

## FORTY-SIXTH DAY

Thursday, April 8, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Mike Brownfield, Honolulu Central Seventh-day Adventist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Fifth Day.

At this time, Senator Taniguchi introduced student "shadow" Ross Unebasami.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 266, informing the Senate that on April 6, 1999, he signed the following bills into law:

Senate Bill No. 1194 as Act 4, entitled: "RELATING TO SCHOOL BUSES";

House Bill No. 792 as Act 5, entitled: "RELATING TO BAIL BONDS";

House Bill No. 982 as Act 6, entitled: "RELATING TO AQUACULTURE";

House Bill No. 1070 as Act 7, entitled: "RELATING TO THE INSURANCE CODE";

House Bill No. 1081 as Act 8, entitled: "RELATING TO CORPORATIONS";

House Bill No. 1179 as Act 9, entitled: "RELATING TO COMMERCIAL MARINE LICENSES"; and

House Bill No. 1207 as Act 10, entitled: "RELATING TO THE CIGARETTE TAX,"

was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 433 to 436) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 433, returning S.B. No. 1478, which passed Third Reading in the House of Representatives on April 7, 1999, was placed on file.

Hse. Com. No. 434, returning S.B. No. 970, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 970, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 435, returning S.B. No. 1132, which passed Third Reading in the House of Representatives on April 7, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1132 and requested a conference on the subject matter thereof.

Hse. Com. No. 436, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 98, H.D. 1 (S.D. 1);  
H.B. No. 221, H.D. 2 (S.D. 1);  
H.B. No. 854 (S.D. 1);  
H.B. No. 970, H.D. 1 (S.D. 1);  
H.B. No. 971, H.D. 1 (S.D. 1);  
H.B. No. 972, H.D. 1 (S.D. 1);  
H.B. No. 973, H.D. 1 (S.D. 1);  
H.B. No. 1085, H.D. 1 (S.D. 1);  
H.B. No. 1257, H.D. 1 (S.D. 1);  
H.B. No. 1277, H.D. 1 (S.D. 1);  
H.B. No. 1594, H.D. 1 (S.D. 1);  
H.B. No. 1616, H.D. 1 (S.D. 1);  
H.B. No. 1617, H.D. 1 (S.D. 1); and  
H.B. No. 1621, H.D. 1 (S.D. 1),

was placed on file.

## JUDICIARY COMMUNICATION

Jud. Com. No. 1, submitting for consideration and consent, the nomination of CALVIN K. MURASHIGE to the office of Judge, District Court of the Fifth Circuit, in accordance with the provisions of Section 604-2, Hawaii Revised Statutes, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

## STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1451) recommending that S.C.R. No. 85 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. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE COMMISSION TO ESTABLISH THE HAWAII SPORTS HALL OF FAME," was adopted.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1452) recommending that S.C.R. No. 163 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. 163, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE ALA WAI CANAL AS THE INTERNATIONAL HOME OF HAWAIIAN OUTRIGGER CANOE PADDLING AND TRAINING," was adopted.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1453) recommending that S.R. No. 71 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 71, entitled: "SENATE RESOLUTION DESIGNATING THE ALA WAI CANAL AS THE INTERNATIONAL HOME OF HAWAIIAN OUTRIGGER CANOE PADDLING AND TRAINING," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1454) recommending that the Senate advise and consent to the nomination of DAVID A. KAKU, M.D., to the Medical Advisory Board, in accordance with Gov. Msg. No. 192.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1454 and Gov. Msg. No. 192 was deferred until Friday, April 9, 1999.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1455) recommending that the Senate advise and consent to the nominations of RUDY MIRANDA and ALFRED WONG to the Commission on Transportation, in accordance with Gov. Msg. No. 195.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1455 and Gov. Msg. No. 195 was deferred until Friday, April 9, 1999.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1456) recommending that the Senate advise and consent to the nominations of ALBERT "BENNY" RODERO and GABRIEL K. KILAKALUA, JR., to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 214.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1456 and Gov. Msg. No. 214 was deferred until Friday, April 9, 1999.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1457) recommending that the Senate advise and consent to the nominations of TOY G. GRICE and EDWARD M. KAWAMURA to the Advisory Board on Veterans' Services, in accordance with Gov. Msg. No. 224.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1457 and Gov. Msg. No. 224 was deferred until Friday, April 9, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1458) recommending that H.B. No. 1172, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1458 and H.B. No. 1172, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," was deferred until Friday, April 9, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1459) recommending that H.B. No. 274, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1459 and H.B. No. 274, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILIES," was deferred until Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1460) recommending that H.B. No. 510, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1460 and H.B. No. 510, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was deferred until Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1461) recommending that H.B. No. 512, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1461 and H.B. No. 512, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1462) recommending that H.B. No. 519, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1462 and H.B. No. 519, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," was deferred until Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1463) recommending that H.B. No. 522, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1463 and H.B. No. 522, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT," was deferred until Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1464) recommending that H.B. No. 980, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1464 and H.B. No. 980, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," was deferred until Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1465) recommending that H.B. No. 1460, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1465 and H.B. No. 1460, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXPANSION OF THE VIDEO ARRAIGNMENT AND CONFERENCING SYSTEM," was deferred until Tuesday, April 13, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1466) recommending that H.B. No. 47, H.D. 1, 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 H.B. No. 47, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1467) recommending that H.B. No. 353, H.D. 2, 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 H.B. No. 353, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1468) recommending that H.B. No. 791, H.D. 2, 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 H.B. No. 791, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 9, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1469) recommending that H.B. No. 1063, H.D. 1, 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 H.B. No. 1063, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1470) recommending that H.B. No. 1072, H.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 H.B. No. 1072, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVERSE MORTGAGES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 9, 1999.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1471) recommending that H.B. No. 1411, H.D. 1, 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 H.B. No. 1411, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1472) recommending that H.B. No. 1083, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1472 and H.B. No. 1083, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was deferred until Friday, April 9, 1999.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1473) recommending that H.B. No. 1350, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1473 and H.B. No. 1350, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF RECYCLED OIL," was deferred until Friday, April 9, 1999.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:51 o'clock p.m.

## ORDER OF THE DAY

### THIRD READING

H.B. No. 602, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, H.B. No. 602, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF A TRAILER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 746, H.D. 1, S.D. 1:

Senator D. Ige moved that H.B. No. 746, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Sakamoto.

Senator Slom rose in support of the measure and stated:

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

"Yes, it is a pleasure to speak for a bill and also for such an important bill. This is probably what Mr. President and the Governor meant about turning our economy around, because now that we will have hula as our official State dance, I know that we will be able to turn our economy around, although I am a little concerned about some of the various interpretations of the dance. And I am concerned, Mr. President, that the 'humuhumunukunukuapuaa' still has to run for re-election as the official State fish. But I'm very pleased to support this bill and I urge, I urge, all of my colleagues to please support this bill. Let us pass a good bill.

"Thank you, Mr. President."

The motion was put by the Chair and carried, H.B. No. 746, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HULA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1180, S.D. 1:

On motion by Senator Inouye, seconded by Senator Buen and carried, H.B. No. 1180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSE FOR IMPORTED MARINE LIFE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 83, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 83, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak in support of the bill with reservations and stated:

"Mr. President, I rise to speak in support of this bill with reservations.

"As a former juror, myself, and one who expects and hopes to be on a jury again, I certainly believe in the idea here that everybody should serve this very basic and fundamental civic duty and responsibility. But I am a little concerned with the bill that does call for elected officials to serve on juries, particularly during legislative sessions. I'm particularly concerned about that and think that maybe the bill should have been amended or could be amended to specify that elected officials would not serve during the period of an active legislative session, because otherwise, Mr. President, it could be a terrible thing -- you could have 50 percent of your Minority serving on a jury and they would not be present to discuss and vote on the many, many bad bills that are discussed here.

"So, with that reservation, I'm pleased to support the bill, Mr. President. Thank you."

Senator Anderson also rose to speak on the measure with reservations and said:

"Mr. President, I, too, have some reservations, partly for the same reasons. But I also believe that the appointed people that are helping to run our State should also, from the period, say, of January to April or May, whenever we are in session, if they are called for to give testimony . . . I do know that in the past because we did not have one of the department heads that went to testify in one of our committees, she was later not reappointed. And I think that was a shame because somebody said that they sent in the second string, rather than the first. So, if those people are not eligible because they are on jury duty and for some reason a judge does not feel that it's fair, they could be in trouble.

"So, I would hope that all people who are elected and those that are appointed would have from certain times when we're in session that they would be excluded from being on jury duty. And those are some of my concerns along with my colleague's.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, H.B. No. 83, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 77, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 77, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1496, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 1496, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEADLY OR DANGEROUS WEAPONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 72, H.D. 2, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 72, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Tanaka).

H.B. No. 165, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 165, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 1394 (H.B. No. 1401, H.D. 2, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1394 be adopted and H.B. No. 1401, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Sakamoto rose to speak on the measure as follows:

"Mr. President, I want to express some concerns with one provision -- the provision that 'If a towing company does not comply with the insurance and signage requirements, any person, including the registered owner, lienholder, or insurer of the vehicle may sue the company for any resulting damages and, if that person prevails, the sum of not less than \$1,000 or threefold damages plus reasonable attorneys fees and costs shall be awarded.' I think for an improper sign, that's a little heavy. So, hopefully in conference committee, issues like this can be worked out.

"Thank you, Mr. President."

Senators Slom and Chun requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Kawamoto rose and stated:

"The chair would stand up and address this bill, but we recommend that since Judiciary was unfortunately left out in the traffic of this bill, we recommend that Judiciary be a member on this conference committee.

"Thank you."

The Chair responded:

"It will be taken under advisement."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1394 was adopted and H.B. No. 1401, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1396 (H.B. No. 310, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1396 was adopted and H.B. No. 310, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND BUDGETING FOR NEW SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1400 (H.B. No. 743, H.D. 3, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1400 be adopted and H.B. No. 743, H.D. 3, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Iwase rose in opposition to the measure and stated:

"Mr. President, I'm rising to speak in opposition to the bill.

"Mr. President, my opposition is not based upon the merits of whether or not advanced practice registered nurses should or should not be included in direct payments from insurance companies, but what this bill does is put them into that category for both auto insurance costs and workers' comp costs, and I think the implications are great and I would like to have just a few seconds to explain it.

"Mr. President, we have been, over the last two, three, four years, attempting to drive down the cost of auto insurance and

workers' comp insurance. We passed reforms to deal with auto insurance and workers' comp insurance. With respect to auto insurance, as well as workers' comp, I think what we looked at were two areas that were driving the costs up. One was legal costs, the law suits, and we sought to tighten that up both with auto and workers' comp. Second was the medical cost that impacted upon premiums, and we sought to tighten that up by trying to provide certain gatekeepers to monitor who or what kind of treatments would be provided and under what conditions. There has been some success, at least in the workers' comp area. In auto reform, the jury is still out.

"Mr. President, what we're doing now is adding back into the restricted categories of direct payees, another profession. And therein lies the problem. I think that before we do these things, we ought to look at criteria to determine whether or not a particular profession should be added back into both the workers' compensation law and the auto insurance law to determine whether or not they should be direct payees. If we do not do so and we take it on an ad hoc basis -- how many people come down and testify, how sympathetic is their plight -- then we have a problem, because it's based purely on subjectivity, rather than objectivity.

"Out there now, Mr. President, and who could seek to come back in to direct payment under the workers' comp and auto insurance law, would be professions such as physical therapists, massage therapists. I understand that physician assistants are now seeking licensure and they could seek to come back in as a direct payee, and of course there's the acupuncturists.

"Mr. President, I believe that we ought to be very circumspect when we add categories of professions back as direct payees, because if we do not do so, all the efforts that we have made to drive down workers' comp costs and auto insurance costs which impact upon the pocketbooks of the people of this State and the employers of this State are not going to succeed.

"So for those reasons, Mr. President, I'll be casting a 'no' vote. Thank you."

Senator Sakamoto also rose in opposition to the measure and said:

"I rise in opposition, Mr. President, similarly to the Senator from Mililani, similar concerns.

"In addition, my understanding is that rules for that profession and their practice still have not been implemented as well. So we're certainly ahead of the curve on some issues and let's be wise in what we do. So I'm in opposition, and certainly, there are places that health care providers such as those are needed, but they don't have to be on the workers' comp schedule, on the auto schedule, where we worked so hard to save consumers' dollars.

"Thank you, Mr. President."

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator M. Ige then rose to speak against the measure and stated:

"Mr. President, I, too, would like to rise in opposition.

"Mr. President, I just want to echo the sentiments of the Senator to my left that I, too, am concerned about this potential cost driver to automobile insurance, I guess, to bring it up to where it may be unaffordable again. It seems to me like a step backwards.

"So, I do want to express my opposition. Thank you."

Senators Inouye, Anderson, D. Ige, Buen and Chun then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1400 was adopted and H.B. No. 743, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (M. Ige, Iwase, Kawamoto, Matsuura, Sakamoto). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 1401 (H.B. No. 842, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1401 was adopted and H.B. No. 842, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS CONTAINER RECOVERIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1404 (H.B. No. 983):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1404 was adopted and H.B. No. 983, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE AGRIBUSINESS DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1408 (H.B. No. 1044, H.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1408 be adopted and H.B. No. 1044, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to support the measure as follows:

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

"I support this bill as I did the Senate bill, but again with the same caveat, and that is -- while I think it certainly is altogether right and fitting that all employees in the state government be afforded the opportunity to purchase medical insurance and other insurance as well, I want to make sure, though, that it is the intent of the Legislature that this is a non-charge to the employer, to the state and to the taxpayers, and that there will not be any attempt in the future to make retroactively these costs a charge on the taxpayers or the state.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1408 was adopted and H.B. No. 1044, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1410 (H.B. No. 1149, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1410 be adopted and H.B. No. 1149, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Hanabusa requested a ruling from the Chair as follows:

"Mr. President, I'd like to request a conflict ruling from the Chair.

"As stated previously, I represent a plaintiff in an action against the Hawaii Health Systems Corporation."

The Chair ruled that Senator Hanabusa was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1410 was adopted and H.B. No. 1149, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1411 (H.B. No. 1165, H.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 1411 be adopted and H.B. No. 1165, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1411 was adopted and H.B. No. 1165, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1414 (H.B. No. 50):

Senator Fukunaga moved that Stand. Com. Rep. No. 1414 be adopted and H.B. No. 50, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1414 was adopted and H.B. No. 50, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1415 (H.B. No. 154, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1415 was adopted and H.B. No. 154, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC TELEVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1416 (H.B. No. 170, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1416 was adopted and H.B. No. 170, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE TAX BENEFITS,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1418 (H.B. No. 248, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1418 be adopted and H.B. No. 248, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to support the measure with reservations as follows:

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

"We passed landmark legislation last year giving the University of Hawaii autonomy and yet the autonomy is not complete in many areas, and we see that it's not complete in the area of legal representation. So I think from that standpoint it's inconsistent.

"But the problem I have with this bill is that it doesn't provide any standard for the University of Hawaii to use to determine when it should use its own legal counsel, and when it should be using the Attorney General's office. It doesn't address this issue at all. Providing the University access to two separate state attorney offices without any guidelines creates an ambiguity and could result in a waste of money because each legal office would be prone to either over- or under-staff. So I think that the bill should establish that the University must use its own counsel except for certain enumerated situations.

"Thank you, Mr. President."

Senator Anderson then requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator M. Ige rose in opposition to the measure as follows:

"Mr. President, I rise to speak in opposition to this measure.

"Could I have the words of the previous speaker, Senator Slom, be entered into the Journal as though they were my own. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1418 was adopted and H.B. No. 248, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (M. Ige). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 1419 (H.B. No. 250, H.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 1419 be adopted and H.B. No. 250, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator M. Ige rose to speak on the measure with reservations and said:

"Mr. President, I rise to speak with reservations on this measure.

"Mr. President, as Government Operations co-chair a couple of years back, we had such difficulty working with the Attorney General's office and I just feel that we absolutely need to have some control over these contracts and that we should have those agreements looked at by someone within our own state government. And I just have some reservations about bypassing the Attorney General's office.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1419 was adopted and H.B. No. 250, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS FOR THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1420 (H.B. No. 260, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1420 be adopted and H.B. No. 260, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak on the measure with reservations as follows:

"Reservations please, Mr. President.

"While we certainly are all concerned about childhood development and child care and so forth, this bill makes a number of appropriations in unspecified amounts for a broad list of items and I think that we need to assure more accountability and specificity.

"Thank you."

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1420 was adopted and H.B. No. 260, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1421 (H.B. No. 307, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1421 was adopted and H.B. No. 307, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1423 (H.B. No. 326, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1423 was adopted and H.B. No. 326, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1430 (H.B. No. 719, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1430 be adopted and H.B. No. 719, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

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

"We are continuing to load additional fees and taxes on our motor vehicle owners, and to go from \$1 to \$3 in this bill does not guarantee that we're going to use it for that specific purpose. And a fee is a tax, is a tax, is a tax.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1430 was adopted and H.B. No. 719, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson, Slom). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 1432 (H.B. No. 979, H.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1432 was adopted and H.B. No. 979, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1435 (H.B. No. 1026, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1435 was adopted and H.B. No. 1026, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1436 (H.B. No. 1042, H.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 1436 be adopted and H.B. No. 1042, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1436 was adopted and H.B. No. 1042, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1437 (H.B. No. 1121):

Senator Fukunaga moved that Stand. Com. Rep. No. 1437 be adopted and H.B. No. 1121, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1437 was adopted and H.B. No. 1121, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE IN ACT 128, SESSION LAWS OF HAWAII 1997," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1439 (H.B. No. 1162, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1439 be adopted and H.B. No. 1162, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1439 was adopted and H.B. No. 1162, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1441 (H.B. No. 1168, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1441 was adopted and H.B. No. 1168, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1442 (H.B. No. 1367, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1442 be adopted and H.B. No. 1367, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to support the measure with reservations and said:

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

"Child safety is a most important issue but I want to see specified amounts for the particular programs, so reservations, please.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1442 was adopted and H.B. No. 1367, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PROTECTION OF CHILDREN AND FAMILIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1444 (H.B. No. 1413, H.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 1444 be adopted and H.B. No. 1413, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator M. Ige rose to speak on the measure with reservations and said:

"Mr. President, I rise to express my reservations on this measure.

"Mr. President, again as one of your Government Operations co-chairs a couple of years back, the Auditor was very critical of this program. I support QUEST. I think the intent is valid and must be supported, but when the Auditor came back she was critical in expressing the fact that some of the costs were out of control, definitions weren't in place. And to see a measure without any cost implications, I have grave reservations about that. And I hope that during conference we'll be able to iron out those figures and be able to come up with what kind of financial impact this measure will have on the people of Hawaii.

"Thank you."

Senator Kawamoto also rose with reservations on the measure as follows:

"Mr. President, I rise to speak in favor with reservations.

"Mr. President, six years ago seems like a long time. But six years ago when QUEST came about, the idea of QUEST was to save money and to cover more people. It appears, since I've been on the Ways and Means for five years now, every year there's been an emergency request for helping QUEST, and every year we've paid it. Somehow we have to, again, curtail the cost of our health care. We need to look and scrutinize also because of the fact that the Auditor came aboard and indicated there is some problems in the QUEST management. We need to look at that. Therefore, I support the bill but with reservations.

"Thank you."

Senators Anderson, Slom, Iwase and Buen then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1444 was adopted and H.B. No. 1413, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1448 (H.B. No. 1675, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 1448 was adopted and H.B. No. 1675, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill                      Referred to:

No. 1028, H.D. 1      Jointly to the Committee on Economic Development and the Committee on Ways and Means

Senator Inouye, for the Committee on Economic Development, requested a waiver pursuant to Senate Rule 20 for H.B. No. 1028, and the Chair granted the waiver.

Senator Levin, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for H.B. Nos. 632 and 1071, and the Chair granted the waiver.

#### ADJOURNMENT

At 1:20 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 6:00 o'clock p.m., Friday, April 9, 1999.