

TWENTY-THIRD DAY

Wednesday, February 21, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:47 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.

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

Senators Liu and Anderson introduced the coaches and members of the Kailua High School Girls Softball Team and congratulated them on becoming the 1996 Hawaii State Champions. A Senate certificate and leis were presented to all of the guests.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 164 and 165) were read by the Clerk and were placed on file:

Gov. Msg. No. 164, dated February 7, 1996, transmitting the Department of Commerce and Consumer Affairs' Annual Compliance Resolution Fund Report, pursuant to Section 26-9, HRS.

Gov. Msg. No. 165, dated February 7, 1996, transmitting the 1995 Annual Report prepared by the Department of Labor and Industrial Relations pursuant to Section 371-7, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 43 to 53) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 43, transmitting H.B. No. 2867, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2867, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 44, transmitting H.B. No. 2971, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2971, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 45, transmitting H.B. No. 3243, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3243, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS," passed First

Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 46, transmitting H.B. No. 3244, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3244, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 47, transmitting H.B. No. 3331, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3331, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred to the Committee on Agriculture, Labor, and Employment.

Hse. Com. No. 48, transmitting H.B. No. 3351, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3351, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 49, transmitting H.B. No. 3596, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3596, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF AN ELECTION TIE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 50, transmitting H.B. No. 3631, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3631, entitled: "A BILL FOR AN ACT RELATING TO THE SUMMONING OF JURORS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 51, transmitting H.B. No. 3645, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3645, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF FINES AND COSTS," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 52, transmitting H.B. No. 3778, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3778, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 53, transmitting H.B. No. 3905, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3905, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAXES," passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 26 to 35) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH IMPLEMENT THE RECOMMENDATIONS OF THE UNITED STATES PUBLIC HEALTH SERVICE REGARDING HUMAN IMMUNODEFICIENCY VIRUS COUNSELING AND VOLUNTARY TESTING FOR PREGNANT WOMEN."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Ways and Means

No. 27 "SENATE CONCURRENT RESOLUTION COMMENDING THE CHARACTER COUNTS COALITION FOR ITS EFFORTS TO PROMOTE CHARACTER DEVELOPMENT IN THE YOUTH OF THE NATION."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ENCOURAGE ALL STATE AGENCIES INVOLVED IN THE CULTIVATION OR MAINTENANCE OF LANDSCAPES OR OTHER TYPES OF VEGETATION TO PURCHASE LOCALLY MANUFACTURED SOIL ENHANCEMENT MATERIALS."

Offered by: Senators Levin, Kanno.

Referred to: Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 29 "SENATE CONCURRENT RESOLUTION SUPPORTING THE CREATION OF AN ANNUAL FEDERAL ENDANGERED SPECIES ART CONTEST SPONSORED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SPONSOR AN ANNUAL STATE ENDANGERED SPECIES ART CONTEST."

Offered by: Senator Levin.

Referred to: Committee on Ecology and Environmental Protection

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO REVIEW PROJECT MA'ALO AND MAKE RECOMMENDATIONS WHETHER IT SHOULD

BE ESTABLISHED AT THE UNIVERSITY OF HAWAII AT HILO OR ELSEWHERE."

Offered by: Senator Levin.

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

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING FUNDING AND IMPLEMENTATION OF A RURAL HEALTH PLAN FOR PUNA AND KA'U."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Ways and Means

No. 32 "SENATE CONCURRENT RESOLUTION URGING THE PUBLIC UTILITIES COMMISSION TO PROHIBIT ELECTRICAL UTILITIES FROM OFFERING FINANCIAL INCENTIVES TO CONSUMERS TO ENCOURAGE THE INSTALLATION OF ENERGY INTENSIVE APPLIANCES."

Offered by: Senator Levin.

Referred to: Committee on Economic Development, then to the Committee on Communications and Public Utilities

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN MAY OF EVERY YEAR AS 'STATE OF HAWAII ARCHAEOLOGY WEEK'."

Offered by: Senator Levin.

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

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE EAST-WEST CENTER AND THE UNIVERSITY OF HAWAII TO CONSIDER WORKING ON A JOINT PROJECT MA'ALO TO PROMOTE THE PROTECTION, REGISTRATION, AND INVENTORYING OF PRIVATELY HELD ARTIFACTS OF THE PACIFIC, BEGINNING WITH NEW ZEALAND."

Offered by: Senator Levin.

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

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO CONDUCT AN ENTOMOLOGICAL SURVEY FOR AGRICULTURAL PESTS IN MICRONESIA."

Offered by: Senator Matsuura.

Referred to: Committee on Agriculture, Labor, and Employment

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 17 to 24) were read by the Clerk and were referred to committees:

Senate Resolution

No. 17 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH IMPLEMENT THE RECOMMENDATIONS OF THE UNITED STATES PUBLIC HEALTH SERVICE REGARDING HUMAN

IMMUNODEFICIENCY VIRUS COUNSELING AND VOLUNTARY TESTING FOR PREGNANT WOMEN."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Ways and Means

No. 18 "SENATE RESOLUTION COMMENDING THE CHARACTER COUNTS COALITION FOR ITS EFFORTS TO PROMOTE CHARACTER DEVELOPMENT IN THE YOUTH OF THE NATION."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 19 "SENATE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO ENCOURAGE ALL STATE AGENCIES INVOLVED IN THE CULTIVATION OR MAINTENANCE OF LANDSCAPES OR OTHER TYPES OF VEGETATION TO PURCHASE LOCALLY MANUFACTURED SOIL ENHANCEMENT MATERIALS."

Offered by: Senators Levin, Kanno.

Referred to: Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 20 "SENATE RESOLUTION SUPPORTING THE CREATION OF AN ANNUAL FEDERAL ENDANGERED SPECIES ART CONTEST SPONSORED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SPONSOR AN ANNUAL STATE ENDANGERED SPECIES ART CONTEST."

Offered by: Senator Levin.

Referred to: Committee on Ecology and Environmental Protection

No. 21 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO REVIEW PROJECT MA'ALO AND MAKE RECOMMENDATIONS WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII AT HILO OR ELSEWHERE."

Offered by: Senator Levin.

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

No. 22 "SENATE RESOLUTION REQUESTING FUNDING AND IMPLEMENTATION OF A RURAL HEALTH PLAN FOR PUNA AND KA'U."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Ways and Means

No. 23 "SENATE RESOLUTION URGING THE PUBLIC UTILITIES COMMISSION TO PROHIBIT ELECTRICAL UTILITIES FROM OFFERING FINANCIAL INCENTIVES TO CONSUMERS TO ENCOURAGE THE INSTALLATION OF ENERGY INTENSIVE APPLIANCES."

Offered by: Senator Levin.

Referred to: Committee on Economic Development, then to the Committee on Communications and Public Utilities

No. 24 "SENATE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO CONDUCT AN ENTOMOLOGICAL SURVEY FOR AGRICULTURAL PESTS IN MICRONESIA."

Offered by: Senator Matsuura.

Referred to: Committee on Agriculture, Labor, and Employment

STANDING COMMITTEE REPORTS

Senator Bunda, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1952) recommending that S.B. No. 2068, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Housing.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was recommitted to the Committee on Housing.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1953) recommending that S.B. No. 686, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 686, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," passed Second Reading and was recommitted to the Committee on Judiciary.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1954) recommending that S.B. No. 678, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was recommitted to the Committee on Judiciary.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM TUESDAY, FEBRUARY 20, 1996

Stand. Com. Rep. No. 1951 (S.B. No. 675, S.D. 2):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1951 was adopted and S.B. No. 675, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2068, S.D. 1 Jointly to the Committee on Housing
and the Committee on Ways and Means

No. 2147 Jointly to the Committee on Education
and the Committee on Judiciary

No. 2509, S.D. 1 Committee on Ways and Means

At this time, Senator Gaulty, chairman of the
Committee on Judiciary, requested a waiver of the 72-
hour Notice of a Public Hearing on S.B. No. 2890 as
follows:

"Mr. President, I would like to request a waiver of the
72-hour notice, for the purpose of adding a bill to our
Friday agenda. The Senate bill is 2890, relating to
corrections, which amends provisions relating to the
transfer of inmates to correctional institutions located
outside the State."

The Chair granted the waiver.

ADJOURNMENT

At 12:03 o'clock p.m., on motion by Senator Ihara,
seconded by Senator Liu and carried, the Senate
adjourned until 11:30 o'clock a.m., Thursday, February
29, 1996.