

EIGHTEENTH DAY

Tuesday, February 11, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Miho Lim, Honolulu Korean Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senator Aki who was excused.

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

Senator Tam introduced the Hawaii United Chinese Society's 1996 Model Chinese Mother of the Year, Mrs. Winifred Choy Hung Lum Ching, who was accompanied by her daughter, Dr. Juanita Liu; Model Chinese Father of the Year, Senator Hiram Fong; and Chinese Citizen of the Year, George C.K. Young, who was accompanied by his wife Jeanette.

At 11:46 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.

HOUSE COMMUNICATION

Hse. Com. No. 20, informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to the following House bills, and the request for a conference on the subject matters of said amendments, the Speaker on February 10, 1997, appointed managers, respectively, on the part of the House for the consideration of said amendments:

H.B. No. 117 (S.D. 1):

Representatives Tom, chairman, Cachola, Herkes, Yamane, Whalen.

H.B. No. 118, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Cachola, Herkes, Yamane, Thielen,

was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 68) recommending that S.B. No. 672, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 672, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 69) recommending that S.B. No. 1534, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

INSURANCE LICENSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Chumbley and Matsunaga, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 70) recommending that S.B. No. 1705 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 1705, entitled: "A BILL FOR AN ACT RELATING TO ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 71) recommending that S.B. No. 957, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 957, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION," passed Second Reading and was referred to the Committee on Judiciary.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 72) recommending that S.B. No. 958 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 958, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 13, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 73) recommending that S.B. No. 959 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 959, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRUDENT INVESTOR ACT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 13, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 74) recommending that S.B. No. 1714 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1714, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 13, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 75) recommending that S.B. No. 1715 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1715, entitled: "A BILL FOR AN ACT RELATING TO SECURED TRANSACTIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 13, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 76) recommending that S.B. No. 1716 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1716, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DEPOSITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 77) recommending that S.B. No. 162 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 162, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 78) recommending that S.B. No. 165, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 79) recommending that S.B. No. 178 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 178, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UPDATING THE INTEGRATED SOLID WASTE MANAGEMENT PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and McCartney, for the majority of the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 80) recommending that S.B. No. 179, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 179, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNODEFICIENCY SYNDROME," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 81) recommending that S.B. No. 377, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 82) recommending that S.B. No. 378, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 378, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 83) recommending that S.B. No. 750, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 750, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAHUKU HOSPITAL, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and McCartney, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 84) recommending that S.B. No. 1088, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 85) recommending that S.B. No. 1363 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1363, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 86) recommending that S.B. No. 1710, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1710, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA DISCOVERY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 87) recommending that S.B. No. 532, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 532, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 88) recommending that S.B. No. 538, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES," passed Second Reading and was recommitted to the Committee on Education.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 89) recommending that S.B. No. 303 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 303, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION AND PRACTICE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 90) recommending that S.B. No. 1576 pass Second Reading and be referred to the Committee on Health and Environment.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Health and Environment.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 91) recommending that S.B. No. 1619 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1619, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 92) recommending that S.B. No. 560, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Human Resources.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 560, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was recommitted to the Committee on Human Resources.

ORDER OF THE DAY

MATTER DEFERRED FROM MONDAY, FEBRUARY 10, 1997

THIRD READING

S.B. No. 175:

On motion by Senator Levin, seconded by Senator McCartney and carried, S.B. No. 175, entitled: "A BILL FOR

AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chumbley).

RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 532, S.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 538, S.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 548, S.D. 1 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 606 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the 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 12:00 o'clock noon.

At this time, Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, requested a waiver of the 48-hour Notice of a Public Hearing on S.B. No. 1039 and a waiver of the 72-hour Notice of a Public Hearing on the following Senate bills: S.B. No. 1202, S.B. No. 1670, S.B. No. 1671, S.B. No. 1674, S.B. No. 1784 and S.B. No. 1824, and the Chair granted the waiver.

ADJOURNMENT

At 12:03 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 12, 1997.