

## TWENTY-FOURTH DAY

Tuesday, February 26, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:40 o'clock a.m., with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Gerald T. Chinen, Church at Our House, after which the Roll was called showing all Senators present with the exception of Senators A. Kobayashi and Machida who were excused.

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

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

Senator Toguchi on behalf of Senator Clayton Hee and himself introduced 45 students from the gifted and talented program of Puohala and Ahuimanu Schools, accompanied by their teachers, Mrs. Ing and Mrs. Sakoeki; parents, Mrs. Michibata, Mrs. Ige, Mr. Guillermo and Mrs. Tamayose.

Senator Toguchi then remarked as follows:

"Mr. Vice President, I have a message for all of you from the students. They told me to tell all of you to vote for the 'humuhumu' as the state fish. The other thing too is that I asked them what was one of their top priorities here at the Legislature. They said, 'make the gifted and talented classes full time.' Thank you."

Senator Fernandes Salling rose and introduced, on behalf of Senator Aki and herself, nine senior citizens from Kauai who were selected as the legislative delegates for 1985 under the Office of Elderly Affairs, County of Kauai. They were accompanied by their executive director, Mrs. Ellie Lloyd, and staff member, Richard Chun.

Senator Kuroda then made the following introductions:

"Mr. Vice President, on behalf of Senator Yamasaki and Senator Bert Kobayashi whose ancestors come from the Island of Kyushu, we have visiting with us six Fukuoka Prefecture councilmen. They are called assemblymen, the Kanda City assemblymen. Kanda City has a very large Nissan plant. It adds to a very successful economy there.

"These visitors are here in conjunction with the 'kanyaku imin,' the 100th anniversary celebration of the Japanese coming to Hawaii. I'd like to at this time introduce Shinichi Imoto, the delegation leader, Hiroshi Hisamatsu, Masato Ejima,

Koujiro Okuda, Kyuuzo Meguro and Takeshi Kawasaki, who happens to have the same name as you, Mr. Vice President.

"Mr. Vice President, we also have visiting with us from Kingston, Pennsylvania, Dr. Herbert Oliver, a dentist for 30 years, who is very involved in Little League baseball and is the present district administrator. Dr. Oliver has devoted 33 years in Little League baseball. He is accompanied by his wife, Kay, and friend, Catherine Dildine, a retired school teacher. Catherine Dildine is celebrating her 70th birthday today. Accompanying them is Mrs. Anita Aoki, district administrator of Hawaii Little League, District 2, which encompasses Aiea, Pearl Harbor and Hickam."

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 173 to 191) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 173, transmitting the 1983-84 Annual Report of the Department of Personnel Services, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 174, transmitting the report, "Adequacy of Welfare Allowances," prepared by the Department of Social Services and Housing, pursuant to Chapter 346, HRS, was referred to the Committee on Human Services.

Gov. Msg. No. 175, transmitting the final report of the Governor's Committee on Hawaii's Economic Future, was referred to the Committee on Economic Development.

Gov. Msg. No. 176, transmitting a report prepared by the Office of Environmental Quality Control, in response to HCR 39 (1984), Requesting the Office of Environmental Quality Control to Determine the Source of EDB (ethylene dibromide) Contamination of the Waipahu Wells, was referred to the Committee on Health.

Gov. Msg. No. 177, transmitting the 1984 Annual Report of the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

Gov. Msg. No. 178, transmitting the "State of Hawaii Program Structure," a supplement to the Multi-Year Program and Financial Plan, was referred to the Committee on Ways and Means.

Gov. Msg. No. 179, transmitting a report

prepared by the Department of Land and Natural Resources, in response to H.R. No. 108 (1984), Requesting Meetings to Determine the Advisability of Restricting Net Fishing in a Portion of the Harbor and Nearshore Waters of Kawaihae, Hawaii, was referred to the Committee on Economic Development.

Gov. Msg. No. 180, submitting for consideration and confirmation to the Advisory Committee on Flowers and Foliage, the nomination of Tracey Elmore Lauder, term to expire December 31, 1988, was referred to the Committee on Agriculture.

Gov. Msg. No. 181, submitting for consideration and confirmation to the CATV Advisory Committee, the nomination of Henry L. Freund, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 182, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of Karen J. Bardin-Billman, term to expire December 31, 1988, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 183, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of Robert G. Schmitt, term to expire December 31, 1988, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 184, submitting for consideration and confirmation to the Board of Examiners of Nursing Home Administrators, the nominations of the following:

Darryl N. Ing, term to expire December 31, 1987; and

Clifford E. Miller, Jr., term to expire December 31, 1985,

was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 185, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of John Y. Arisumi, term to expire December 31, 1988, was referred to the Committee on Economic Development.

Gov. Msg. No. 186, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of Frank J. Radovsky, term to expire December 31, 1988, was referred to the Committee on Economic Development.

Gov. Msg. No. 187, submitting for consideration and confirmation to the

Aquatic Life and Wildlife Advisory Committee, County of Maui, the nomination of Stanley Y. Oshima, term to expire December 31, 1985, was referred to the Committee on Economic Development.

Gov. Msg. No. 188, submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Hawaii County Hospital System, the nominations of the following:

Herbert A. Segawa, term to expire December 31, 1988; and

Lawrence A. Peebles, M.D., term to expire December 31, 1987,

was referred to the Committee on Health.

Gov. Msg. No. 189, submitting for consideration and confirmation to the Civil Service Commission, the nomination of Clarence M. Takashima, term to expire December 31, 1985, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 190, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District, the nomination of Fred T. Yamashiro, term to expire December 31, 1988, was referred to the Committee on Ways and Means.

Gov. Msg. No. 191, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District, the nomination of Erlinda Salvador, term to expire December 31, 1988, was referred to the Committee on Ways and Means.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 36 to 38) were read by the Clerk and were disposed of as follows:

Dept. Com. No. 36 from the Office of the Auditor, transmitting a report, "Study of the Regulation of Child Care in Hawaii," pursuant to Act 280, SLH 1984, was referred to the Committee on Human Services.

Dept. Com. No. 37 from the Department of the Attorney General, transmitting the "1985 Report on Claims for Legislative Relief," pursuant to Sec. 37-77, HRS, was referred to the Committee on Judiciary.

Dept. Com. No. 38 from the Office of the Auditor, transmitting the report, "Sunrise Analysis of Proposals to Regulate the Practice of Acupuncture," pursuant to Sec. 26H-6, HRS, was referred to the Committee on Consumer Protection and Commerce.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 11 to 16) were read by the Clerk and were disposed of as follows:

S.C.R. No. 11, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 11 was referred to the Committee on Agriculture, then to the Committee on Economic Development.

S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION FUNCTIONAL PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 12 was referred to the Committee on Education, then to the Committee on Economic Development.

S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND REPORT UPON THE LAWS, REGULATIONS, AND POLICY GUIDELINES FOR USING ANIMAL MANURES IN AQUACULTURE SYSTEMS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 13 was referred jointly to the Committee on Agriculture and to the Committee on Health.

S.C.R. No. 14, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, PACIFIC OCEAN DIVISION, HAWAII, TO INCORPORATE AQUACULTURE OUTFALLS AND RELATED STRUCTURES AND APPURTENANCES UNDER THE GENERAL (REGIONAL) PERMIT SYSTEM OF THE UNITED STATES CLEAN WATER ACT," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 14 was referred jointly to the Committee on Agriculture and the Committee on Health.

S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO RAISE THE AQUACULTURE EFFLUENT DISCHARGE EXEMPTION LIMITS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 15 was referred jointly to the Committee on Agriculture and the Committee on Health.

S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ALL COUNTIES OF THE STATE TO DEFINE AQUACULTURE AS A FORM OF AGRICULTURE UNDER THEIR

GOVERNING ORDINANCES, CODES, RULES AND REGULATIONS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 16 was referred jointly to the Committee on Agriculture and the Committee on Health.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 18 and 19) were read by the Clerk and were disposed of as follows:

S.R. No. 18, entitled: "SENATE RESOLUTION REQUESTING AN EPIDEMIOLOGICAL STUDY TO DETERMINE WHY LANAI AND MOLOKAI HAVE EXTRAORDINARILY HIGH RATES OF BIRTH DEFECTS," was offered by Senators A. Kobayashi, McMurdo, Abercrombie, Kawasaki, Matsuura, Hagino, Kuroda, Hee, Yamasaki, Fernandes Salling and George.

By unanimous consent, S.R. No. 18 was referred to the Committee on Health.

S.R. No. 19, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE IMPLEMENTATION OF STAGGERED SCHOOL HOURS," was offered by Senators Matsuura and Toguchi.

By unanimous consent, S.R. No. 19 was referred to the Committee on Education.

#### ORDER OF THE DAY

#### STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 14) recommending that Senate Bill No. 72, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator B. Kobayashi, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.B. No. 72, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE AND CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 1985.

Senator Kuroda, for the majority of the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 15) recommending that Senate Bill No. 1190, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator Kuroda moved that the report of the Committee be adopted and that S.B. No. 1190, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator

McMurdo.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

Senator Abercrombie rose to speak in favor of the measure as follows:

"Mr. Vice President, I want to indicate that I'm pleased to note the willingness of the committee to consider further refinements to this bill, and I trust and hope that the general public, as well as those who will convey what happened and is happening here today with the movement of this bill, will not confuse and mislead the public as to what is intended.

"Obviously, we have a deadline here to work on and we want to make sure that not only the Ways and Means Committee, but all the members of the Senate and the House have some flexibility available to them before they are held to a position which may not represent their full thinking at the present time."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

#### RE-REFERRAL OF SENATE BILLS

The Chair made the following re-referral of bills that were introduced:

Senate Bills Referred to:

No. 686 Committee on Ways and Means

No. 696 Committee on Ways and Means

No. 765 Committee on Labor and Employment, then to the Committee on Ways and Means

No. 771 Committee on Ways and Means

No. 772 Committee on Ways and Means

No. 869 Jointly to the Committee on Labor and Employment and the Committee on Higher Education, then to the Committee on Ways and Means

No. 870 Committee on Ways and Means

No. 884 Committee on Ways and Means

No. 885 Committee on Ways and Means

No. 893 Committee on Labor and Employment, then to the Committee on Ways and Means

No. 907 Committee on Ways and Means

No. 909 Committee on Transportation

No. 914 Committee on Ways and Means

No. 917 Committee on Ways and Means

No. 919 Committee on Ways and Means

No. 944 Committee on Agriculture, then to the Committee on Ways and Means

No. 1196 Committee on Housing and Community Development

No. 1397 Committee on Agriculture, then to the Committee on Ways and Means

At this time, Senator Solomon, Chairman of the Committee on Agriculture, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.B. No. 944, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER USE"; and

S.B. No. 1397, entitled: "A BILL FOR AN ACT RELATING TO LAND EVALUATION AND SITE ASSESSMENT,"

and the Chair granted the waiver.

At 12:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:35 o'clock p.m.

#### ADJOURNMENT

At 12:40 o'clock p.m., on motion by Senator Cobb, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 27, 1985.