

FIFTY-FIFTH DAY

Monday, April 27, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Francine Gries, OSF, Executive Director of Sister Maureen Kaleher Hospice Center, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 327 to 333) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 327, submitting for consideration and consent, the nomination of ARTEMIO C. BAXA to the office of 2nd Judge, Circuit Court of the Second Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 328, dated April 16, 1998, transmitting the 1997 State Energy Resources Coordinator's Annual Report, prepared by the Department of Business, Economic Development, and Tourism pursuant to Section 196-4, HRS, was placed on file.

Gov. Msg. No. 329, dated April 20, 1998, transmitting the 1996-1997 Annual Report prepared by the Hawaii Housing Authority pursuant to Chapter 356, HRS, was placed on file.

Gov. Msg. No. 330, dated April 20, 1998, transmitting corrections to the Annual Report of the Executive Office on Aging, which was transmitted on February 2, 1998, was placed on file.

Gov. Msg. No. 331, dated April 21, 1998, transmitting a report, "Promoting Hawaii-Made Products," prepared by the Department of Business, Economic Development, and Tourism, Business Development and Marketing Division, in response to H.C.R. No. 40 (1997), was placed on file.

Gov. Msg. No. 332, advising the Senate of the withdrawal of the nomination of DAWN MARIE from the Board of Massage Therapy, under Gov. Msg. No. 281, dated March 14, 1998, was placed on file.

In compliance with Gov. Msg. No. 332, the nomination listed under Gov. Msg. No. 281 was returned.

Gov. Msg. No. 333, informing the Senate that on April 23, 1998, he signed the following bills into law:

Senate Bill No. 2740 as Act 24, entitled: "RELATING TO TRUSTS";

Senate Bill No. 2913 as Act 25, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 3317 as Act 26, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 3020 as Act 27, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED";

Senate Bill No. 3215 as Act 28, entitled: "RELATING TO ANIMAL IMPORTATION"; and

House Bill No. 2895 as Act 29, entitled: "RELATING TO RIDING BICYCLES ON ROADWAYS,"

was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 390 to 397) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 390, informing the Senate that the Speaker on April 23, 1998, discharged Representative Cachola and appointed Representative Yoshinaga as a manager on the part of the House at the conference on H.B. No. 2362, H.D. 1, S.D. 1, was placed on file.

Hse. Com. No. 391, informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3088, S.D. 1, and the request for a conference on the subject matter of said amendments, the Speaker on April 23, 1998, appointed Representatives Yonamine, Tom, co-chairmen, Nakasone, Yamane, Marumoto as managers on the part of the House for the consideration of said amendments, was placed on file.

Hse. Com. No. 392, informing the Senate that the Speaker on April 23, 1998, discharged Representative Case and appointed Representative Lee as a manager on the part of the House at the conference on S.B. No. 2887, S.D. 1, H.D. 1, was placed on file.

Hse. Com. No. 393, returning S.B. No. 1081, S.D. 1, which passed Third Reading in the House of Representatives on April 23, 1998, was placed on file.

Hse. Com. No. 394, returning S.C.R. No. 34, S.D. 1, which was adopted by the House of Representatives on April 23, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Tuesday, April 28, 1998.

Hse. Com. No. 395, returning S.C.R. No. 159, which was adopted by the House of Representatives on April 23, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 159, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE OKINAWAN CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was deferred until Tuesday, April 28, 1998.

Hse. Com. No. 396, informing the Senate that the House inadvertently added Representative Santiago as a manager instead of as a co-chairman on the part of the House at the conference on H.B. No. 3453, H.D. 2, S.D. 1, was placed on file.

Hse. Com. No. 397, informing the Senate that the Speaker on April 24, 1998, appointed Representatives Yoshinaga and McDermott as additional managers on the part of the House at the conference on H.B. No. 3302, H.D. 2, S.D. 2, was placed on file.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

STANDING COMMITTEE REPORTS

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3451) recommending that the Senate advise and consent to the nominations of STANLEY S. INKYO and HARUO SHIGEZAWA to the Procurement Policy Board, in accordance with Gov. Msg. No. 210.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3451 and Gov. Msg. No. 210 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3452) recommending that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 198.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3452 and Gov. Msg. No. 198 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3453) recommending that the Senate advise and consent to the nominations of WINIFRED N. ODO, WENDELL P. K. SILVA, CHRIS J. KANAZAWA and ARTHUR W. MARTIN to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 201.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3453 and Gov. Msg. No. 201 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3454) recommending that the Senate advise and consent to the nominations of ALBERT S. NISHIMURA, GLENN K. Y. HONG, MURRAY TOWILL, WILLIAM T. HONJIYO, WILLIAM ROY JOHNSON, RICHARD E. MEIERS, BRUCE A. COPPA, JAMES L. WALTER, LYNNE E. WOODS, ALBERT S. NISHIMURA, MAHANA WILCOX, LOIS HASEGAWA, THERESIA C. MCMURDO, TARA LULANI MCKENZIE and KATHRYN K. INKINEN to the Hawai'i School-to-Work Opportunities Executive Council, in accordance with Gov. Msg. No. 203.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3454 and Gov. Msg. No. 203 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3455) recommending that the Senate advise and consent to the nominations of KENNETH I. CRAW, NORMITA F. FENN and JAMES T. SATO to the Civil Service Commission, in accordance with Gov. Msg. No. 225.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3455 and Gov. Msg. No. 225 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3456) recommending that the Senate advise and consent to the nominations of FRED C. HOLSCHUH, M.D., RUTH ELLEN LINDENBERG, MILDRED R. TANABE, Dr. P.H., GINGER STRAWN, M. VICTOR GEMINIANI, KATHLEEN E. HASEGAWA, DEBRA K. SHIMIZU, CLAIRE WOODS,

SANDRA K. MEEHAN, MARION F. POIRIER and ESETA A. ULU to the General Assistance Advisory Council, in accordance with Gov. Msg. No. 255.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3456 and Gov. Msg. No. 255 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3457) recommending that the Senate advise and consent to the nominations of CHARLENE T. GOO, GLENN K. MURANAKA, EILEEN WACHI, JAMES G. WESTLAKE, RICHARD T. HASHIMOTO, SUSAN AU DOYLE, ALAN GARSON, Ed.D., CHARLES KAWAKAMI, EDWARD M. BOUGHTON, WAYNE H. KISHIDA, JOHN J. K. LEE and M. WINONA CABRAL WHITMAN to the Hawai'i Workforce Development Council, in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3457 and Gov. Msg. No. 273 was deferred until Tuesday, April 28, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3458) recommending that H.C.R. No. 17, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 17, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3459) recommending that H.C.R. No. 74 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING STATE CONTROL OVER INSURANCE LEGISLATION," was adopted.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3460) recommending that H.C.R. No. 84 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD 'ALOHA' AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC," was adopted, with Senator Ige, M., voting "No."

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3461) recommending that H.C.R. No. 9, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 9, S.D. 1, entitled: "HOUSE 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. 3462) recommending that H.C.R. No. 11, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF

HEALTH TO ASSESS MENTAL HEALTH SERVICES AND TO PROVIDE NEEDED SERVICES FOR CHILDREN UNDER FIVE YEARS OF AGE AS EARLY AS POSSIBLE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3463) recommending that H.C.R. No. 20, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 20, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO CONTINUE TO MONITOR LOCAL ADHERENCE TO CENTERS FOR DISEASE CONTROL GUIDELINES AND TO ENCOURAGE PROFESSIONAL ORGANIZATIONS TO EDUCATE THE MEDICAL COMMUNITY ON IMPROPER PRESCRIPTION PRACTICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3464) recommending that H.C.R. No. 26, H.D. 2, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 26, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW HAWAII'S IMPAIRED DRIVING STATUTES AND TO MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3465) recommending that H.C.R. No. 30, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT A STATE OF HAWAII APPLICATION TO THE UNITED STATES SECRETARY OF TRANSPORTATION TO AUTHORIZE FOREIGN AIR CARRIERS TO CONDUCT CERTAIN EXPANDED CARGO TRANSFER ACTIVITIES AT INTERNATIONAL AIRPORTS IN THE STATE OF HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3466) recommending that H.C.R. No. 35, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3467) recommending that H.C.R. No. 36 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3468) recommending that H.C.R. No. 46, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

H.C.R. No. 46, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO PROMOTE HAWAII-GROWN AND HAWAII-MADE AGRICULTURAL PRODUCTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3469) recommending that H.C.R. No. 53, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 53, H.D. 1, entitled: "HOUSE 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. 3470) recommending that H.C.R. No. 60, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 60, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONSTRUCTION OF A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3471) recommending that H.C.R. No. 80 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE, CIVIL DEFENSE DIVISION TO CONDUCT A STUDY ON THE AVAILABILITY AND CONDITION OF HURRICANE-RESISTANT PUBLIC SHELTERS WITHIN EACH COUNTY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3472) recommending that H.C.R. No. 83, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 83, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CUSTOMS SERVICE AND THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE TO SEEK OUT AND ASSESS TECHNOLOGIES THAT WILL EXPEDITE THE CUSTOMS AND IMMIGRATION CLEARANCE PROCESS AT THE HONOLULU INTERNATIONAL AIRPORT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3473) recommending that H.C.R. No. 107 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3474) recommending that H.C.R. No. 112 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT

RESOLUTION REQUESTING THE ESTABLISHMENT OF THE BUSINESS ALOHA TEAM PROGRAM TO ASSIST INDIVIDUAL BUSINESSES IN CREATING AND RETAINING JOBS WITHIN THE STATE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3475) recommending that H.C.R. No. 114, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 114, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3476) recommending that H.C.R. No. 117, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 117, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR DIVER'S EDUCATION COURSE GRADUATES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3477) recommending that H.C.R. No. 119, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 119, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE AND REQUESTING A STUDY AND REPORT ON A NEW HEALTH CARE ASSURANCE PROGRAM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3478) recommending that H.C.R. No. 120, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 120, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON EARLY CHILDHOOD EDUCATION AND CARE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3479) recommending that H.C.R. No. 121 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDREN'S HEALTH INSURANCE PROGRAM PLANNING COMMITTEE TO DEVELOP UNIVERSAL HEALTH COVERAGE FOR ALL OF HAWAII'S CHILDREN," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3480) recommending that H.C.R. No. 139 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE CONFERENCE ON THE FUTURE ROLE OF THE RESIDENTIAL CARE HOME INDUSTRY IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3481) recommending that H.C.R. No. 141 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3482) recommending that H.C.R. No. 147 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DETERMINE AND RECOMMEND TO THE LEGISLATURE THE NECESSARY STEPS TO ENHANCE THE CORPORATION'S ABILITY TO NEGOTIATE CONTRACTS THAT DETERMINE THE REIMBURSABLE COSTS FOR MEDICAL SERVICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3483) recommending that H.C.R. No. 155 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3484) recommending that H.C.R. No. 163, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 163, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BIG ISLAND'S YOUTH LEADERSHIP DEMONSTRATION PROJECT BE ALLOWED TO USE GENERAL FUNDS IN A MANNER THAT WOULD GENERATE ADDITIONAL SOURCES OF REVENUE TO FINANCIALLY SUSTAIN FUTURE STUDENT PROGRAMS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 162, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 162, H.D. 1, S.D. 1, entitled: "HOUSE 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. 3486) recommending that H.C.R. No. 197, H.D. 1, S.D. 1, be adopted.

Senator McCartney moved that H.C.R. No. 197, H.D. 1, S.D. 1, be adopted, seconded by Senator Slom.

Senator M. Ige then requested that his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 197, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO ADDRESS THE TEACHER SHORTAGE AND TEACHER TRAINING NEEDS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3487) recommending that H.C.R. No. 212, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 212, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII, AND THE PRIVATE SECTOR TO DEVELOP PARTNERSHIPS, TO PROVIDE ADDITIONAL SUPPORT FOR EDUCATION THROUGH CURRICULUM DEVELOPMENT AND RELATED TRAINING OPPORTUNITIES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3488) recommending that H.C.R. No. 213, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 213, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, IN COOPERATION WITH THE LEEWARD DISTRICT OFFICE OF THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO STUDY AND REPORT ON THE FEASIBILITY OF UTILIZING THE FORMER SHERATON MAKAHA INN AS AN EDUCATIONAL, TRAINING, CONFERENCE, AND OUTREACH FACILITY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3489) recommending that H.C.R. No. 223, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 223, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND SUBSTANCE ABUSE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3490) recommending that H.C.R. No. 226, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 226, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION AND PRIVATE ORGANIZATIONS TO ASSIST THE PHILIPPINE CENTENNIAL CELEBRATION COORDINATING COMMITTEE/HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3491) recommending that H.C.R. No. 240, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 240, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORGANIC INDUSTRY AS AN AGRICULTURAL COMMODITY GROUP," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3492) recommending that H.C.R. No. 242, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 242, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO REVITALIZE THE AGRICULTURE INDUSTRY BY PROMOTING THE CONSUMPTION OF HAWAII-GROWN PRODUCTS AND HAWAII-PROCESSED FOODS ON DESIGNATED DAYS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3493) recommending that H.C.R. No. 244, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 244, H.D. 1, S.D. 1, entitled: "HOUSE 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. 3494) recommending that S.R. No. 18, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 18, S.D. 1, S.D. 1, entitled: "SENATE 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. 3495) recommending that H.C.R. No. 14, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 14, H.D. 1, S.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY, AND A SEPARATE STUDY TO ANALYZE THE PROBABLE EFFECT OF THE PROPOSED REGULATORY LANGUAGE CHANGE FOR PHYSICIAN ASSISTANTS CONTAINED IN SENATE BILL NO. 3234 (1998)," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3496) recommending that H.C.R. No. 24, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 24, H.D. 1, S.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3497) recommending that H.C.R. No. 38, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 38, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3498) recommending that H.C.R. No. 48, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION INVITING THE CHILDREN'S MILLENNIUM CONFERENCE TO HONOLULU IN OCTOBER 1999," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3499) recommending that H.C.R. No. 50, H.D. 2, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 50, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FORMULATE A NEW QUEST DISTRIBUTION METHODOLOGY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3500) recommending that H.C.R. No. 67, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 67, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL WATERSHED, WATER QUALITY IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORTS IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI CANAL WATERSHED," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3501) recommending that H.C.R. No. 88, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 88, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ACTUARIAL STUDY AND A PROGRAMMATIC AUDIT OF THE PUBLIC EMPLOYEES HEALTH FUND OPERATIONS, AND 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. 3502) recommending that H.C.R. No. 90, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 90, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION TO PROVIDE FILIPINO-AMERICAN VETERANS WHO SERVED HONORABLY IN ACTIVE-DUTY STATUS UNDER USAFFE, OR WITHIN THE PHILIPPINE ARMY, THE PHILIPPINE SCOUTS, OR

RECOGNIZED GUERRILLA UNITS BETWEEN SEPTEMBER 1, 1939 AND DECEMBER 31, 1946, WITH THE SAME VETERANS BENEFITS AS PERSONS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3503) recommending that H.C.R. No. 102, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 102, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO RESOLVE THE PROBLEMS WITH THE HONOLULU SYMPHONY AND WORK TOWARDS AN AMICABLE SETTLEMENT OF BOOKING DATES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3504) recommending that H.C.R. No. 116, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 116, S.D. 1, entitled: "HOUSE 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. 3505) recommending that H.C.R. No. 202, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 202, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF AGRICULTURE TO CONVENE A SERIES OF MEETINGS TO ASSESS AND RECOMMEND SOLUTIONS REGARDING LAND TENURE AND FINANCING TO ASSIST HAWAII'S AGRICULTURAL DEVELOPMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3506) recommending that H.C.R. No. 225, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 225, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," was adopted.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3507) recommending that H.C.R. No. 235, H.D. 1, as amended in S.D. 1, be adopted.

Senator Levin moved that H.C.R. No. 235, H.D. 1, S.D. 1, be adopted, seconded by Senator Chun Oakland.

Senator Sakamoto rose in opposition and said:

"Mr. President, I rise in objection to that reso.

"I guess there are several matters. First, as I read the title, 'Relating to lead acid battery recycling, citizen suits to enforce endangered species laws, and unisex toilet facilities for persons requiring assistance,' is confusing. I think most of the other resos, I don't know about all, the title says what it does and what it proposes to do. And these are three separate subjects.

They're not even related. So I object to using the reso process in this manner. That's my first objection.

"Secondly, as I read the part related to endangered species, one of the 'whereas' clauses stated 'without additional enforcement tools,' and it goes on to say we aren't able to enforce the current laws. Mr. President, I don't believe we need more enforcement tools. I believe we need better enforcement. We need better cooperation. I think we need to better work together. Then it went on to say that it was going to study the literature on frivolous law suits, burdensome costs, fees, other things. This body has refused to hear the issue of tort reform in committee, Mr. President. People say there's been a two-year study, but why should a special interest then say, well let's carve out looking at frivolous law suits just for us, just for this particular issue.

"I think we have a problem when we want to deal with an issue looking at it in a myopic sense. I think we as a body, we as a Legislature, owe the constituents to deal with issues that are on a broad basis, broad basis. And I think issues like unisex toilets is a very important human issue. So I'm not speaking against the people who need to assist somebody else in the toilet, but is this an issue of more importance than tort reform and frivolous law suits and burdensome costs that are driving businesses out of this state, that are keeping businesses from coming to the state, keeping people from having hope, Mr. President.

"I don't think the issue this session is only general excise tax. The issue is about how to give the people hope and this kind of measure is not the way to give people hope, Mr. President."

Senator Iwase also rose in opposition and said:

"Mr. President, I will also be voting 'no' on the resolution, but for a different reason than the previous speaker.

"As I understand it, this issue was just brought to my attention, as it initially came out, it was relating to lead acid batteries. If I'm incorrect, then maybe the co-chair can correct me, but that was the title. And we've added, as the Senator from Moanalua pointed out, two other totally, wholly, unrelated subject matters into a 'Christmas tree' resolution.

"As I understand the process, Mr. President, if we're going to make this kind of drastic surgery to resolutions, we ought to notice the public of our intent and the actions we are going to take. We had in our committee a resolution, H.C.R. No. 177. We were going to gut the resolution, which we did, to wholly unrelated subjects, which we did, but we noticed in our notice of hearing to the public that the committee will hold decision-making on H.C.R. No. 177, no testimony will be accepted, the committee intends to replace the contents of the resolution with the title and the language of the S.C.R. that we utilized. And if we are truly concerned about receiving public comments on our actions, we ought to notify the public of what our actions are going to be.

"In this case, as in other cases that I've spoken about, I find that the procedures were not really complied with either in letter or spirit or intent, and therefore, I have to cast a 'no' vote for that procedural reason.

"Thank you."

Senator Levin rose to support the measure and said:

"Mr. President, I rise to speak in favor of the resolution.

"I really appreciate the comments from the Senator from Moanalua and he has pointed out a paragraph, a 'whereas' clause on page 2 of the resolution which probably does overstate the position and should have been more neutral. It deals with finding that additional enforcement tools are

necessary to effectively protect the environment. We should have, in hindsight, indicated that is an issue that is on the table.

"I would point out to my colleagues that the language in the resolution was suggested by the Legislative Reference Bureau to assure that we would not be overly burdening them, and that they feel the kind of study that's being requested would be valuable.

"I also want to assure my colleagues that all issues that are in this resolution were heard by the Health Committee. We had separate resolutions which passed the committee, I believe unanimously and without objection. We have incorporated those resolutions here because along the way they fell through various cracks. We have also gotten support from the other committees to which they would have been referred the first time around.

"So I hope for your support. Thank you."

Senator Iwase responded:

"Mr. President, just in response.

"The resolution that we put into H.C.R. No. 177, as the Senator from the Big Island, falls into the category of one that was lost in the cracks and we were informed that this was the procedure that we had to follow. We found the resolution and we took the time to look for a resolution that was moving, we had passed previously, a Senate concurrent resolution, a companion resolution over in the House, a House companion is in our committee, we took this resolution and put in S.C.R. No. 61. We noticed it. That's the procedure that we were told that we should follow. I agree with that procedure. I have no dispute with that procedure.

"In closing, Mr. President, I would like to emphasize, again, that this is not the first time. I know we're at the end of session. I know there's a crunch. I've been here eight years and I know we've got to do all kinds of things that we've got to do in order to get good legislation out. But this is another example, I think, of perhaps forgetting that rules exist for the purpose of doing something. And we ought to stop and reflect and see what we're doing and not have 'Christmas tree' bills, and not have 'Christmas tree' resolutions. And if we're going to really talk publicly about collaboration and public input, then we ought to live the words that we speak.

"Thank you."

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

The Senate reconvened at 12:28 o'clock p.m.

Senator Solomon rose to speak against the measure and said:

"Mr. President, I also will be voting 'no.' I had a community get-together this past weekend and many, many of my senior citizens came forward and asked me to please support the unisex toilet facilities for persons requiring assistance. And of course, I'm very much in support of that concept and I shared with them that I would be very pleased to vote for that resolution once it comes to the floor. Unfortunately, Mr. President, I cannot for the reasons that were stated by the Senator from Mililani.

"Mr. President, why is it that rules change in this body? For some committees we're told that we have to follow a certain procedure and for other committees it's okay not to follow. I've noticed this happening early in the session when we had a dispute on this floor regarding rules and how they were applicable to various committees in terms of our procedures. It's mind-boggling as we come to the end of our session and I'm wondering, is this going to be happening with the budget and everything else that's before us, and even on items that are

now in conference committees? Are different committees going to be given special prerogatives and other committees not as they negotiate positions. Exactly what are we able to do to make the decisions that are necessary to push our Senate positions forward.

"And, Mr. President, I don't know if it's you, or the Majority Leaders or whom is responsible, but I really would like to state for the record, by memo or however we're handling it, that these kinds of procedures will have to cease if we are expected, as co-chairmen, to move forward.

"And with that, Mr. President, these are my reasons and I will be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 235, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO LEAD ACID BATTERY RECYCLING, CITIZEN SUITS TO ENFORCE ENDANGERED SPECIES LAWS, AND UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE," was adopted, on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon). Excused, 1 (Tanaka).

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nominations of FREDERICK R. WARSHAUER and MARIE PATRICIA MORIN, Ph.D., to the Endangered Species Recovery Committee, in accordance with Gov. Msg. No. 137.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. No. 137 was deferred until Tuesday, April 28, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of TODD K. INAFUKU to the Drug Product Selection Board, in accordance with Gov. Msg. No. 229.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 229 was deferred until Tuesday, April 28, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3510) recommending that the Senate advise and consent to the nomination of JOHN MCNEIL to the Hawai'i County Subarea Health Planning Council, in accordance with Gov. Msg. No. 261.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3510 and Gov. Msg. No. 261 was deferred until Tuesday, April 28, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3511) recommending that the Senate advise and consent to the nominations of GERALDINE L. MASUNAGA, ROBERT K. OVERLOCK, M.D., DAVID M. NELSON, M.D., THOMAS A. VEATCH, RANDOLPH K. M. WONG, M.D., and LINDA W. WONG to the Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3511 and Gov. Msg. No. 278 was deferred until Tuesday, April 28, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3512) recommending that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 319.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3512 and Gov. Msg. No. 319 was deferred until Tuesday, April 28, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3513) recommending that the Senate advise and consent to the nominations of the following:

HERMAN T. ANDAYA, JR., and NORRIE THOMPSON to the Board of Registration, Island of Oahu, in accordance with Gov. Msg. No. 300;

DAVID M. VIEIRA SR., and JEANNE E. YAGI to the Board of Registration, Island of Hawai'i, in accordance with Gov. Msg. No. 301;

JOY F. HIRAOKA to the Board of Registration, Kauai and Niihau, in accordance with Gov. Msg. No. 302; and

HARRIETTE L. HOLT to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3513 and Gov. Msg. Nos. 300, 301, 302 and 303 was deferred until Tuesday, April 28, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3514) recommending that the Senate advise and consent to the nomination of PAULA CHUN to the Criminal Injuries Compensation Commission, in accordance with Gov. Msg. No. 253.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3514 and Gov. Msg. No. 253 was deferred until Tuesday, April 28, 1998.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3410 (Gov. Msg. No. 233):

Senator Kawamoto moved that Stand. Com. Rep. No. 3410 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of CHRISTOPHER H. MAI, M.D., NEAL JUN SHIKUMA, M.D., and KEVIN K. LUI, O.D., to the Medical Advisory Board, terms to expire June 30, 2002, seconded by Senator Sakamoto.

Senator Kawamoto rose in support and said:

"Mr. President, your Committee on Transportation and Intergovernmental Affairs has reviewed and considered the qualifications of all the nominees and we urge this Senate body to confirm these individuals to the Medical Advisory Board."

Senator Matsunaga requested a conflict ruling as follows:

"Mr. President, I have a potential conflict. Mr. Kevin Lui is my optometrist."

The Chair ruled that Senator Matsunaga was not in conflict.

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

Ayes, 23. Noes, none. Excused, 2 (Ige, M., Tanaka).

ADOPTION OF HOUSE CONCURRENT RESOLUTIONS

H.C.R. No. 21, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 21, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING LEASE REISSUANCE FOR SUBMERGED LANDS FOR BOAT MOORING FACILITIES AT THE WAIKIKI YACHT CLUB AND HAWAII YACHT CLUB, AND THE MARINE FUEL FACILITY SITUATED AT THE ALA WAI SMALL BOAT HARBOR PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES," was adopted.

H.C.R. No. 69, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 69, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 69, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE COASTAL ZONE MANAGEMENT PROGRAM, THE DEPARTMENT OF THE NAVY, THE DEPARTMENT OF THE ARMY, THE DEPARTMENT OF THE AIR FORCE, THE DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE, AND THE UNITED STATES ARMY CORPS OF ENGINEERS TO PLAN AND IMPLEMENT BEACH RESTORATION AND NOURISHMENT PROJECTS IN HAWAII," was adopted.

H.C.R. No. 135, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 135, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 135, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION," was adopted.

H.C.R. No. 143, H.D. 3:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 143, H.D. 3, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 143, H.D. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE 1991 AUDITOR'S STUDY ON DEPARTMENT OF HAWAIIAN HOME LANDS ENTITLEMENTS," was adopted.

H.C.R. No. 156, S.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 156, S.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 156, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY, COMPILE, AND SUMMARIZE AVAILABLE DEMOGRAPHIC DATA ON NATIVE HAWAIIANS," was adopted.

H.C.R. No. 177, H.D. 1, S.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 177, H.D. 1, S.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 177, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE AUDITOR'S RECOMMENDATIONS OF THE MANAGEMENT OF MAUNA KEA AND THE MAUNA KEA SCIENCE RESERVE," was adopted.

H.C.R. No. 245, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 245, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING 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.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2874, S.D. 2 (H.D. 2):

Senator Chun Oakland moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2874, S.D. 2, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 2874, S.D. 2, seconded by Senator Kanno.

Senator Chun Oakland noted:

"Mr. President, S.B. No. 2874, S.D. 2, H.D. 2, clarifies the role of the Department of Human Services with regard to abused and neglected children. Your Senate Committee on Human Resources concurs with these changes."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2874, S.D. 2, and S.B. No. 2874, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," was placed on the calendar for Final Reading on Tuesday, April 28, 1998.

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

Senator Chun Oakland moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3002, S.D. 2, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 3002, S.D. 2, seconded by Senator Kanno.

Senator Chun Oakland then noted:

"Mr. President, on S.B. No. 3002, S.D. 2, H.D. 1, the purpose of this Senate bill is to enable the Department of Human Services to impose civil or administrative penalties against health maintenance organizations under contract with the department for specific violations of law or contract. The House has amended this bill further to allow DHS to impose a civil or administrative penalty against any health plan under contract with DHS. Your Senate Committee on Human Resources concurs with this amendment."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3002, S.D. 2, and S.B. No. 3002, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," was placed on the calendar for Final Reading on Tuesday, April 28, 1998.

ADJOURNMENT

At 12:36 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 28, 1998.