

THIRTY-EIGHTH DAY

Monday, March 25, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Dr. W.C. Garland, Hawaii Baptist Convention, after which the Roll was called showing all Senators present with the exception of Senators Anderson, Holt and Levin who were excused.

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

Senator Matsuura, on behalf of Senator Levin, introduced Dr. Calvin Sia, a noted Honolulu pediatrician, and recognized him for his lifetime commitment to helping the children of our community. Dr. Sia was presented a Senate certificate by Senator Matsuura and a lei by Senator Baker.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 281, dated February 26, 1996, transmitting a report, "State of Hawaii Overseas Representation 1995 Annual Report," prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201-84, HRS, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 422 to 425) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 422, returning S.B. No. 2249, S.D. 1, which passed Third Reading in the House of Representatives on March 22, 1996, in an amended form, was placed on file.

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2249, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Grauly, chairman, Matsunaga, Matsuura, McCartney, Anderson as managers on the part of the Senate at such conference.

Hse. Com. No. 423, returning S.B. No. 2471, S.D. 1, which passed Third Reading in the House of Representatives on March 22, 1996, in an amended form, was placed on file.

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2471, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Grauly, chairman, Matsunaga, Matsuura, Anderson as managers on the part of the Senate at such conference.

Hse. Com. No. 424, returning S.B. No. 2783, S.D. 1, which passed Third Reading in the House of Representatives on March 22, 1996, in an amended form, was placed on file.

Senator Grauly moved that the Senate agree to the amendments proposed by the House to S.B. No. 2783, S.D. 1, seconded by Senator McCartney.

Senator Grauly explained:

"Mr. President, the House just made one amendment to this Senate bill. They changed the sunset date from June 30, 1999, to June 30, 1998. I believe the amendment is a minor amendment and I think we can accept the amendments that the House has made to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2783, S.D. 1, and S.B. No. 2783, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was placed on the calendar for Final Reading on Wednesday, March 27, 1996.

Hse. Com. No. 425, returning S.B. No. 2885, S.D. 1, which passed Third Reading in the House of Representatives on March 22, 1996, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 5 and 6) were read by the Clerk and were disposed of as follows:

Sen. Com. No. 5, notice to the Governor dated March 25, 1996, transmitting H.B. No. 3302, H.D. 1, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"March 25, 1996

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill, a copy of which is attached hereto:

H.B. 3302, H.D. 1, S.D. 1
PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII, WHICH REQUIRES THAT EXCESS REVENUES BE REFUNDED TO TAXPAYERS UNDER CERTAIN CONDITIONS.

Respectfully,

/s/ T. David Woo, Jr.
T. David Woo, Jr.
Clerk of the Senate"

Sen. Com. No. 6, notice to the Governor dated March 25, 1996, transmitting H.B. No. 4142, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"March 25, 1996

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill, a copy of which is attached hereto:

H.B. 4142, S.D. 1
PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW THE USE OF REVENUE BONDS FOR THE FUNDING OF A STATE PROPERTY INSURANCE PROGRAM PROVIDING HURRICANE INSURANCE COVERAGE.

Respectfully,

/s/ T. David Woo, Jr.
T. David Woo, Jr.
Clerk of the Senate"

ORDER OF THE DAY

THIRD READING

H.B. No. 2576, H.D. 1:

By unanimous consent, action on H.B. No. 2576, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE," was deferred until Wednesday, March 27, 1996.

H.B. No. 2416, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2416, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL RIGHTS COMMISSION," was deferred until Wednesday, March 27, 1996.

H.B. No. 3822, S.D. 1:

By unanimous consent, action on H.B. No. 3822, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," was deferred until Wednesday, March 27, 1996.

H.B. No. 3793, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3793, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," was deferred until Wednesday, March 27, 1996.

H.B. No. 3456:

By unanimous consent, action on H.B. No. 3456, entitled: "A BILL FOR AN ACT RELATING TO

CERTIFICATION OF CHILD PLACING ORGANIZATIONS, CHILD CARING INSTITUTIONS, AND FOSTER BOARDING HOMES," was deferred until Wednesday, March 27, 1996.

H.B. No. 4035, H.D. 1:

By unanimous consent, action on H.B. No. 4035, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PACKAGED SOIL," was deferred until Wednesday, March 27, 1996.

RE-REFERRAL OF HOUSE BILL

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

House Bill Referred to:

No. 2882, H.D. 2 Committee on Ways and Means

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

RECONSIDERATION OF ACTIONS TAKEN

Stand. Com. Rep. No. 2298 (H.B. No. 4111, S.D. 1):

Senator Fernandes Salling moved that the Senate reconsider its action taken on March 22, 1996, on Stand. Com. Rep. No. 2298 and H.B. No. 4111, S.D. 1, seconded by Senator Ikeda.

Senator Fernandes Salling explained:

"Mr. President, there is an error in the title of the bill."

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

The Chair then re-referred H.B. No. 4111 jointly to the Committee on Transportation and Government Affairs and the Committee on Ways and Means.

ADJOURNMENT

At 12:00 o'clock noon, on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 27, 1996.