

FIFTY-SEVENTH DAY

Wednesday, April 23, 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 President in the Chair.

The Divine Blessing was invoked by Mark Egesdal and Rachel Gibbs, Punahou School, after which the Roll was called showing all Senators present with the exception of Senator Fernandes Salling who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 843 to 846) were read by the Clerk and were placed on file:

Hse. Com. No. 843, informing the Senate that the amendments proposed by the Senate to H.B. No. 293, H.D. 1, were agreed to by the House, and H.B. No. 293, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 22, 1997.

Hse. Com. No. 844, informing the Senate that the amendments proposed by the Senate to H.B. No. 623 were agreed to by the House, and H.B. No. 623, S.D. 1, passed Final Reading in the House of Representatives on April 22, 1997.

Hse. Com. No. 845, informing the Senate that the amendments proposed by the Senate to H.B. No. 1385 were agreed to by the House, and H.B. No. 1385, S.D. 1, passed Final Reading in the House of Representatives on April 22, 1997.

Hse. Com. No. 846, informing the Senate that the amendments proposed by the Senate to H.B. No. 1395 were agreed to by the House, and H.B. No. 1395, S.D. 1, passed Final Reading in the House of Representatives on April 22, 1997.

CONFERENCE COMMITTEE REPORTS

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 135, S.D. 1, presented a report (Conf. Com. Rep. No. 51) recommending that S.B. No. 135, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and S.B. No. 135, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 512, S.D. 2, presented a report (Conf. Com. Rep. No. 52) recommending that S.B. No. 512, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and S.B. No. 512, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS," was deferred for a period of 48 hours.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1772 (Jud. Com. No. 3):

Senator Chumbley moved that Stand. Com. Rep. No. 1772 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 R. MARK BROWNING for Judge of the 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, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the nominee and said:

"Mr. President, I have some remarks I'd like inserted into the Journal in support of the nominee."

The Chair having so ordered, Senator Matsunaga's remarks follow:

"Your committee finds that R. Mark Browning holds a bachelors degree from the University of the South and a J.D. from Northwestern School at Lewis and Clark College. Currently, Mr. Browning is a per diem Family Court Judge and a partner in a Honolulu law firm. His professional activities include serving as an arbitrator for the Hawaii Court Annexed Arbitration Program and working as an active member of the Hawaii State Bar Association Standing Committee on Judicial Administration.

"Testimony submitted to your committee indicated that Mr. Browning has a demonstrated knowledge of rules and procedures, and has practical experience in both criminal and civil law. Testifiers acknowledged that his strengths include honest, compassion, an ability to appreciate different points of view and excellent judicial temperament."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1773 (Jud. Com. No. 4):

Senator Chumbley moved that Stand. Com. Rep. No. 1773 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 A. NISHIMURA for Judge of the 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, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the nomination as follows:

"Mr. President, I also have some remarks in support of this nominee I'd like inserted into the Journal."

The Chair so ordered and Senator Matsunaga's remarks are as follows:

"Your committee finds that Rhonda A. Nishimura holds a B.A. and M.A. from the University of Hawaii and a J.D. from the William S. Richardson School of Law. Currently, Ms. Nishimura is a partner in a Honolulu law firm.

"Testimony in support of the nominee indicated that the nominee has unquestionable fairness, honesty and integrity. Testifiers acknowledged that the nominee is bright, hard-

working, and possesses an innate sense of judiciousness and judicial temperament that will make her an asset to the Judiciary. Further, the nominee was commended for her active and dedicated service to her community, the Arbitration Mentor Project, the Attorney Mentor Project, the Hawaii Justice Foundation, and the Hawaii Bar Association."

Senator Taniguchi spoke in support as follows:

"Mr. President, I wish to speak in favor of this nominee.

"Ms. Nishimura is a classmate of mine. I believe she's very qualified and ask my colleagues to support her nomination.

"Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1774 (Gov. Msg. Nos. 210, 212, 224 and 238):

Senator Tanaka moved that Stand. Com. Rep. No. 1774 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved 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, terms to expire June 30, 2001 (Gov. Msg. No. 210);

RONALD P. WEIDENBACH and LANCE PANG to the Hawai'i Aquaculture Advisory Council, terms to expire June 30, 2001 (Gov. Msg. No. 212);

EDWARD T. "SKIPPA" DIAZ, JAY K. NAKASONE and CAROLE KAI to the Stadium Authority, terms to expire June 30, 2001 (Gov. Msg. No. 224);

AKIRA SAKIMA to the Board of Agriculture, term to expire June 30, 1998 (Gov. Msg. No. 238); and

SUSAN MATSUSHIMA to the Board of Agriculture, term to expire June 30, 2001 (Gov. Msg. No. 238),

seconded by Senator Taniguchi.

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1775 (Gov. Msg. Nos. 215, 258 and 272):

Senator Tanaka moved that Stand. Com. Rep. No. 1775 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved 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, terms to expire June 30, 2001 (Gov. Msg. No. 215);

RICHARD L. HUMPHREYS to the Convention Center Authority, term to expire June 30, 1998 (Gov. Msg. No. 258); and

CLYDE M. FUJIKAWA, PAUL JOSEPH CONRY and AINSLEY A. AHLO to the Advisory Committee on Pesticides, terms to expire June 30, 2001 (Gov. Msg. No. 272),

seconded by Senator Taniguchi.

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

At this time, Senator Matsunaga introduced Judge Browning and Judge Nishimura who were seated in the gallery with family and friends. (Mr. Browning and Ms. Nishimura rose to be recognized.)

FINAL READING

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

On motion by Senator Chumbley, seconded by Senator Matsunaga 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

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

On motion by Senator Chumbley, seconded by Senator Matsunaga 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

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

On motion by Senator Chumbley, seconded by Senator Matsunaga 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 1286, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

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

On motion by Senator Taniguchi, seconded by Senator Tanaka 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

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

Senator Taniguchi moved that S.B. No. 1599, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tanaka.

Senator Anderson rose to speak on the measure and said:

"Mr. President, I have some reservations on this particular measure, primarily because we've had so many problems with DLNR and here again we're allowing them to go ahead and exempt certain commercial marine dealers from having to report monthly; increased time commercial marine dealers are required to keep receipts; allow DLNR to require license from persons to export any marine life taken in the state for commercial purposes. And it then authorizes DLNR any terms or conditions of licenses through rules and adoptions of such.

"And these are the problems that we've had in the past with DLNR. It's a continuing problem that's going to, I think, not go away. They've caused a lot of businesses a lot of heartaches. A lot of business people are going to have to go out of business because their permits have escalated in cost because they didn't like the way we wrote our bills. And for these reasons I have a lot of concerns in giving them all of these authorized exemptions that they have full regulations over.

"Thank you very much, Mr. President."

The motion was then 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Fernandes Salling).

Senator Bunda rose on a point of personal privilege and said:

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

"Mr. President, on the 16th of April I had written you a memo regarding the assignment of conferees on the privatization issue. I asked that the Committee on Government Operations and Housing would have lead standing on the conference, citing Senate Rule 13(4). Today, Mr. President, I received that response and it was denying the request. Although it was written after the conferees were named, at least I got the response, and for that I thank you, Mr. President.

"However, Mr. President, the last statement of your response sort of troubles me because I believe it is pure conjecture on your part. Your statement reads and I quote: 'As an aside, your vote with reservations on the Senate position on the privatization issue does not by itself preclude your serving as a conference committee co-chair. However, when coupled with your public support of the House's position, your ability to defend the Senate's position on this important issue is doubtful.'

"Mr. President, I believe you are referring to a Star-Bulletin article on April 21 which stated 'The Senate Government Operations and Housing Chair Robert Bunda appeared pleased by the House's ploy because the House mirrors his position.' Mr. President, this was the reporter's impression, not my statement. What I expressed then was my concern over leadership's failure to name conferees for the negotiations.

"Mr. President, if you would have only sat down with me and discussed this matter, you would have found that my position is very clear. We really need to solve this matter this

session. Whether the solution be a moratorium with parameters or to go back to pre-Konno status, these are Senate positions, and I could support these positions. But to write with conjecture on your part, Mr. President, without collaboration, which is your theme, causes this organization to operate on a personal level rather than basing our decisions on what is best for the public.

"Thank you, Mr. President."

Senator Sakamoto also rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege. It is related to the previous speaker and this morning's paper which states, 'Maui may cancel contracts.' There was also a statement that leaders of two unions charge that Lingle may be 'overreacting,' 'last-minute scare tactic,' etc.

"It sort of puzzled me in wondering who can sue or who can take action on this issue. Is it only a union leader? So I posed that question to our Attorney General's Office in asking who can take legal action. Can any public employee take legal action? In essence, the answer is any civil service employee or applicant for a civil service position who can establish that they were adversely affected or aggrieved can take some action on a privatization issue. In the past suit there was an employee who concurrently filed with the Civil Service Commission and with the court. So it isn't only one person, or a leader, who can say we can take action, but any civil servant or potential civil servant.

"But also, I'd like to read this last paragraph which, you know, we can say yeah, common sense, civil servant who's displaced, maybe not being promoted, but this paragraph 'based on the foregoing, we conclude that the union is not the only party who can maintain an action to challenge the public employee's action. Furthermore, in light of Hawaii court's somewhat expansive view of taxpayers' standing to sue, it is likely that any taxpayer could maintain a suit if they could show that the cost of government would be increased by a decision either to privatize or not to privatize the government function.'

"So Mr. President, some people think a moratorium works; some people take light of the court's decision. The court said we need to take action -- we, meaning this legislature. And I believe and many others believe it's not by a moratorium and it's not letting the existing law work because the existing law doesn't work. Clearly, if anybody can sue, even though one person or another person might say well I'll only pick on one or two people or one or two instances, being that possibly anyone can sue, we need to take action decisively and clear this up this session, Mr. President.

"Thank you."

Senator Anderson, rising on a point of personal privilege, then said:

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

"Mr. President, I agree with the previous speakers, both of them, but I also stand because I was reading the editorial this morning in the Honolulu Advertiser and it states, 'State budget talks must confront reality.' It has the ring of truth to it and long past time that conferences on the budget get down to business and make long-term economic policies.

"But the media is to blame also, Mr. President. I've stood here. My colleagues have stood here. We've made comments about how the economy is failing. You don't read that too much in the newspapers unless they want to write in editorials. We read about same-sex marriages; we read about our high-three; we read about the automobile insurance; but we don't

read about all of the economy and how it's going down the tube, and how we have to be very realistic about this.

"Also, in our finance committee hearings when one of the chairmen will say that we'll have to look at the economy and be realistic about it, the cameras go off. And I've watched them say, 'Cut, don't go ahead and do that.' You have a responsibility as the media business to make sure that the public knows what's going on around here. Otherwise, we're talking to ourselves and the people in the gallery. We're really not getting out to what is really happening in our state. And I think that they have held our feet to the fire so that we can go ahead and finish the people's business, rather than play power plays.

"And the administration is wrong because they've given no guidance to us. They have come down with really no facts except to take every special fund that we have and utilize it. I was asked the other day by a Representative in the House that said, 'Why didn't you folks pass my resolution?' It asked for an audit of a special fund that should be looked at and it was the training fund that we took away. Why audit a fund that's not there? Why go ahead and have short term plans so that we can go ahead and say, 'Here's the budget'? And it's not going to go anywhere; it's not going to help our economy. We need long term planning.

"And yes, I've looked at all of the figures that we have in the budget. And it's very true, we are looking at the first year and there is money for '99, but that's where the big cuts are and that's if the economy goes up. And that's what we should do is stimulate this economy so it does go up. And DLNR is not doing their job. DCCA is not doing their job.

"Ladies and gentlemen, I think that we have to finish the power plays around here; finish the work that we have, and go home. But we most certainly don't have to rush it and I don't think we need an extension. If we're going to do anything, take one day's recess or two. But let's not play games around here. Let's finish what we're supposed to do. And the media -- do your job, instead of playing games and saying all we're worried about is certain things and the public doesn't even know what's going on.

"Thank you very much, Mr. President."

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 871, S.D. 2 (H.D. 3):

The President appointed Senator Kawamoto as an additional co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 871, S.D. 2 (H.D. 3).

MATTERS DEFERRED FROM TUESDAY, APRIL 22, 1997

AGREE/DISAGREE AND APPOINTMENT OF CONFEREES

S.C.R. No. 124 (H.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 124 and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Tam, Aki, co-chairmen, Ige, M., Slom as managers on the part of the Senate at such conference.

S.C.R. No. 171, S.D. 1 (H.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 171, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Tam, Aki, Fernandes Salling, co-chairmen, Ige, M., Slom as managers on the part of the Senate at such conference.

S.C.R. No. 182, S.D. 1 (H.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 182, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Tam, Aki, Fernandes Salling, co-chairmen, Ige, M., Slom as managers on the part of the Senate at such conference.

S.C.R. No. 270, S.D. 1 (H.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 270, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Tam, Aki, Fernandes Salling, co-chairmen, Ige, M., Metcalf as managers on the part of the Senate at such conference.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 242, S.D. 1 (H.D. 2):

Senator Matsunaga 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. 242, S.D. 1, seconded by Senator Chumbley and carried.

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 242, S.D. 1, seconded by Senator Chumbley.

Senator Matsunaga noted:

"Mr. President, with regard to S.B. No. 242, this bill authorizes the State Ethics Commission to initiate and receive complaints. The House amendments basically set forth the procedures with regard to pursuing the charges concerning violations, and it also requires the commission to publish yearly summaries of decisions, advisory opinions and informal advisory opinions."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 242, S.D. 1, and S.B. No. 242, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS," was placed on the calendar for Final Reading on Thursday, April 24, 1997.

S.B. No. 1277, S.D. 1 (H.D. 1):

Senator Matsunaga 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. 1277, S.D. 1, seconded by Senator Chumbley and carried.

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1277, S.D. 1, seconded by Senator Chumbley.

Senator Matsunaga explained:

"With regard to S.B. No. 1277 which made the manufacture of dangerous drugs in any amount a Class A felony, the House made the ten-year mandatory minimum term of imprisonment applicable only to the new offense of manufacturing methamphetamine. The Senate version would have made the ten-year mandatory minimum also applicable to the distribution of drugs to minors. Unfortunately, the House was very stubborn, and we hope that the House will revisit that position next session.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1277, S.D. 1, and S.B. No. 1277, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," was placed on the calendar for Final Reading on Thursday, April 24, 1997.

S.B. No. 161, S.D. 1 (H.D. 1):

Senator Chun Oakland 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. 161, S.D. 1, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 161, S.D. 1, seconded by Senator Kanno.

Senator Chun Oakland explained:

"Mr. President, S.B. No. 161, S.D. 1, H.D. 1, exempts after-school, weekend, and summer recess programs conducted by the Department of Education, child care programs conducted by the counties for children five years of age or older, and any person who enters a home in a child caring capacity from regulation as child care facilities. We agree with the language which allows the DOE to promulgate its own rules regulating after-school, weekend, and summer recess programs. Additionally, counties which conduct programs for children five years and older would be exempt from the Department of Human Services regulations and allowed to promulgate their own rules and regulations in consultation with DHS."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 161, S.D. 1, and S.B. No. 161, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," was placed on the calendar for Final Reading on Thursday, April 24, 1997.

S.B. No. 1874, S.D. 2 (H.D. 2):

Senator Chun Oakland 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. 1874, S.D. 2, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 1874, S.D. 2, seconded by Senator Kanno.

Senator Chun Oakland then noted:

"Senate Bill No. 1874, S.D. 2, H.D. 2, requires the Department of Human Services assisted by the Department of Labor and Industrial Relations to develop and implement various welfare-to-work systems, including grant diversion programs, micro enterprise programs, and a public works and community jobs program. The amendments made basically to the Senate position were technical and nonsubstantive, reflected in H.D. 2."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No.

1874, S.D. 2, and S.B. No. 1874, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE TO WORK TRANSITION ASSISTANCE," was placed on the calendar for Final Reading on Thursday, April 24, 1997.

S.B. No. 262, S.D. 1 (H.D. 1):

Senator Kanno moved that the Senate reconsider its action taken on April 11, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 262, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 262, S.D. 1, seconded by Senator Chun Oakland.

Senator Kanno noted:

"Mr. President, S.B. No. 262, S.D. 1, H.D. 1, corrects an inadvertent result of a bill requiring future retirees to pay a portion of their health benefits. The House passed the measure with a different effective date. They amended the Senate's version which was to have it take effect upon approval and replaced that with an effective date of June 30, 1996. We agree with the House version. It provides for continuity of the system."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 262, S.D. 1, and S.B. No. 262, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was placed on the calendar for Final Reading on Thursday, April 24, 1997.

S.B. No. 653, S.D. 2 (H.D. 2):

Senator Kanno 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. 653, S.D. 2, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 653, S.D. 2, seconded by Senator Chun Oakland.

Senator Kanno then noted:

"Senate Bill No. 653, S.D. 2, H.D. 2, allows health care facilities to consider criminal convictions in determining whether employees are suited to working in close proximity to patients. The amendments made by the House which we agree to are technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 653, S.D. 2, and S.B. No. 653, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was placed on the calendar for Final Reading on Thursday, April 24, 1997.

At this time, Senator Solomon extended Happy Birthday wishes to Senator Bunda on behalf of the Senate.

Senator M. Ige rose on a point of personal privilege as follows:

"Mr. President, I'm sorry for raising this issue at this late date, but I stand on a point of personal privilege, as well.

"Mr. President, Senator Bunda raised an issue regarding Senate Rule 13(4) regarding committee chairmen in terms of Standing Committees during conference. Mr. President, you know when you referred the names, when you appointed the members to the Conference Committee regarding privatization, you had the co-chairs of WAM as the lead, I guess, co-chairs, and the members of Government Operations and, I guess,

Human Resources as being only members. Is that basically a violation ... not a violation, but is that ... are you not ignoring the Rule 13(4) on that issue?"

The Chair responded:

"In my opinion, I am not, because if you look at those two bills that have the amendments relating to privatization, that bill really has financial impact. The bill deals with the convention center funding and also the Health Fund funding. So it is my opinion that the bill rightfully belongs in Ways and Means."

Senator M. Ige interjected:

"The only problem with that, Mr. President, and I wrestled with that same argument last evening, is that in your Rules you specifically state that subject matter -- the subject matter that had the subject matter -- it doesn't mention bill or anything of that nature, but basically subject matter shall have jurisdiction over that measure during conference."

The Chair stated:

"It is going on a case by case basis and I have ruled that there is fiscal impact. A majority of that bill has fiscal impact so I have given the co-chairs of WAM primary responsibility."

Senator M. Ige then said:

"I guess, Mr. President, one of the points I'd like to make is that I was hoping that you could make all of us co-chairs, as in the memo that Senator Bunda gave to you, only because just this morning alone Mayor Lingle said that she'll be cancelling, basically, contracts for 200 people and the fact that Chairman Say is asking for an extension.

"You know, we were here on Saturday. I left here at 2:30 in the morning. Last evening I left at midnight. And I just hope that we have the time to collaborate and the chairs would give sufficient time to address this issue because it affects the entire state. And at this point, you know, I'm glad that Chair Fukunaga asked for a waiver of the notice requirement but there's really no time set. And it's my understanding that these fiscal bills need to be decked by midnight Friday. And you know, the Government Operations and Housing Committee had extensive hearings. We had informational briefings and still we're far apart on finding some compromise to this issue.

"And you know, I was going to do a vigil here to force you to assign me as one of the co-chairs, but if I did, knowing you, you would turn off the light and lock the doors and I'd have no water and food, so rather than do a vigil, you know, I just want to appeal to your conscience to say ... well basically, I'm begging you to allow the co-chairs to serve as co-chairs and not just as conferees so that we can take this measure into conference. Give us the sufficient amount of time necessary to work out this very sensitive issue. And I ask that of you in good spirit and I hope you will seriously consider my request.

"Thank you."

ADJOURNMENT

At 12:24 o'clock p.m., on motion by Senator McCartney, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 24, 1997.