

TWENTY-FIFTH DAY

Thursday, March 4, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Tom Gross, St. John Vianney Church, after which the Roll was called showing all Senators present with the exception of Senator Iwase who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 225 to 229) were read by the Clerk and were placed on file:

Gov. Msg. No. 225, dated February 26, 1999, transmitting a report, "1998 Review of the Hawaii Ocean Resources Management Plan," by the Department of Business, Economic Development and Tourism, Office of Planning, Hawaii Coastal Zone Management Program.

Gov. Msg. No. 226, dated March 1, 1999, transmitting a report prepared by the Department of Human Services, Benefit, Employment and Support Services Division, pursuant to Act 328, Section 64, SLH 1997.

Gov. Msg. No. 227, dated March 1, 1999, transmitting a report prepared by the Department of Human Services pursuant to Section 346-276, HRS, on the First-to-Work Program.

Gov. Msg. No. 228, dated March 1, 1999, transmitting a report prepared by the Department of Health pursuant to Chapters 128D and 128E, HRS, on the activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response, and use of the Environmental Response Revolving Fund.

Gov. Msg. No. 229, dated February 26, 1999, transmitting the Annual Report of the Rental Housing Trust Fund Program, prepared by the Department of Business, Economic Development and Tourism, Housing and Community Development Corporation of Hawaii, pursuant to Chapter 201G, HRS.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 23, from the Department of Transportation dated February 26, 1999, transmitting the Summary Report of the Hawaii International Air Cargo Symposium, "Optimizing Hawaii's Air Cargo Potential Today and Tomorrow," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 56) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 29, transmitting H.B. No. 7, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 7, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 30, transmitting H.B. No. 10, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 10, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed First Reading by title and was referred to the Committee on Labor and Environment, then to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 31, transmitting H.B. No. 161, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 161, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 32, transmitting H.B. No. 172, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 172, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPICE SERVICES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 33, transmitting H.B. No. 196, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 196, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 34, transmitting H.B. No. 254, H.D. 2, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 254, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 35, transmitting H.B. No. 261, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 261, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND FAMILIES," passed First Reading by title and was referred jointly to the Committee on Education and Technology and the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 36, transmitting H.B. No. 294, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 294, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS," passed First Reading by title and was referred

to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 37, transmitting H.B. No. 677, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 677, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN OCEAN FLOATING, ALL-NATURAL CLEAN ENERGY POWER STATION," passed First Reading by title and was referred jointly to the Committee on Economic Development and the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 38, transmitting H.B. No. 715, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 715, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 39, transmitting H.B. No. 939, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 939, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 40, transmitting H.B. No. 990, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 990, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," 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. 41, transmitting H.B. No. 1008, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1008, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO LIABILITY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 42, transmitting H.B. No. 1037, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1037, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 43, transmitting H.B. No. 1095, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1095, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF THE SALARIES OF THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," 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. 44, transmitting H.B. No. 1120, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1120, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 45, transmitting H.B. No. 1124, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1124, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COUNCIL ON REHABILITATION," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Labor and Environment.

Hse. Com. No. 46, transmitting H.B. No. 1146, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORD FEES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 47, transmitting H.B. No. 1179, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1179, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSES," passed First Reading by title and was referred to the Committee on Economic Development.

Hse. Com. No. 48, transmitting H.B. No. 1186, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1186, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE PENALTIES," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Judiciary.

Hse. Com. No. 49, transmitting H.B. No. 1188, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1188, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed First Reading by title and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Hse. Com. No. 50, transmitting H.B. No. 1203, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1203, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 51, transmitting H.B. No. 1207, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1207, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE TAX," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 52, transmitting H.B. No. 1277, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1277, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER TREATMENT FACILITIES," passed First Reading by title and was referred to the Committee on Labor and Environment, then to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 53, transmitting H.B. No. 1350, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1350, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF RECYCLED OIL," passed First Reading by title and was referred to the Committee on Labor and Environment, then to the Committee on Government Operations and Housing.

Hse. Com. No. 54, transmitting H.B. No. 1444, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1444, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF NOTARY RECORDS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 55, transmitting H.B. No. 1548, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1548, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER REUSE," passed First Reading by title and was referred to the Committee on Labor and Environment.

Hse. Com. No. 56, transmitting H.B. No. 1641, H.D. 1, which passed Third Reading in the House of Representatives on Wednesday, March 3, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1641, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 60 to 66) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF EXPANDING THE DEFINITION OF CERTIFIED SUBSTANCE ABUSE STAFF TO INCLUDE PSYCHOLOGISTS CERTIFIED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION COLLEGE OF PROFESSIONAL PSYCHOLOGY IN THE TREATMENT OF ALCOHOL AND OTHER PSYCHOACTIVE SUBSTANCE USE DISORDERS."

Offered by: Senators Taniguchi, Kanno.

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

No. 61 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO ESTABLISH STANDARDS REGARDING ELECTRIC AND MAGNETIC FIELDS EMISSIONS."

Offered by: Senators Chun Oakland, Hanabusa.

Referred to: Committee on Commerce and Consumer Protection

No. 62 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN."

Offered by: Senators Chun Oakland, Fukunaga, Inouye.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 63 "SENATE CONCURRENT RESOLUTION REQUESTING THE PATIENTS' BILL OF RIGHTS TASK FORCE TO STUDY THE ADVISABILITY AND FEASIBILITY OF CREATING A DATA BANK WITH PROVIDER INFORMATION FOR ACCESS BY HEALTH CARE CONSUMERS."

Offered by: Senators Chun Oakland, Kanno, Levin, Taniguchi.

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

No. 64 "SENATE CONCURRENT RESOLUTION REQUESTING A HAWAII STATE LAW ON EMPLOYMENT OF SEVERELY HANDICAPPED PERSONS."

Offered by: Senators Nakata, Buen, Chun, Chun Oakland, Fukunaga, Hanabusa, Kanno, Levin, Matsuura, Taniguchi.

Referred to: Jointly to the Committee on Labor and Environment and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 65 "SENATE CONCURRENT RESOLUTION REQUESTING SUPPORT FROM THE DEPARTMENT OF HEALTH IN ESTABLISHING A ROOFING MATERIAL RECYCLING PROGRAM."

Offered by: Senators Nakata, Anderson, Buen, Chumbley, Chun, Hanabusa, Inouye, Kanno, Kawamoto, Levin, M. Ige, Matsuura, Sakamoto, Tam, Taniguchi.

Referred to: Committee on Labor and Environment, then to the Committee on Ways and Means

No. 66 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO VIGOROUSLY PURSUE CIVIL PROSECUTION OF THE GASOLINE OVERCHARGE CASE, AND TO EXPRESS SENATE MEMBERS' SUPPORT FOR THIS EFFORT."

Offered by: Senators Chumbley, Matsunaga, Kanno, Taniguchi, Chun, Ihara, Chun Oakland, Matsuura, Levin, Tam, Kawamoto, Anderson, Nakata, Buen, Bunda, Inouye, Fukunaga, Hanabusa, Tanaka, Sakamoto, Iwase, D. Ige, Mizuguchi.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 27 to 30) were read by the Clerk and were referred to committees:

Senate Resolution

No. 27 "SENATE RESOLUTION URGING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN."

Offered by: Senators Chun Oakland, Fukunaga, Inouye.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 28 "SENATE RESOLUTION REQUESTING THE PATIENTS' BILL OF RIGHTS TASK FORCE TO STUDY THE ADVISABILITY AND FEASIBILITY OF CREATING A DATA BANK WITH PROVIDER INFORMATION FOR ACCESS BY HEALTH CARE CONSUMERS."

Offered by: Senators Chun Oakland, Kanno, Levin, Taniguchi.

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

No. 29 "SENATE RESOLUTION REQUESTING SUPPORT FROM THE DEPARTMENT OF HEALTH IN ESTABLISHING A ROOFING MATERIAL RECYCLING PROGRAM."

Offered by: Senators Nakata, Anderson, Buen, Chumbley, Chun, Hanabusa, Inouye, Kanno, Levin, M. Ige, Sakamoto, Tam, Taniguchi.

Referred to: Committee on Labor and Environment, then to the Committee on Ways and Means

No. 30 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO VIGOROUSLY PURSUE CIVIL PROSECUTION OF THE GASOLINE OVERCHARGE CASE, AND TO EXPRESS SENATE MEMBERS' SUPPORT FOR THIS EFFORT."

Offered by: Senators Chumbley, Matsunaga, Kanno, Taniguchi, Ihara, Chun Oakland, Matsuura, Inouye, Levin, Tam, Kawamoto, Anderson, Nakata, Buen, Chun, Bunda, Fukunaga, Hanabusa, Tanaka, Sakamoto, Iwase, D. Ige, Mizuguchi.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 562) recommending that S.C.R. No. 24, 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. 24, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY AND MAKE RECOMMENDATIONS ON IMPROVING TRANSPORTATION AND THE TRAFFIC FLOW FROM THE FORT SHAFTER AND AIRPORT AREAS TO DOWNTOWN," 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. 563) recommending that S.R. No. 7, 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. 7, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY AND MAKE RECOMMENDATIONS ON IMPROVING TRANSPORTATION AND THE TRAFFIC FLOW FROM THE FORT SHAFTER AND AIRPORT AREAS TO DOWNTOWN," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 1132:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1132, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Iwase, Levin).

S.B. No. 1262:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1262, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Iwase, Levin).

S.B. No. 1280:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1280, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Iwase, Levin).

S.B. No. 40:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 40, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Fukunaga, Iwase, Levin).

S.B. No. 206:

Senator Nakata moved that S.B. No. 206, having been read throughout, pass Third Reading, seconded by Senator M. Ige.

Senator Sakamoto rose to oppose the measure and stated:

"Mr. President, I'm compelled to rise in opposition to this measure.

"Under current law, an employer who fails to pay an employee's wages on time or in full is liable to the employee for those wages, and a penalty up to the amount of back wages plus 6 percent interest. The current law protects the employee and allows discretion necessary to insure fairness to employers. This bill would eliminate that discretion and require that the penalty be in the amount of the back wages regardless of circumstances.

"Mr. President, the Senate's Majority package clearly states our commitment to try and help businesses in Hawaii. This bill does exactly the opposite. It eliminates the fairness to the employer and in no way increases protection for the employee.

"Our economy is suffering. Our businesses have asked us to help them rebuild our economic foundation through tax relief and elimination of unnecessary regulations. So I look forward to supporting those kinds of measures on this floor, but, at the very least, we should not be adding to the burden of business.

"Thank you, Mr. President."

Senator Nakata rose in support of the measure and stated:

"Mr. President, I'm speaking for the bill.

"The situation being addressed is one where the employer has not paid wages in a timely fashion and has gotten into a serious dispute. The settlement could be made between the parties, but this is a measure to protect the employee, to encourage the employer to pay in a timely fashion. It is only when it gets into a litigious kind of situation where the intent of this bill would come into play.

"Thank you."

The motion was then put by the Chair and carried, S.B. No. 206, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Sakamoto). Excused, 2 (Chun Oakland, Iwase).

S.B. No. 810:

On motion by Senator Inouye, seconded by Senator Buen and carried, S.B. No. 810, entitled: "A BILL FOR AN ACT RELATING TO NOXIOUS WEED CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Iwase).

S.B. No. 1063:

On motion by Senator Inouye, seconded by Senator Buen and carried, S.B. No. 1063, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Iwase).

S.B. No. 1478:

On motion by Senator Inouye, seconded by Senator Buen and carried, S.B. No. 1478, entitled: "A BILL FOR AN ACT RELATING TO PLANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Iwase).

Stand. Com. Rep. No. 560 (S.B. No. 480):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 560 was adopted and S.B. No. 480, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Iwase).

Senator Taniguchi, for the Committee on Commerce and Consumer Protection, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 700 and 1371, and the Chair granted the waiver.

Senator Fukunaga, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for the following bills:

S.B. No. 3;
 S.B. No. 4;
 S.B. No. 17;
 S.B. No. 38;
 S.B. No. 47;
 S.B. No. 54;
 S.B. No. 105;
 S.B. No. 154;
 S.B. No. 157;
 S.B. No. 177;
 S.B. No. 190;
 S.B. No. 194;
 S.B. No. 202;
 S.B. No. 215;
 S.B. No. 348;
 S.B. No. 364;
 S.B. No. 366;
 S.B. No. 425;
 S.B. No. 450;
 S.B. No. 453;
 S.B. No. 459;
 S.B. No. 509;
 S.B. No. 516;
 S.B. No. 536;
 S.B. No. 567;
 S.B. No. 571;
 S.B. No. 576;
 S.B. No. 580;
 S.B. No. 582;
 S.B. No. 583;
 S.B. No. 584;
 S.B. No. 585;
 S.B. No. 587;
 S.B. No. 598;
 S.B. No. 602;
 S.B. No. 646;
 S.B. No. 656;
 S.B. No. 659;
 S.B. No. 686;
 S.B. No. 743;
 S.B. No. 744;
 S.B. No. 788;
 S.B. No. 791;
 S.B. No. 792;

S.B. No. 797;
 S.B. No. 803;
 S.B. No. 809;
 S.B. No. 816;
 S.B. No. 825;
 S.B. No. 883;
 S.B. No. 887;
 S.B. No. 944;
 S.B. No. 953;
 S.B. No. 959;
 S.B. No. 1023;
 S.B. No. 1030;
 S.B. No. 1046;
 S.B. No. 1059;
 S.B. No. 1060;
 S.B. No. 1076;
 S.B. No. 1078;
 S.B. No. 1087;
 S.B. No. 1108;
 S.B. No. 1127;
 S.B. No. 1129;
 S.B. No. 1136;
 S.B. No. 1137;
 S.B. No. 1163;
 S.B. No. 1176;
 S.B. No. 1178;
 S.B. No. 1214;
 S.B. No. 1222;
 S.B. No. 1256;
 S.B. No. 1272;
 S.B. No. 1281;
 S.B. No. 1284;
 S.B. No. 1298;
 S.B. No. 1303;
 S.B. No. 1314;
 S.B. No. 1323;
 S.B. No. 1336;
 S.B. No. 1345;
 S.B. No. 1408;
 S.B. No. 1409;
 S.B. No. 1410;
 S.B. No. 1411;
 S.B. No. 1412;
 S.B. No. 1413;
 S.B. No. 1414;
 S.B. No. 1415;
 S.B. No. 1416;
 S.B. No. 1417;
 S.B. No. 1418;
 S.B. No. 1419;
 S.B. No. 1431;
 S.B. No. 1438;
 S.B. No. 1452;
 S.B. No. 1465;
 S.B. No. 1466;
 S.B. No. 1469;
 S.B. No. 1470;
 S.B. No. 1475;
 S.B. No. 1481;
 S.B. No. 1504;
 S.B. No. 1518;
 S.B. No. 1542;
 S.B. No. 1547;
 S.B. No. 1556; and
 S.B. No. 1635,

and the Chair granted the waiver.

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

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

"Mr. President, I would like to know, since I guess most of us get our walking assignments everyday. I had some meetings this morning and I got to the Capitol and I went into the

meetings that I was told were going on -- at 9:00 I had Ways and Means; we also had a joint Ways and Means; 9:15 was Judiciary. I went into the meeting room. There were the people that were invited, I guess, who were there for the different programs or bills that we had there, so they were waiting. None of the Senators were there. I then asked what happened, and someone said they're downstairs. I looked on our billboard. There were no joint meetings that I knew of. So being very nice, I went back to my own office because I had other things to do.

"I think that if we're going to have meetings and we're not notified, we can't go to the meetings. That's number one. Number two (and that's for information) I think it's very impolite when we ask people or let them know that we're going to have bills and they're there to testify, and then we don't even have the chairman come in, and the people are waiting. I think that this is a very discourteous way of handling the public.

"They most certainly call me if there is no quorum. Now, there's 23 to 2, and if I'm going to be sitting on your committee and you can call me if you don't have a quorum, that's because you need me. You sure as hell don't bother with me if you don't need me. And that's fact. But I think it's discourteous when the public is there -- they've gone out of their way -- or the departments are there and they're supposed to be running our State, and they don't even know why we're not there.

"We're getting down to the point now, ladies and gentlemen, where we're going to be needing one another. I would hope to heck if you want Whitney Anderson to attend your meetings and you only need me for a quorum, that's fine. But if you don't need me, at least let me know if there's a joint hearing somewhere.

"Yesterday, I read in the newspaper that we're having Ways and Means at six o'clock. I didn't have it on my agenda. My staff didn't know about it. But I did have it for today. But at six o'clock yesterday we found out Ways and Means was going to be at seven. I said, 'The hell with it. I've got other things to do.' Believe it or not, there's a life away from this building. People have to make a living away from this building.

"So I just wanted to say this more for information for everybody, Mr. President. Mahalo."

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 6:00 o'clock p.m., Friday, March 5, 1999.