

THIRTIETH DAY

Monday, March 15, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:08 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Major Roberto Rubin, Waioli Chapel, Salvation Army, after which the Roll was called showing all Senators present with the exception of Senators Kanno, Levin and Tam who were excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Kawamoto recognized the 68th Medical Company of the U.S. Army for their contributions to the health and welfare of our citizens and introduced several of its representatives as follows: Gene Delis, flight medic; Fred Williams, air frame mechanic; Chelsea Waiters, radio telephone operator; Jeff Michaelis, communications specialist; and George Hobbs, unit supply specialist.

Senator Inouye congratulated the Society of Seven on the occasion of their 30th anniversary as headliners at the Outrigger Waikiki Hotel's Main Showroom and introduced the following members of the group: Tony Ruivivar, Bert Sagum, Hoku Low, Gary Bautista, Wayne Wakai, Roy Guerzo and Randy Abellar. Accompanying the gentlemen was their manager, Fran Kirk.

At 11:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:27 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 233 and 234) were read by the Clerk and were placed on file:

Gov. Msg. No. 233, dated March 10, 1999, transmitting the 1998 Annual Report prepared by the Hawaii Strategic Development Corporation, pursuant to Section 92-12, HRS.

Gov. Msg. No. 234, dated March 10, 1999, transmitting the 1998 Annual Report of the Environmental Council, Environmental Report Card, 1998.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 85 to 109) were read by the Clerk and were referred to committees or deferred:

Senate Concurrent Resolution

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE COMMISSION TO ESTABLISH THE HAWAII SPORTS HALL OF FAME."

Offered by: Senators Mizuguchi, Fukunaga, Inouye, Kawamoto, Levin, Taniguchi.

Referred to: Committee on Economic Development

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A FOLLOW-UP MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY."

Offered by: Senator Tam.

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

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PHYSICAL EDUCATION PROGRAM FOR SPECIAL EDUCATION STUDENTS."

Offered by: Senator Tam.

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

No. 88 "SENATE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO STUDY THE PROBLEMS ASSOCIATED WITH THE CONDOMINIUM PROPERTY REGIME LAW."

Offered by: Senators Tam, Anderson, Hanabusa, Matsunaga, Matsuura.

Referred to: Committee on Government Operations and Housing, then to the Committee on Commerce and Consumer Protection

No. 89 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO ESTABLISH A TECHNOLOGY EDUCATION PROGRAM."

Offered by: Senator Tam.

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

No. 90 "SENATE CONCURRENT RESOLUTION REQUESTING RELEASE OF ALL FEDERAL IMPACT AID FUNDS DIRECTLY TO THE DEPARTMENT OF EDUCATION UPON RECEIPT FROM THE FEDERAL GOVERNMENT AND THAT THE BUDGET FOR SCHOOL OPERATIONS NOT BE REDUCED BY FEDERAL IMPACT AID."

Offered by: Senator Tam.

Referred to: Jointly to the Committee on Education and Technology and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 91 "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO FOSTER AN IMPROVED PARTNERSHIP WITH THE DEPARTMENT OF HEALTH."

Offered by: Senator Tam.

Referred to: Committee on Health and Human Services, then to the Committee on Education and Technology

No. 92 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE TO NEGOTIATE RECIPROCAL DRIVER'S LICENSE AGREEMENTS WITH FOREIGN COUNTRIES."

Offered by: Senators Matsunaga, Chumbley.

Referred to: Committee on Transportation and Intergovernmental Affairs

No. 93 "SENATE CONCURRENT RESOLUTION URGING A STUDY REGARDING THE ISSUE OF PERSONAL PRIVACY AND COMMERCIAL USE OF PERSONAL INFORMATION."

Offered by: Senators Matsunaga, Chumbley.

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

No. 94 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HAWAII RULES OF CIVIL PROCEDURE RELATED TO OFFERS OF JUDGMENT AND ALLOWING DISCOVERY AND TESTIMONY BY VIDEOTAPE."

Offered by: Senators Matsunaga, Chumbley.

Referred to: Committee on Judiciary

No. 95 "SENATE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF IMMUNITY FROM TORT LIABILITY AND RECOMMENDATIONS REGARDING SUCH PROVISIONS IN THE DEVELOPMENT OF PUBLIC POLICY."

Offered by: Senators Matsunaga, Chumbley.

Referred to: Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary

No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A PILOT PROGRAM WITHIN THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO EVALUATE THE FEASIBILITY OF CREATING A PERMANENT CENTRAL PANEL OF HEARINGS OFFICERS."

Offered by: Senator Levin.

Referred to: Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary, then to the Committee on Ways and Means

No. 97 "SENATE CONCURRENT RESOLUTION URGING A COMPREHENSIVE STUDY OF THE IMPACTS OF RAISING THE STATE MINIMUM WAGE."

Offered by: Senator Nakata.

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

No. 98 "SENATE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF AN OFFICE OF WOMEN'S HEALTH IN THE DEPARTMENT OF HEALTH."

Offered by: Senators Chun Oakland, Buen, Hanabusa, Levin.

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

No. 99 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII APPLESEED PUBLIC INTEREST LAW CENTER (HAWAII APPLESEED) TO CONTINUE ITS WORK ON A COMPREHENSIVE REVIEW OF HAWAII STATUTES RELATING TO CHILD PROTECTION."

Offered by: Senator Chun Oakland.

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

No. 100 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY TO EXPLORE AND FUND ALTERNATIVES TO INCARCERATION FOR NONVIOLENT FEMALE OFFENDERS."

Offered by: Senators Chun Oakland, Chumbley, Matsunaga.

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

No. 101 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXAMINE SCHOOL POLICIES RELATING TO STUDENT VIOLENCE."

Offered by: Senator Chun Oakland.

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

No. 102 "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A STUDY GROUP TO RECOMMEND ENVIRONMENTAL TAXES AND REDUCTION OF OTHER TAXES."

Offered by: Senator Levin.

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

No. 103 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY ALTERNATIVES TO THE KEAAU-PAHOA ROAD."

Offered by: Senator Levin.

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

No. 104 "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ESTABLISH THE STATE OF HAWAII AS A GLOBAL LABORATORY FOR RESEARCH ON THREATENED, ENDANGERED, AND EXTINCT SPECIES ISSUES."

Offered by: Senator Levin.

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

No. 105 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES TO ESTABLISH AND OPERATE THE PACIFIC CENTER FOR ADVANCED TECHNOLOGY TRAINING AND EDUCATION."

Offered by: Senators Fukunaga, D. Ige.

No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE ALTERNATIVES FOR STUDENTS AT MULTI-TRACK SCHOOLS DURING INTERIM PERIODS."

Offered by: Senator Iwase.

No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY OF JAPAN'S IMPORT BEHAVIOR TO ASSIST AND IMPROVE THE EFFORTS OF HAWAII'S

BUSINESSES IN CONDUCTING BUSINESS WITH THAT COUNTRY."

Offered by: Senator Iwase.

No. 108 "SENATE CONCURRENT RESOLUTION REQUESTING GOVERNOR CAYETANO TO DESIGNATE AN OFFICIAL STATE CONTACT TO WORK WITH THE FEDERAL GOVERNMENT ON ISSUES RELATED TO CEDED LANDS AND THE POLITICAL STATUS OF HAWAIIANS."

Offered by: Senators Hanabusa, Chun Oakland, Matsuura, Bunda, Chumbley, Chun, M. Ige, Ihara, Iwase.

No. 109 "SENATE CONCURRENT RESOLUTION REQUESTING TO RELOCATION OF THE QUEEN LILI'UOKALANI STATUE TO THE 'IOLANI PALACE GROUNDS."

Offered by: Senators Hanabusa, Matsuura, Bunda, Chumbley, Chun, Chun Oakland, M. Ige, Ihara, Iwase.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 39 to 47) were read by the Clerk and were referred to committees or deferred:

Senate Resolution

No. 39 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A PILOT PROGRAM WITHIN THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO EVALUATE THE FEASIBILITY OF CREATING A PERMANENT CENTRAL PANEL OF HEARINGS OFFICERS."

Offered by: Senator Levin.

Referred to: Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary, then to the Committee on Ways and Means

No. 40 "SENATE RESOLUTION URGING A COMPREHENSIVE STUDY OF THE IMPACTS OF RAISING THE STATE MINIMUM WAGE."

Offered by: Senator Nakata.

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

No. 41 "SENATE RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY TO EXPLORE AND FUND ALTERNATIVES TO INCARCERATION FOR NONVIOLENT FEMALE OFFENDERS."

Offered by: Senators Chun Oakland, Chumbley.

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

No. 42 "SENATE RESOLUTION URGING THE ESTABLISHMENT OF AN OFFICE OF WOMEN'S HEALTH IN THE DEPARTMENT OF HEALTH."

Offered by: Senators Chun Oakland, Buen, Fukunaga, Hanabusa, Levin.

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

No. 43 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY ALTERNATIVES TO THE KEAAU-PAHOA ROAD."

Offered by: Senator Levin.

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

No. 44 "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ESTABLISH THE STATE OF HAWAII AS A GLOBAL LABORATORY FOR RESEARCH ON THREATENED, ENDANGERED, AND EXTINCT SPECIES ISSUES."

Offered by: Senator Levin.

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

No. 45 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES TO ESTABLISH AND OPERATE THE PACIFIC CENTER FOR ADVANCED TECHNOLOGY TRAINING AND EDUCATION."

Offered by: Senators Fukunaga, D. Ige.

No. 46 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE ALTERNATIVES FOR STUDENTS AT MULTI-TRACK SCHOOLS DURING INTERIM PERIODS."

Offered by: Senator Iwase.

No. 47 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY OF JAPAN'S IMPORT BEHAVIOR TO ASSIST AND IMPROVE THE EFFORTS OF HAWAII'S BUSINESSES IN CONDUCTING BUSINESS WITH THAT COUNTRY."

Offered by: Senator Iwase.

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 909) recommending that the Senate advise and consent to the nomination of JUNE K. MOTOKAWA to the Civil Rights Commission, in accordance with Gov. Msg. No. 180.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 909 and Gov. Msg. No. 180 was deferred until Tuesday, March 16, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 910) recommending that the Senate advise and consent to the nomination of KEN H. TAKAYAMA to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 196.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 910 and Gov. Msg. No. 196 was deferred until Tuesday, March 16, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 911) recommending that the Senate advise and consent to the nominations of WILLIAM T. EMMSLEY, JR., and HARLOW M.S.L. URABE to the Correctional Industries Advisory Committee, in accordance with Gov. Msg. No. 216.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 911 and Gov. Msg. No. 216 was deferred until Tuesday, March 16, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 912) recommending that the Senate advise and consent to the nominations of JUDY SOBIN to the Crime Victim Compensation Commission, in accordance with Gov. Msg. No. 217.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 912 and Gov. Msg. No. 217 was deferred until Tuesday, March 16, 1999.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 908 (Gov. Msg. No. 185):

Senator Nakata moved that Stand. Com. Rep. No. 908 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of FREDERICK R. WARSHAUER to the Endangered Species Recovery Committee, term to expire June 30, 2003, seconded by Senator M. Ige.

Senator Nakata rose in support of the nominee and stated:

"Mr. President, I rise to speak in favor of this nominee.

"Mr. Warshauer has been a devoted friend of the environment for at least the 15 years that I have known him. I know him to be a very dedicated and devoted supporter of the restoration of endangered species. I highly recommend him to this body.

"Thank you."

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

Ayes, 19. Noes, none. Excused, 6 (Fukunaga, Kanno, Kawamoto, Levin, Mizuguchi, Tam).

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, March 11, 1999:

Senate
Concurrent
Resolution

Referred to:

No. 67 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 68 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 69 Jointly to the Committee on Education and Technology and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 70 Committee on Education and Technology, then to the Committee on Ways and Means

No. 71 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Health and Human Services, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTION

The President made the following committee assignment of a resolution that was offered on Thursday, March 11, 1999:

Senate
Resolution

Referred to:

No. 31 Committee on Health and Human Services, then to the Committee on Ways and Means

ADJOURNMENT

At 11:31 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 16, 1999.