

FIFTY-FIRST DAY

Tuesday, April 16, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Miss Crystal Chun and Miss Amy Jean Tow, St. Andrew's Priory, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling and Ikeda who were excused.

The President announced that he had read and approved the Journal of the Fiftieth Day.

Senator Chumbley, on behalf of President Mizuguchi, introduced several representatives of the Hawaii State Teachers Association in commemoration of the HSTA's 25th anniversary. A Senate certificate and leis were presented to all of the guests.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 333, informing the Senate that on April 12, 1996, he signed the following bills into law:

Senate Bill No. 2128 as Act 8, entitled: "RELATING TO BUSINESS DEVELOPMENT CORPORATIONS";

Senate Bill No. 2521 as Act 9, entitled: "RELATING TO FINANCIAL SERVICES LOAN COMPANIES";

Senate Bill No. 2685 as Act 10, entitled: "RELATING TO DEPOSIT OF PUBLICATIONS"; and

Senate Bill No. 2739 as Act 11, entitled: "RELATING TO GIFT CERTIFICATES,"

was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 29 and 30) were read by the Clerk and were placed on file:

Dept. Com. No. 29, from the Department of Commerce and Consumer Affairs dated April 8, 1996, transmitting the Real Estate Commission's 1995 Annual Report.

Dept. Com. No. 30, from the State Auditor dated April 11, 1996, transmitting a report, "Follow-Up Audit of the Department of Taxation," (Report No. 96-9).

HOUSE COMMUNICATION

Hse. Com. No. 674, informing the Senate that the Speaker on April 16, 1996, appointed as additional conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1716, H.D. 1 (S.D. 1):

Representative Takamine added as a co-chairman.

H.B. No. 2599 (S.D. 2):

Representative Saiki added as a manager.

H.B. No. 3096, H.D. 1 (S.D. 1):

Representative Tom added as a co-chairman.

H.B. No. 3964, H.D. 1 (S.D. 3):

Representative Yonamine added as a co-chairman and Representative Jones added as a manager,

was read by the Clerk and was placed on file.

ORDER OF THE DAY**FINAL READING**

S.B. No. 2263, S.D. 1, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2263, S.D. 1, and S.B. No. 2263, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN MONEY JUDGMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

S.B. No. 2340, S.D. 2, H.D. 2:

On motion by Senator Grauly, seconded by Senator Tanaka and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2340, S.D. 2, and S.B. No. 2340, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

S.B. No. 2341, H.D. 1:

On motion by Senator Ige, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2341 and S.B. No. 2341, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY COLLEGES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

S.B. No. 2487, S.D. 1, H.D. 2:

On motion by Senator Grauly, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2487, S.D. 1, and S.B. No. 2487, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

S.B. No. 2772, S.D. 2, H.D. 1:

On motion by Senator Grauly, seconded by Senator Levin and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2772, S.D. 2, and

S.B. No. 2772, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF CIGARETTES IN PACKAGES CONTAINING LESS THAN TWENTY CIGARETTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

S.B. No. 2929, S.D. 1, H.D. 1:

On motion by Senator Graulty, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2929, S.D. 1, and S.B. No. 2929, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF CRIMINAL PROVISIONS UNDER TITLE 14 ADMINISTERED BY THE DEPARTMENT OF TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

S.B. No. 3160, S.D. 1, H.D. 2:

On motion by Senator Tanaka, seconded by Senator Solomon and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3160, S.D. 1, and S.B. No. 3160, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Ikeda).

Senator Tam rose on a point of personal privilege as follows:

"Mr. President, good morning. I stand for the purpose of personal privilege.

"In reference to the April 4, 1996 Star-Bulletin article questioning your committee's environmental protection legislation on air quality control at Campbell Industrial Park through H.B. No. 388, I have a letter from Dr. Bruce Anderson, Deputy Director for Environmental Health, clarifying his views.

'Dear Senator Tam:

I want to take this opportunity to clear up any ambiguity which may exist as a result of my comments in a recent newspaper article regarding the imposition of Best Available Control Technology requirements to all facilities at the Campbell Industrial Park.

Let me state at the outset that as advocates for the environment, the Department of Health certainly supports and applauds the efforts you have undertaken to address the issues of air quality and public health in the region surrounding Campbell Industrial Park. We have been increasingly concerned that residential development in this area will lead to further conflicts in land use between the existing industrial facilities and the influx of new residents. Additionally, in light of some recent episodes which occurred at the Park, the Department is undertaking an effort to identify services of pollutants which are causing nearby residents to experience discomfort or illness.

The Department feels that its ongoing studies and monitoring of the air quality in the area are very much

in line with the intent expressed in your legislation and that was the thrust of my remarks in the newspaper. I think we all agree that it is essential that we comprehensively study and analyze the air quality data for this region so that we may ensure that appropriate steps are taken to protect the health of the adjacent residents.

Please be assured that the Department of Health appreciates your leadership and commitment in this area to taking effective, appropriate action and look forward to working with you so that we may finalize a bill this session which will insure that the health and welfare of the community are well protected.'

"I wish to also inform everyone that I met with Chevron U.S.A.'s new regional manager for the State of Hawaii. Chevron declares that it wants to be a part of Hawaii and they plan to remain in Hawaii, and Chevron has agreed to pay all emergency hospital bills due to its release of excessive air emission without any of conditions it imposed upon claimants previously. Thank you."

Senator Matsuura, chairman of the Committee on Human Services, requested a waiver of the required hours of Notice of a Public Hearing on H.C.R. No. 5, H.C.R. No. 61, H.C.R. No. 84 and H.C.R. No.157, and the Chair granted the waiver.

Senator Ige, chairman of the Committee on Higher Education, Culture, and Arts, requested a waiver of the 72-hour Notice of a Public Hearing on H.C.R. No. 276 and H.C.R. No. 112, and the Chair granted the waiver.

Senator Aki, chairman of the Committee on Hawaiian Affairs, also requested a waiver of the 72-hour Notice of a Public Hearing on H.C.R. No. 220 and H.C.R. No. 289, and the Chair granted the waiver.

RE-REFERRAL OF HOUSE BILL

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

House Bill Referred to:

No. 2366, H.D. 1 Committee on Judiciary

APPOINTMENT OF CONFEREES

S.B. No. 608, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 608, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Ikeda, co-chairmen, Ige, Kawamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1234, S.D. 1 (H.D. 2):

The President appointed Senator Levin as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1234, S.D. 1.

S.B. No. 2003, S.D. 1 (H.D. 2):

The President appointed Senator Ige as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2003, S.D. 1.

S.B. No. 2552, S.D. 1 (H.D. 2):

The President appointed Senator Iwase as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2552, S.D. 1.

S.B. No. 2729, S.D. 1 (H.D. 1):

The President appointed Senator Iwase as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2729, S.D. 1.

H.B. No. 2286, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2286, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ikeda, Holt, co-chairmen, Kawamoto, Liu as managers on the part of the Senate at such conference.

H.B. No. 2359 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2359 and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Levin, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2505, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2505, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Ige, co-chairmen, Aki as managers on the part of the Senate at such conference.

H.B. No. 2647, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2647, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Ihara, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2789, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2789, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Ige, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2897, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2897, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Levin, co-chairmen, Kawamoto, Matsunaga as managers on the part of the Senate at such conference.

H.B. No. 3086, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3086, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Ihara, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3096, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3096, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3291, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3291, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3398 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3398 and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Ige, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3400 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3400 and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3409, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3409, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3417 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3417 and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3419, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3419, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Ihara, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3760, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3760, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3785, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3785, H.D. 1, and the request for a conference on the

subject matter thereof, the President appointed Senators Holt, chairman, Iwase, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3809, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3809, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Holt, chairman, Ihara, Anderson as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:23 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., Wednesday, April 17, 1996.