

THIRTY-NINTH DAY

Wednesday, March 29, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Julia McKenna-Dubin, The Ministry for Divine Harmony, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

HOUSE COMMUNICATION

Hse. Com. No. 402, returning S.B. No. 1200, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1995, in an amended form, was read by the Clerk and was placed on file.

By unanimous consent, action on S.B. No. 1200, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," was deferred until Thursday, March 30, 1995.

STANDING COMMITTEE REPORTS

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand Com. Rep. No. 1010) recommending that S.R. No. 21 be referred to the Committee on Transportation and Government Affairs.

On motion by Senator Iwase, seconded by Senator Ige and carried, the report of the Committee was adopted and S.R. No. 21, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT HOUSE BILL, H.R. 602, THE OMNIBUS TERRITORIES ACT, SUBMITTED BY REPRESENTATIVE ELTON GALLEGLY, AS IT PERTAINS TO GRANTING HAWAII JURISDICTION OVER SEVEN TERRITORIAL ISLANDS AND ATOLLS," was referred to the Committee on Transportation and Government Affairs.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand Com. Rep. No. 1011) recommending that S.C.R. No. 25 be referred to the Committee on Transportation and Government Affairs.

On motion by Senator Iwase, seconded by Senator Ige and carried, the report of the Committee was adopted and S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT HOUSE BILL, H.R. 602, THE OMNIBUS TERRITORIES ACT, SUBMITTED BY REPRESENTATIVE ELTON GALLEGLY, AS IT PERTAINS TO GRANTING HAWAII JURISDICTION OVER SEVEN TERRITORIAL ISLANDS AND ATOLLS," was referred to the Committee on Transportation and Government Affairs.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand Com. Rep. No. 1012) recommending that S.R. No. 151 be referred to the Committee on Ways and Means.

On motion by Senator Iwase, seconded by Senator Ige and carried, the report of the Committee was adopted and S.R. No. 151, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF

HONOLULU TO PROCEED EXPEDITIOUSLY WITH EFFORTS TO CLEAR ITS PRESENT BASEYARD OPERATIONS FROM THE KAKAOKO PENINSULA AND KOKEA STREET AREAS," was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand Com. Rep. No. 1013) recommending that S.C.R. No. 172 be referred to the Committee on Ways and Means.

On motion by Senator Iwase, seconded by Senator Ige and carried, the report of the Committee was adopted and S.C.R. No. 172, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROCEED EXPEDITIOUSLY WITH EFFORTS TO CLEAR ITS PRESENT BASEYARD OPERATIONS FROM THE KAKAOKO PENINSULA AND KOKEA STREET AREAS," was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand Com. Rep. No. 1014) recommending that S.C.R. No. 155, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Iwase, seconded by Senator Ige and carried, the report of the Committee was adopted and S.C.R. No. 155, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EXAMINE THE MANAGEMENT AND OPERATIONS OF THE COMMISSION ON WATER RESOURCE MANAGEMENT," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

MATTERS DEFERRED FROM
TUESDAY, MARCH 28, 1995

THIRD READING

H.B. No. 1581:

On motion by Senator Chumbley, seconded by Senator Kawamoto and carried, H.B. No. 1581, entitled: "A BILL FOR AN ACT RELATING TO ADULT AND COMMUNITY EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 357, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, H.B. No. 357, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1221:

On motion by Senator Grauly, seconded by Senator McCartney and carried, H.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII

REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1863:

Senator Grauly moved that H.B. No. 1863, having been read throughout, pass Third Reading, seconded by Senator McCartney.

Senator Levin rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill. I'll try to be very brief.

"This is a relatively minor matter, I suppose, and one that would seem to be a very popular measure to make sure that notice is provided for all public meetings. I certainly have no objection to that goal. My problem is that what will happen, I fear, is that people will show up for meetings which have been publicized and when they get there, they will find out that the meeting has been cancelled. This has happened on occasion in the past because of lack of notice. It has happened in zoning situations, for instance, where a developer asked for a postponement and a large segment of the community, which had turned out, was disappointed because they couldn't present their testimonies.

"I think a better approach would have been to demand that proper notice be published and to provide that a hearing be postponed if notice isn't published, but to also accommodate people who show up for the hearing and allow them to offer testimony so they do not feel that they have wasted their time and they do not have to come back when the meeting is rescheduled. I think that should be accommodated. Unfortunately, this bill has not been amended, so this will be the final reading in the Legislature. I wanted to voice that concern for the record.

"Thank you."

Senator McCartney rose in support of the measure and said:

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

"I'd like to thank the Senator from Pahoa for his comments and his concerns. I had the opportunity to sit with the Judiciary chair and listen to the testimony and comments on this bill. The purpose of the bill, to express it to my colleagues, is to insure that there is fairness in the public hearing process and to insure that there is adequate notice. We heard the issues and we listened to them. We believe it's fair that there's one hearing, not two hearings, and that everybody should be informed so they can be present. This is about making sure that the public gets adequate notice. We have one hearing instead of two hearings because if we have two hearings, then something can go on in one hearing that the other group wouldn't hear about. This is about cleaning up and making sure the sunshine law is implemented properly.

"We understand the concerns of the member from Pahoa and respect them, but we think this is a good bill and it should move forward. Thank you very much."

The motion was then put by the Chair and carried, H.B. No. 1863, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Levin). Excused, 1 (Ihara).

ADOPTION OF RESOLUTIONS

Stand. Com. Rep. No. 1006 (S.R. No. 121):

On motion by Senator Matsuura, seconded by Senator Levin and carried, the report of the Committee was adopted and S.R. No. 121, entitled: "SENATE RESOLUTION REQUESTING THAT THE OFFICE OF CHILDREN AND YOUTH DEVELOP A STRATEGIC PLAN OF ACTION AND A TIMETABLE FOR IMPLEMENTATION TO EFFECTUATE THE SYSTEMATIC REVIEW AND RESTRUCTURING OF ITS OPERATIONS," was adopted.

Stand. Com. Rep. No. 1007 (S.C.R. No. 138):

On motion by Senator Matsuura, seconded by Senator Levin and carried, the report of the Committee was adopted and S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OFFICE OF CHILDREN AND YOUTH DEVELOP A STRATEGIC PLAN OF ACTION AND A TIMETABLE FOR IMPLEMENTATION TO EFFECTUATE THE SYSTEMATIC REVIEW AND RESTRUCTURING OF ITS OPERATIONS," was adopted.

Stand. Com. Rep. No. 1008 (S.R. No. 141, S.D. 1):

On motion by Senator Matsuura, seconded by Senator Levin and carried, the joint report of the Committees was adopted and S.R. No. 141, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INTERIM SESSION COLLABORATIVE PROCESS BETWEEN THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, JUDICIARY, OFFICE OF CHILDREN AND YOUTH, OFFICE OF YOUTH SERVICES, AND PRIVATE SECTOR PROVIDERS OF SERVICES TO FAMILIES AND CHILDREN IN EARLY CHILDHOOD TO ESTABLISH A PRO-FAMILY PREVENTIVE SERVICE SYSTEM," was adopted.

Stand. Com. Rep. No. 1009 (S.C.R. No. 161, S.D. 1):

On motion by Senator Matsuura, seconded by Senator Levin and carried, the joint report of the Committees was adopted and S.C.R. No. 161, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTERIM SESSION COLLABORATIVE PROCESS BETWEEN THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, JUDICIARY, OFFICE OF CHILDREN AND YOUTH, OFFICE OF YOUTH SERVICES, AND PRIVATE SECTOR PROVIDERS OF SERVICES TO FAMILIES AND CHILDREN IN EARLY CHILDHOOD TO ESTABLISH A PRO-FAMILY PREVENTIVE SERVICE SYSTEM," was adopted.

AGREE/DISAGREE

S.B. No. 304 (H.D. 1):

By unanimous consent, action on S.B. No. 304, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until Thursday, March 30, 1995.

S.B. No. 305 (H.D. 1):

By unanimous consent, action on S.B. No. 305, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX CREDIT," was deferred until Thursday, March 30, 1995.

S.B. No. 923 (H.D. 1):

By unanimous consent, action on S.B. No. 923, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," was deferred until Thursday, March 30, 1995.

S.B. No. 1575 (H.D. 1):

By unanimous consent, action on S.B. No. 1575, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERESTIMATION OF NET INCOME TAX," was deferred until Thursday, March 30, 1995.

S.B. No. 1567, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 1567, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," was deferred until Thursday, March 30, 1995.

RE-REFERRAL OF HOUSE BILL

The President re-referred the following House bill that was received:

House Bill Referred to:

No. 1977, H.D. 1, S.D. 1 Jointly to the Committee on Judiciary and the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The President re-referred the following Senate concurrent resolution that was offered:

Senate
Concurrent
Resolution Referred to:

No. 216 Jointly to the Committee on Communications and Public Utilities and the Committee on Transportation and Government Affairs

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Levin, chairman of the Committee on Health, requested a waiver of the required hours of notice of a public hearing on S.C.R. No. 253, S.C.R. No. 127, S.R. No. 155 and S.C.R. No. 176, and the Chair granted the waiver.

Senator Chumbley, chairman of the Committee on Education, then requested a waiver of the 72-hour Notice of a Public Hearing on the following resolutions: S.C.R. No. 90; S.C.R. No. 84; S.C.R. No. 236; S.C.R. No. 192; S.C.R. No. 228; and S.C.R. No. 260, and the Chair granted the waiver.

Senator Ige, chairman of the Committee on Higher Education, Culture, and Arts, also requested a waiver of the required hours of notice of a public hearing on the following resolutions: S.C.R. No. 101; S.C.R. No. 110; S.C.R. No. 111; S.C.R. No. 191; S.R. No. 87; S.R. No. 96; S.R. No. 97; and S.R. No. 169, and the President granted the waiver.

Senator Fernandes Salling, chair of the Committee on Transportation and Government Affairs, then requested a waiver of the required hours of notice of a public hearing on the following resolutions: S.C.R. No. 9; S.C.R. No. 46; S.C.R. No. 265; S.C.R. No. 288; S.C.R. No. 291; S.R. No. 9; S.R. No. 39; S.R. No. 227; S.R. No. 243; and S.R. No. 245, and the Chair granted the waiver.

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Baker, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 30, 1995.