

FORTY-NINTH DAY

Thursday, April 16, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Toshio Murakami, Honpa Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senator Aki who was excused.

The President announced that he had read and approved the Journal of the Forty-Eighth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 275 to 286) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 275, Informing the Senate that on April 13, 1998, he signed the following bills into law:

House Bill No. 2901 as Act 16, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII";

House Bill No. 2520 as Act 17, entitled: "RELATING TO FRIVOLOUS LOBBYING CHARGES"; and

Senate Bill No. 2916 as Act 18, entitled: "RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS,"

was placed on file.

Gov. Msg. No. 276, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nomination of JOSEPH KALANI KAMANU, term to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 277, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nominations of: GREGORY S. ENDO, term to expire June 30, 1999; and SAM FAILLA and JUNE UYEHARA-ISONO, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 278, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nominations of: GERALDINE L. MASUNAGA, term to expire June 30, 2000; ROBERT K. OVERLOCK, M.D., term to expire June 30, 2001; and DAVID M. NELSON, M.D., THOMAS A. VEATCH, RANDOLPH K. M. WONG, M.D., and LINDA W. WONG, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 279, submitting for consideration and confirmation to the Hawai'i Aquaculture Advisory Council, the nominations of: GERALD R. CYSEWSKI, Ph.D., term to expire June 30, 2000; and PAUL K. BIENFANG, Ph.D., and MICHAEL ALEY, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 280, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: OLIVER K. FERNANDEZ, term to expire June 30, 2001; and LIBERTA L. H. ALBAO, LOUISE M. BUSH and LEIGHTON R. TSEU, terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Board of Massage Therapy, the nominations of DAWN MARIE and VICKI VON STROHEIM-SEAY, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 282, submitting for consideration and confirmation to the Pest Control Board, the nomination of MICHAEL JOHN BOTHA, term to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of PAULINE A. MASHIMA and JAMES T. YATES, Ph.D., terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Advisory Board on Veterans Services, the nomination of BOB C. FREITAS, term to expire June 30, 2001, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of DORIS M. CHING, Ed.D., term to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 286, Informing the Senate that on April 15, 1998, he signed the following bills into law:

House Bill No. 2768 as Act 19, entitled: "RELATING TO MILK";

House Bill No. 2851 as Act 20, entitled: "RELATING TO GRANDPARENTS' VISITATION RIGHTS";

House Bill No. 611 as Act 21, entitled: "RELATING TO OCEAN RESOURCES";

House Bill No. 2531 as Act 22, entitled: "RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF"; and

House Bill No. 2523 as Act 23, entitled: "RELATING TO THE GENERAL COUNTY REGISTER,"

was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 143 to 294) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 143, returning S.B. No. 2308, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 144, returning S.B. No. 2332, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 145, returning S.B. No. 2333, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 146, returning S.B. No. 2466, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 147, returning S.B. No. 2472, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 148, returning S.B. No. 2598, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 149, returning S.B. No. 2611, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 150, returning S.B. No. 2769, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 151, returning S.B. No. 2796, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 152, returning S.B. No. 2819, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 153, returning S.B. No. 2828, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 154, returning S.B. No. 2839, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 155, returning S.B. No. 2840, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 156, returning S.B. No. 2844, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 157, returning S.B. No. 2903, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 158, returning S.B. No. 3077, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 159, returning S.B. No. 3126, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

Hse. Com. No. 160, returning S.B. No. 379, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 379, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 161, returning S.B. No. 632, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 632, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 162, returning S.B. No. 682, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 682, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 163, returning S.B. No. 705, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 705, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 164, returning S.B. No. 719, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 719, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 165, returning S.B. No. 720, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 720, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 166, returning S.B. No. 721, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 721, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 167, returning S.B. No. 760, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 760 and requested a conference on the subject matter thereof.

Hse. Com. No. 168, returning S.B. No. 1071, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1071, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, the House made technical, nonsubstantive amendments to these measures and we have no disagreement to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1071, S.D. 1, and S.B. No. 1071, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OPENING OF THE ABSENTEE POLLING PLACE," was placed on the calendar for Final Reading on Friday, April 17, 1998.

Hse. Com. No. 169, returning S.B. No. 1122, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1122, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 170, returning S.B. No. 1273, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1273, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 171, returning S.B. No. 1309, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1309, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 172, returning S.B. No. 1362, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1362, and requested a conference on the subject matter thereof.

Hse. Com. No. 173, returning S.B. No. 1465, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1465 and requested a conference on the subject matter thereof.

Hse. Com. No. 174, returning S.B. No. 1469, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1469, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 175, returning S.B. No. 1559, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1559, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 176, returning S.B. No. 1601, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1601, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 177, returning S.B. No. 1946, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1946, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 178, returning S.B. No. 2025, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 179, returning S.B. No. 2026, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 180, returning S.B. No. 2037, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2037, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 181, returning S.B. No. 2063, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2063, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 182, returning S.B. No. 2078, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2078, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 183, returning S.B. No. 2092, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by House to S.B. No. 2092, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 184, returning S.B. No. 2123, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2123, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, the House made technical, nonsubstantive amendments to these measures and we have no disagreement to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2123, and S.B. No. 2123, H.D. 2, entitled: "A BILL FOR AN

Hse. Com. No. 235, returning S.B. No. 2689, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2689, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 236, returning S.B. No. 2710, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2710, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, the House made technical, nonsubstantive amendments to these measures and we have no disagreement to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2710, and S.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," was placed on the calendar for Final Reading on Friday, April 17, 1998.

Hse. Com. No. 237, returning S.B. No. 2717, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2717, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 238, returning S.B. No. 2757, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2757, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 239, returning S.B. No. 2759, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2759, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 240, returning S.B. No. 2761, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2761, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 241, returning S.B. No. 2768, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2768, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 242, returning S.B. No. 2770, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2770, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 243, returning S.B. No. 2774, S.D. 3, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2774, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 244, returning S.B. No. 2782, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2782, and requested a conference on the subject matter thereof.

Hse. Com. No. 245, returning S.B. No. 2786, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2786 and requested a conference on the subject matter thereof.

Hse. Com. No. 246, returning S.B. No. 2803, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2803, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 247, returning S.B. No. 2805, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2805, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 248, returning S.B. No. 2816, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2816, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 249, returning S.B. No. 2820, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2820 and requested a conference on the subject matter thereof.

Hse. Com. No. 250, returning S.B. No. 2821, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Hse. Com. No. 284, returning S.B. No. 3105, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3105, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 285, returning S.B. No. 3113, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3113, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 286, returning S.B. No. 3114, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3114, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 287, returning S.B. No. 3137, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3137, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 288, returning S.B. No. 3143, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3143, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 289, returning S.B. No. 3159, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3159, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 290, returning S.B. No. 3204, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3204 and requested a conference on the subject matter thereof.

Hse. Com. No. 291, returning S.B. No. 3220, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3220, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 292, returning S.B. No. 3228, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3228, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 293, returning S.B. No. 3230, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3230, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 294, returning S.B. No. 3248, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3248, S.D. 2, and requested a conference on the subject matter thereof.

SENATE COMMUNICATION

Sen. Com. No. 3, notice to the Governor dated April 16, 1998, transmitting H.B. No. 3130, H.D. 1, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"April 16, 1998

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following House Bill, a copy of which is attached hereto:

H.B. 3130, H.D. 1, S.D. 1
"RELATING TO A CONSTITUTIONAL CONVENTION"

Respectfully,

/s/ Paul T. Kawaguchi
Paul T. Kawaguchi
Clerk of the Senate"

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

STANDING COMMITTEE REPORTS

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3314) recommending that S.C.R. No. 9, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3315) recommending that S.C.R. No. 12, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE PREVENTIVE MAINTENANCE PROGRAMS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3316) recommending that S.C.R. No. 17, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO CLARIFY PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII, TO FACILITATE ENFORCEMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3317) recommending that S.C.R. No. 19, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3318) recommending that S.C.R. No. 20, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 20, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3319) recommending that S.C.R. No. 25 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3320) recommending that S.C.R. No. 28, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3321) recommending that S.C.R. No. 29 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3322) recommending that S.C.R. No. 31, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII, INCLUDING THE DISTRICTS OF PUNA AND KA'U," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3323) recommending that S.C.R. No. 48, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 48, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3324) recommending that S.C.R. No. 51, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3325) recommending that S.C.R. No. 59, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3326) recommending that S.C.R. No. 68 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3327) recommending that S.C.R. No. 73, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3328) recommending that S.R. No. 34, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 34, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3329) recommending that S.C.R. No. 80 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3330) recommending that S.R. No. 38 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 38, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3331) recommending that S.C.R. No. 81, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3332) recommending that S.R. No. 39, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 39, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING

STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3333) recommending that S.C.R. No. 87, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3334) recommending that S.C.R. No. 89, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3335) recommending that S.R. No. 41, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3336) recommending that S.C.R. No. 94, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONSIDER PRIVATIZING THE COLLECTION OF CHILD SUPPORT PAYMENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3337) recommending that S.C.R. No. 118, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 118, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE WORKERS' COMPENSATION FEE SCHEDULE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3338) recommending that S.R. No. 55, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 55, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE WORKERS' COMPENSATION FEE SCHEDULE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3339) recommending that S.C.R. No. 123, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 123, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3340) recommending that S.C.R. No. 125, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 125, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF MERGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3341) recommending that S.C.R. No. 128, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3342) recommending that S.R. No. 60, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3343) recommending that S.C.R. No. 130, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 130, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF THE AVAILABILITY OF CITIZEN'S SUIT UNDER THE FEDERAL AND OTHER JURISDICTIONS' ENDANGERED SPECIES LAWS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3344) recommending that S.C.R. No. 132, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 132, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PENAL RESPONSIBILITY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3345) recommending that S.C.R. No. 140, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3346) recommending that S.C.R. No. 146, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 146, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3347) recommending that S.C.R. No. 147 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3348) recommending that S.R. No. 70 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 70, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3349) recommending that S.C.R. No. 153, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 153, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3350) recommending that S.R. No. 73, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3351) recommending that S.C.R. No. 157, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3352) recommending that S.C.R. No. 161 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3353) recommending that S.R. No. 76 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 76, entitled: "SENATE RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3354) recommending that S.C.R. No. 170, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 170, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3355) recommending that S.R. No. 81, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 81, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3356) recommending that S.C.R. No. 171, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 171, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3357) recommending that S.C.R. No. 184 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3358) recommending that S.R. No. 87 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 87, entitled: "SENATE RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3359) recommending that S.C.R. No. 186 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 186, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF "HAWAII RESIDENT" BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3360) recommending that S.R. No. 89 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 89, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF "HAWAII RESIDENT" BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3361) recommending that S.C.R. No. 172, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 172, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3362) recommending that S.C.R. No. 190, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3363) recommending that S.C.R. No. 191, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 191, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO COOPERATIVELY WORK TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI

AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3364) recommending that S.C.R. No. 193 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3365) recommending that S.R. No. 92 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 92, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3366) recommending that S.C.R. No. 196, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 196, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME- AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3367) recommending that S.C.R. No. 207, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 207, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3368) recommending that S.C.R. No. 210, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 210, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ALONG KUNIA ROAD, AND THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ON LANIKAULA AND KALAWAO STREETS IN MANOA, AND REVIEW ITS APPROVAL PROCESS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3369) recommending that S.C.R. No. 213, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 213, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3370) recommending that S.C.R. No. 42, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO CRITERIA FOR DEVELOPMENT OF A HAWAII ECONOMIC REVITALIZATION PROGRAM FOR THE HAWAII STATE LEGISLATURE," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3371) recommending that S.C.R. No. 121, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 121, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3372) recommending that S.C.R. No. 174, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO TAKE DEFINITIVE ACTIONS TO RIGHT THE WRONGS AS EXPRESSED IN PUBLIC LAW 103-150 AND TO ASSIST IN THE PROCESS OF NATIVE HAWAIIAN SELF-GOVERNANCE," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3373) recommending that S.C.R. No. 188 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF BILL LANN LEE AS ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AT THE JUSTICE DEPARTMENT," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3374) recommending that S.C.R. No. 64, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,

presented a report (Stand. Com. Rep. No. 3375) recommending that S.R. No. 26, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3376) recommending that S.C.R. No. 90, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3377) recommending that S.R. No. 42, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 42, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE," was adopted.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3378) recommending that S.C.R. No. 154 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET," was adopted.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3379) recommending that S.R. No. 74 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.R. No. 74, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS

ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3380) recommending that H.C.R. No. 34, H.D. 2, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 34, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL TRADE COMMISSION TO RE-EVALUATE THE AGREEMENT CONTAINING CONSENT ORDER IN THE MATTER OF SHELL OIL COMPANY AND TEXACO INC. (FILE NO. 971-0026)," was adopted.

Senators Fernandes Salling and Levin, jointly with Senators Kawamoto and Sakamoto, for the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3381) recommending that S.C.R. No. 101, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO ADOPT MANAGEMENT PLANS FOR WEED CONTROL METHODS USED IN ROADSIDE MAINTENANCE IN ORDER TO MINIMIZE RISKS TO PUBLIC HEALTH, WORKER SAFETY, AND ENVIRONMENTAL QUALITY," was adopted.

Senators Fernandes Salling and Levin, jointly with Senators Kawamoto and Sakamoto, for the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3382) recommending that S.R. No. 46, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO ADOPT MANAGEMENT PLANS FOR WEED CONTROL METHODS USED IN ROADSIDE MAINTENANCE IN ORDER TO MINIMIZE RISKS TO PUBLIC HEALTH, WORKER SAFETY, AND ENVIRONMENTAL QUALITY," was adopted.

ORDER OF THE DAY

MATTERS DEFERRED FROM THURSDAY, APRIL 9, 1998

AGREE/DISAGREE

S.B. No. 2056, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2056, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2099, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2099, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2581 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2581 and requested a conference on the subject matter thereof.

S.B. No. 2633, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2866, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2866, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2884, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2884, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2885, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2885 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3002, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3002, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3213, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3213, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3213, S.D. 2, and requested a conference on the subject matter thereof.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3299 (Gov. Msg. No. 189):

Senator Bunda moved that Stand. Com. Rep. No. 3299 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 RAYMOND H. SATO as Comptroller, term to expire December 7, 1998, seconded by Senator M. Ige.

Senator M. Ige rose in support of Gov. Msg. No. 189 as follows:

"Mr. President, I'd like to rise in support of Gov. Msg. No. 189.

"Mr. President, the state Department of Accounting and General Services plays a vital role in our government. In the Hawaii Revised Statutes the comptroller shall be the general accountant of the state and shall cause to be recorded every receipt and disbursement of money made to the treasury.

"If I may make a comparison, DAGS is to our government what our heart is to our bodies. DAGS makes our government run smoothly and efficiently with billions of dollars in

contracts, thousands of paychecks monthly, and where our central computer system is located.

"And speaking of computers, Mr. President, the greatest challenge for DAGS is to make certain that all departments ranging from Taxation to Human Services is year 2000 compliant. Ask businesses in Hawaii what they think, many respond simply, 'No way. No way will Hawaii be 2000 compliant.' Then we have an administration bill that provides immunity to the state for noncompliance. Mixed signals? Business saying 'no,' and the administration asking for immunity.

"Mr. President, the year 2000 is right around the corner. You and I know that if we fail to be compliant, it will cost our taxpayers and the many businesses that operate in our state, millions! But more importantly, if we fail, the loss of confidence in our government will be immeasurable.

"Mr. Sato cannot possibly address all of these concerns because he is not yet on the job. However, your committee believes, in reviewing his background and experience, listening to individuals testifying on his behalf, and looking over the 100-plus letters of support, that Mr. Sato has the knowledge to carry out the duties as comptroller. Most importantly, Mr. Sato has the honesty and integrity, the 'walk the talk' attitude not merely to confront the issues of today, but to lay the foundation for Hawaii's tomorrow as we approach the next millennium.

"I ask my colleagues for their support of Governor's Message 189, nominating Mr. Raymond Sato for the position of comptroller for the Department of Accounting and General Services."

Senator Bunda also rose in support of the nominee and said:

"Mr. President, I have some additional remarks that I'd like inserted into the Journal in support of the nominee who is well qualified for the position at DAGS.

"Thank you very much."

The Chair having so ordered, Senator Bunda's remarks read as follows:

"Mr. President, I rise today in strong support of the nomination of Mr. Raymond H. Sato to be the next comptroller of Hawaii.

"Mr. President, the office of the comptroller is a very important position. The Department of Accounting and General Services is the entity that we have entrusted to take care of all the state's accounts and the comptroller sits at its head. The next comptroller will have the responsibility of ensuring that our accounts remain in good order. This is a job made even tougher considering the rough economic climate and falling revenues that we are faced with. Therefore, it is of the highest importance that our next comptroller has a tremendous amount of knowledge, administrative skill, and governmental experience.

"Mr. President, your Committee on Government Operations and Housing believes, in no uncertain terms, that Mr. Sato has the skills required and the intellectual prowess necessary to serve as our state's next comptroller.

"After examining Mr. Sato's resume, we on the committee have found that Mr. Sato's 31 years of public service is one of his most valuable assets. Through his experience, Mr. Sato has learned the skills necessary to be an effective administrator. Of his 31 years of public service, 24 have been spent in positions requiring managerial experience. Of these 24 years, Mr. Sato has spent almost five at the head of the Board of Water Supply for the City and County of Honolulu during which time the board has become a model for other city departments. In these

tough times, I feel more at ease entrusting the comptroller's position to an experienced individual such as Mr. Sato.

"Mr. President, after serving for so long as a steward of public resources it is no wonder that your committee has received large amounts of testimony in support of Mr. Sato's nomination. The numerous testimonies attested to Mr. Sato's experience and leadership skills.

"But most importantly of all, Mr. President, these testimonies confirmed my own personal belief that Mr. Sato is a man of the highest integrity. He is honest, hardworking, caring, and responsive. Mr. Sato is also not afraid to try new and different ideas. At a time when we are attempting to restructure our government, Mr. Sato's bold style could be of great value.

"For these reasons, Mr. President, I strongly urge my colleagues to support the nomination of Mr. Sato as our next comptroller. The State of Hawaii deserves no less.

"Thank you."

Senator Tam rose to support the nominee as follows:

"Mr. President, I'd like to add a few words on my behalf in terms of Mr. Sato.

"I had the great honor of working with this fine man over the past two years in regard to a concern within my district in Pauoa Valley. I must say that he is a very conscientious man, and very industrious. He has a lot of patience and integrity and by the time he got up to speak in regard to this project regarding the reservoir, the water reservoir in the back of Pauoa Valley, everybody trusted him. And that's a great honor. We're very fortunate.

"Thank you."

Senator Fernandes Salling also rose to support the nominee and said:

"Mr. President, I, too, would like to add some words to the confirmation today of Ray Sato.

"On a personal note, Ray served as the Kauai Board of Water Supply chairman and I had the good fortune of working with him when he was there. And now he has also come from serving the City and County of Honolulu. He's got a huge job ahead of him, especially trying to get out the \$1 billion worth of projects to jump-start our economy. But I think with this kind of background, coming from the neighbor islands and seeing how projects work and how to get them out there and also from Oahu, that it's a well-rounded ability that he brings to this position. And I think we're really fortunate to have him. So, I recommend highly his confirmation.

"Thank you."

Senator Anderson then added:

"Will the Clerk please put both chairmen's words in the Journal as though they were my own."

The Chair so ordered.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3300 (Gov. Msg. No. 199):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3300 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nominations to the State Planning Council on Developmental Disabilities of the following:

DIRK K. WASANO and MILLICENT L. K. ROGERS, terms to expire June 30, 1999;

JOHN H. ROBERTS, term to expire June 30, 2000; and

MATTHEW CHARLES BASSETT, ANGELA I. ZANGERLE, GLORIA S. KISHI, Ph.D., JAMES RICHARD SKOUGE, ED.D., DAVID A. WOLL and J. CURTIS TYLER, III, terms to expire June 30, 2002,

seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3301 (Gov. Msg. No. 200):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3301 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nominations of TERRY YOUNG, Ph.D., ANTHONY S. AKAMINE, DEAN M. GEORGIEV and DONALD A. MEDEIROS to the Commission on Persons with Disabilities, terms to expire June 30, 2002, seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3302 (Gov. Msg. No. 202):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3302 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nominations to the Environmental Council of the following:

STEPHEN T. DYE, Ph.D., terms to expire June 30, 1998, and June 30, 2002; and

WILLIAM S. PETTI and PURNIMA PATIL MCCUTCHEON, terms to expire June 30, 2002,

seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3303 (Gov. Msg. No. 207):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3303 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of WILLIAM C. LENNOX, JR., to the State Council on Mental Health, term to expire June 30, 2000, seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3304 (Gov. Msg. No. 213):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3304 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nominations of SETSU FURUNO, Ph.D., and HELEN MAY SMALLEY-BOWER to the Reproductive Rights Protection Committee, terms to expire June 30, 2002, seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3305 (Gov. Msg. No. 214):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3305 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of IAN KAGIMOTO to the Board of Certification of Operating Personnel in Water Treatment Plants, term to expire June 30, 2002, seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

At this time, Senator M. Ige then introduced Mr. Raymond Sato, who was seated in the gallery with family and friends.

THIRD READING

H.B. No. 2552, H.D. 1, S.D. 3:

Senator Baker moved that H.B. No. 2552, H.D. 1, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fukunaga rose in support of the measure and stated:

"Mr. President, in response to a question that was raised by one of the members of the Senate Ways and Means Committee, we would like to note that the draft that was presented to members during the decision-making did not include all of the sections that are currently in the bill. We did orally reference some of the further amendments that were being made. Specifically, they relate to the inclusion of allowing the works of art special fund to be used to defray the operating and personnel costs of the State Foundation on Culture and Arts. And second, to increase the bond limit authorization of the Hawaii Community Development Authority so that the authority might plan, design and construct a parking garage and provide for relocation benefits to tenants of long standing in the area.

"With these clarifications, I would like to urge all members to vote in support of the measure.

"Thank you."

Senator Iwase rose to speak on the measure with reservations:

"Thank you, Mr. President, and I want to thank the co-chairs. We met this morning and discussed this matter.

"I'm going to be voting with reservations on the bill, strong reservations on the bill, first, because of the one subject rule -- I have to be consistent about that -- and in deference to the Senator from the Big Island -- I'm right on Schwab v. Ariyoshi (we have a disagreement).

"But the issue that I had raised was the HCDA authorization to raise the bond ceiling. We, to my recollection, did not specifically vote on it that night. There is an explanation that has been given to me by the Ways and Means Committee chair, but I don't agree with it. My co-chair and I had this issue in our committee last year. We supported the project. If it's going to bring needed jobs then it's therefore difficult to vote against it, but we did not, in my view, Mr. President, vote on this bill, this amendment, at the WAM meeting. We received, that night, this digest on the bill and along with this were other bills, including the budget. The bill is several pages long with the digest. It did not include the HCDA provision. I would hope that in the future, if we're going to have this kind of all-encompassing bill with these major amendments made, that we would be given more time to review the bill and the digest that accompanies it so that we know what we are voting on.

"And finally, Mr. President, as a thought, because I believe that if we're going to be putting things into a bill that we did not necessarily vote on, were not necessarily recommended by the committee chairs specifically, and that there are going to be just assumptions made about what might be, then perhaps we ought to return to the procedure where committee members sign a committee report to indicate their support or non-support of amendments made to bills, rather than voting at a committee hearing where explanations of amendments are not fully elaborated or specified and creates this kind of difficulties.

"I am going to be voting on this bill with strong reservations.

"Thank you."

Senator Slom rose to speak against the measure and stated:

"Mr. President, I rise to speak against the bill.

"First, as a follow-up to the last two speakers, this is not the only bill that my colleagues have voted on that was not in its final form. And I think it's a very bad precedent for people to be asked to vote for things when it is not in the final form.

"My colleague the Minority Leader has said time and time again -- he's said it in committee; he's said it on the Senate floor -- that he will vote with reservations until he sees the actual wording. And that's a wise position to take. And I know a lot of people find that humorous or find that dragging out time, because everybody is in a rush.

"The problem is we pass bad legislation. And I would just question whether or not, in fact, it's legal, because what the committee voted on the other night, did not include some important and salient features. That was not done procedurally in a proper manner.

"So I would urge my colleagues in the future, whether we go back to the system that the good Senator from Mililani has just suggested or whether we continue to vote in open, that more of my colleagues ask questions and demand that they do not sign or approve something until they know exactly what it is that they are signing because later on they go to their colleagues and say, 'Oh, I voted for this but that wasn't in there at the time.' Our vote is important. The position that we take is important. We must know what it is that we're doing and so we have to read things, and if they're not in there then we must hold people responsible for putting them in there, and delaying action until it's done properly.

"Now having said that, there are other problems with H.B. No. 2552, S.D. 3. First of all, we're establishing four new special funds -- an asbestos and lead abatement special fund, a

tax delinquent return special fund, persons with disabilities special fund, and the Hawaii Civil Rights Commission special fund -- at the same time, the very time when we are raiding other special funds and depositing them into the general fund. What is our procedure? What is our plan?

"There has been criticism in the past because we have more than 185 special funds in this state. Lots of times people don't know what the funds are. They don't know what the balances are. And even though they were earmarked for specific functions and people gave or paid, knowing that it would be used for that function, now we're changing the functions and we're putting it into the general fund. So, with one hand we're getting rid of some of the older special funds, with the other hand we are creating four new ones. It doesn't make sense to me, Mr. President.

"Then we talk about fees and we have the establishment of new fees, and presumably increases in existing fees. I say presumably because I see pages of blank figures. There are no numbers in here. And so I cannot vote for something that gives a blank check to perhaps the conference committee. We're talking about a parking fee in state parks, \$1, fine; a camping fee, blank; school bus transportation fee, blank; athletic activities fee, blank; fishing license fees, blank; replacement fees for hunting licenses, blank; mooring fees, blank; school lunch fees, blank; after school A+ and weekend programs, blank. How can we in good conscience vote on something that's blank?

"I don't think that the intent is to lower these fees, and so to me, increasing these fees will be yet another tax on the overburdened people and particularly the parents and single moms in this community. It will mean less take-home pay for them. So I find that very difficult. By the way, there is, however, in the section on criminal history and other checks where figures are given, the fees there are increased between 50 and 100 percent for public access to find out about criminal history.

"There's another new fee in this bill which may have a constitutional problem, to charge arrestees \$15 for their request to have a hearing. In no case is there a justification of why the fees have gone up (the ones that are actually listed), whether or not they just cover the cost of servicing or whether they are used as revenue or tax enhancement.

"There was a section, Mr. President, in the original bill that would repeal the Employment and Training Special Fund that every business, small business and every organization fought against, a bill which went into effect for five years and had a drop-dead clause and then conveniently during that fifth year the drop-dead clause was taken out and the tax was extended.

"There was a moratorium imposed and in a bill that we passed the other day, H.B. No. 1533, H.D. 2, S.D. 1, the training fund bill was not abolished but, in fact, the moratorium was merely extended for another three years and the current balance, which is estimated around \$11 million which came from employers -- no employees -- is to be transferred to the Unemployment Insurance Administration Fund for the cost of administration, not for the cost of unemployment.

"Finally, Mr. President and colleagues, one of the parts that was not included in the bill, Part VIII of this bill, has to do with a parking garage, a parking garage to be guaranteed at public expense for a private entity. It is explained as being economic development. But, Mr. President, I don't remember Ala Moana Shopping Center coming to the Legislature to have the taxpayers guarantee a bond for their parking structure, nor Pearl Ridge Shopping Center, nor Windward Shopping Center, nor any of the other shopping centers or retail developments. And yet this bill, which was introduced last year and which did not pass, is now being inserted into this measure with so many other conflicting arrangements, and the idea again is that the state, the state will stand behind the issuance of bonds for the parking garage, not specified. We know that through this bill

the amount that the HCDA (the Hawaii Community Development Authority) can issue is now being increased from \$60 million to \$100 million but we don't know how much of it is going to the private parking garage. We've heard that it is for a retail development in excess of \$200 million. And I fail to see the public need or the public benefit. Moreover, as I've spoken before on similar issues, it does expose the state to liability and, further than that, it sets a bad precedent because if this parking garage is supported by the state, then why should not other private interests continue to come to this state.

"So, for these and other reasons, Mr. President, I feel that this is a bad, hastily constructed bill with many flaws, and I urge my colleagues to consider voting 'no.'

"Thank you."

Senator Solomon rose to speak with reservations on the measure and said:

"I will be voting 'W/R' and I'd like the remarks of my co-chair, the Senator from Mililani, to be included in the Journal as though they were my own. Thank you."

The Chair so ordered.

Senator Metcalf rose in support of the measure and said:

"I speak in support of the measure, Mr. President.

"The Senator from Mililani and I respectfully disagree with respect to the interpretation of *Schwab v. Ariyoshi*. However, I would point out that the court appears to be on the side of the supporters of this measure in terms of the decision they've rendered, and that the court decision in that case noted that there has, in fact, been no successful court challenge to a bill based on the scope of its title. What I would request for the sake of posterity, Mr. President, is to have the law of the case inserted in the Journal."

The Chair having so ordered, the case of *Schwab v. Ariyoshi* is identified as ATTACHMENT "A" to the Journal of this day.

Senator Anderson rose in opposition to the measure and stated:

"Mr. President, I'll be voting 'no.' However, I'd like to say one thing because of the two former speakers', the Senator from Mililani and the Minority Floor Leader, concerns over a bill is not just that we have to vote in public. The problem with the procedure that we're doing now is it hampers the staff. And I remember that both of our chairmen the other day and, in fact, almost every chairman here thanked all of their staff members for working so hard. The problem with working so hard is nobody can do anything until you have a quorum to even vote on an amendment. Every bill is held up. That means the staff can't do their work until a quorum comes together, votes for the amendment, and then votes for the bill. That's why everything is hung up in the Senate and in the House at this time, is because nothing goes forward.

"In the old days, you'd have an amendment given in a committee hearing regardless if there were two or three people there. They would vote on that, turn around, circulate it. We had a chance to vote aye, with reservations, or no. Everybody knew how we voted anyway, and we normally came down on the floor and we spoke our peace. But everything is held up now, and we're not getting the best legislation that we could. And primarily it's because the bills are hung up, you then put everything together at the last moment. And we're packaging everything or bundling or bulking or whatever you want to call it.

"So those are the reasons that I think we are being held up, but I still will be voting 'no' on this particular bill.

"Thank you very much."

Senator Sakamoto rose to speak on the measure with reservations and said:

"Mr. President, I rise to speak with reservations.

"I'm in agreement with some of the previous remarks, but in specific I'd like to address the special fund for the Hawaii Civil Rights Commission.

"Mr. President, this past year, that group came out with some very onerous regulations on court and arrest records. Now, if they are to fund themselves based on the special fund, I can foresee them holding a gun to people's heads, businesses' heads, and we don't know if it's a blank in there or not. But they're going to extract money to support their own process, Mr. President.

"I think it's a bad precedent to have a group that's supposed to support basic rights, have to fund themselves, and the reason I'm fearful is based on their history of extracting, processing these complaints that have really no merit or little merit and do great damage to the public, great damage to business, and great damage to Hawaii, Mr. President."

Senator M. Ige also rose to speak with reservations as follows:

"Mr. President, I, too, rise to speak with reservations on this measure.

"Mr. President, I, too, would like to echo some of the concerns of the Senator from Mililani as well as Hawaii Kai. Unfortunately, the garage issue was controversial last year, and to do an amendment at the very last minute or to brief everybody to say that it is included and it's not, it casts a shadow on everything that we do here. And I'm just hoping that we can allow certain amendments, I guess, not to be mentioned, minor amendments, but to have something of this nature at the very last minute, I have a real problem with.

"I want to commend the Minority Leader for standing on his principle. I think to disqualify himself from conference because of the institutional sake is commendable and I believe that I'd like to just recognize that, Mr. President.

"Thank you."

Senator Iwase rose again and stated:

"Mr. President, just to clarify a bit more about my point.

"Most of us here, chair a committee and therefore most of us as committee members understand the deference that ought to be paid to the responsibilities of the committee chair. But as committee members, not as committee chairmen, we are also responsible for the votes that we cast as committee members. Oftentimes, I think it is, therefore, the responsibility of committee chairs, and if I have failed in my capacity as chair of Water, Land, and Hawaiian Affairs Committee, I would hope that the committee members come up to me and tell me because our responsibility as committee chairs is to inform the members about what their vote is going to be or about what they're voting on.

"In this case, we did not have the opportunity to vote up or down on the Kakaako amendment. As I said before, I support it because I believe it is going to provide a construction project in our beleaguered economy. But suppose this was an amendment that we did not agree with, suppose this was an amendment that was very controversial and is put into the bill along with other factors that are there, and we vote on it. Suppose I wasn't here to vote on it. What the record would reflect, because my vote is cast on the back of the sheet, is that I supported this bill --

unbeknownst to me I supported that bill with that provision which is controversial -- and that's not right.

"And I think it's the responsibility of the chair. It's the responsibility of the committee members and perhaps I haven't been very good at it this year, but I think it is the responsibility of the committee members to, as best as possible, pay deference to the recommendations of the committee chairs because it's their responsibility to push out legislation. It's a tough task and we all know it, but I would hope that in the future the responsibility of committee members is going to be respected by the committee chairs and our responsibility is to explain that vote to our constituents and to the public, and if we cannot do that, it's kind of embarrassing for us to say 'I never know.' It's very embarrassing for us to do that because then they're going to say 'You're supposed to know,' and they're right.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 2552, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Anderson, Fernandes Salling, Slom). Excused, 2 (Aki, Tanaka).

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

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

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

"Mr. President, I was particularly disturbed when I read just the other day that the governor accused this body, in particular the co-chairs of the Ways and Means Committee, of being timid -- timid on our tax deduction. Well, Mr. President, I'm very happy to stand here and stand behind our Ways and Means co-chairs and say there's no timidity here in the Senate, and particularly after we adjourned first with the best bills the other day, and I went over to the House and I saw all that squabbling and I saw all that discontent, there's no timidity here, Mr. President. We stand firm because we have a bill and we have a budget that will support the best interests of the public and we will continue to oppose any increase in the general excise tax. So we're right.

"Thank you, Mr. President."

ADJOURNMENT

At 12:26 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., Friday, April 17, 1998.

ATTACHMENT "A"

WILLIAM SCHWAB, RICHARD "IKE" SUTTON,
Plaintiffs-Appellants, v. GEORGE R. ARIYOSHI,
et al., Defendants-Appellees,
and WILLIAM S. RICHARDSON, et al., Defendants

NO. 6179

APPEAL FROM FIRST CIRCUIT COURT
HONORABLE NORITO KAWAKAMI, JUDGE

MAY 11, 1977

RICHARDSON, C.J., KOBAYASHI, OGATA,
MENOR AND KIDWELL, JJ.

* * *

OPINION OF THE COURT BY OGATA, J.

Plaintiffs-appellants, William Schwab and Richard "Ike" Sutton (hereinafter appellants), brought suit as taxpayers, in their own behalf and on behalf of other taxpayers similarly situated, in the First Circuit Court, against defendants-appellees (hereinafter appellees) being various state officers in the executive, judicial and legislative branches, in their individual capacities, seeking to halt the implementation of Parts II, III and IV of Act 58, S.L.H. 1975, on the grounds that it had been invalidly enacted in violation of the State Constitution and rules established by the senate and house of representatives of the legislature. The circuit court, in an order filed February 10, 1976, denied appellants' motion for partial summary judgment and granted appellees' motion for summary judgment.¹ Appellants assert that the court erred in entering this order, and urge that we declare parts of Act 58 invalid and remand this case to the trial court for a determination as to the remedy. We affirm.

Act 58 had been introduced in the senate of the eighth state legislature as S.B. 1645 on February 26, 1975. It was entitled "A Bill for an Act Making Appropriations for Salaries and Other Adjustments, Including Cost Items of Collective Bargaining Agreements Covering Public Employees and Officers." As originally introduced, the bill was intended to ratify the salary increases obtained for a group of public employees through collective bargaining agreements.² S.B. 1645 passed final reading in the house and senate on April 11, 1975, the last day of the 1975 regular legislative session. Although various amendments were made to the bill during its passage through the legislature, the title of the bill was not touched or amended. It was approved by the Governor as Act 58, on May 7, 1975, to be effective by its terms on July 1, 1975.

The act contains four parts. Part I mainly appropriated or authorized certain sums for the fiscal biennium 1975-1977, to fund "all collective bargaining cost items in the contracts negotiated with the exclusive bargaining representatives of bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and salary increases and other adjustments for other officers and employees excluded from bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13." Part II amended several relevant sections of the Hawaii Revised Statutes to adjust the maximum salary limits set for certain officers and staff members in the executive branch, namely, the governor, lieutenant governor, department heads and executive officers, the first and second assistants to department heads, officers whose salaries are set by statute, and substitute teachers. Part III amended other relevant sections of the Hawaii Revised Statutes to effect adjustments in salaries for

officers in the judicial branch: the district family judges, the administrative director, supreme court justices, circuit court judges, and district judges. Part IV amended the relevant sections of the Hawaii Revised Statutes to adjust the salaries for certain legislative officers: the revisor of statutes, auditor, director of the legislative reference bureau, and the ombudsman and his staff, including his first assistant. Act 58 was an enactment to adjust the salaries of all state officers and employees, including those covered under collective bargaining agreements.

Shortly after approval of this measure by the Governor, appellants brought suit in the First Circuit Court, raising the following questions: 1) whether the title and body of Act 58 are in violation of Article III, Section 15 of the Hawaii Constitution which provides, in part, that "[e]ach law shall embrace but one subject, which shall be expressed in its title"; 2) whether the act is defective because it did not permit the Governor to exercise his item veto power, as outlined in Article III, Section 17 of the State Constitution; and 3) whether the act is void because of alleged violations of senate and house rules in the course of its passage. The complaint asked that the defendant Comptroller be permanently enjoined from making payments pursuant to Act 58 and that all appellees be required to repay amounts paid them pursuant to the act. Named in their individual capacities as appellees in the suit were George R. Ariyoshi, the Governor, Nelson K. Doi, Lieutenant Governor, and Hideo Murakami, Comptroller of the State of Hawaii, and John and Mary Does 1-200. Each of the John and Mary Does 1-200 was later replaced by his or her proper individual name, in the amended complaint, as the specific state official who would receive pay increases under Parts II, III and IV of the Act.

After the circuit court granted appellees' motion for summary judgment, appellants filed notice of appeal, and further moved to disqualify all members of this Court from hearing the appeal. The motion to disqualify was based on HRS §601-7(a) (1975 Supp.), which compels disqualification in cases where a judge has a pecuniary interest. In *Schwab v. Ariyoshi*, 57 Haw. 348, 555 P.2d 1329 (1976), we held that HRS §601-7(a) (1975 Supp.) is not applicable where there is no statute providing any means of replacing a justice who would otherwise be disqualified to her an appeal and "that the rule of necessity requires that the members of this court hear and determine this appeal." 57 Haw. at 353, 555 P.2d at 1331 (1976).

Since this is an appeal from an order entered by the court in summary judgment proceedings under HRCP Rule 56(c), we must determine whether any genuine issue as to a material fact was raised and whether the appellees were entitled to judgment as a matter of law. *Technicolor, Inc. v. Traeger*, 57 Haw. 113, 551 P.2d 163 (1976); *Abraham v. Onorato Garages*, 50 Haw. 628, 446 P.2d 821 (1968); *Richards v. Midkiff*, 48 Haw. 32, 39, 396 P.2d 49, 54 (1964). The inferences to be drawn from the underlying facts alleged in the affidavits and exhibits considered by the court in making its determination must be viewed in the light most favorable to the parties opposing the motion. *Technicolor, Inc. v. Traeger, supra*; *Abraham v. Onorato Garages, supra*. In the case last cited we said in 50 Haw. at 631-32, 446 P.2d at 825: "Where the defendant is the moving party, [and] there is no genuine issue as to any material fact[,...]the defendant is entitled to a judgment as a matter of law if, upon viewing the record in the light most favorable to the plaintiff, it is clear that the plaintiff would not be entitled to...[prevail] under any discernible theory." See also *Pickering v. State*, 57 Haw. 405, 555 P.2d 855 (1976).

We are of the view that there is no genuine issue as to any material fact in the record and that the denial of partial summary judgment to appellants and the granting of summary judgment in favor of appellees were proper.

I.

Appellants' first contention is that there has been a violation of Article III, Section 15 of the State Constitution which states, in part:

Each law shall embrace but one subject, which shall be expressed in its title.

Appellants argue that Act 58 contains two different subjects: 1) appropriations for collective bargaining (Part I) and 2) salary increases for officers of the executive, judicial, and legislative branches of

the State (Parts II, III, and IV). They further argue that Parts II, III, and IV of the act are illegal because only the subject of Part I, collective bargaining cost item appropriations, is expressed in the title of the act.

We are satisfied that there has been no violation of the requirements of Article III, Section 15 of the Constitution, either in letter or in purpose.

The language of Article III, Section 15, pertaining to the requirements of a single subject, is identical to that contained in Section 45 of the Organic Act.³ Therefore, we would ascribe to the former what this court has said to be the purposes of the latter as well as the legal effect we have given to that section. In *Jensen v. Turner*, 40 Haw. 604, at 607-08 (1954) this court stated the purposes of Section 45 of the Organic Act to be:

first, to prevent hodge-podge or logrolling legislation, second, to prevent surprise or fraud upon the Legislature by means of provisions in bills of which titles give no intimation; and third, to apprise the people of proposed matters of legislation.

See also *In re Goddard*, 35 Haw. 203, 207-08 (1939); *In re Tom Pong*, 17 Haw. 566, 572-73 (1906); *In re Walker*, 9 Haw. 171 (1893); *Hyman v. Kapena*, 7 Haw. 76, 77-78 (1887). The latter two cases dealt with the predecessor section to Section 45 of the Organic Act, Article 77 of the Constitutions of 1864 and 1887, which read:

To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Article III, Section 15 of the State Constitution is mandatory and a violation thereof would render an enactment nugatory. *In re Goddard, supra; Territory v. Kua*, 22 Haw. 307 (1914). However, we have consistently held, recently in *State v. Kahalewai*, 56 Haw. 481, 541 P.2d 1020 (1975), that every enactment of the legislature is presumptively constitutional, and a party challenging the statute has the burden of showing unconstitutionality beyond a reasonable doubt. *Bishop v. Mahiko*, 35 Haw. 608 (1940); *In re Mott-Smith*, 29 Haw. 343 (1926).

Such a presumption of validity prevails in the consideration of Act 58, and to nullify it on the grounds that it was enacted in violation of the subject-title requirements of the State Constitution, the infraction should be plain, clear, manifest, and unmistakable. *Schnack v. City and County of Honolulu*, 41 Haw. 219, 224 (1955); *Dole v. Cooper*, 15 Haw. 297, 299 (1903).

Thus, in *Montclair v. Ramsdell*, 107 U.S. 147 (1882), the U.S. Supreme Court held that the powers which a township was authorized to exert, including issuing bonds, were parts of the single general topic of township incorporation, as expressed in the title: "An Act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the township of Montclair." In this case, the court stated, in 107 U.S. at 155:

The one general object--the creation of an independent municipality--being expressed in the title, the act in question properly embraced all the means or instrumentalities to be employed in accomplishing that object. As the State Constitution has not indicated the degree of particularity necessary to express in its title the one object of an act, the courts should not embarrass legislation by technical interpretations based upon mere form or phraseology. *The objections should be grave, and the conflict between the statute and the Constitution palpable, before the judiciary should disregard a legislative enactment upon the sole ground that it embraced more than one object, or if but one object, that it was not sufficiently expressed by the title.* (Emphasis added)⁴

We hold that Act 58 dealt with salaries for all officers and employees of the state. Since in our view there is no violation of the single subject requirement of Article III, Section 15 of the State Constitution, appellants' argument that S.B. 1645 was enacted into law as the result of logrolling, with the pay raise

provisions for the executive, judicial, and legislative branches (Parts II, III, and IV) combined with the pay raise provisions for personnel under collective bargaining (Part I), becomes immaterial and irrelevant.⁵ All parts of the act embrace one general subject, to wit: salaries; and these parts are so connected and related to each other, either logically or in popular understanding, as to be parts of or germane to that general subject. These parts are not and cannot be held to be dissimilar or discordant subjects which would render the act unconstitutional.

The term "subject," as used in the constitution is to be given a broad and extended meaning, so as to allow the legislature full scope to include in one act all matters having a logical or natural connection. To constitute duplicity of subject, an act must embrace two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any legitimate connection with or relation to each other. All that is necessary is that act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

Johnson v. Harrison, 47 Minn. 475, 50 N.W. 923, 924 (1894).

The test used to construe a provision similar to Article III, Section 15 of the Constitution, that is, that each law contain a single subject and that the subject be expressed in its title, was set forth in *Territory v. Dondero*, 21 Haw. 19 (1912).⁶ Dondero was convicted for violating a traffic ordinance and fined. The ordinance was entitled: "An ordinance regulating moving travel and traffic upon the streets and other public places of the City and County of Honolulu, providing for the registration, identification, use, and operation of motor cars, and providing penalties for any violation of the ordinance." Dondero contended that a section of this ordinance setting the speed limit was separate from, and went beyond the scope of the title subject, "regulating moving travel and traffic." In upholding the ordinance, this court stated, at 29:

It is sufficient if the title of an ordinance fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead; but an act which contains provisions neither suggested by the title, nor germane to the subject expressed therein, is, to that extent void.

We hold that a liberal construction of this constitutional requirement, *Territory v. Miguel*, 18 Haw. 402, 406-09 (1907); *Ahmi v. Buckle*, 17 Haw. 200, 203 (1905); *Dole v. Cooper, supra*; *Territory v. Oahu County Supervisors*, 15 Haw. 365, 370-71 (1903); *In re Walker*, 9 Haw. 171 (1893), leads to no other conclusion but that the title to Act 58 fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead. As this court stated in *Dole v. Cooper, supra* at 299:

It is true that the provision of the Organic Act "that each law shall embrace but one subject, which shall be expressed in its title" should be liberally construed, and that an act of the legislature should not be held void on the ground that it conflicts with this provision, except in a clear case. It is sufficient if the various parts of an act have a natural connection, are fairly well embraced in one subject, though somewhat general, and expressed in the title. (citation omitted)

While we concede that the title to the act could have been composed in language which would have been clearer and more precise, we are unable to hold that this is a defect which would render the statute void. We stated in *Schnack v. City and County of Honolulu, supra* at 224:

...The language of the title is to be given a liberal interpretation, and the largest scope accorded to the words employed that reason will permit in order to bring within the purview of the title all the provisions of the act.

Obviously, the title of the ordinance referred to is not the most appropriate but that is not essential if it indicates the scope and purpose of the ordinance. Neither is it necessary that the title

inform the reader of the specific contents of the bill. If no portion of the bill is foreign to the subject of the legislation as indicated by the title, however general the latter may be, it is in harmony with the constitutional mandate. (citation omitted)

Appellants also argue that the executive, judicial, and legislative salary increases are illegally included in Act 58 because the scope of that act is restricted to "Cost Items of Collective Bargaining Agreements Covering Public Employees and Officials," by the term "including."

We do not consider that the title of Act 58 became narrow by the use of the term "including," as contrasted with the use of the term "relating" as in *Hyman v. Kapena, supra*, or the use of the term "pertaining" in *Jensen v. Turner, supra*. The term "includes" is ordinarily a term of enlargement, not of limitation; a statutory definition of a thing as "including" certain things does not necessarily impose a meaning limited to the inclusion. *People v. Western Air Lines, Inc.*, 42 Cal. 2d 621, 638-39, 268 P.2d 723, 733 (1954); *United States v. Gertz*, 249 F.2d 662 (9th Cir. 1975).

* * *

¹Appellants also appeal from an order filed March 24, 1976, setting aside an entry of default and dismissing the complaint against the members of the Supreme Court of Hawaii and the circuit court judge who entered the orders appealed from.

²Standing Committee Report No. 569, dated March 12, 1975, from the Senate Committee on Ways and Means states: "The purpose of this bill is to appropriate funds to cover the collective bargaining cost items relating to the contract negotiated with the exclusive bargaining representative for bargaining unit 5 (teachers)." *Senate Journal, Regular Session 1975*, at p. 1048.

³The *Proceedings of the Constitutional Convention of Hawaii 1950*, volume 1, at p. 252, shows that the language of this constitutional provision was based on Section 45 of the Organic Act.

⁴The court in *Montclair v. Ramsdell, supra*, uses the term "object" instead of the word "subject" found in Article III, Section 15 of our State Constitution. Although some holdings have made distinctions between these terms, we may consider the terms to be interchangeable, and the *Montclair* language is clearly applicable. 1A W. Sands, *Sutherland Statutory Construction*, Section 17.01, n. 19 (1972).

⁵In *Ruud, No Law Shall Embrace More Than One Subject*, 42 Minn. L. Rev. 389 at 448, it is stated: The principal purpose of the one-subject rule is said to be to prevent log-rolling. And log-rolling is itself offensive because it subverts the principle of majority rule by enabling two minorities to combine their legislative strengths to obtain a majority vote for their respective proposals. While in one sense no rule of law prevents the conduct it condemns but only deters it, it can be said in a still different sense that the one-subject rule does not prevent log-rolling. The one-subject rule by its very terms does not proscribe log-rolling; it only proscribes the combining of separate subjects in a single bill. The reason, of course, that it condemns bills which embrace more than one subject is that it is assumed that the subjects were combined in one bill for log-rolling purposes, there being no other reasonable or practical reason. The approach of the constitution is quite clearly indirect.

⁶Section 15 of the charter of the City and County of Honolulu (Act 118, Laws of 1907), which was involved, read:

No ordinance shall embrace but one subject, which subject shall be expressed in its title.