

FORTY-SECOND DAY

Wednesday, March 29, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:45 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by President Sam K. Shimabukuro, Church of Jesus Christ of Latter Day Saints, after which the Roll was called showing all Senators present with the exception of Senators Cobb and McMurdo who were excused.

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

The following introductions were made to the members of the Senate:

Senator Solomon, on behalf of the Senators from Maui and the Big Island, introduced a group of 57 members of the Upward Bound Program of Maui, Hilo and Oahu, led by Kurt Nozaki, John Stibbard, Cornelia Anguay, Sharane Gomes and Brian McKinnon.

Senator Crozier introduced visitors from Maui, Miss Charlotte Olivera from Hana, her niece, Teresa Kato, and son, Steve Kato, from Wailuku, who were accompanied by his nephew, Kahea Williams, from Makakilo.

Senator Yamasaki, on behalf of the Senate, introduced Mr. Edward Nakamoto from Maui.

Senator George introduced Ms. Christina Uebelen, "an old friend," from the Department of Taxation, who was accompanied by Captain Tanya Dome of the U.S. Army.

Senator Chang introduced Amanda and Wanda Vidal, grandchildren of Lily Vidal, Senate staff member.

Senator Chang, on behalf of Senator Ann Kobayashi, then introduced the queen of the 37th Annual Cherry Blossom Festival and her court: Queen Lori Mae Matsumura; Princess Cheryl Chiemi Endo; Attendant Colleen Reiko Kajikawa; Attendant Jean Puanani Nishimura; Attendant and Miss Popularity Shonna Ayako Hirota; and Miss Congeniality Gail Hiromi Nakamoto. They were accompanied by Mrs. Janet Matsumura, mother of the queen, and Mr. Carlton Saito of the Honolulu Japanese Junior Chamber of Commerce.

Queen Lori Matsumura, her court and those accompanying her rose to be recognized and were presented leis by Senators Yamasaki, Matsuura, Holt, Nakasato, Mizuguchi and McCartney.

Senator Chang said: "We extend our congratulations to these lovely, talented, intelligent, and poised young ladies and our best wishes as they begin a challenging and rewarding year as ambassadors of goodwill for the Japanese community and the Honolulu Japanese Chamber of Commerce."

The Chair, at this time, invited Queen Lori Matsumura to the rostrum to address the members of the Senate. Her remarks are as follows:

"Good morning and thank you for inviting us to appear before you today. We just went through our coronation this past Saturday and it was lovely. We'd like to thank the Honolulu Japanese Junior Chamber of Commerce and all the major sponsors who make this event possible. I would also like to thank Senator Ann Kobayashi for arranging this visit.

"We are all very proud to represent the Japanese community here in Hawaii, in the Mainland and abroad.

"Thank you, again, for inviting all of us here and I hope to see all of you soon. Thank you."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 226, transmitting a report, "Management and Administrative Statistics for the Criminal Justice System in the State of Hawaii," prepared by the Hawaii Criminal Justice Data Center, Department of the Attorney General, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

Hse. Com. No. 529, transmitting H.C.R. No. 33, which was adopted by the House of Representatives on March 28, 1989, was placed on file.

By unanimous consent, H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION ENHANCE THE ENFORCEMENT OF HIGH OCCUPANCY VEHICLE (HOV) LANE RESTRICTIONS," was referred to the Committee on Transportation.

Hse. Com. No. 530, returning S.B. No. 633, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 633, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 531, returning S.B. No. 634, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 634, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 532, returning S.B. No. 635, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 635, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 533, returning S.B. No. 636, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 636, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 534, returning S.B. No. 637, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 637, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 535, returning S.B. No. 638, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 638, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 536, returning S.B. No. 639, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 639, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 537, returning S.B. No. 640, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 640, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 538, returning S.B. No. 641, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 641, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 539, returning S.B. No. 642, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 642, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 540, returning S.B. No. 643, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 643, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 541, returning S.B. No. 644, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 644, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 542, returning S.B. No. 645, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 645, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 543, returning S.B. No. 1854, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1854, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATION OF CONTRACT BY CONTRACTING AGENCY," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 544, returning S.B. No. 1861, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1861, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until Thursday, March 30, 1989.

Hse. Com. No. 545, returning S.B. No. 677, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 546, returning S.B. No. 679, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 547, returning S.B. No. 686, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 548, returning S.B. No. 1792, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 549, returning S.B. No. 1844, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 550, returning S.B. No. 1875, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 551, returning S.B. No. 1899, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

Hse. Com. No. 552, returning S.B. No. 1900, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 1989, was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 109 to 115) were read by the Clerk and were referred to committee:

Senate Concurrent Resolution

No. 109 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INVESTIGATE AND INTRODUCE APPROPRIATE LEGISLATION TO CLARIFY THE ROLE OF THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) IN HAWAII, IN LIGHT OF THE RECENT DECISION BY THE U.S. CIRCUIT COURT OF APPEALS IN COOLEY V. FERC (D.C. CIR. 1988)"

Offered by: Senator Crozier.

Referred to: Committee on Energy and Natural Resources

No. 110 "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO DETERMINE JURISDICTION OVER AND RESPONSIBILITY FOR STREAM MAINTENANCE AND EROSION CONTROL"

Offered by: Senators Kobayashi, A., Chang, Aki, Blair, Cobb, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, B., Koki, Levin, Matsuura, McCartney, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Wong, R., Yamasaki.

Referred to: Committee on Energy and Natural Resources

No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH THE FAMILY COMMUNITY LEADERSHIP PROGRAM AS A PERMANENT PROGRAM."

Offered by: Senators Kobayashi, A., George, Fernandes Salling, Solomon, McMurdo, Tungpalan, Ikeda.

Referred to: Committee on Higher Education

No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO URGE THE CENSUS BUREAU TO OBTAIN UP-TO-DATE INFORMATION ON THE PACIFIC ISLANDS."

Offered by: Senators Kobayashi, A., Aki, Blair, Chang, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, B., Koki, Levin, Matsuura, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Business Development and Pacific Relations

No. 113 "SENATE CONCURRENT RESOLUTION URGING THE EXTENSION OF THE TERRITORIAL SEA FROM THREE TO TWELVE MILES AND THE

FORMATION OF A NATIONAL OCEANS POLICY COMMITTEE."

Offered by: Senators Kobayashi, A., Matsuura, Aki, Blair, Fernandes Salling, Hagino, Holt, Ikeda, Kobayashi, B., Koki, McCartney, McMurdo, Menor, Mizuguchi, Nakasato, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Energy and Natural Resources

No. 114 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF USING CAMP ANDREWS AS A HELIPAD FOR MEDICAL EVACUATIONS."

Offered by: Senators Aki, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, B., Koki, Matsuura, Reed, Tungpalan, Yamasaki.

Referred to: Committee on Health

No. 115 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO INVESTIGATE THE DEVELOPMENT OF A 'SHARED FOREIGN SALES CORPORATION (SFSC) ASSISTANCE PROGRAM' DESIGNED TO BOOST HAWAII'S INTERNATIONAL TRADE ACTIVITIES IN ASIA AND THE PACIFIC."

Offered by: Senators George, Chang.

Referred to: Committee on Business Development and Pacific Relations

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 106 to 111) were read by the Clerk and were referred to committee:

Senate Resolution

No. 106 "SENATE RESOLUTION REQUESTING THE FORMATION OF A COMMITTEE TO STUDY THE ERECTION OF NOISE BARRIERS ALONG HIGHWAYS."

Offered by: Senators Kobayashi, A., Aki, Blair, Chang, Cobb, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, B., Levin, Matsuura, McCartney, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Wong, R., Yamasaki.

Referred to: Committee on Transportation

No. 107 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH THE FAMILY COMMUNITY LEADERSHIP PROGRAM AS A PERMANENT PROGRAM."

Offered by: Senators Kobayashi, A., George, Fernandes Salling, Solomon, McMurdo, Tungpalan, Ikeda.

Referred to: Committee on Higher Education

No. 108 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO URGE THE CENSUS BUREAU TO OBTAIN UP-TO-DATE INFORMATION ON THE PACIFIC ISLANDS."

Offered by: Senators Kobayashi, A., Aki, Chang, Fernandes Salling, George, Hagino, Holt, Kobayashi,

B., Koki, Levin, Matsuura, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Business Development and Pacific Relations

No. 109 "SENATE RESOLUTION URGING THE EXTENSION OF THE TERRITORIAL SEA FROM THREE TO TWELVE MILES AND THE FORMATION OF A NATIONAL OCEANS POLICY COMMITTEE."

Offered by: Senators Kobayashi, A., Matsuura, Aki, Blair, Fernandes Salling, Hagino, Holt, Ikeda, Kobayashi, B., Koki, McMurdo, Menor, Mizuguchi, Nakasato, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Energy and Natural Resources

No. 110 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INVESTIGATE AND INTRODUCE APPROPRIATE LEGISLATION TO CLARIFY THE ROLE OF THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) IN HAWAII, IN LIGHT OF THE RECENT DECISION BY THE U.S. CIRCUIT COURT OF APPEALS IN COOLEY V. FERC (D.C. CIR. 1988)"

Offered by: Senator Crozier.

Referred to: Committee on Energy and Natural Resources

No. 111 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF USING CAMP ANDREWS AS A HELIPAD FOR MEDICAL EVACUATIONS."

Offered by: Senators Aki, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, B., Koki, Matsuura, Reed, Tungpalan, Yamasaki.

Referred to: Committee on Health

STANDING COMMITTEE REPORTS

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1120) recommending that H.B. No. 518, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 518, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL OR VALUABLE TREES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 31, 1989.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1121) recommending that H.B. No. 691 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF REAL PROPERTY; GENERAL," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 31, 1989.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1122) recommending that H.B. No. 731 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 731, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION POLICIES FOR FEDERALLY ASSISTED PROGRAMS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 31, 1989.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1123) recommending that H.B. No. 733, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 31, 1989.

Senator Ikeda, chairman of the Committee on Agriculture, then requested a waiver of the 48-hour Notice of a Public Hearing on H.B. No. 160, H.D. 1, and the Chair granted the waiver.

ADJOURNMENT

At 12:02 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 30, 1989.