

TWENTY-SECOND DAY

Tuesday, February 18, 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 Chaplain Larry Smedley, Hawaii Conference of Seventh-Day Adventists, after which the Roll was called showing all Senators present.

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

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 64 to 78) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 64, transmitting H.B. No. 728, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 728, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 65, transmitting H.B. No. 1262, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1262, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A STUDY OF THREE TAX PROPOSALS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 66, transmitting H.B. No. 1640, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1640, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 67, transmitting H.B. No. 1643, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1643, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO THE STATE BY ELECTRONIC FUNDS TRANSFER," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 68, transmitting H.B. No. 1645, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1645, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMING TAX PROVISIONS TO THE UNIFORM LIMITED LIABILITY

COMPANY ACT," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 69, transmitting H.B. No. 1647, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1647, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF CERTAIN SELLERS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 70, transmitting H.B. No. 1768, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1768, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed First Reading by title and was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 71, transmitting H.B. No. 1778, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1778, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 72, transmitting H.B. No. 1799, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1799, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 73, transmitting H.C.R. No. 26, which was adopted by the House of Representatives on February 13, 1997, was placed on file.

By unanimous consent, H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING LEIMOMI MO'OKINI LUM AS A 'LIVING TREASURE' OF THE STATE OF HAWAII," was referred to the Committee on Education.

Hse. Com. No. 74, transmitting H.B. No. 107, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 107, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 75, transmitting H.B. No. 617, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 617, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN BORN TO PARENTS NOT MARRIED TO EACH OTHER," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 76, transmitting H.B. No. 1690, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1690, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 77, transmitting H.B. No. 1804, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1804, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 78, transmitting H.B. No. 2174, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 2174, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC-PRIVATE INFRASTRUCTURE PARTNERSHIPS," 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. 30 to 35) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF OCCUPATIONAL THERAPISTS."

Offered by: Senators Baker, Ige, D.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF ARCHAEOLOGISTS."

Offered by: Senators Baker, Ige, D.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF PROFESSIONAL WRESTLING."

Offered by: Senators Baker, Ige, D.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF TOW TRUCK OPERATORS."

Offered by: Senators Baker, Ige, D.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF CHILD CARE PROVIDERS."

Offered by: Senators Baker, Ige, D.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF TAX PREPARERS."

Offered by: Senators Baker, Ige, D.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

STANDING COMMITTEE REPORT

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 554) recommending that the Senate advise and consent to the nomination of CHESTER C. KUNITAKE to the Hawaii Labor Relations Board, in accordance with Gov. Msg. No. 149.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 554 and Gov. Msg. No. 149 was deferred until Wednesday, February 19, 1997.

ORDER OF THE DAY

THIRD READING

S.B. No. 985, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, S.B. No. 985, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1362:

On motion by Senator Baker, seconded by Senator D. Ige and carried, S.B. No. 1362, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1486:

On motion by Senator Baker, seconded by Senator D. Ige and carried, S.B. No. 1486, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1493, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, S.B. No. 1493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1501:

Senator Baker moved that S.B. No. 1501, having been read throughout, pass Third Reading, seconded by Senator D. Ige.

Senator Slom rose and stated:

"Mr. President, I will be voting 'Aye' with reservations on S.B. No. 1501. Thank you."

The motion was then put by the Chair and carried, S.B. No. 1501, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

S.B. No. 1533:

On motion by Senator Baker, seconded by Senator D. Ige and carried, S.B. No. 1533, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1624:

By unanimous consent, action on S.B. No. 1624, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," was deferred until Wednesday, February 19, 1997.

S.B. No. 1625:

By unanimous consent, action on S.B. No. 1625, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE PUBLIC LIBRARY SYSTEM," was deferred until Wednesday, February 19, 1997.

S.B. No. 14, S.D. 1:

By unanimous consent, action on S.B. No. 14, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS' LICENSES," was deferred until Wednesday, February 19, 1997.

S.B. No. 1385:

By unanimous consent, action on S.B. No. 1385, entitled: "A BILL FOR AN ACT RELATING TO STATE WAR MEMORIALS AND VETERANS' CEMETERIES," was deferred until Wednesday, February 19, 1997.

S.B. No. 130, S.D. 1:

By unanimous consent, action on S.B. No. 130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Wednesday, February 19, 1997.

S.B. No. 1110:

By unanimous consent, action on S.B. No. 1110, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred until Wednesday, February 19, 1997.

S.B. No. 1885, S.D. 1:

By unanimous consent, action on S.B. No. 1885, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," was deferred until Wednesday, February 19, 1997.

S.B. No. 107, S.D. 1:

By unanimous consent, action on S.B. No. 107, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KONA INTERNATIONAL AIRPORT," was deferred until Wednesday, February 19, 1997.

S.B. No. 208, S.D. 1:

By unanimous consent, action on S.B. No. 208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Wednesday, February 19, 1997.

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 527, S.D. 1	Jointly to the Committee on Economic Development and the Committee on Ways and Means
No. 553, S.D. 1	Committee on Ways and Means
No. 1285	Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means
No. 1652	Jointly to the Committee on Human Resources and the Committee on Ways and Means

At this time, Senator Tam rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, late last week, unfortunately, Anne Uehara, from my office, passed away. She had cancer of the colon.

"The family and I wish to thank you very much for your condolences. She was a very fine worker who worked for the Legislature for 15 very effective and productive years.

"Once again, the family thanks you. Her desire was to have a private funeral and burial service. She will be buried next week Friday. Thank you."

APPOINTMENT OF CONFEREES

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

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 117, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, co-chairmen, McCartney, Metcalf as managers on the part of the Senate at such conference.

H.B. No. 118, 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. 118, H.D. 1,

and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, co-chairmen, McCartney, Metcalf as managers on the part of the Senate at such conference.

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 19, 1997, in memory of the late Anne Uehara.