

TWENTY-THIRD DAY

Wednesday, February 19, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:47 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Ernest Uno, St. Mary's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Mizuguchi who was excused.

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

Senator Tam introduced several individuals representing the Hawaii State Parent Teacher Student Association in commemoration of the 100th anniversary of the National Parent Teacher Student Association.

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.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 167 to 171) were read by the Clerk and were placed on file:

Gov. Msg. No. 167, dated February 3, 1997, transmitting the "Third Progress Report on the Hawaii State Clearinghouse On Missing Children and the Hawaii Missing Children Clearinghouse Trust Fund," prepared by the Department of the Attorney General pursuant to Act 246, SLH 1994.

Gov. Msg. No. 168, dated February 6, 1997, transmitting the Joint Report on the Status of the Decategorization Pilot Project, prepared by the Department of Human Services and Office of Youth Services, the Department of Health, and the Department of Education, pursuant to Act 287, Section 194.1, SLH 1996.

Gov. Msg. No. 169, dated February 6, 1997, transmitting the 1996 Report prepared by the Commission to Promote Uniform Legislation, Department of the Attorney General.

Gov. Msg. No. 170, dated February 7, 1997, transmitting the "Annual Report on the Research and Training Revolving Fund," prepared by the University of Hawaii pursuant to Section 304-8.1, HRS.

Gov. Msg. No. 171, dated February 10, 1997, transmitting the 1996 Compliance Resolution Fund Annual Report, prepared by the Department of Commerce and Consumer Affairs, pursuant to Section 26-9, HRS.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 15, from the Department of Budget and Finance, Public Utilities Commission, dated February 12, 1997, transmitting a report on the progress taken pursuant to Act 174, SLH 1996, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 79 and 80) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 79, transmitting H.B. No. 139, H.D. 2, which passed Third Reading in the House of Representatives on February 18, 1997, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 139, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," 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. 80, transmitting H.B. No. 519, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 1997, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 519, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed First Reading by title and was referred to the Committee on Human Resources.

STANDING COMMITTEE REPORTS

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 555) recommending that S.B. No. 505, as amended in S.D. 1, pass Second Reading and be recommitted 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. 505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 556) recommending that S.B. No. 512, as amended in S.D. 1, pass Second Reading and be recommitted 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. 512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS," passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 557) recommending that S.B. No. 623, as amended in S.D. 1, pass Second Reading and be recommitted 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. 623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was recommitted to the Committee on Ways and Means.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM TUESDAY, FEBRUARY 18, 1997

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 Thursday, February 27, 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 Thursday, February 27, 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 Thursday, February 27, 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 Thursday, February 27, 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 Thursday, February 27, 1997.

S.B. No. 1110:

On motion by Senator Baker, seconded by Senator D. Ige and carried, S.B. No. 1110, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Mizuguchi).

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

On motion by Senator M. Ige, seconded by Senator Ihara and carried, S.B. No. 1885, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Bunda, Mizuguchi).

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

Senator Kawamoto moved that S.B. No. 107, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Sakamoto.

Senator Anderson rose to speak against the measure as follows:

"Mr. President, I'm going to be voting 'no' on this particular bill. The reason being that this bill did not go to the Ways and Means Committee.

"Having been around here for a while, years ago when we changed the Kona International Airport to Keahole, I found out afterwards that every map, regardless of what, had to be changed from Kona Airport to Keahole Airport. Consequently, the state had some, private business had some, the travel industry had some -- the cost factor was something that we did not look at and consequently after all these years and still hanging around, I am opposed and I will be voting 'no.'

"Thank you very much."

The motion was then put by the Chair and carried, S.B. No. 107, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KONA INTERNATIONAL AIRPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Bunda, Mizuguchi).

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

Senator Fernandes Salling moved that S.B. No. 208, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and stated:

"Mr. President, I certainly want to do what we can do to reduce the tax burden and also to provide incentives for Hawaii companies. While I think the intent of this bill is very positive, I think the actual impact and effect of the bill is going to be negative in that it will not provide any incentives for local businesses but will provide possible incentives for outside businesses. What we really need to do is reduce our overall tax costs here for all businesses doing business in the state. Therefore, I will be voting 'no' on this bill.

"Thank you, Mr. President."

Senator Anderson rose to stated:

"Mr. President, would you please have the Minority Floor Leader's remarks put in the Journal as though they were my own. I, too, will be voting 'no.'"

The motion was then put by the Chair and carried, S.B. No. 208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Anderson, Slom). Excused, 2 (Bunda, Mizuguchi).

ADVISE AND CONSENT

Stand. Com. Rep. No. 554 (Gov. Msg. No. 149):

Senator Chun Oakland moved that Stand. Com. Rep. No. 554 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of CHESTER C. KUNITAKE to the Hawaii Labor Relations Board, term to expire June 30, 1999, seconded by Senator Kanno.

Senator Kanno rose in support of the nominee and stated:

"Mr. President, I rise to speak in support of the nominee.

"Your Committee on Human Resources held a public hearing on Monday on Gov. Msg. No. 149, nominating Mr. Chester Kunitake to the Hawaii Labor Relations Board.

"Mr. Kunitake holds a bachelor's degree in Personnel and Industrial Relations from the University of Hawaii and has been employed by the Hawaii Government Employees Association for more than 26 years. His community activities include serving as a member of the Board of Directors, Executive Board, and Finance Committee of the Aloha United Way and as a member of the Board of Directors of the Hawaii Foodbank, Inc.

"Your Committee received testimony in support of the nominee from the Director of Human Resources Development,

a member of the Honolulu City Council, a number of executives from the HGEA, the UPW, Pacific Management Consultants, and a private citizen.

"The testimony submitted indicates that he is known as an individual with a strong sense of self-discipline and commitment to excellence in fulfilling his responsibilities. Your Committee further finds that he is also a man of great compassion and understanding and has carried out his responsibilities with integrity, superior judgment, and conviction.

"It's a great pleasure to speak in support of Mr. Kunitake and I urge my colleagues to vote 'aye.'"

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Mizuguchi).

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on the following Senate bills: S.B. No. 136, S.B. No. 140, S.B. No. 888, S.B. No. 1019, S.B. No. 1116, S.B. No. 1222 and S.B. No. 1948, and the Chair granted the waiver.

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 856	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology

ADJOURNMENT

At 12:12 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., Thursday, February 27, 1997.