

## NINTH DAY

Monday, February 1, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend W.C. Garland of the Hawaii Baptist Convention, after which the Roll was called showing all Senators present with the exception of Senators Chang and Holt who were excused.

The President announced that he had read and approved the Journal of the Eighth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 96 and 97) were read by the Clerk and were placed on file:

Gov. Msg. No. 96, transmitting Volumes I, II, III and IV of the Report of the Governor's Committee on Public Records and Privacy, December 1987.

Gov. Msg. No. 97, informing the Senate that on January 29, 1988, he signed into law House Bill No. 321 as Act 1, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 23 and 24) were read by the Clerk and were placed on file:

Dept. Com. No. 23 from the Office of the Auditor, transmitting three reports: (1) Sunrise Analysis to Regulate Real Estate Appraisers and Real Property Appraisals, Report No. 88-10; (2) Second Interim Report: Evaluation of the Administrative Flexibility Legislation Affecting the Department of Education and the University of Hawaii, Report No. 88-11, pursuant to Acts 320 and 321, SLH 1986; and (3) Study of the Adequacy of Hawaii's Public Welfare Allowances, Report No. 88-12, in response to S.C.R. No. 81 (1987).

Dept. Com. No. 24 from the Office of the Auditor, transmitting a Coopers & Lybrand report, "Study of a State Motor Vehicle Insurance Fund and Selected Insurance Issues," pursuant to Act 258, SLH 1987.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution was read by the Clerk and was referred to Committee:

Senate  
Concurrent  
Resolution

No. 9 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO DIVEST STATE MONEYS FROM SOUTH AFRICAN INVESTMENTS."

Offered by: Senator Hee.

Referred to: Committee on Ways and Means.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the following bills passed First

Reading by title and were placed on the calendar for further consideration on Tuesday, February 2, 1988:

Senate Bills:

No. 2329 "A BILL FOR AN ACT RELATING TO PORNOGRAPHY."

Introduced by: Senator Blair.

No. 2330 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPECIAL OFFICERS OF THE CITY AND COUNTY OF HONOLULU."

Introduced by: Senator Blair.

No. 2331 "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS."

Introduced by: Senator Blair.

No. 2332 "A BILL FOR AN ACT RELATING TO ADOPTION."

Introduced by: Senator Blair.

No. 2333 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAI'I NATURE CENTER."

Introduced by: Senator Blair.

No. 2334 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION FOR PAVING THE SHOULDER OF QUEEN KAAHUMANU HIGHWAY FOR A SAFETY LANE FROM KEAHOE AIRPORT TO KAWAIHAE."

Introduced by: Senator Holt, by request.

No. 2335 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTIONS 2 AND 3, OF THE HAWAII CONSTITUTION, TO ABOLISH THE BOARD OF EDUCATION AND TO TRANSFER ITS POWERS TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Herkes, Ikeda.

No. 2336 "A BILL FOR AN ACT RELATING TO HANDICAPPED PERSONS."

Introduced by: Senators McMurdo, Aki, Chang, Cobb, Herkes, Kobayashi, A., Menor, Nakasato, Tungpalan, Yamasaki.

No. 2337 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CENTERS FOR INDEPENDENT LIVING STATEWIDE PERSONAL CARE ATTENDANT DEMONSTRATION PROJECT."

Introduced by: Senators McMurdo, Aki, Blair, Chang, Cobb, Hagino, Herkes, Kobayashi, A., Menor, Nakasato, Tungpalan, Yamasaki.

No. 2338 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KUALOA-HEEIA ECUMENICAL YOUTH PROJECT'S 'YOUTH IN CRISIS' PROGRAM."

Introduced by: Senators McMurdo, Hee, Wong, J.

No. 2339 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TEEN FATHER PARENTING AND PREVENTION PROGRAM."

Introduced by: Senators McMurdo, Aki, Blair, Chang, Cobb, Herkes, Kobayashi, A., Menor, Nakasato, Tungpalan, Yamasaki.

No. 2340 "A BILL FOR AN ACT RELATING TO TRANSPORTATION FOR THE HANDICAPPED."

Introduced by: Senators McMurdo, Aki, Blair, Chang, Cobb, Hagino, Herkes, Kobayashi, A., Menor, Nakasato, Tungpalan, Yamasaki.

No. 2341 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PURCHASE OF SERVICE FROM INSTRUCTIONAL ASSOCIATES OF HAWAII."

Introduced by: Senators Mizuguchi, Fernandes Salling.

No. 2342 "A BILL FOR AN ACT RELATING TO COUNTY COUNCILS."

Introduced by: Senators Herkes, Cobb, Ikeda, Solomon, Yamasaki, Young.

No. 2343 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LITTER CONTROL."

Introduced by: Senators Herkes, Cobb, Ikeda, Kobayashi, A., Solomon, Yamasaki, Young.

No. 2344 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INFANT/TODDLER CARE SERVICES."

Introduced by: Senator Kobayashi, A.

No. 2345 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AFTER SCHOOL PROGRAMS."

Introduced by: Senator Kobayashi, A.

No. 2346 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL TO PURCHASE TRANSPORTATION VEHICLES."

Introduced by: Senator Nakasato.

No. 2347 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL'S TRANSPORTATION PROGRAM."

Introduced by: Senator Nakasato.

No. 2348 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL'S AGRICULTURAL TRAINING PROGRAM."

Introduced by: Senator Nakasato.

No. 2349 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Nakasato, by request.

No. 2350 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE THE EMPLOYMENT OF EMPLOYEES OF THE OFFICE OF COMMUNITY SERVICES."

Introduced by: Senator Nakasato.

No. 2351 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMPLOYMENT TRAINING PROGRAM OF OPPORTUNITIES FOR THE RETARDED INCORPORATED."

Introduced by: Senator Nakasato.

No. 2352 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KIHEI YOUTH PROGRAM IN THE COUNTY OF MAUI."

Introduced by: Senator Nakasato.

No. 2353 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A VEGETABLE CROP EXTENSION AGENT POSITION FOR HILO, HAWAII."

Introduced by: Senators Matsuura, Herkes, Solomon.

No. 2354 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RENOVATION OF THE AQUATIC FACILITIES AT THE HILO YWCA, COUNTY OF HAWAII."

Introduced by: Senators Matsuura, Herkes, Solomon.

No. 2355 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAIIAN SUGAR PLANTERS' ASSOCIATION."

Introduced by: Senators Matsuura, Solomon, Yamasaki.

No. 2356 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIAKEA HEALTH CENTER."

Introduced by: Senators Matsuura, Kobayashi, B., Solomon.

No. 2357 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GEOTHERMAL AWARENESS PROJECT."

Introduced by: Senators Matsuura, Chang, Solomon.

No. 2358 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CONSORTIUM TO STIMULATE GEOTHERMAL RESOURCE DEVELOPMENT."

Introduced by: Senators Matsuura, Chang, Kobayashi, A.

No. 2359 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AUDIT TO VERIFY MILK USAGE BY MILK PROCESSING PLANTS."

Introduced by: Senators Matsuura, Aki, Menor.

No. 2360 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CENTER FOR APPLIED AQUACULTURE."

Introduced by: Senators Matsuura, Hagino, Kobayashi, A.

No. 2361 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A CENTER FOR APPLIED AQUACULTURE IN HAWAII."

Introduced by: Senators Matsuura, Hagino, Kobayashi, A.

No. 2362 "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY."

Introduced by: Senators Matsuura, Kobayashi, A., Young.

No. 2363 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MANUFACTURING ENTERPRISES."

Introduced by: Senators Matsuura, Chang, Kobayashi, A.

No. 2364 "A BILL FOR AN ACT RELATING TO BOATING SAFETY."

Introduced by: Senators Ikeda, Aki, Blair, Cobb, Hee, Herkes, Holt, Kobayashi, A., McMurdo.

No. 2365 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Ikeda.

No. 2366 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Tungpalan, Blair, Chang, Cobb, Hagino, Menor, Nakasato, Reed.

No. 2367 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOLULU THEATER FOR YOUTH."

Introduced by: Senators Tungpalan, Blair, Chang, Cobb, Hagino, Hee, Menor, Nakasato, Reed.

No. 2368 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ESTABLISHING A COMMUNITY CULTURAL CENTER IN PEARL CITY, OAHU."

Introduced by: Senators Tungpalan, Menor.

No. 2369 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A LIBRARY FOR WAIPAHU INTERMEDIATE SCHOOL."

Introduced by: Senators Menor, Tungpalan, Young.

No. 2370 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN EDUCATIONAL COORDINATOR POSITION AT WAIPAHU CULTURAL GARDEN PARK."

Introduced by: Senators Menor, Tungpalan, Young.

No. 2371 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."

Introduced by: Senator Menor, by request.

No. 2372 "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE."

Introduced by: Senator Menor, by request.

No. 2373 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Herkes.

No. 2374 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senator Herkes.

No. 2375 "A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINERS."

Introduced by: Senator Herkes.

No. 2376 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP AND CARRY OUT ENVIRONMENTAL EDUCATION PROGRAMS."

Introduced by: Senators Hagino, Nakasato.

No. 2377 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF CREATING A HAZARDOUS WASTE LANDFILL IN HAWAII."

Introduced by: Senators Hagino, Nakasato.

No. 2378 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF INCINERATION OF HAZARDOUS WASTES IN HAWAII."

Introduced by: Senators Hagino, Nakasato.

No. 2379 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO EXAMINE THE FEASIBILITY OF ESTABLISHING A HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY."

Introduced by: Senators Hagino, Nakasato.

No. 2380 "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM."

Introduced by: Senators Hagino, Nakasato.

No. 2381 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY."

Introduced by: Senators Hagino, Nakasato.

No. 2382 "A BILL FOR AN ACT RELATING TO PRESERVATION OF COASTAL OPEN SPACE."

Introduced by: Senators Hagino, Nakasato.

No. 2383 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."

Introduced by: Senators Hagino, Nakasato.

No. 2384 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Hagino, Nakasato.

No. 2385 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO KALIHI AND NIHI STREETS."

Introduced by: Senator Nakasato.

No. 2386 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL TO PROVIDE DAY CARE SERVICES."

Introduced by: Senator Nakasato, by request.

No. 2387 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HONOLULU COMMUNITY ACTION PROGRAM'S COMPUTER AWARENESS AND TUTORIAL ASSISTANCE PROJECT."

Introduced by: Senator Nakasato.

No. 2388 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL TO RENOVATE THE FORMER ALAE SCHOOL COMPLEX TO ESTABLISH A SATELLITE OFFICE."

Introduced by: Senator Nakasato, by request.

No. 2389 "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS."

Introduced by: Senator Nakasato, by request.

No. 2390 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Nakasato, by request.

No. 2391 "A BILL FOR AN ACT RELATING TO STATE HOLIDAYS."

Introduced by: Senator Nakasato, by request.

No. 2392 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAUAI ECONOMIC OPPORTUNITY'S SHOPPERS PROGRAM FOR LOW INCOME FRAIL ELDERLY AND DISABLED ADULTS."

Introduced by: Senator Nakasato.

No. 2393 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HONOLULU COMMUNITY ACTION PROGRAM'S MAKALAPA COMMUNITY SERVICE CENTER."

Introduced by: Senator Nakasato.

No. 2394 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Herkes.

No. 2395 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF A MECHANICAL HOIST AT MILOLII PIER, HAWAII."

Introduced by: Senators Herkes, Kobayashi, A., Reed, Solomon, Yamasaki.

No. 2396 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH."

Introduced by: Senators Herkes, Kobayashi, A., Matsuura, Reed, Solomon.

No. 2397 "A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FINES AND FORFEITURES."

Introduced by: Senators Herkes, Kobayashi, A., Reed.

No. 2398 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."

Introduced by: Senator Kobayashi, B.

No. 2399 "A BILL FOR AN ACT RELATING TO THE ACCESSIBILITY OF GOVERNMENT BUILDINGS TO THE HANDICAPPED."

Introduced by: Senator Kobayashi, B.

No. 2400 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ASSOCIATION FOR RETARDED CITIZENS OF HAWAII AND THE ASSOCIATION FOR RETARDED CITIZENS OF KAUAI."

Introduced by: Senator Kobayashi, B.

No. 2401 "A BILL FOR AN ACT RELATING TO BEACHES."

Introduced by: Senators Kobayashi, B., Aki.

No. 2402 "A BILL FOR AN ACT RELATING TO PODIATRISTS."

Introduced by: Senators Kobayashi, B., Nakasato.

No. 2403 "A BILL FOR AN ACT RELATING TO STUDENTS AGAINST DRUG ABUSE CHAPTERS IN INTERMEDIATE AND HIGH SCHOOLS."

Introduced by: Senators Mizuguchi, Kobayashi, B.

No. 2404 "A BILL FOR AN ACT RELATING TO A YOUTH CONGRESS FOR DISADVANTAGED HIGH SCHOOL STUDENTS."

Introduced by: Senators Mizuguchi, Kobayashi, B.

No. 2405 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Kobayashi, B.

No. 2406 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOLULU COMMUNITY THEATRE."

Introduced by: Senators Kobayashi, B., Tungpalan.

No. 2407 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE."

Introduced by: Senators Kobayashi, B., McMurdo.

No. 2408 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Blair.

No. 2409 "A BILL FOR AN ACT RELATING TO SAVINGS BANK LIFE INSURANCE."

Introduced by: Senators Blair, Cobb.

No. 2410 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII, SECTION 2, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO COUNTIES."

Introduced by: Senator Blair.

No. 2411 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAYOR JOHN H. WILSON ELEMENTARY SCHOOL."

Introduced by: Senator Cobb.

No. 2412 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN OVERPASS OVER KALANIANA'OLE HIGHWAY."

Introduced by: Senator Cobb.

No. 2413 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIRS, IMPROVEMENTS, AND NEW EQUIPMENT FOR AINA HAINA SCHOOL, OAHU."

Introduced by: Senators Cobb, Fernandes Salling, Ikeda, Kobayashi, A., Mizuguchi.

No. 2414 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS, DESIGN, AND INSTALLATION OF CENTRALIZED AIR-CONDITIONING AND OTHER IMPROVEMENTS FOR PALOLO SCHOOL, OAHU."

Introduced by: Senator Cobb.

No. 2415 "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS."

Introduced by: Senators Cobb, Blair, Ikeda.

No. 2416 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT."

Introduced by: Senator Cobb, by request.

No. 2417 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senator Cobb, by request.

No. 2418 "A BILL FOR AN ACT RELATING TO THE RELEASE OF MORTGAGES OF REAL PROPERTY OR FIXTURES."

Introduced by: Senator Cobb, by request.

No. 2419 "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY."

Introduced by: Senator Cobb, by request.

No. 2420 "A BILL FOR AN ACT RELATING TO NEW MOTOR VEHICLE WARRANTIES."

Introduced by: Senator Cobb.

No. 2421 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senators Cobb, Aki, Blair, Fernandes Salling, Ikeda, Kobayashi, A.

No. 2422 "A BILL FOR AN ACT RELATING TO UNINSURED MOTORISTS."

Introduced by: Senator Cobb, by request.

No. 2423 "A BILL FOR AN ACT RELATING TO PUBLIC MONEYS."

Introduced by: Senators Solomon, Aki, Blair, Chang, George, Hagino, Herkes, Kobayashi, A., Menor, Tungpalan, Wong, J., Yamasaki, Young.

No. 2424 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Solomon, by request, Aki, Blair, Chang, George, Hagino, Ikeda, Kobayashi, A., Matsuura, McMurdo, Reed, Wong, J., Yamasaki, Young.

No. 2425 "A BILL FOR AN ACT RELATING TO COUNTY OFFICERS."

Introduced by: Senators Solomon, Blair, Chang, Hagino, Herkes, Ikeda, Kobayashi, A., McMurdo, Reed, Wong, J., Yamasaki, Young.

No. 2426 "A BILL FOR AN ACT RELATING TO COUNTY TORT LIABILITY."

Introduced by: Senators Solomon, by request, Aki, Chang, Ikeda, Kobayashi, A., Matsuura, Menor, Tungpalan, Wong, J., Yamasaki, Young.

No. 2427 "A BILL FOR AN ACT RELATING TO JURY TRIAL."

Introduced by: Senators Solomon, by request, Aki, Chang, Hagino, Ikeda, Kobayashi, A., Matsuura, Menor, Tungpalan, Wong, J.

No. 2428 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OAHU SELF-HELP HOUSING CORPORATION."

Introduced by: Senators Aki, George, Hagino, Menor, Solomon, Tungpalan, Young.

No. 2429 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE WAIANAE RAP CENTER FOR AN ALTERNATIVE EDUCATION PROGRAM."

Introduced by: Senators Aki, George, Hagino, Kobayashi, A., Menor, Solomon, Tungpalan, Young.

No. 2430 "A BILL FOR AN ACT RELATING TO THE INCOME TAX LAW."

Introduced by: Senators Aki, Cobb, Hagino, Kobayashi, A., Kobayashi, B., Menor, Solomon, Tungpalan, Young.

No. 2431 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE WAIANAE COST COMPREHENSIVE MENTAL HEALTH CENTER, INC. FOR THE CHILDREN'S TEAM."

Introduced by: Senators Aki, George, Hagino, Kobayashi, A., Menor, Solomon, Tungpalan, Young.

No. 2432 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."

Introduced by: Senator Hee, by request.

No. 2433 "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES."

Introduced by: Senator Hee.

No. 2434 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 4, AND REPEAL OF ARTICLE IV, SECTIONS 5 AND 6, OF THE HAWAII CONSTITUTION."

Introduced by: Senator Hee.

No. 2435 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO CHANGE THE MANNER OF APPOINTMENT OF JUSTICES AND JUDGES."

Introduced by: Senator Hee.

No. 2436 "A BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF CERTAIN PARKING AND TRAFFIC VIOLATIONS AND THE ADMINISTRATIVE ADJUDICATION THEREOF BY THE COUNTIES."

Introduced by: Senator Hee, by request.

No. 2437 "A BILL FOR AN ACT RELATING TO THE OFFICE OF SHERIFF."

Introduced by: Senator Hee.

No. 2438 "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT."

Introduced by: Senator Hee.

No. 2439 "A BILL FOR AN ACT RELATING TO TRUSTEES."

Introduced by: Senator Hee, by request.

No. 2440 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senator Hee.

No. 2441 "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION."

Introduced by: Senator Hee, by request.

No. 2442 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senator Hee, by request.

No. 2443 "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES."

Introduced by: Senator Hee.

No. 2444 "A BILL FOR AN ACT RELATING TO PEER REVIEW."

Introduced by: Senator Hee.

No. 2445 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senator Hee.

No. 2446 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT OF A SHELTER FOR THE HOMELESS."

Introduced by: Senator Wong, R., by request.

No. 2447 "A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FINES AND FORFEITURES."

Introduced by: Senator Wong, R., by request.

No. 2448 "A BILL FOR AN ACT RELATING TO VEHICLES LEFT UNATTENDED ON PRIVATE AND PUBLIC PROPERTY."

Introduced by: Senator Wong, R., by request.

No. 2449 "A BILL FOR AN ACT RELATING TO TOWING OF VEHICLES, DELINQUENT PENALTIES, SEIZURE AND SALE FOR TAX."

Introduced by: Senator Wong, R., by request.

No. 2450 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHILD CARE CENTERS AT PARK AND RIDE FACILITIES."

Introduced by: Senator Wong, R., by request.

No. 2451 "A BILL FOR AN ACT RELATING TO ACCIDENTAL INJURY LEAVE."

Introduced by: Senator Wong, R., by request.

No. 2452 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Wong, R., by request.

No. 2453 "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX LAW."

Introduced by: Senator Wong, R., by request.

No. 2454 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE FUND FOR SOLID WASTE MANAGEMENT."

Introduced by: Senator Wong, R., by request.

No. 2455 "A BILL FOR AN ACT RELATING TO HOURS OF WORK."

Introduced by: Senator Wong, R., by request.

No. 2456 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATE FUNDING FOR THE HONOLULU RESOURCE RECOVERY FACILITY."

Introduced by: Senator Wong, R., by request.

No. 2457 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO WILSON TUNNEL, OAHU."

Introduced by: Senator Wong, R., by request.

No. 2458 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Senator Wong, R., by request.

No. 2459 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KALAKAUA AVENUE REVITALIZATION, PHASE II."

Introduced by: Senator Wong, R., by request.

No. 2460 "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES IN SUITS AGAINST A COUNTY."

Introduced by: Senators Solomon, by request, Aki, Chang, Fernandes Salling, George, Hagino, Herkes, Ikeda, Kobayashi, A., Matsuura, Menor, Mizuguchi, Reed, Wong, J., Yamasaki, Young.

No. 2461 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senator Cobb, by request.

## ORDER OF THE DAY

### THIRD READING

Senate Bill No. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Cobb, Hee and Holt).

### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Friday, January 29, 1988:

Senate Bills Referred to:

No. 2281 Committee on Education, then to the Committee on Ways and Means

No. 2282 Committee on Education, then to the Committee on Ways and Means

No. 2283 Committee on Judiciary

No. 2284 Committee on Transportation

No. 2285 Jointly to the Committee on Human Services and the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 2286 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2287 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2288 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2289 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2290 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2291 Committee on Higher Education, then to the Committee on Ways and Means

No. 2292 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2293 Committee on Planning and Environment, then to the Committee on Ways and Means

No. 2294 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2295 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2296 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2297 Committee on Health, then to the Committee on Ways and Means

No. 2298 Committee on Labor and Employment, then to the Committee on Ways and Means

No. 2299 Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means

No. 2300 Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means

No. 2301 Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means

No. 2302 Committee on Transportation, then to the Committee on Ways and Means

No. 2303 Committee on Education, then to the Committee on Judiciary

No. 2304 Committee on Education, then to the Committee on Judiciary

No. 2305 Committee on Consumer Protection and Commerce

No. 2306 Committee on Judiciary

No. 2307 Committee on Education, then to the Committee on Ways and Means

No. 2308 Committee on Education, then to the Committee on Ways and Means

No. 2309 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2310 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 2311 Committee on Judiciary

No. 2312 Jointly to the Committee on Housing, Hawaiian Programs and Natural Resources and the Committee on Consumer Protection and Commerce

No. 2313 Committee on Housing, Hawaiian Programs and Natural Resources, then to the Committee on Ways and Means

No. 2314 Committee on Government Operations

No. 2315 Committee on Housing, Hawaiian Programs and Natural Resources

No. 2316 Jointly to the Committee on Housing, Hawaiian Programs and Natural Resources and the Committee on Consumer Protection and Commerce

No. 2317 Committee on Consumer Protection and Commerce

No. 2318 Committee on Government Operations

No. 2319 Committee on Government Operations

No. 2320 Committee on Judiciary

No. 2321 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 2322	Committee on Consumer Protection and Commerce
No. 2323	Committee on Consumer Protection and Commerce
No. 2324	Committee on Government Operations
No. 2325	Committee on Government Operations
No. 2326	Committee on Government Operations
No. 2327	Committee on Government Operations
No. 2328	Committee on Ways and Means

## REFERRAL OF RESOLUTIONS

The President made the following referral of resolutions that were offered on Friday, January 29, 1988:

Senate Concurrent Resolution	Referred to:
No. 8	Committee on Corrections
Senate Resolution	Referred to:
No. 11	Committee on Corrections

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

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

"Mr. President, I wanted Senator Clayton Hee to be present to hear the speech that I am going to make this morning.

"Mr. President, I rise to speak today on a problem which has long concerned me which is the taking of agricultural land from our farmers for the purpose of building a recreational facility -- golf course -- to benefit a few."

At 11:45 o'clock a.m., upon request by Senator Hee, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

Senator Hee remarked:

"Mr. President, I apologize to the members for the interruption. I regret that I was not aware of the Senate rule on personal privilege and I stand corrected."

Senator Young then continued:

"Mr. President, in particular, I am speaking about a news article which appeared in this morning's Honolulu Advertiser about a local farmer, Mr. Royei Higa, who for 10 years has been a vegetable farmer in Lualualei. Mr. Higa and his wife have been ordered to leave their leased land by July 1 because the land has been sold to a developer who wants to build another golf course.

"I find it ironic that according to the 1986 State of Hawaii Data Book, there are 57 golf courses in our state, but only 2% of our residents and 2% of our visitors actually use these golf courses. On the Leeward Coast,

there are over 8 more golf courses being proposed. In an area where we have one of the highest rate of unemployment and homelessness, it is unconscionable to allow such developments to take place. We cannot continue to neglect the concerns of these people. The area is beginning to be one of the 'have and have not's.'

"Now, I ask you, Mr. President, what should be our higher priority? To meet the recreational needs of a few of our residents and visitors or should it be to help our people retain their homes, their means of making a living and, most importantly, their dignity as contributing members of our society?

"I have come out strongly in the past against HRS 205-2 which allows golf courses and golf driving ranges to be built on agriculturally zoned land. This was a law which, as you may recall, deeply divided the Senate in 1985. When I think of the tragic plight of Mr. Royei Higa, I cannot help but think how this piece of legislation is coming back to haunt us now. The principles behind HRS 205-2 were wrong three years ago when the law was introduced and they are still wrong today!

"The basic need for housing, for earning a living, for growth, food for our people, must always come before such luxuries as golf course and driving ranges. As Mr. Higa so aptly put it, and I quote: 'I no sell to development. This land agricultural .... Vegetables you can eat, golf balls cannot.'

"Clearly, Mr. President, there is an urgent need to reassess our priorities. Thank you."

Senator Hee also rose on a point of personal privilege and stated:

"Mr. President, I rise to speak on the same subject matter as the previous speaker because in 1985, as we can recall, this matter did divide the Senate. As I recall, the vote at the time was 14 in favor, 11 opposed. A simple change of two votes would have made what is occurring this morning in the Advertiser on page C-2 not possible.

"I did some background research, Mr. President, and looked into the Journal of the 57th Day (1985). With your indulgence and the members' patience, I'd like to recall some of the things which were said on that day.

"Superintendent Charles Toguchi who was then a member of the Senate said to you on the 57th Day: 'Mr. President, the State Land Commission objects to this proposal ... the State Land Use Commission believes that the basis for the commission's position is that golf courses and driving ranges are not agriculturally related purposes and would remove large acreage of land which may potentially be suited for agricultural uses.'

"He continued and said, 'The Department of Economic Development opposes the ... bill. ... Mr. President, the Hawaii Farm Bureau Federation also sent a letter to the chairman of the committee, the Economic Development Committee, opposing the measure.

"The City and County opposed the measure.

"At that time the chairman of the committee, on the 57th Day, in a response to a question said, '... This bill deals chiefly with lands that are classified as C, D and E, or marginal or unproductive agricultural lands.'

"Mr. President and members, the land in question, 50 acres of the Higa farm are classified C, D or E. This 50 acres that they have been growing for 10 years which



produce Manoa lettuce, mustard cabbage, pak choi and daikon.

"It was said, Mr. President, by Senator Young who was at that time the chairman on Housing, '... this bill proposes to permit golf courses and golf driving ranges in agricultural districts. I would rather see a proposal utilizing marginal agricultural lands for land banking and housing. ... Previously, I informed this body that certain studies indicate the state suffers from a 30,000 housing-unit shortage. The Hawaii Housing Authority estimates are in the vicinity of a 60,000-unit shortage on Oahu alone.'

"She said at that time, Mr. President, '... we need to reassess our priorities. The basic need for food and shelter must come before such luxuries as golf courses and driving ranges.'

"Senator Solomon, on that day, had said, Mr. President, 'For the body's information, I would like to quote a statement of the Land Use Commission. "The basis for the commission's position is that golf courses and driving ranges are not related to agriculture and would remove large acreages of (ag) land ...."

"In going through the Journal, Mr. President, I recall the bitter debate on the floor. I remember our present Lieutenant Governor, then Senator, Ben Cayetano saying '... what we're doing ...' is we would rather '... elevate golf courses, a game in which one spends hours hitting a little white ball, when we elevate that to the level of priority that we don't even give housing, ....'

"Our Majority Leader, on that day, Mr. President, said, '... Much of the Kunia lands are C and D lands. Contrary to what the chairman of the Economic Development Committee stated, these are not marginal lands. ... permitting golf courses and golf driving ranges on C and D lands would make it easier to obtain an urban classification ....'

"Then Senator Kawasaki who supported the bill stated, '... And I am for, along with this bill, expediting the process of allowing landowners of marginal lands to use it for golf courses, if they want to.' And then he said that he would hope that the tax exemption given golf courses would be removed. Which they have not been.

"In closing, Mr. President, then Judiciary chairman Senator Chang remarked that Section 1, Article XI of the Hawaii State Constitution states: 'For the benefit of present and future generations, the state and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy resources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the state.'

"I had the opportunity to speak to John Weyland this morning, the director of the Department of Land Utilization (City and County of Honolulu). I asked Mr. Weyland the status of this eviction. He indicated that the Japanese owner has not yet applied for a permit to build the golf course. He indicated that since the law was changed, thirty-five and a half permits have been applied for at the Department of Land Utilization. The half, Mr. President, is because a builder wants to build a 27-hole golf course, not the normal 18, and that's the half.

"On that day in 1985, Mr. President, you advised me to stand and say that the State will rue the day that we pass this law. The day has come, Mr. President.

"I close now with Senator Young's comments on the 57th Day of the 1985 Session when she said, 'Land is a precious commodity; it is finite. We here are custodians of land. It is precious. Where are our priorities? What do we use our land for? We are custodians of the lands in Hawaii and I think we should use it for what is best for our people.'

"Thank you, Mr. President."

Senator McMurdo added:

"Mr. President, may I simply add that I would like the Journal reflect that I have the same feeling and the words of the previous two speakers on the matter of the golf course."

Senator Cobb also on a point of personal privilege said:

"Mr. President, I listened rather intently to the preceding discussion and I would like to suggest, those who are dissatisfied and I think there's grounds for dissatisfaction with the current eviction proceedings now going on and the application of the law, to put in legislation to repeal it because I, for one, would like to hear further discussion on this issue. Thank you."

Senator Solomon also on a point of personal privilege said:

"Mr. President, I too rise on a point of personal privilege but, Mr. President, this is not in regard to the previous speakers; this is on a different issue.

"This is in regard, Mr. President, to the briefing regarding the hospital case management audit which was presented to the joint committee of the House and Senate this past Friday.

"Although, Mr. President, I felt that Dr. Lewin appealed his case to the committee, I just would like to state for the record my feelings regarding the procedures of the HBM, Hawaii Business Management, collection of delinquent accounts, which, of course, affects many of the hospitals in my 3rd Senatorial District.

"My impression of the legislative audit, I felt, was a positive one. It cited numerous violations by the Health Department in terms of contract bidding. Mr. President, I really feel that that is the issue at hand.

"Dr. Lewin proceeded to give us the positive sides as far as his department is concerned in terms of the necessity to expedite delinquent accounts and to try to bring those delinquent accounts to some kind of resolve. I did not feel that is the purpose of the legislative audit. I feel that the issue at hand is that the Health Department is in violation of many of the statutes regarding the contractual procedures.

"Mr. President, I know the governor has indicated to us all that we are in a new beginning and I am very much in support of this new beginning. But I would like to remind the departments that we have a process that has been determined through many, many years of legislation, and I think that the departments should be more aware of what is in the existing statutes, as opposed to going on their own and creating their own statutes and coming out with their own rules and regulations.

"At this time, Mr. President, I feel that we should send a message to our governor to inform him that his department head should rectify these improprieties. Thank you."

The Chair responded:

"Senator Solomon, I'm sure and I'm willing to bet that five minutes after we leave this party the message will be sent. But, we will inform the governor."

Senator Cobb then rose to state:

"Rising on a point of parliamentary privilege, Mr. President. The Senator from the Big Island was addressing process and procedure, and I think the message should also be delivered that very few administration bills have come down and the bill cut-off is Wednesday, and there seems to be some internal mad scramble. Perhaps, the gremlins are winning that race, but I would like to request that the administration also get its bills down in a timely manner and in concert with the deadlines that we have and were published almost one month ago."

#### ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 2, 1988.