

TWENTY-FOURTH DAY

Wednesday, March 3, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 209 to 224) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 209, dated February 10, 1999, transmitting the 1998 Barbers Point Naval Air Station Redevelopment Commission Annual Report, pursuant to Act 359, SLH 1997, was placed on file.

Gov. Msg. No. 210, dated February 23, 1999, transmitting the 1998 Annual Reports of the Housing Finance and Development Corporation (HFDC) and the Hawaii Housing Authority (HHA), pursuant to Chapter 201E, HRS, was placed on file.

Gov. Msg. No. 211, dated February 16, 1999, transmitting a report, "Tax Credits claimed by Hawaii Residents - 1996," prepared by the Department of Taxation, was placed on file.

Gov. Msg. No. 212, dated February 17, 1999, transmitting the report of the Permit Process Task Force on Act 127, SLH 1997, prepared by the Department of Business, Economic Development, and Tourism, Office of Planning, was placed on file.

Gov. Msg. No. 213, dated March 1, 1999, transmitting the 1997-1998 Annual Report prepared by the State Foundation on Culture and the Arts, pursuant to Chapter 9, HRS, was placed on file.

Gov. Msg. No. 214, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nominations of: ALBERT "BENNY" RODERO, term to expire June 30, 2002; and GABRIEL K. KILAKALUA, JR., term to expire June 30, 2003, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 215, submitting for consideration and confirmation to the Civil Service Commission, the nominations of: LINDA R. LAI, term to expire June 30, 2001; GLADYS M. KOTAKI, term to expire June 30, 2002; and BOB T. KITA, term to expire June 30, 2003, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 216, submitting for consideration and confirmation to the Correctional Industries Advisory Committee, the nominations of WILLIAM T. EMMSLEY, JR., and HARLOW M.S.L. URABE, terms to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 217, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of JUDY SOBIN, term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 218, submitting for consideration and confirmation to the Board of Trustees, Employees' Retirement

System, the nomination of RICHARD L. HUMPHREYS, term to expire January 1, 2005, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 219, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nominations of RANDALL M. HASHIMOTO, JAY I. ISHIBASHI and CAROL S. SAKATA, terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 220, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nomination of JAMES K. TSUGAWA, term to expire June 30, 2000, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 221, submitting for consideration and confirmation to the Land Use Commission, the nomination of STANLEY H. ROHRIG, term to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 222, submitting for consideration and confirmation to the Board of Massage Therapy, the nominations of: MICHELLE NAKATA and EMY M. YAMAUCHI, terms to expire June 30, 2002; and LEE YETTA STEIN, term to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 223, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of REGINALD E. DAVID, term to expire June 30, 2000, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 224, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nominations of TOY G. GRICE and EDWARD M. KAWAMURA, terms to expire June 30, 2003, was referred to the Committee on Transportation and Intergovernmental Affairs.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 21 and 22) were read by the Clerk and were placed on file:

Dept. Com. No. 21, from the State Auditor dated February 23, 1999, transmitting a report, "Audit of the Hawaii Health Systems Corporation," (Report No.99-9).

Dept. Com. No. 22, from the State Auditor dated February 26, 1999, transmitting a report, "Audit of the Convention Center Authority: Final Report," (Report No. 99-10).

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 8 to 28) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 8, transmitting H.B. No. 83, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 83, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 9, transmitting H.B. No. 86, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 86, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 10, transmitting H.B. No. 160, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 160, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 11, transmitting H.B. No. 165, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 12, transmitting H.B. No. 177, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 177, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 13, transmitting H.B. No. 300, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 300, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 605, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 605, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 955, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 955, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, transmitting H.B. No. 983, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 983, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 17, transmitting H.B. No. 996, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 996, entitled: "A BILL FOR AN ACT RELATING TO MEETINGS OF STATE AND COUNTY BOARDS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 997, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 997, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 19, transmitting H.B. No. 999, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 999, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 20, transmitting H.B. No. 1013, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1013, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 21, transmitting H.B. No. 1114, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 22, transmitting H.B. No. 1145, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1145, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 23, transmitting H.B. No. 1431, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1431, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 24, transmitting H.B. No. 1464, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRIMARY ELECTION DATE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 25, transmitting H.B. No. 1469, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1469, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 26, transmitting H.B. No. 1492, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1492, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 27, transmitting H.B. No. 1496, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEADLY OR DANGEROUS WEAPONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 28, transmitting H.B. No. 1497, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1497, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed First Reading by title and was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 46 to 59) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO BUILD A PERMANENT LIBRARY/ADMINISTRATION BUILDING FOR KIHEI ELEMENTARY SCHOOL."

Offered by: Senator Chumbley.

Referred to: Committee on Education and Technology, then to the Committee on Ways and Means

No. 47 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ESTABLISH AND IMPLEMENT A TOURISM MARKETING AND PROMOTION PLAN TO ATTRACT PARTICIPANTS AND SPECTATORS OF THE 2000 SUMMER OLYMPICS IN SYDNEY, AUSTRALIA TO HAWAII."

Offered by: Senators Iwase, Buen, Chun, Chun Oakland, Kawamoto, Matsuura, Sakamoto, Tam, Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 48 "SENATE CONCURRENT RESOLUTION RELATING TO DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN HAWAII."

Offered by: Senators Iwase, Buen, Chun, Chun Oakland, Inouye, Kawamoto, M. Ige, Matsuura, Sakamoto, Tam, Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 49 "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF A LONG-TERM STRATEGIC PLAN OF ACTION FOR THE STATE'S TRAVEL AND TOURISM INDUSTRY."

Offered by: Senators Iwase, Buen, Chun, Chun Oakland, Kawamoto, M. Ige, Matsuura, Sakamoto, Tam, Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 50 "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE POTENTIAL OF ESTABLISHING A MEDICINAL HERB INDUSTRY IN THE STATE."

Offered by: Senators Iwase, Buen, Chun Oakland, Inouye, Kawamoto, M. Ige, Matsuura, Sakamoto, Tam, Tanaka.

Referred to: Jointly to the Committee on Economic Development and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 51 "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF ENTREPRENEURIAL PATHWAYS FOR ECONOMIC GROWTH INTO THE NEW MILLENNIUM."

Offered by: Senators Iwase, Buen, Chun, Chun Oakland, Inouye, Kawamoto, M. Ige, Matsuura, Sakamoto, Tam, Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 52 "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF A SMART PARK IN THE DISTRICT OF KAKA'AKO."

Offered by: Senators Iwase, Buen, Chun Oakland, Inouye, Kawamoto, M. Ige, Matsuura, Sakamoto, Tanaka.

Referred to: Jointly to the Committee on Economic Development and the Committee on Education and Technology, then to the Committee on Ways and Means

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ARMY TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR MILITARY TRAINING AND RELATED ACTIVITIES AT THE MAKUA MILITARY RESERVATION ON OAHU."

Offered by: Senators Hanabusa, Buen, Chumbley, Chun, Chun Oakland, Kanno, Matsuura, Nakata, Slom, Tam, Tanaka.

Referred to: Committee on Transportation and Intergovernmental Affairs

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE LIMITED INVOLVEMENT OF

SCHOOL PRINCIPALS IN COMPLYING WITH THE FELIX-WAIHEE CONSENT DECREE."

Offered by: Senators Hanabusa, Buen, Chun, Chun Oakland, Kanno, Kawamoto, Matsuura, Nakata, Slom, Tam, Tanaka, Taniguchi.

Referred to: Committee on Education and Technology, then to the Committee on Ways and Means

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Offered by: Senators Hanabusa, Buen, Chun, Chun Oakland, Kanno, Kawamoto, Matsuura, Nakata, Slom, Tanaka.

Referred to: Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 56 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO ASSIST IN THE PROCESS OF NATIVE HAWAIIAN SELF-GOVERNANCE."

Offered by: Senators Hanabusa, Chun, Kanno, Matsuura, Nakata, Tanaka.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Water, Land, and Hawaiian Affairs

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES."

Offered by: Senators Hanabusa, Chun, Kanno, Matsuura, Nakata, Tanaka.

Referred to: Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 58 "SENATE CONCURRENT RESOLUTION URGING THE STATE FOUNDATION ON CULTURE AND ARTS AND THE OFFICE OF HAWAIIAN AFFAIRS TO WORK EXPEDITIOUSLY WITH HALAU HALOA, THE NATIONAL ACADEMY OF HAWAIIAN PERFORMING ARTS, TO COMPLETE THE PLANNING FOR THE EIGHTH PACIFIC FESTIVAL OF ARTS."

Offered by: Senators Hanabusa, Chun, Kanno, Matsuura, Nakata, Tanaka.

Referred to: Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Education and Technology

No. 59 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE LIBRARIAN TO CHANGE INTERNET ACCESS POLICIES TO ALLOW FOR THE DOWNLOADING OF E-MAIL ONTO FLOPPY DISKS."

Offered by: Senator Tam.

Referred to: Committee on Education and Technology, then to the Committee on Ways and Means

SENATE RESOLUTION

The following resolution (S.R. No. 26) was read by the Clerk and was referred to committees:

Senate Resolution

No. 26 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO BUILD A PERMANENT LIBRARY/ADMINISTRATION BUILDING FOR KIHEI ELEMENTARY SCHOOL."

Offered by: Senator Chumbley.

Referred to: Committee on Education and Technology, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 533) recommending that S.C.R. No. 3, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING APPROVAL OF THE FORD ISLAND DEVELOPMENT PROJECT BY THE U.S. CONGRESS," was adopted.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 534) recommending that S.R. No. 3, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 3, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING APPROVAL OF THE FORD ISLAND DEVELOPMENT PROJECT BY THE U.S. CONGRESS," was adopted.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 535) recommending that S.R. No. 10 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 10, entitled: "SENATE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF SENATE PROCEEDINGS," was adopted.

Senator Kawamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 536) recommending that S.C.R. No. 27, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.C.R. No. 27, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CALLING FOR A TASK FORCE AND REQUESTING A STUDY TO REVIEW THE FISCAL NEEDS OF THE STATE HIGHWAY FUND AND REPORT ON DEVELOPING A REVENUE PLAN FOR THE HIGHWAYS DIVISION," was referred to the Committee on Ways and Means.

Senator Kawamoto, jointly with Senator Inouye, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 537) recommending that S.C.R. No. 13, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 13, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING CONTINUING EFFORTS TO DEVELOP HILO'S BAYFRONT," was referred to the Committee on Ways and Means.

Senator Kawamoto, jointly with Senator Inouye, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a joint report (Stand Com. Rep. No. 538) recommending that S.R. No. 4, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 4, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING CONTINUING EFFORTS TO DEVELOP HILO'S BAYFRONT," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 539) recommending that S.C.R. No. 25, be referred to the Committee on Ways and Means.

On motion by Senator Chun, 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 DIRECTOR OF TRANSPORTATION TO CONDUCT A STUDY ON MAXIMIZING UTILIZATION OF THE ZIPPER AND HIGH OCCUPANCY VEHICLE LANES," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 540) recommending that S.R. No. 8, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 8, entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO CONDUCT A STUDY ON MAXIMIZING UTILIZATION OF THE ZIPPER AND HIGH OCCUPANCY VEHICLE LANES," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 541) recommending that S.C.R. No. 37, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF NOISE MITIGATION AT HILO AIRPORT," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 542) recommending that S.R. No. 15, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 15, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF NOISE MITIGATION AT HILO AIRPORT," was referred to the Committee on Ways and Means.

Senator Kawamoto, jointly with Senator Inouye, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 543) recommending that S.C.R. No. 20, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 20, S.D. 1, entitled: "SENATE CONCURRENT

RESOLUTION URGING THE UNITED STATES CONGRESS TO EXPAND AND MAKE PERMANENT THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 544) recommending that S.C.R. No. 33, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING URGENT ATTENTION TO AN EXPEDITIOUS PLAN OF ACTION TO RESTORE KAUMALAPAU HARBOR," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 545) recommending that S.B. No. 1534, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 546) recommending that S.B. No. 1132 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1132, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 547) recommending that S.B. No. 1262 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1262, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 548) recommending that S.B. No. 1280 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1280, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 549) recommending that S.B. No. 40 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 40, entitled: "A BILL FOR AN ACT RELATING TO

PHYSICIAN ASSISTANTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 550) recommending that S.B. No. 560, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 560, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 551) recommending that S.B. No. 1321, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 551 and S.B. No. 1321, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," was deferred until Friday, March 5, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 552) recommending that S.B. No. 206 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 206, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 553) recommending that S.B. No. 1149, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1149, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF WAGE LAWS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 1999.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 554) recommending that S.B. No. 96, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 96, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 1999.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 555) recommending that S.B. No. 810 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 810, entitled: "A BILL FOR AN ACT RELATING TO NOXIOUS WEED CONTROL," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 556) recommending that S.B. No. 1063 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1063, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 557) recommending that S.B. No. 1478 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1478, entitled: "A BILL FOR AN ACT RELATING TO PLANTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 558) recommending that S.B. No. 143, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 143, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITY TRANSMISSION LINES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 559) recommending that S.B. No. 384, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 384, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 560) recommending that S.B. No. 480 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 560 and S.B. No. 480, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred until Thursday, March 4, 1999.

ORDER OF THE DAY

THIRD READING

S.B. No. 680, S.D. 1:

Senator Kawamoto moved that S.B. No. 680, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chumbley.

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, after hearing the outcry of this past New Year's, your Committees on Transportation and Intergovernmental Affairs, and Judiciary worked together to craft a bill that answered many of the concerns of many

Senators that had interest in the fireworks bill. We established a bill, from the safety and health and enforcement view, of a total ban for the State. We also established a procedure where the counties, with positive actions and ordinances, can elect to opt out from this total ban. Also, in the total ban we have provided opportunity for religious and cultural purposes.

"This bill is a good bill. It provides us a platform in which to take this bill over to the House. So I urge all my colleagues to vote 'aye' on this bill."

Senator Iwase rose to speak on the measure as follows:

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

"Mr. President, celebrating New Year's Eve with fireworks is a custom and tradition interwoven in our islands' history. It is part of our islands' culture. The historian Arthur M. Schlesinger wrote that, 'History is to the nation as memory is to the individual. As an individual deprived of memory becomes disoriented and lost, not knowing where he has been or where he is going, so a nation denied a conception of its past will be disabled in dealing with its present and its future.'

"The previous speaker mentioned cultural exemptions. I'm glad that is in the bill. But what is our culture? We have defined it in our laws. Section 9-1, Hawaii Revised Statutes, defines culture to include 'customs, traditions, mores, and history of all of the various ethnic groups of Hawaii' -- all of us as a people. And it is perhaps true that fireworks was brought to us by one of our immigrant groups, but in this melting pot called Hawaii, that is true with so many things that make this place different and unique. And in these differences are the history of our people, and we must preserve those things which are unique to us as a society. We have pidgin English because the various ethnic groups needed to communicate with each other. We have mixed-plate lunches because the various ethnic groups shared with each other. And we have 'aloha' for each other because the Hawaiians taught us how to live together in this crowded and diverse island community.

"Are fireworks on New Year's Eve part of our tradition and custom? I think so. And that is why in a recent poll it showed that our community is evenly divided on whether or not to ban fireworks. I doubt that such a deep division of the house would have occurred in any other state in this Union.

"Mr. President, I believe the people expect us to find the right balance between an outright ban of fireworks versus unrestricted and unrestrained use of fireworks. And in this regard, I believe that the suggestions offered in the February 20, 1999 article in the *Star-Bulletin* by Mr. Blaine Fergerstrom which calls for stricter controls, but not a prohibition, are excellent. And I hope that the Senate pursues his suggestions without starting from the position that we ought to ban fireworks.

"I also hope -- and that is why it's so important to remember -- I also hope that we remember that the present is a bridge between our past and our future. Those of us who live in the present have a special responsibility to preserve and protect our culture for future generations. Our traditions, customs, and history will remind us who we are, who we are as a people, and it will therefore give us the strength and the security as a people to make decisions consistent with the values in our island community.

"Thank you, Mr. President."

Senator Tam spoke on the measure with reservations and stated:

"Good morning, Mr. President and fellow colleagues. I speak in favor of this bill with reservations.

"First of all, I want to thank the Transportation and Intergovernmental Affairs Committee and the Judiciary Committee for dealing with this emotional issue, and also a health and safety issue.

"I have spoken to many of the Chinese in the community. As you well know, I get quite involved, and in my dialogue with them they have signed petitions. These petitions, so far, within a two-weeks' span, number over 250 signatures. Please keep in mind that many of these Chinese are of multi-culture. In Hawaii, we are a multi-culture state. Fireworks is part of our culture. Let me mention in terms of what the petition states, 'We, the residents of the State of Hawaii want a legal mandate to burn fireworks for cultural and religious purposes.' Before proceeding on, let me also thank the respective colleagues of mine in the respective committees for inserting within the bill that fireworks can be burned for cultural and religious purposes. Unfortunately, we had some things we have to further discuss on this, and I acknowledge that the bill, as it goes through the legislative process, will be amended.

"The petition further states that this mandate shall include the following:

- (1) The mandate in regard to the use of fireworks must be consistent in all counties of the State of Hawaii.

Let me explain as to why. Basically, when you have four counties, each respective county has its own county council and its own respective mayor. Imagine in terms of the confusion from one island to the next when we're supposed to be joining hands in unison, statewide. As an example, I, myself, am involved in the Chinese community with a society called 'Ket On Society,' which is a very religious, mason society. We have associations not only on this island, but also in the County of Maui. I happen to be the vice president of the society. It's going to be confusing for me whereby the culture and religious practices for the use of fireworks are at different times and different dates, respectively, because the county is not understanding the logistics on the use of fireworks. And furthermore, for our young ones, imagine the confusion in their culture and heritage across the State of Hawaii.

- (2) A committee consisting of cultural and religious representatives shall technically determine the events, dates, time, and amounts of use of fireworks.

The question is, Why should we determine it here on this floor or in the Legislature when basically we should ask for those who have knowledge of the culture and religious practices on the use of fireworks? Currently, our state law states in the use of fireworks, and in regard to the Chinese use of fireworks on Chinese New Year, it's permissible to use fireworks from nine p.m. on Chinese New Year's Day to one o'clock in the morning of the next day. That is wrong, erroneous. Whoever came up with that idea in the statute, didn't know enough about the culture. The Chinese community culture uses fireworks for Chinese New Year's Day, before the first meal in the morning to welcome the new year. And also, when the family gathers for the family dinner, they will burn fireworks again, just before having the family dinner. And that's it. So, we're talking about maybe a two-hour span in the morning and a two-hour span in the early evening. We're not talking about in terms of, say six to seven hours, basically. That is ridiculous. That's a misuse of fireworks. Thirdly, this petition states that:

- (3) Aerial fireworks are excluded in the use of cultural and religious practices.

Once again, when this bill moves on, I hope that amendments will be made whereby we can correct our misunderstandings in the proper use of fireworks.

"I'd like to emphasize that legislation must be practical and enforceable, and as the bill right now, it has some flaws. But I'm not faulting anyone here because we are all in a learning

stage and culture has been around for so many years, so many different practices. Once again, we are a multi-cultural state. People get confused. And sometimes we get confused here in terms of the right way of using fireworks.

"I wish to also state that we need more enforcement. I was told of an example. I ran into a wholesaler of fireworks and it was just after last Christmas. I ran into him at Kmart at Waikēle. He was putting up his display and he said to me, 'Rod, I'm confused.' I said, 'What's wrong?' I told the Honolulu Police Department that illegal containers of aerial fireworks were coming to Hawaii and it's going to be docked at the docks in Honolulu, Hawaii. And he said they did nothing -- nothing at all. That's amazing.

"When you think about it, we create legislation but it's not enforceable or it's not desired to be enforced. I had the opportunity to talk to the Director of Public Safety in January, and I asked him, 'What if we have a joint law enforcement of fireworks, whereby his department along with the counties' law enforcement (the police departments) would go to the docks, open up the containers, and those who have proper permits, those fireworks would be given to those vendors?' And he said, 'That's fine.' Currently, nothing is done as such. One begins to wonder what type of enforcement do we have? Why do we create these laws for? It seems like only paper, basically. So legislation doesn't have teeth in it at this time.

"Let me also inform you that, which is very confusing, I had an opportunity to talk to a captain of the fire department and it was right after the hearing that we had here in the Senate, a public hearing in the auditorium. And the captain, whom I happen to know, said, 'This is our own testimony of the fire department, and the police department is giving their own testimony, but the mayor refuses to commit himself.' Mayor Jeremy Harris refuses to commit himself. I said, 'Why?' And basically the captain said, 'Well, he's afraid, politically.' He doesn't know what avenue to take. When you think about it, this legislation gives authority to the counties, which don't have any direction, so it's very questionable.

"I thank you very much."

Senator Sakamoto rose to speak in support of the measure with reservations:

"Mr. President, I also rise in support with reservations.

"Fireworks and New Year's have been a family tradition for many years. It is a custom that has flourished for generations. It is an opportunity for families to get together, eat ethnic food and talk story. It is a time to share memories of the past, and hope for the year to come. There are only a few family traditions that we, as a Hawaii 'ohana,' can cherish. For some families, New Year's Eve celebrations are the only time, outside of funerals and weddings, that whole families, clans and even neighborhoods gather and break bread together. It is a tradition worth saving.

"There are three things we can do to bring sanity and safety to the traditional New Year's festivities: (1) Pass legislation to enforce the ban on illegal use of aerials and stop fire hazards; (2) At public hearings, citizens voiced their concerns about the health and safety hazards of smoke created this year. Part of that we could curtail by banning smoke cloud toy smoke devices, which are defined as 'small, plastic, or paper items that contain no more than 100 grams of pyrotechnic composition that upon ignition produces a white or colored smoke as the primary effect'; (3) Curtail home-made bombs and the dangerous one-upmanship games, like those at Campbell High School this year, by banning items such as large sparklers from which these devices are made.

"So let's deal with sensible restrictions here; let's not punt to the counties.

"Many of us remember the fun and safe times, with good times, small sparklers waving, small pops in the driveways throughout the evening, and as midnight draws near, a long string of fireworks, firecrackers, hanging from a ladder or a pole, with family, friends . . . ready to hug, ready to kiss, ready to shake hands to bring in the New Year. So let's preserve that. That's a family tradition worth saving, and it is good."

Senator Slom rose in support of the measure with reservations and said:

"Mr. President, I rise to support the measure with reservations.

"I would also like to support most of the comments made by my colleagues from Mililani and Moanalua. I would point out, however, that we are always asked in government to do everything and this is a prime example of why we should have statewide referendum in our community to allow people to decide for themselves, because government can't do everything and can't have one-size fits all.

"I have a couple of problems or questions with the bill itself. The bill internally defines fireworks and two special types of fireworks and then proceeds to apply numerous prohibitions only to fireworks, so this could reasonably raise the question of interpretation to mean that the prohibition only is going to apply to fireworks but not the two special types that are mentioned in the bill. So the bill needs additional work.

"I just wish that I would have had half as many calls protesting the problems of bureaucracy and taxation and regulation in the community as I had to ban fireworks, ban lawnmowers, ban small power tools. These are the things that people as interested in, but I think we should realize in listening to the words of the 'Reverend' Sakamoto this morning that perhaps, before the sun goes down, we should be able to try to resolve with our neighbors and with our friends some of our own problems.

"Thank you, Mr. President."

Senator Matsunaga then rose in support of the measure and stated:

"Mr. President, I rise in support of this measure.

"Mr. President, first I'd like to commend the TIA chair for his hard work over the years in bringing this issue to the floor. Second, I think this measure balances and considers the deeply held religious and cultural beliefs of our community. I am hopeful that our strengthened ban on aerials will indeed fly. I'm afraid that if we imposed a total ban without the religious and cultural exceptions, I think it would simply explode in our faces.

"Mr. President, doctors always advise us that too much of anything isn't a good thing, and to those members of our community who have respiratory problems, I think too much fireworks can be health-threatening and even deadly. I think those who have respiratory problems don't want to spoil the fun for those who want to participate, they just want to be able to breathe. And so, I want to urge my colleagues to support this reasonable ban. Thank you."

Senator Anderson rose in support of the bill with reservations:

"Mr. President, I, too, am going to support the bill with reservations.

"Even though I sit on committees, I'm still confused. On the bill itself, it more or less states that New Year's, Chinese New Year's, Fourth of July, but it doesn't say if we're really going to ban any of those dates. It does say 'cultural and religious.' While I happen to be Catholic, I have cousins and nephews and

nieces who are Chinese, including my own grandchildren. How do I, then, if I wanted to get a permit, go in and say that I'm going to qualify under a religious or cultural. I have many friends who were born and raised here. They have no culture, no religious background, but they believe in Chinese New Year's. They believe in New Year's Eve. I just don't know, if we're going to write a bill, how we're going to get around to make sure that these people can be included, rather than just the culture and the religious background. If we're going to make it, this bill has got a lot to be addressed, yet, to make it clarified.

"Also, if we're going to worry about what's being imported, I said we should have made sure that we taxed it as high as possible so that those people who are bringing in container loads, which threw out the 'mom and pop' type of businesses that we used to buy our fireworks from, it would stop them from bringing in container loads after container loads, just so they can dump it on the consumers. We don't even address that.

"So, there's a lot of things, Mr. President, that I believe that we could look at. I do believe that we've got to do something, but if we're going to do it, let's not play games. Let's really do it, and do it right.

"Thank you very much."

Senator Chun then rose in support of the measure and stated:

"Mr. President, I stand in favor of the bill.

"Mr. President, the common problem in all of these fireworks is the enforcement. I agree with the statements that have been made by fellow colleagues in terms of the need to control and the need to regulate, but enforcement is the main thing in terms of how to do that.

"I support this bill primarily because it begins now the process of putting in the hands of the agency that's going to enforce any kind of regulation or ban of fireworks into the counties. The primary enforcement of any kind of bill that we're going to be passing is going to be in the hands of the police department. Either it will be the HPD, KPD, MPD, or Hawaii Police Department. They need to be on board if they really want to enforce something, they need to be in the process of how they're going to enforce, and where they're going to enforce, and what kind of enforcement or system that they're going to be using. Without their input in terms of that, no matter what we do here in this body, we're still going to have the same problem. That's why I support this bill, because it puts the responsibility and the guidance of how to control fireworks in the hands of those who are going to be enforcing it, and that is the counties.

"It is time that we stop distrusting the counties in terms of regulating its own affairs and the welfare of its own people, and start working with them as to how to realize how to improve the State.

"Thank you very much, Mr. President."

Senator Kanno then rose and said:

"Mr. President, I will be voting 'aye, with reservations.'"

The Chair so ordered.

Senators Taniguchi, Fukunaga, D. Ige, Nakata and Matsuura then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1018, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, S.B. No. 1018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

STANDING COMMITTEE REPORT

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 561) recommending that S.B. No. 426, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 426, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Second Reading and was recommitted to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Commerce and Consumer Protection, requested a waiver pursuant to Senate Rule 20 for S.B. No. 1517, and the Chair granted the waiver.

Senator Fukunaga, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 392 and 426, and the Chair granted the waiver.

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

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

"Mr. President, I heard this morning on the radio that the Governor is upset with the Legislature as a whole, I guess, because we did nothing on his civil service bill. I do remember that Representative Okamura in the House stated that maybe, if it was collective bargaining. I just wanted to remind everybody that I do have a bill in on collective bargaining. If you would like to look at it, we could probably do something that would make the Governor happy.

"Thank you very much, Mr. President." (Laughter.)

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 4, 1999.