino and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2591 and S.B. No. 2591, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2294, S.D. 2, H.D. 1:

Senator Gaulty moved that the Senate reconsider its action taken on April 8, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 2294, S.D. 2, seconded by Senator Matsunaga and carried.

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2294, S.D. 2, and S.B. No. 2294, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 3012, S.D. 2, H.D. 2:

Senator Ikeda moved that the Senate reconsider its action taken on April 15, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 3012, S.D. 2, seconded by Senator Hagino and carried.

Senator Ikeda then moved that the Senate agree to the amendments proposed by the House to S.B. No. 3012,

S.D. 2, and that S.B. No. 3012, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Hagino.

Senator Tungpalan then stated:

"The amendments made by the House were basically stylistic in nature. I would like to insure the members of the Senate that we have this letter which states that, 'At this point, it is critical that the Kaho'olawe bill passes. Please agree to the House version. The administration will find the money elsewhere.' It was signed by Norma Wong and Harold Matsumoto. We have their assurance that money will be obtained for the fund.

"Thank you."

Senator Ikeda rose in favor of the measure and said:

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

"Mr. President, as Chair of the conference committee in charge of this bill, I would like to apologize for the inadvertent error that was made which resulted in the conference draft missing the deadline. Contrary to statements made by one member of the House in this morning's Advertiser, this bill was not handled carelessly. We made some mistakes during the last few days. This was one of them. It was not intentional and should not be considered as a deliberate attempt to insult anyone.

"I hope that this action does remedy the error and it is my understanding, Mr. President, that you and the Speaker will be sending a letter to the governor, requesting his help in seeking the necessary funds and I'm sure that can be done. Thank you, Mr. President."

Senator Chang then said:

"Mr. President, with respect to the search for funds, we have a colleague of Norma Wong and Harold Matsumoto in the gallery today. I was wondering if he could perhaps, affirm his commitment to that task."

The Chair welcomed the Governor to the Senate.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3012, S.D. 2, and S.B. No. 3012, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAHO'OLAWA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 3075, S.D. 1, H.D. 3:

Senator Kanno moved that the Senate reconsider its action taken on April 15, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 3075, S.D. 1, seconded by Senator Holt and carried.

On motion by Senator Kanno, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3075, S.D. 1, and S.B. No. 3075, S.D. 1, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2863, S.D. 1, H.D. 1:



Senator Chang moved that the Senate reconsider its action taken on April 15, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 2863, S.D. 1, seconded by Senator Tungpalan and carried.

Senator Chang then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2863, S.D. 1, and that S.B. No. 2863, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tungpalan.

Senator Matsuura then stated:

"Mr. President, we're passing a lot of bills through reconsideration. I didn't expect this to happen so I don't have any of the bills on my desk. So those who are asking for reconsideration, if there is anything controversial, please let us know about it because I don't know what we're passing. To be honest with you I don't remember contents of bills by the House bill number. So at least, if there is something bad, let us know so that we can at least express our concerns. I'm just getting a little concerned about voting on bills that I don't know what the content is. Thank you."

Senator Chang then responded:

"Mr. President, with respect to this bill, may I repeat the favorite refrain of the Senator from Hilo -- 'good bill.'" (Laughter.)

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2863, S.D. 1, and S.B. No. 2863, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 3253, S.D. 1, H.D. 1:

Senator Chang moved that the Senate reconsider its action taken on April 15, 1994, in disagreeing to the amendments proposed by the House to S.B. No. 3253, S.D. 1, seconded by Senator Tungpalan.

Senator Chang then stated:

"Mr. President, I would like to recognize, at this time, the efforts of the Chairman on Higher Education, Culture and the Arts and the due diligence of the Chairman on Ways and Means in advancing this bill for consideration by both the House and the Senate. This has to deal, of course, with the commemoration of our compadres to Hawaii, the Hispanic population 200 years ago."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Chang, seconded by Senator Tungpalan and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3253, S.D. 1, and S.B. No. 3253, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMISSION TO COMMEMORATE THE 200TH ANNIVERSARY OF THE ARRIVAL OF THE HISPANICS IN HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senator Holt rose on a point of personal privilege, as follows:

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

"Mr. President, I'd like to insert into the Journal, a memo from me to you dated yesterday, regarding the Investigating Committee on Insurance.

"Very briefly to my colleagues, I'd just like to read part of it. It says that:

'My finding (regarding S.R. No. 5) thus far, lead me to believe that the initial scope of the investigation contemplated by the resolution, can be adequately addressed by your existing Committee on Consumer Protection without the additional powers provided to investigative committees under Chapter 21. Senate Resolution No. 5, which establishes an investigative committee, is consequently unnecessary at this time.'

'Therefore, with your approval, I would like to proceed on this basis with a full examination and evaluation of the insurance industry during the interim.' (I have a work plan which is attached to this.)

'While this agenda as proposed appears ambitious much of the information that will be required should be available without subpoena. If roadblocks are encountered however, the need for Chapter 21 powers may have to be revisited next session.'

"Thank you."

The Chair so ordered and identified the attachment of the memorandum from Senator Holt as Exhibit "C."

Senator McCartney also rose on a point of personal privilege, as follows:

"Mr. President, very briefly on a point of personal privilege.

"I'd just like to make a couple of quick remarks and thank all of my colleagues for working with me these last four years. It's been a very memorable experience and I want to recognize three people because this is their last day.

"First, I want to recognize the Senator from Manoa, Senator Ann Kobayashi, for serving 14 years in the Senate and for all her dedication and integrity to the people of Hawaii. We want to wish her well in her pursuit to higher office in the City and County of Honolulu and we hope the City Council will treat you well.

"I also want to wish my fellow Okinawan farewell. Senator Nakasato, who has provided many years of service and dedication to the people. He's running for the Congress of the United States. We want to wish you very well.

"And to my other fellow Okinawan, Senator Stan Koki from Waihole, we want to wish you very well in your pursuit of the lieutenant governorship. If you get in, can I still have a ride in your car? (Laughter.)

"I guess if I return, Mr. President, I'll probably be the only Okinawan in the Senate, the half-Okinawan, so we need to recruit more at the next election.

"Thank you very much, Mr. President."

Senator Solomon, Senate Majority Leader, then conveyed her closing day remarks, as follows:

"Mr. President, we began this session divided, with a change in leadership on the eve of the session, we were faced with uncertainty. Some questioned your ability to lead and the ability of all the new Chairs to handle the job before them. You asked us to work hard and to withhold judgment until the sixty-day session was over. Well, the time for judgment is here.

"Looking back over the past four months, I have seen many improvements in the way the Senate operates. Our leadership meetings were open to the public for the first time in the history of this body. We have chosen to make ourselves accountable for the expenditure of the annual \$5000 allowance. Administrative matters are now handled quickly and efficiently. We have made equipment purchases, such as additional fax machines, that have improved public access to the legislative process.

"I noticed that there was a stronger public interest shown during this session as measured by attendance at hearings and the multitude of phone calls received. Was it because of the high profile and controversial legislation before our body or was it because the citizens are realizing that their personal participation in the legislative process can make a difference? At any rate, this is a good trend.

"I heard from the majority researchers that the quantity of legislation was normal this year, but the quality was of a higher level. Also, that legislation bordering on frivolousness were dropped forthright without much opposition from sponsoring Senators because we all realize that our legislative time is limited and we should not be wasting time with consideration of marginal legislations.

"Certainly, we have economic problems of a great magnitude which we have not adequately addressed. Mr. President, during this interim we must be prepared and available to deal with the fiscal and economic problems that combine to confront us. What are the causes of our fiscal difficulties? Economic growth has slowed as our state has entered its third year of recession with both discretionary and mandatory spending out-pacing revenue growth and our tax system and budgeting process is to a degree antiquated and in many instances does not reflect modern economic circumstances and behavior. As a result of this supplemental budget year, this was very, very difficult, but all in all I think we did a creditable job in being fair.

"But more than this, I feel that a sense of stability has returned to the Senate. For those of us who have chosen to put our differences aside and work with you, you have been accessible and you have been fair. We have seen how hard you have worked to bring pride back to the Senate, and this has made it easier for us to work hard. Our Chairs have done an admirable job under very difficult circumstances. We still have our differences, but no one said the process would be complete in sixty days. We have come a long way, Mr. President, and I congratulate you on a job well done.

"A fond Mahalo and Aloha to you all!"

The Chair then said:

"Thank you, Senator Solomon, for those kind remarks and congratulations and best wishes to you as you add another voter to your Senate district."

Senator Koki then rose on a point of personal privilege and said:

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

"I guess I want to begin by a quote of our resident poet, Senator Iwase. I think he might have said this, but if he didn't say it first, he should have. 'Parting is such sweet sorrow.'

"You know, I never dreamed, or even desired, of really being in politics. In fact, there was a time when I even questioned it as a legitimate endeavor. However, I have learned differently and it has been a wonderful and valuable experience for me. Of course, it has been frustrating at times, but this is not a time to discuss that. I just want all of you to know that it has been a pleasure and a privilege for me to have worked with all of you. Of course, some of us, at times, have been on opposite ends of the issues, but I want all of you to know that each and every one of you has been a valuable person and has been a very valuable experience for me.

"We all know that the process is not perfect and it probably will never be, but we need to keep trying. And so, although this is my farewell to this body, it is not good-bye to elective office. And I want to end by quoting a famous Filipino patriot, Senator Graulty, 'I shall return.'" (Laughter.)

Senator George, Senate Minority Leader, then delivered her closing day remarks, as follows:

"Mr. President, each year when we dwindle down to the final gavel, we Legislators tend to turn into members of other professions. Sometimes we become school teachers, awarding As and Bs - or flunks - in a session report card. Or we get transformed into drama critics, identifying comedy or tragedy -- thumbs up or down.

"This year a legislator may seem more like an auto mechanic - you know, the kind who, after four months of tinkering under the hood, comes out to break the bad news that he thinks he's fixed the problems but it's going to cost you.

"While the press and the people who write the legislative wrap-ups will be looking back on this session, just about everybody else will be looking forward -- it's an even-numbered year!

"This body did a fair amount of looking forward, too. We know very well there will be a new administration before we convene again. Nervousness about this prospect has motivated quite a bit of this year's legislation.

"Historically, this body has encouraged and nourished a powerful executive branch, but this year, it's different. We have now voted to eliminate a slough of political appointees, and the Senate even tried to scuttle the most powerful office in the state -- the Governor's own Office of State Planning. Did they get their plans all finished? Or did we maybe not need them in the first place?

"We've strengthened legislative control over the way money is spent. We've voted ourselves advise and consent on District Court judges, and also handed ourselves two more slots for nominees to the Judicial Selection Commission.

"At the same time, the shrewdest critics are certain to notice the balls we dropped: tort reform, workers' comp reform, election and campaign reform.

"Let me return to my analogy of legislators as auto mechanics.

"I think there are still plenty of problems under the hood. And I believe this fall the voters will demand a

government that runs better, is more fuel-efficient, is properly aligned, and is more reliable and responsive.

"I further predict that when this body convenes in January, the people will be in the driver's seat.

"Aloha. May we all fare well."

Senator A. Kobayashi rose on a point of personal privilege, and said:

"Thank you Mr. President. I know I've been a thorn in your side this past session. I stood here on opening day and I challenged you. Mr. President, I stand here today and I challenge you again. I challenge you to be as good a President next year as you have been this year. You've been a fine leader and I thank you for the courtesies you have extended to me. Thank you."

Senator Matsuura, rising on a point of personal privilege, then said:

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

"I guess I've been the biggest thorn to this Senate body. But as you know, my comments and actions have been with total sincerity.

"The most disappointing thing for me was that none of the bills that we introduced after all the ERS investigations, passed the House. But that's not our fault. I know there are a lot of people who are wondering about the continuation of the Senate Investigative Committee resolution etc., but there is one thing I learned this session -- I've got to go back to elementary school and learn to count to 13. I know that in the legislative process, with 13 votes the majority wins. So with that, thank you."

Senator Chang then said:

"Mr. President, if you could correct the record, Senator Matsuura has not yet been confirmed as the biggest thorn. Measurements will be taken after the session by Senator Matsunaga. Thank you." (Laughter.)

Senator Baker rose on a point of personal privilege and said:

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

"As the Senate's newest member, I think I would be remiss if I didn't take this opportunity to thank you, Mr. President, and all of my colleagues for the assistance and advice you have given me this year and for your understanding when I lapsed back to remembrances from whence I came with references to a body that sits a floor above us. You were very kind and considerate and helpful. I enjoyed serving on the committees to which I was assigned and I appreciate the courtesies that all of my colleagues have extended me.

"I look forward to the opportunity, after a hard fought campaign, to return next year.

"Thank you."

Senate President Mizuguchi then delivered his closing remarks, as follows:

"Some sixty working days ago, a badly divided Senate convened amid predictions of disharmony and a flawed session that would be stuck in legislative gridlock.

"I took note of the conventional wisdom and on opening day of this session called upon the members of the Senate to outdo themselves. I asked the public and the pundits to withhold judgement on our accomplishments until this day and made my own prediction of a session that would far surpass expectations.

"Although there have been some rough spots, and emotions have flared especially during the last few days, the Senate can boast of either setting aside the past in the overriding interest of addressing the public agenda.

"That is an accomplishment of which all members may take pride.

"Also at the outset of the session, I asked Senators to give a special priority to the education of our children.

"Of all the things that require attention, I said, none is so full of promise, so certain of reward, so essential to our society, as education.

"I am very pleased to note that the Education Committees of the House and Senate have confronted the issue directly and created a new and more responsive system that is stronger and more productive. I congratulate the members of the education conference committee on their accomplishment and thank them for their hard work.

"While education may be the central issue of the session, I do not wish to ignore other important matters on which the Senate's committees have worked to the credit of themselves and the Senate as a whole. We have done much, but there is more to be done in the interim.

"There are, for instance, significant unresolved issues in the insurance industry, which will require oversight by the appropriate committees as we try to establish a new understanding of the role of insurance in our economy.

"This year is an election year, and we can expect some changes in the Senate membership. Some of you will be going on to other offices. We thank you for your work and extend our best wishes to you as you continue your career.

"We are given sixty days to assess the wants and needs of our constituents and fashion a response that leads us to the future. This is a task that demands insight, fosters cooperation and generates creativity. I am confident that the Senate is equal to the challenge.

"In closing, let me thank each Senator and member of the Senate staff. From the excitement of opening day, to the demand of deadlines, to the determination of crossover, you have been steadfast in supporting the public's interest to the best of your ability. Your contribution has been valuable, and will be remembered.

"Thank you very much for your support."

At this time, the President asked the Majority Leader, the Majority Floor Leader and the Minority Leader to inform the House of Representatives that the Senate is ready to adjourn Sine Die.

At 3:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:10 o'clock p.m.

Senator Holt then remarked:

"Mr. President, I would be remiss if I did not take this opportunity to bid Aloha to one of the finest persons I've been happy to work with. Mr. Rick Perkins is also leaving this body along with the others who won't be here next year when we return. I don't know about the rest of you, but I'll return. (Laughter.)

"Rick, thanks for everything. We're looking forward to all of you coming back. Work hard during the interim. Rick, thanks again for everything."

#### **ADJOURNMENT**

Senator Chang moved that the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, adjourn Sine Die, seconded by Senator George and carried.

At 4:12 o'clock p.m., the President rapped his gavel and declared the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, adjourned Sine Die.

EXHIBIT "A"



# West Maui Soil and Water Conservation Districts

April 28, 1994

Senator Ann Kobayashi, Chairman  
Committee on Executive Appointments  
and committee members

Dear Senator Kobayashi:

In response to questions from Senator Mike McCartney:

1. Understanding the State Constitution as it relates to water?

Under Article XI our State has the duty to conserve and protect our natural resources which include water and it's our obligation to control and regulate these resources for the benefit of our citizens.

2. Appurtenant water right?

A right to water based upon native custom and usage. Farmers who grew taro were entitled to use water. (In State Water Code)

3. Riparian water right?

A right to use water that runs past an owners property. Subject to reasonable use of other riparian owners. Domestic, first rights artificial use secondary.

4. Term Beneficial use?

To utilize water to serve our public. Domestic, Agriculture, Conservation, Navigation, power, commercial, recreational, wild life habitat, etc.

5. Stream systems being retained in natural condition?

If possible streams should be retained in their natural condition. There is only a few left.

6. Should the Water Commission restore if practicable water to stream statewide?

Hard question. We could close down plantations, that would not be beneficial. Are we suppose to undo sins committed 70 to 100 years ago? It was our economic development. Would need more information on cost, benefits, etc., to make a response.

7. Pursue Stream channelization for flood control?

I am the only West Maui SWCD Director left that has pursued the Honolua Water Shed and Kahoma Stream channelization in West Maui. You must live in or around to see and understand dangers to human lives. Also if it's done, its got to be balanced to protect our environment. Most people do not understand, especially newcomers. We

page 2  
April 28, 1994  
Senator Ann Kobayashi & Committee Members

can't make a storm nor stop one, but we can provide for safety and welfare of our people.

8. Role of a Commissioner?

Protect our State Constitution as it relates to water to benefit all of the people of Hawaii.

OTHER QUESTIONS:

My friendship with Mr. Souki? Yes a very dear friend. From our days in school long before he being in public office and long after his public tenure where a lot of his friends now won't be available.

My Companies? Maui Soda & Ice Works a local owned corporation. Nobriga's Ranch and Wailena Farm all local owned. Family owned, closed corporation to the public, etc. Mr. Souki does not own any or sit on any of my Boards.

My application to the Water Commission was not the first time. It was in on the original incorporation of the Water Commission, but not chosen.

In 1977, Congress passed Public Law 95-192 RCA for each State to conduct an appraisal of its water resources. I was one of that five member from SWCD Districts and State DLNR that worked that plan. Chapter 226 Hawaii Revised Statutes was signed into law on May 22, 1978 as our State Water Resource Development Plan and Agriculture Plan.

I am a graduate of St. Anthony High School only and know that common sense is something that a lot of high educational and or professional people don't have. It was an honor to be nominated by our Governor and an honor to be confirmed by you if you feel I'm qualified.

Sincerely,

/s/David Nobriga  
DAVID NOBRIGA

# What a sorry education mess

This is school governance?  
School board should tell voters  
how they voted and why

The system that "governs" (and we use the word loosely) Hawaii public education hit bottom this weekend:

■ Faced with public demands for change, the elected Board of Education picked the incumbent — acting superintendent Herman Aizawa — to be the next state superintendent.

That doesn't automatically rule out "change." However, board members owe us an explanation of what, exactly, separated Aizawa's vision for change from those of the other four contenders. No such explanation has been given.



■ Faced with a public demanding accountability, board members won't say who voted for whom as superintendent, except for leaked word that the tally was 7-6.

These are elected officials, mind you; one of their main duties is to hire a superintendent. They owe it to you voters to say whom they voted for and why. They refuse.

■ Faced with a need for stable guidance at the top, the board picked Aizawa by a one-vote margin, 7-6, then gave him no long-term contract. "We could fire him tomorrow," Hartmann said Saturday in the most bizarre statement ever made at a press conference announcing a new hire.

So, Aizawa has the job, but if he displeases even one of the seven board members who favor him, he could be gone. That's a formula for fence-straddling inaction and micro-management by individual board members.

■ The state Legislature is so fed up by all of this that it is



Hartmann

about to pass legislation to ask voters to switch to an appointed school board and/or strip the board of all but broad policymaking power. Hartmann says the school board welcomes a public vote on the elected vs. appointed board issue because it will decide the question once and for all. She predicts an overwhelming vote for an elective board. Sadly, she's probably right, because many voters still cling to the fantasy that an elected board is automatically more accountable to the public.

This weekend's strange development puts the lie to that.

Anybody who claims to know who controls public education in Hawaii is hallucinating. The fact is, everybody's in charge — a little bit. The governor's office, the Legislature, the school board, the state budget office, and oh yes, the superintendent to some extent. Because all are accountable, none of them is.



Aizawa

Nobody knows this better than Department of Education veteran Aizawa. It's a mystery to us why he would want the job under such circumstances with a seven-vote majority of board members who won't even tell how they voted.

What now?

■ The public ought to flood the Board of Education with mail, faxes and phone messages demanding that each member publicly explain his or her vote on the superintendency — who they voted for and why. The list at the top of this column tells you how to put the pressure on.

■ The board should come to its senses and give Aizawa the security of a long-term contract so he isn't looking over his shoulder every day.

■ Voters in November should change the Constitution to create an appointive, advisory, policymaking school board. Authority for appointing the superintendent should be given to the governor. That way, you'll know who picked him, and who to blame if he doesn't work out.

No wonder Hawaii leads the nation in private school enrollment.

## USE YOUR POWER

To express your opinion to Board of Education members:

■ Write: Board of Education, 1390

Miller St., Honolulu 96813

■ Fax: 586-3433

■ Or call:

Oahu at-large members

The Rev. Darrow Aiona (586-3337)

Margaret Apo (586-3338)

Lex Brodie (586-3347)

Karen Knudsen (586-3344)

Betty Lou Miura (586-3343)

Winston Sakurai (586-3341)

Honolulu District member

Denise Matsumoto (586-3346)

Central Oahu member

Francis McMillen (586-3340)

Leeward Oahu member

Ron Nakano (586-3348)

Windward Oahu member

Debi Hartmann (586-3345)

Hawaii County member

Dr. Robert Fox (586-3339)

Mauli County member

Meyer Ueoka (586-3342)

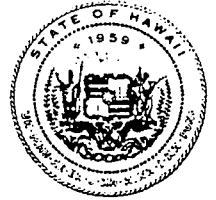
Kauai County member

Dr. Mitsugi Nakashima (586-3334)

NORMAN MIZUGUCHI  
PRESIDENT  
ANN KOBAYASHI  
FIRST VICE PRESIDENT  
DENNIS M. NAKASATO  
SECOND VICE PRESIDENT  
MALAMA SOLOMON  
MAJORITY LEADER  
ANTHONY K. U. CHANG  
MAJORITY FLOOR LEADER  
MATT MATSUNAGA  
MAJORITY POLICY LEADER  
ANDREW LEVIN  
MAJORITY CAUCUS LEADER  
CAROL FUKUNAGA  
MAJORITY WHIP  
MARY GEORGE  
MINORITY LEADER  
RICK REED  
MINORITY FLOOR LEADER

EXHIBIT "C"

The Senate  
The Seventeenth Legislature  
of the  
State of Hawaii  
STATE CAPITOL  
HONOLULU, HAWAII 96813



May 1, 1994

MEMORANDUM

FIRST DISTRICT  
MALAMA SOLOMON  
SECOND DISTRICT  
RICHARD M. MATSUURA  
THIRD DISTRICT  
ANDREW LEVIN  
FOURTH DISTRICT  
ROSALYN BAKER  
FIFTH DISTRICT  
JOE TANAKA  
SIXTH DISTRICT  
RICK REED  
SEVENTH DISTRICT  
LEHUA FERNANDES SALLING  
EIGHTH DISTRICT  
DONNA R. IKEDA  
NINTH DISTRICT  
MATT MATSUNAGA  
TENTH DISTRICT  
BERTRAND KOBAYASHI  
ELEVENTH DISTRICT  
ANN KOBAYASHI  
TWELFTH DISTRICT  
CAROL FUKUNAGA  
THIRTEENTH DISTRICT  
ANTHONY K. U. CHANG  
FOURTEENTH DISTRICT  
MILTON HOLT  
FIFTEENTH DISTRICT  
NORMAN MIZUGUCHI  
SIXTEENTH DISTRICT  
REY GRAULTY  
SEVENTEENTH DISTRICT  
ELOISE YAMASHITA TUNGALAN  
EIGHTEENTH DISTRICT  
RANDY IWASE  
NINETEENTH DISTRICT  
DENNIS M. NAKASATO  
TWENTIETH DISTRICT  
BRIAN KANNO  
TWENTY-FIRST DISTRICT  
JAMES AKI  
TWENTY-SECOND DISTRICT  
GERALD T. HAGINGO  
TWENTY-THIRD DISTRICT  
MIKE MCCARTNEY  
TWENTY-FOURTH DISTRICT  
STANLEY T. KOKI  
TWENTY-FIFTH DISTRICT  
MARY GEORGE  
CHIEF CLERK  
T. DAVID WOO, JR.

TO: Senator Norman Mizuguchi, President  
FROM: Senator Milton Holt *MH*  
SUBJECT: INVESTIGATING COMMITTEE ON INSURANCE

Due to the extremely heavy workload during the last few weeks, I would like to apologize for my failure to notify you of my plans with regard to Senate Resolution No. 5. I would therefore, like to take this opportunity to provide you with an update of our previous discussions concerning insurance matters.

My findings thus far, lead me to believe that the initial scope of the investigation contemplated by the resolution, can be adequately addressed by your existing Committee on Consumer Protection without the additional powers provided to investigative committees under Chapter 21. Senate Resolution No. 5, which establishes an investigative committee, is consequently unnecessary at this time.

The need for a close examination of policies and practices within the insurance industry, especially with regard to the availability and affordability of homeowner's insurance is well recognized and described at length in S.R. No. 5.

Therefore, with your approval, I would like to proceed on this basis with a full examination and evaluation of the insurance industry during the interim.

My tentative workplan for the examination consists of the following items:



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- (1) Receive input from individual property owners and small businesses on the availability, cost of coverage, and the resulting economic impact;
- (2) Evaluate the nature and extent of insurer operations in Hawaii;
- (3) Evaluate the adequacy and effectiveness of existing regulatory controls and oversight of the industry;
- (4) Examine actions taken by other jurisdictions with similar conditions;
- (5) Identify and consider various incentives to attract additional insurers and increase competition;
- (6) Identify alternative market mechanisms, disaster relief programs, and potential risk management measures; and
- (7) Examine any other potential mitigation and risk management opportunities.

While this agenda as proposed appears ambitious much of the information that will be required should be available without subpoena. If roadblocks are encountered however, the need for Chapter 21 powers may have to be revisited next session.

At your convenience, I would like to discuss this matter further and provide you with a list of staff and other resources that will be required during the interim.

Thank you for your attention to this matter.

cc: Senator Carol Fukunaga