

FIFTY-SIXTH DAY

Tuesday, April 22, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 3:14 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Senator Brian Taniguchi, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 325 and 326) were read by the Clerk and were placed on file:

Gov. Msg. No. 325, dated April 8, 1997, transmitting a report, "Statistics of Hawaiian Agriculture 1995," prepared by the Hawaii Agricultural Statistics Service.

Gov. Msg. No. 326, informing the Senate that on April 21, 1997, he signed the following bills into law:

House Bill No. 519 as Act 30, entitled: "RELATING TO CHILDREN AND YOUTH"; and

Senate Bill No. 57 as Act 31, entitled: "RELATING TO GOLD AND SILVER STAMPING."

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 21, from the Department of Labor and Industrial Relations, Office of Community Services, dated April 16, 1997, transmitting the "1997 Annual Program Report," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 824 to 842) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 824, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills:

H.B. No. 293, H.D. 1 (S.D. 1);
H.B. No. 623 (S.D. 1);
H.B. No. 1385 (S.D. 1); and
H.B. No. 1395 (S.D. 1),

was placed on file.

Hse. Com. No. 825, returning S.C.R. No. 90, S.D. 2, which was adopted by the House of Representatives on April 18, 1997, was placed on file.

Hse. Com. No. 826, returning S.C.R. No. 275 which was adopted by the House of Representatives on April, 18, 1997, was placed on file.

Hse. Com. No. 827, returning S.C.R. No. 163 which was adopted by the House of Representatives on April 21, 1997, was placed on file.

Hse. Com. No. 828, returning S.C.R. No. 184 which was adopted by the House of Representatives on April 21, 1997, was placed on file.

Hse. Com. No. 829, returning S.C.R. No. 194 which was adopted by the House of Representatives on April 21, 1997, was placed on file.

Hse. Com. No. 830, returning S.C.R. No. 242 which was adopted by the House of Representatives on April 18, 1997, was placed on file.

Hse. Com. No. 831, returning S.C.R. No. 10 which was adopted by the House of Representatives on April 18, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 10, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THAT PUA KA'ILIMA 'O KAWAIHAE BE DESIGNATED A SITE FOR RECREATIONAL, EDUCATIONAL AND CULTURAL OCEAN ACTIVITIES," was deferred until Friday, April 25, 1997.

Hse. Com. No. 832, returning S.C.R. No. 164 which was adopted by the House of Representatives on April 18, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 164, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A NEW DISCUSSION ON A RAPID TRANSIT PLAN FOR OAHU," was deferred until Friday, April 25, 1997.

Hse. Com. No. 833, returning S.C.R. No. 11 which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 11, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON NATIVE HAWAIIAN CULTURAL FOOD RESOURCES," was deferred until Friday, April 25, 1997.

Hse. Com. No. 834, returning S.C.R. No. 26 which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 26, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED STATE EFFORT TO ENCOURAGE STATE AGENCIES AND PRIVATE PROVIDERS TO MEET THE NEEDS OF YOUTH IN THE WAIALUA AND LAIE REGION," was deferred until Friday, April 25, 1997.

Hse. Com. No. 835, returning S.C.R. No. 116 which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 116, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO STUDY AN IMPLEMENTATION PROCEDURE FOR THE CERTIFICATION OF LEGAL SPECIALISTS WITHIN THE STATE OF HAWAII," was deferred until Friday, April 25, 1997.

Hse. Com. No. 836, returning S.C.R. No. 124 which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 124, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A POLICY AND PROGRAM TO PREVENT SCHOOL VIOLENCE AGAINST TEACHERS

AND STUDENTS," was deferred until Wednesday, April 23, 1997.

Hse. Com. No. 837, returning S.C.R. No. 171, S.D. 1, which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 171, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII STATE LIBRARY SYSTEM," was deferred until Wednesday, April 23, 1997.

Hse. Com. No. 838, returning S.C.R. No. 182, S.D. 1, which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 182, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO ADOPT A POLICY RELATING TO AN EDUCATIONAL BILL OF RIGHTS FOR HAWAII'S DEAF, HARD-OF-HEARING, AND DEAF-BLIND CHILDREN," was deferred until Wednesday, April 23, 1997.

Hse. Com. No. 839, returning S.C.R. No. 198 which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 198, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION," was deferred until Friday, April 25, 1997.

Hse. Com. No. 840, returning S.C.R. No. 203, S.D. 1, which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 203, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE HOMELESS AT THE HONOLULU INTERNATIONAL AIRPORT," was deferred until Friday, April 25, 1997.

Hse. Com. No. 841, returning S.C.R. No. 256 which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 256, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE TORT SYSTEM AND THE IMPACTS OF PROVIDING STATUTORY IMMUNITY UNDER CERTAIN CIRCUMSTANCES," was deferred until Friday, April 25, 1997.

Hse. Com. No. 842, returning S.C.R. No. 270, S.D. 1, which was adopted by the House of Representatives on April 21, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 270, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DECENTRALIZATION EFFORTS OF THE DEPARTMENT OF EDUCATION," was deferred until Wednesday, April 23, 1997.

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. 1770) recommending that H.C.R. No. 49 be adopted.

On motion by Senator Baker, seconded by Senator D. Ige and carried, the report of the Committee was adopted and H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY AND REPORT ON THE NEED TO REGULATE THE PRACTICE OF OCCUPATIONAL THERAPY," was adopted.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1771) recommending that H.C.R. No. 165 be adopted.

On motion by Senator Baker, seconded by Senator D. Ige and carried, the report of the Committee was adopted and H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY WHETHER ALL REAL ESTATE APPRAISERS SHOULD BE LICENSED OR CERTIFIED, AND WHETHER ALL APPRAISALS SHOULD BE CONDUCTED IN CONFORMANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISALS PRACTICE," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1772) recommending that the Senate consent to the nomination of R. MARK BROWNING to the office of Judge, District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 3.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1772 and Jud. Com. No. 3 was deferred until Wednesday, April 23, 1997.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1773) recommending that the Senate consent to the nomination of RHONDA A. NISHIMURA to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 4.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1773 and Jud. Com. No. 4 was deferred until Wednesday, April 23, 1997.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1774) recommending that the Senate advise and consent to the nominations of the following:

ELAINE COHN and GLENN IOANE TEVES to the Community-Based Economic Development Advisory Council, in accordance with Gov. Msg. No. 210;

RONALD P. WEIDENBACH and LANCE PANG to the Hawai'i Aquaculture Advisory Council, in accordance with Gov. Msg. No. 212;

EDWARD T. "SKIPPA" DIAZ, JAY K. NAKASONE and CAROLE KAI to the Stadium Authority, in accordance with Gov. Msg. No. 224; and

AKIRA SAKIMA and SUSAN MATSUSHIMA to the Board of Agriculture, in accordance with Gov. Msg. No. 238.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1774 and Gov. Msg. Nos. 210, 212, 224 and 238 were deferred until Wednesday, April 23, 1997.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1775) recommending that the Senate advise and consent to the nominations of the following:

RUSSELL T. YAMANE and C. BARRY RALEIGH, Ph.D., to the Board of Directors, High Technology Development Corporation, in accordance with Gov. Msg. No. 215;

RICHARD L. HUMPHREYS to the Convention Center Authority, in accordance with Gov. Msg. No. 258; and

CLYDE M. FUJIKAWA, PAUL JOSEPH CONRY and AINSLEY A. AHLO to the Advisory Committee on Pesticides, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1775 and Gov. Msg. Nos. 215, 258 and 272 were deferred until Wednesday, April 23, 1997.

At 3:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:21 o'clock p.m.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1720 (Gov. Msg. Nos. 153 and 269):

Senator Iwase moved that Stand. Com. Rep. No. 1720 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nominations of the following:

RONALD A. DARBY to the Kaneohe Bay Regional Council, term to expire June 30, 2000 (Gov. Msg. No. 153);

GRETCHEN M. GOULD and KIM NICHOLAS HOLLAND, Ph.D., to the Kaneohe Bay Regional Council, terms to expire June 30, 2001 (Gov. Msg. No. 269),

seconded by Senator Solomon.

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

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

Stand. Com. Rep. No. 1721 (Gov. Msg. No. 203):

Senator Bunda moved that Stand. Com. Rep. No. 1721 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nominations of MARVIN B. AWAYA and EARL S. WAKAMURA to the Rental Housing Trust Fund Commission, terms to expire June 30, 2001, seconded by Senator M. Ige.

Senator Bunda requested that the following remarks be inserted into the Journal in support of the nominees. The Chair having so ordered, the remarks read as follows:

"Mr. President, I rise to speak in favor of Marvin Awaya and Earl Wakamura to the Rental Housing Trust Fund Commission.

"Your committee diligently questioned the nominees concerning their qualifications. Your committee was satisfied as to the nominees' commitment and credentials based upon their personal statements submitted, their testimony, and the responses given to the committee's inquiries and therefore recommends their nominations."

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

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

Stand. Com. Rep. No. 1722 (Gov. Msg. No. 243):

Senator Bunda moved that Stand. Com. Rep. No. 1722 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nomination of ALLAN LOS BANOS, JR., to the Hawai'i Housing Authority, term to expire June 30, 2001, seconded by Senator M. Ige.

Senator Bunda requested that his remarks in support of the nominee be inserted into the Journal. The Chair having so ordered, the remarks read as follows:

"Mr. President, I rise to speak in favor of Allan Los Banos, Jr. to the Hawaii Housing Authority.

"Your committee diligently questioned the nominee concerning his qualifications. Your committee was satisfied as to the nominee's commitment and credentials based upon his personal statements submitted, the testimony, and the responses given to the committee's inquiries and therefore recommends his nomination."

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

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

Stand. Com. Rep. No. 1723 (Gov. Msg. No. 273):

Senator Bunda moved that Stand. Com. Rep. No. 1723 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nomination of CLAIRE H. MOTODA to the Procurement Policy Office Board, term to expire June 30, 2001, seconded by Senator M. Ige.

Senator Bunda requested that the following remarks be inserted into the Journal in support of the nominee. The Chair having so ordered, the remarks read:

"Mr. President, I rise to speak in favor of Claire Motoda to the Procurement Policy Office Board.

"Your committee diligently questioned the nominee concerning her qualifications. Your committee was satisfied as to the nominee's commitment and credentials based upon her personal statements submitted, the testimony, and the responses given to the committee's inquiries and therefore recommends her nomination."

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

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

Stand. Com. Rep. No. 1724 (Gov. Msg. No. 239):

Senator Aki moved that Stand. Com. Rep. No. 1724 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts of the following:

BRIAN T. TAMAMOTO, term to expire June 30, 1998; and

MOMI W. CAZIMERO and ALFRED LAURETA, terms to expire June 30, 2001,

seconded by Senator Tam.

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

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

Stand. Com. Rep. No. 1725 (Gov. Msg. No. 247):

Senator Aki moved that Stand. Com. Rep. No. 1725 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of SHARON GOODHART, SUSAN A. KOBAYASHI and NANCY G. BARRY to the Oahu Library Advisory Commission, terms to expire June 30, 2001, seconded by Senator Tam.

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

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

Stand. Com. Rep. No. 1726 (Gov. Msg. No. 248):

Senator Aki moved that Stand. Com. Rep. No. 1726 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of MERCEDES B. LEIALOHA to the Hawai'i Library Advisory Commission, term to expire June 30, 2001, seconded by Senator Tam.

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

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

Stand. Com. Rep. No. 1727 (Gov. Msg. No. 249):

Senator Aki moved that Stand. Com. Rep. No. 1727 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of MARY JO SWEENEY to the Kauai Library Advisory Commission, term to expire June 30, 1998, seconded by Senator Tam.

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

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

Stand. Com. Rep. No. 1728 (Gov. Msg. No. 250):

Senator Aki moved that Stand. Com. Rep. No. 1728 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of NORA A. KAWASAKI to the Maui County Library Advisory Commission, term to expire June 30, 2001, seconded by Senator Tam.

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

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

Stand. Com. Rep. No. 1729 (Gov. Msg. No. 275):

Senator Aki moved that Stand. Com. Rep. No. 1729 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of WALTER NUNOKAWA, Ph.D., and HERBERT A. SEGAWA to the Board of Directors, Research Corporation of the University of Hawaii, terms to expire June 30, 2001, seconded by Senator Tam.

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

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

Stand. Com. Rep. No. 1736 (Jud. Com. No. 5):

Senator Chumbley moved that Stand. Com. Rep. No. 1736 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of SANDRA P. SCHUTTE for Judge of the District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the nominee as follows:

"Mr. President, I rise to speak in favor of this nomination.

"Mr. President, your committee finds that Sandra P. Schutte holds a Bachelors degree from the University of California, Berkeley, and a J.D. from Golden Gate University, School of Law. Ms. Schutte has been a practicing attorney with the Legal Aid Society, the Prosecuting Attorney's Office of the county of Hawaii, and a partner with a Hilo law firm before becoming a solo practitioner. As well as her past service with many community and professional associations, Ms. Schutte currently serves on the Board of Directors for the Hawaii Island Chamber of Commerce and the Hawaii County Economic Opportunity Council, and is a member of the East Hawaii Community Children's Council.

"Testimony in support of the nominee indicates that Ms. Schutte is a thorough, intelligent and a hard-working attorney who displays keen legal judgement and good temperament. Testifiers also acknowledged her fairness, honesty, and perseverance to render impartial decisions as well as her untiring compassion for all people and her active service to her community.

"Mr. President and colleagues, I urge all of you to support this nomination. Thank you."

Senator Metcalf then rose and said:

"Mr. President, I would request that Senator Chumbley's remarks be included in the Journal as my own. Thank you."

The Chair so ordered.

Senator Solomon then rose in support of the nominee and said:

"Mr. President, I am speaking in support of the previous speaker's remarks and also in support of the nomination.

"I personally know Sandra Schutte and she is indeed a very competent person. I'm urging all of my colleagues to please vote in the affirmative. Thank you."

Senator Anderson also rose in support and stated:

"Mr. President, because I also know the nominee, would you please have Senator Solomon's remarks put into the Journal as though they were my own. Thank you."

The Chair so ordered.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1737 (Jud. Com. No. 6):

Senator Chumbley moved that Stand. Com. Rep. No. 1737 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of RHONDA I. LAI LOO for Judge of the District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the nomination and said:

"Mr. President, your committee finds that Rhonda Iwalani Lai Loo holds a B.B.A. in Marketing and Management from the University of Oregon and a J.D. from the William S. Richardson School of Law. Ms. Loo has served with the Office of the Prosecuting Attorney, County of Maui for the past nine years. Ms. Loo serves her community with dedication by participating in school career days, the Drugs and Kids Program, and numerous professional associations and activities.

"Testimony in support of the nominee indicates that Ms. Loo has demonstrated a high degree of honesty, integrity, and impartiality with those within her profession and in the community. Testifiers acknowledged that Ms. Loo exhibits good judicial temperament, excellent legal and administrative skills, and a commitment to the community of Maui. Further, testifiers stated that all those who work with her are treated with compassion, enthusiasm, and fairness.

"I urge all of my colleagues to please support this nomination. Thank you."

Senator Baker also rose to support the nomination as follows:

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

"I am pleased to note that the Chief Justice chose to expand the number of women on the bench, both with the new judge we just confirmed and now with one for the Second Circuit, the Maui circuit. This will be Maui's first full-time woman judge and I think Ms. Loo will bring an important perspective to the bench. Not only is our nominee well qualified to serve, but she is well-respected in the community and I am pleased to offer my support for her confirmation. Thank you."

Senator Anderson rose in support of the nominee and said:

"Mr. President, I was really impressed with the nominee and I would like to have the Judiciary chairman's remarks put into the Journal as though they were my own. Thank you."

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

Ayes, 25. Noes, none.

At this time, Senator Chumbley introduced Judge Schutte and Judge Loo who were seated in the gallery. (Both women rose to be recognized.)

FINAL READING

S.B. No. 818, S.D. 1, H.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 818, S.D. 1, and S.B. No. 818, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARK COUNTERFEITING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 952, S.D. 1, H.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 952, S.D. 1, and S.B. No. 952, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 969, H.D. 2:

On motion by Senator Aki, seconded by Senator Tam and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 969 and S.B. No. 969, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1560, S.D. 1, H.D. 2:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1560, S.D. 1, and S.B. No. 1560, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PRESCRIPTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1714, H.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1714 and S.B. No. 1714, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTER DEFERRED FROM TUESDAY, APRIL 15, 1997

THIRD READING

H.B. No. 392, H.D. 2:

Senator Chumbley moved that H.B. No. 392, H.D. 2, be recommitted to the Committee on Judiciary, seconded by Senator Matsunaga.

At this time, Senator Chumbley remarked on the action taken on H.B. No. 392, H.D. 2, as follows:

"Mr. President, as a follow-up we did contact the Office of Community Services and are in receipt of a letter I'd like to read into the Journal for the record. This is in follow-up to your earlier telephone inquiry regarding H.B. 392, H.D. 2, Relating to Surcharges for Indigent Legal Services.

'As you are aware, Act 305, 1996, established the Indigent Legal Assistance Fund that the Office of Community Services administers. We are currently completing a request for proposal process to determine the percentage of funds to be awarded to qualified applicants. We have determined that the Hawaii Lawyers' Care is a qualified applicant in accordance with Act 305, 1996.'

"Therefore, Mr. President, this measure is no longer needed. Thank you."

The motion was then put by the Chair and carried, H.B. No. 392, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGES FOR INDIGENT LEGAL SERVICES," was recommitted to the Committee on Judiciary.

RECONSIDERATION OF ACTIONS TAKEN

H.C.R. No. 205:

Senator Iwase, for the Committee on Water, Land, and Hawaiian Affairs, requested that the referral of H.C.R. No. 205 to the Committee on Water, Land, and Hawaiian Affairs be waived, and the Chair granted the waiver.

Senator Levin moved that the Senate reconsider its action taken on Stand. Com. Rep. No. 1763, seconded by Senator Metcalf and carried.

Senator Levin then moved that Stand. Com. Rep. No. 1763 be received and placed on file, seconded by Senator Metcalf and carried.

On motion by Senator Levin, seconded by Senator Metcalf and carried, H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO URGE NATIVE HAWAIIANS TO PARTICIPATE IN AN EARLY CANCER DETECTION PROGRAM," was adopted.

S.R. No. 119, S.D. 1:

Senator Fukunaga, for the Committee on Ways and Means, requested that the referral of S.R. No. 119, S.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

Senator Chumbley moved that the Senate reconsider its action taken on Stand. Com. Rep. No. 1335, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that Stand. Com. Rep. No. 1335 be received and placed on file, seconded by Senator Matsunaga and carried.

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.R. No. 119, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND ASSESS ITS POLICY ON THE ISSUANCE OF BADGES AND IDENTIFICATION CARDS TO PERSONS HAVING COMPLETED A TRAINING PROGRAM ON SERVICE OF PROCESS WITH THE SHERIFF'S OFFICE," was adopted.

S.B. No. 1428, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 1, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1428, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1428, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi then noted:

"Mr. President, S.B. No. 1428 excludes from the definition of commercial vessel, a vessel engaged in temporary use for film production purposes in accordance with the film permit issued by the Department of Business, Economic Development, and Tourism. The measure specifies that the period of use is not to exceed 14 hours, per day, 5 days a week excluding weekends, and for a period not to exceed a month. The House version provides that DBEDT may make allowances for weekend filming due to inclement weather conditions during weekdays."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1428, S.D. 1, and S.B. No. 1428, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM PERMITTING," was placed on the calendar for Final Reading on Wednesday, April 23, 1997.

S.B. No. 1599, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 10, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1599, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1599, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi explained:

"Senate Bill 1599 authorizes the Department of Land and Natural Resources to license commercial marine dealers. The House version allows DLNR to require a license from persons who export any marine life taken in the state for commercial purposes; authorizes the department to require any terms or conditions for the licenses through rules; and requires that commercial marine dealers who buy aquarium fish give a receipt to the seller that includes information specifying the number and species of the fish bought.

"Your Senate Committee on Economic Department made similar changes to the House companion bill and therefore agrees to these amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1599, S.D. 1, and S.B. No. 1599, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMERCIAL MARINE DEALER LICENSE," was placed on the calendar for Final Reading on Wednesday, April 23, 1997

S.B. No. 305, S.D. 1 (H.D. 1):

Senator Chumbley moved that the Senate reconsider its action taken on April 1, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 305, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 305, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, for the most part these were technical, nonsubstantive changes, and after further review it just clarifies the measure. Your Judiciary Committee agrees to those amendments made by the House."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 305, S.D. 1, and S.B. No. 305, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," was placed on the calendar for Final Reading on Wednesday, April 23, 1997.

S.B. No. 823, S.D. 1 (H.D. 1):

Senator Chumbley moved that the Senate reconsider its action taken on April 1, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 823, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 823, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, again, these were technical, nonsubstantive changes that clarify the measure. Your Judiciary Committee agrees to those amendments made by the House."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 823, S.D. 1, and S.B. No. 823, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was placed on the calendar for Final Reading on Wednesday, April 23, 1997.

S.B. No. 1279, S.D. 1 (H.D. 1):

Senator Chumbley moved that the Senate reconsider its action taken on April 1, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1279, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1279, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, these were technical, nonsubstantive changes and your Judiciary Committee agrees to those amendments made by the House."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1279, S.D. 1, and S.B. No. 1279, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," was placed on the calendar for Final Reading on Wednesday, April 23, 1997.

S.B. No. 1286 (H.D. 1):

Senator Chumbley moved that the Senate reconsider its action taken on April 10, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1286, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1286, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, these were technical, nonsubstantive changes that clarify the measure. Your Judiciary Committee agrees to those amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1286 and S.B. No. 1286, H.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO RETAIL TOBACCO SALES TO MINORS," was placed on the calendar for Final Reading on Wednesday, April 23, 1997.

Senator Taniguchi, for the Committee on Economic Development, requested a waiver of the 72-hour Notice of a Public Hearing, pursuant to Senate Rule 20, on Gov. Msg. Nos. 289, 297 and 298, and the Chair granted the waiver.

ADJOURNMENT

At 3:36 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, April 23, 1997.