

THIRTY-SIXTH DAY

Wednesday, March 19, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lay Minister Jo Ashmore, First Unitarian Church of Honolulu, after which the Roll was called showing all Senators present.

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

Senator Slom, with the assistance of Senators Solomon, Aki, Matsunaga, Sakamoto, Anderson and McCartney, introduced the following individuals representing The Curriculum Research and Development Group's University Laboratory School: Dr. Arthur King, Dr. Loretta Kause, Eileen Tamura, Francis Pottenger, Val Krohn-Ching, Annette Matsumoto, and James Harstad.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 231, informing the Senate that on March 17, 1997, he signed into law H.B. No. 455 as Act 2, entitled: "RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 19, from the State Auditor dated March 17, 1997, transmitting a report, "Study of the Feasibility of an Optional Retirement Plan for University of Hawaii Faculty," (Report No. 97-8), in response to H.C.R. No. 276 (1996), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 515 to 519) were read by the Clerk and were placed on file:

Hse. Com. No. 515, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 100, H.D. 1.

Hse. Com. No. 516, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 519, H.D. 1.

Hse. Com. No. 517, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1893.

Hse. Com. No. 518, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1894.

Hse. Com. No. 519, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1902.

STANDING COMMITTEE REPORTS

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 961) recommending that H.B. No. 147, H.D. 1, 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 H.B. No. 147, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Bunda and M. Ige, for the Committee on Education and the Committee on Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 962) recommending that H.B. No. 1660, H.D. 2, 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 joint report of the Committees was adopted and H.B. No. 1660, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 963) recommending that H.B. No. 1574 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 H.B. No. 1574, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 964) recommending that H.B. No. 1576 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 H.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 965) recommending that H.B. No. 1577, H.D. 2, 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 H.B. No. 1577, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 966) recommending that H.B. No. 1579, H.D. 1, 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 H.B. No. 1579, H.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO AGRICULTURE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 967) recommending that H.B. No. 1581 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 H.B. No. 1581, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AGRICULTURAL RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 968) recommending that H.B. No. 2214 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 H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO COFFEE CERTIFICATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 969) recommending that H.B. No. 105, H.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 H.B. No. 105, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 970) recommending that H.B. No. 114 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 H.B. No. 114, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 971) recommending that H.B. No. 1585, H.D. 2, 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 H.B. No. 1585, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 972) recommending that H.B. No. 1613 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 H.B. No. 1613, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 973)

recommending that H.B. No. 1635 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 H.B. No. 1635, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 1997.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 974) recommending that H.B. No. 1649, H.D. 2, 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 H.B. No. 1649, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERJURY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 975) recommending that H.B. No. 2145 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 H.B. No. 2145, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT A PROGRAM OF REGIMENTAL DISCIPLINE," 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. 976) recommending that H.B. No. 1770 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 H.B. No. 1770, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 977) recommending that H.B. No. 1771 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 H.B. No. 1771, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 978) recommending that H.B. No. 1772 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 H.B. No. 1772, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 979) recommending that H.B. No. 1773 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 H.B. No.

992) recommending that H.B. No. 1786 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 H.B. No. 1786, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 993) recommending that H.B. No. 1787 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 H.B. No. 1787, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 994) recommending that H.B. No. 1788 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 H.B. No. 1788, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 995) recommending that H.B. No. 1789 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 H.B. No. 1789, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 996) recommending that H.B. No. 1790 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 H.B. No. 1790, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 997) recommending that H.B. No. 1791 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 H.B. No. 1791, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 998) recommending that H.B. No. 1792 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 H.B. No. 1792, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 999) recommending that H.B. No. 1793 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 H.B. No. 1793, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," 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. 1000) recommending that H.B. No. 787 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 H.B. No. 787, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," 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. 1001) recommending that H.B. No. 1855, H.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 H.B. No. 1855, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," 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. 1002) recommending that H.B. No. 1858, 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 H.B. No. 1858, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," 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. 1003) recommending that H.B. No. 1863, H.D. 2, 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 H.B. No. 1863, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION," 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. 1004) recommending that H.B. No. 1878, H.D. 2, 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 H.B. No. 1878, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," 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. 1005) recommending that H.B. No. 1886, H.D. 1, 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 H.B. No. 1886, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1006) recommending that H.B. No. 1891 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 H.B. No. 1891, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS LICENSE RENEWAL," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1007) recommending that H.B. No. 1895, H.D. 2, 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 H.B. No. 1895, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPOINTMENT OF ADVISORY COMMITTEES FOR REGULATORY PROGRAMS," 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. 1008) recommending that H.B. No. 1896, H.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 H.B. No. 1896, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT OF PROFESSIONAL AND VOCATIONAL LICENSE FEES," 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. 1009) recommending that H.B. No. 1897 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 H.B. No. 1897, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 1997.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1010) recommending that H.B. No. 1591, H.D. 2, 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 H.B. No. 1591, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1011) recommending that H.B. No. 665, 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 H.B. No. 665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1012) recommending that H.B. No. 1528, H.D. 1, 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 H.B. No. 1528, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1013) recommending that H.B. No. 1694, 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 H.B. No. 1694, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTION FOR EXPORTED SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1014) recommending that H.B. No. 1695, H.D. 2, 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 H.B. No. 1695, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PERFORMANCE CONTRACTING FOR PUBLIC FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1015) recommending that H.B. No. 1699, H.D. 2, 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 H.B. No. 1699, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1016) recommending that H.B. No.

1700 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 H.B. No. 1700, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1017) recommending that H.B. No. 1750, H.D. 2, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1750, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1018) recommending that H.B. No. 2222, H.D. 2, 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 H.B. No. 2222, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1019) recommending that the Senate advise and consent to the nomination of CLAUDIO R. SUYAT to the Civil Rights Commission, in accordance with Gov. Msg. No. 144.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1019 and Gov. Msg. No. 144 was deferred until Thursday, March 20, 1997.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1020) recommending that the Senate advise and consent to the nomination of ALFRED K. BEAVER, SR., as Chairperson of the Hawaii Paroling Authority, in accordance with Gov. Msg. No. 150.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1020 and Gov. Msg. No. 150 was deferred until Thursday, March 20, 1997.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1021) recommending that the Senate advise and consent to the nominations of DONALD E. ABDUL and JEANNE E. YAGI to the Board of Registration, Island of Hawaii, in accordance with Gov. Msg. No. 160.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1021 and Gov. Msg. No. 160 was deferred until Thursday, March 20, 1997.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 959 (Gov. Msg. No. 146):

Senator Levin moved that Stand. Com. Rep. No. 959 be received and placed on file, seconded by Senator Metcalf and carried.

Senator Levin then moved that the Senate advise and consent to the nominations to the Board of Directors, Hawaii Health Systems Corporation, of the following:

GARY K. KAJIWARA and BLAKE E. WATERHOUSE, M.D., terms to expire on June 30, 1998;

ROGER DRUE, SISTER BEATRICE TOM and ARTHUR A. USHIJIMA, terms to expire June 30, 1999; and

GRANT Y.M. CHUN, WILLIAM F. MIELCKE, CAROLYN A. NII, AKIRA OMONAKA and DIANE J. PLOTTS, terms to expire June 30, 2000,

seconded by Senator Metcalf.

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

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

Stand. Com. Rep. No. 960 (Gov. Msg. No. 154):

Senator Levin moved that Stand. Com. Rep. No. 960 be received and placed on file, seconded by Senator Metcalf and carried.

Senator Levin then moved that the Senate advise and consent to the nomination of SANDRA J. MIYOSHI to the State Council on Mental Health, term to expire June 30, 1999, seconded by Senator Metcalf.

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

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

THIRD READING

H.B. No. 173:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, H.B. No. 173, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

STANDING COMMITTEE REPORT

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1022) recommending that S.R. No. 115, as amended in S.D. 1, be adopted.

Senator Baker moved that Stand. Com. Rep. No. 1022 be adopted and S.R. No. 115, S.D. 1, be adopted, seconded by Senator D. Ige.

Senator Baker rose in support of the measure as follows:

"Mr. President, I rise in support of this standing committee report and resolution.

"Mr. President, your committee, upon reflecting on this resolution, chose to amend the title to be very clear that we're talking about situations where nominations come to us in an impaired fashion.

"Mr. President, this resolution is about the process, not about the nominee or any individual person. It is about the Senate's

ability to exercise its 'advise and consent' constitutional prerogative in an unimpeded fashion.

"Mr. President, neither your committee nor the 25 Senators who all signed this resolution came to this juncture with any great ease or with any joy, but we know that it's very important not only to be true to the prerogatives that the Constitution devolves to the Senate, but also to be true to those who have gone before us.

"As was eloquently pointed out on the floor the other day, back in 1982 there was a similar kind of situation. In that instance, the Senate, standing up for its prerogative of 'advise and consent,' voted down all of the interim-appointed nominees. There is no clear guidance as to how the Senate would respond procedurally if this process were repeated. The Senators at that particular time (1982) took great umbrage at the way the nominations had come to them. One of the Senators back then is our governor now, and I'm certain that the governor would want, and would expect, the members of this Senate to exercise the same defense of the institution and defense of the process that his 1982 colleagues exercised.

"It is important to be very clear that in terms of our procedural prerogatives, our ability to adequately exercise our constitutional role as an independent, co-equal branch of government, that we must have the ability to exercise 'advise and consent' in an unimpaired fashion. Therefore, I appreciate the effort of the committee and the Senators, and urge all my colleagues to vote 'aye' on this measure. Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 115, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE SENATE ESTABLISH A PROCESS FOR WITHDRAWAL OF GUBERNATORIAL NOMINATIONS BY RESOLUTION WHEN SUCH NOMINATIONS IMPAIR THE ADVISE AND CONSENT PROCESS AND THAT THE GOVERNOR WITHDRAW THE NOMINATION OF GREGORY G.Y. PAI TO THE PUBLIC UTILITIES COMMISSION," was adopted.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 1690, H.D. 1	Jointly to the Committee on Health and Environment and the Committee on Ways and Means
No. 2161, H.D. 1	Committee on Education, then to the Committee on Ways and Means

Senator Kanno, for the Committee on Human Resources, requested a waiver of the 72-hour Notice of a Public Hearing on H.B. No. 1615, H.B. No. 1617, H.B. No. 1618, H.B. No. 1619, H.B. No. 1706, H.B. No. 1798 and H.B. No. 1809, and the Chair granted the waiver.

Senator Taniguchi, for the Committee on Economic Development, also requested a waiver of the 72-hour Notice of a Public Hearing on H.B. No. 546, and the Chair granted the waiver.

ADJOURNMENT

At 12:09 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, March 20, 1997.