

TWENTY-THIRD DAY

Tuesday, February 24, 1998

THIRD READING

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Pastor Norman Nakanishi, Grace Bible Church - Pearl Side, after which the Roll was called showing all Senators present.

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

The following introductions were made to the members of the Senate:

Senator Bunda introduced Loretta Schuler in recognition of her invaluable community service to the people of Hawaii. Accompanying Ms. Schuler were Herb Coleman, Marilyn Seely and Nancy McGuckin-Smith.

Senator Sakamoto, in recognition of Hawaii Metal Recycling Company's outstanding work to preserve and protect the environment of the state, introduced James Banigan, general manager; Lawrence Kalilikani, head buyer; and Henry Kapu, a 22 year employee.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

STANDING COMMITTEE REPORTS

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2419) recommending that H.B. No. 397, H.D. 2, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2419 was adopted and H.B. No. 397, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2420) recommending that the Senate advise and consent to the nomination of JOHN H. RADCLIFFE to the Board of Trustees, Hawai'i Public Employees Health Fund, in accordance with Gov. Msg. No. 139.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2420 and Gov. Msg. No. 139 was deferred until Wednesday, March 4, 1998.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM MONDAY, FEBRUARY 23, 1998

S.B. No. 2556, S.D. 1:

By unanimous consent, S.B. No. 2556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," was recommitted to the Committee on Transportation and Intergovernmental Affairs.

S.B. No. 2596:

Senator D. Ige moved that S.B. No. 2596, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Iwase rose in support of the measure and stated:

"Mr. President, I'm rising to speak in support of the bill with reservations.

"Mr. President, the committee report on the bill says that opposition to the bill was received from the State Attorney General. By the way, this relates to the Office of Information Practices and how the administrative procedure act applies to the Office of Information Practices. Testimony opposing the bill was received from the State Attorney General; the Open Government Coalition of Hawaii; and the Society of Professional Journalists, Hawaii Chapter. The Office of Information did not take a position on the passage of this bill.

"Having spoken to the co-chair of the CPI Committee and having received an explanation, this is perhaps an effort to streamline the rule making process, which I think we're all interested in, brings my 'yes, with reservations.' But I would hope that as we deliberate upon this measure further, that we understand that there are review procedures in place under the APA which are there for a reason. For example, as I understand it, under this bill, what may be cut out of the review would be the Budget and Finance Department. I think rules should be looked at in terms of its fiscal impact.

"Cut out from the review process is the Attorney General, and I think with the number of boards and commissions in the State of Hawaii, it should be reviewed by the Attorney General to insure conformity with procedures, conformity to structure, and most importantly, because we see administrative agencies straying today from this important requirement -- conformity to legislative intent.

"So, as we move this along, I hope that these matters will be considered. And I hope, also, having not heard the testimony, that whatever objections were raised by the Attorney General, the Open Government Coalition of Hawaii, and the society of Professional Journalists, Hawaii Chapter, will be addressed to their satisfaction.

"Thank you Mr. President."

Senator Solomon then rose and stated:

"Mr. President, could you please note that I will also be voting 'with reservations.'"

The Chair so ordered.

Senator Sakamoto added:

"Mr. President, since the bill wasn't amended and there are so many objections, 'with reservations' as well."

Senator Anderson then said:

"Mr. President, we're going 'with reservations,' or I am. Upon checking over the staff's comments, the language is rather vague and it could be a lot clearer if the bill prevents limitations rather than establishes limitations. So, for that reason, I will be going 'with reservations.'"

Senator Slom added:

"Likewise, 'with reservations,' Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2058	Committee on Ways and Means
No. 2333	Jointly to the Committee on Health and Environment and the Committee on Ways and Means
No. 2665	Jointly to the Committee on Health and Environment, the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development
No. 2988	Committee on Ways and Means

ADJOURNMENT

At 12:06 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 4, 1998.