

## SIXTY-SECOND DAY

Friday, May 8, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:15 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Marilyn Chinen, Senate Majority Office, after which the Roll was called showing all Senators present with the exception of Senators Aki, Fernandes Salling, Solomon and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Sixty-First Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 455 to 457) were read by the Clerk and were placed on file:

Hse. Com. No. 455, dated May 5, 1998, informing the Senate that the following concurrent resolutions were Finally Adopted in the House of Representatives:

H.C.R. No. 88, H.D. 1, S.D. 1, C.D. 1;  
S.C.R. No. 28, S.D. 1, H.D. 1, C.D. 1;  
S.C.R. No. 146, S.D. 2, H.D. 1, C.D. 1; and  
S.C.R. No. 191, S.D. 2, H.D. 1, C.D. 1.

Hse. Com. No. 456, returning S.C.R. No. 216, which was adopted by the House of Representatives on May 6, 1998.

Hse. Com. No. 457, informing the Senate that S.B. No. 1089, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on May 6, 1998.

## CONFERENCE COMMITTEE REPORTS

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2633, S.D. 1, presented a report (Conf. Com. Rep. No. 136) recommending that S.B. No. 2633, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136 and S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2680, H.D. 2, presented a report (Conf. Com. Rep. No. 137) recommending that H.B. No. 2680, H.D. 2, S.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137 and H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2990, H.D. 2, presented a report (Conf. Com. Rep. No. 138) recommending that H.B. No. 2990, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138 and H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3443, H.D. 1, presented a report (Conf. Com. Rep. No. 139) recommending that H.B. No. 3443, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139 and H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2560, H.D. 2, presented a report (Conf. Com. Rep. No. 140) recommending that H.B. No. 2560, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140 and H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Levin, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 379, S.D. 2, presented a report (Conf. Com. Rep. No. 141) recommending that S.B. No. 379, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141 and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 760, presented a report (Conf. Com. Rep. No. 142) recommending that S.B. No. 760, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142 and S.B. No. 760, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2204, S.D. 2, presented a report (Conf. Com. Rep. No. 143) recommending that S.B. No. 2204, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143 and S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2350, S.D. 1, presented a report (Conf. Com. Rep. No. 144) recommending that S.B. No. 2350, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144 and S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

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

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

"Mr. President, when we first started off I understood that the session was going to be 60 days. We keep extending or the governor is extending us. I spend a lot of time here. My business is going down the tube.

"On opening day I did say the economy was bad and we were in trouble. Today we passed a conference committee report for the estate, which is fine. But that does nothing for the economy. We still have privatization. We still have workmen's comp. We have a lot of problems that we could solve with the economy of this state. We're not doing a darn thing.

"I want to know, Mr. President, what procedure do we have to go through if I wanted to make a motion to pull the privatization bill since I am a conferee. I've been here all damn day and I'm really getting a little upset. We don't move on anything. What procedure would I do to pull it? Would I go ahead and ask for S.B. No. 2213, S.D. 2, H. D. 2, and then look for a second, or do I do it like the other day where we came down and we got nine names to pull a bill, and then we go into a conference room, and then there's not enough darn names to go ahead and pass the bill?

"I want to know the game playing so that I can get over with the frustrations that I'm having day after day. Today I understand that we might get out of here Monday; we might get out of here Wednesday, maybe Friday. Well, I don't know about you folks, but I've got a lot of other good things I could be doing -- a lot of family things; Mother's Day, as you know, is coming up this weekend. There's lots of things all of us could be doing. So I'd like to know the procedure, Mr. President.

"Thank you."

The Chair then responded:

"We have about 2-1/2 hours on the clock before midnight. Regarding the privatization bill, we are very close to having agreement with the House. So if you have some patience, we hope that the conferees will meet before midnight and agree to a privatization bill."

Senator Anderson remarked:

"I think that's what I heard about a week ago, Mr. President.

"Thank you very much."

At 9:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:33 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 3000, S.D. 2, H.D. 2:

Senator Kanno 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. 3000, S.D. 2, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 3000, S.D. 2, seconded by Senator Chun Oakland.

Senator Kanno noted:

"Mr. President, the purpose of this bill is to streamline the administration and processing of pension payments within the ERS. The House made technical amendments, and an amendment to the language on membership termination."

The motion was put by the Chair and carried.

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3000, S.D. 2, and S.B. No. 3000, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Aki, Fernandes Salling, Solomon, Tanaka).

S.B. No. 2413, S.D. 2, H.D. 2:

Senator Levin 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. 2413, S.D. 2, seconded by Senator Ihara and carried.

Senator Levin moved that the Senate agree to the amendments proposed by the House to S.B. No. 2413, S.D. 2, seconded by Senator Ihara.

Senator Levin then noted:

"Mr. President, this bill has three provisions. The first is to call for a new chapter establishing voluntary disclosure of environmental violations, an environmental audit provision. The second provision raises the cap on the oil special fund from \$7 million to \$20 million. And the third moves CZM into the Office of Environmental Quality Control."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2413, S.D. 2, and S.B. No. 2413, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was placed on the calendar for Final Reading on Monday, May 11, 1998.

At 9:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:41 o'clock p.m.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 9:43 o'clock p.m., the Senate took the following actions:

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3403, H.D. 2, presented a report (Conf. Com. Rep. No. 145) recommending that H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 145 and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1824, H.D. 2, presented a report (Conf.

Com. Rep. No. 146) recommending that H.B. No. 1824, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 146 and H.B. No. 1824, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred for a period of 48 hours.

**ADJOURNMENT**

At 12:00 o'clock midnight, the Senate adjourned until 3:00 o'clock p.m., Monday, May 11, 1998.