

## SIXTY-FIRST DAY

Tuesday, April 25, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:18 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father James Furman of St. Peter Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators Chang, Cobb, Fernandes Salling, Holt and Solomon who were excused.

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

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

Senator McCartney introduced Bob Kim as follows:

"I'd like to introduce a friend sitting in the audience who used to work with me when I worked here and we both worked for the dissidents. I'd like to introduce a good friend of mine, Mr. Bob Kim."

Senator Crozier introduced Andy Yamaguchi as follows:

"Mr. President, on behalf of all of my colleagues who cheered me on to try and attempt to break a record, I want to take this opportunity to introduce someone who helped me define what a record is. Yesterday I tied Ike Sutton's record. Today I broke his record, and possibly we broke it so that no one can ever break the record.

"Mr. President, what is so unique about this record is that it may never be broken, and there's only one other record, in sports anyway, that may never be broken and that record was set in 1938 by Johnny Vandemeer, and for you baseball buffs, you know he played for Cincinnati. What he had done, he had pitched two consecutive no-hitters. Now, that's quite a feat and for us to make an introduction every day, I don't know if that's a feat, but we did it.

"At this time, I'd like to introduce a man who helped me dig up this information. He works here at the Capitol, not as a lobbyist or as a staff person, but as a reporter. Anytime you folks want to know anything about anybody or anything, just check with this gentleman because he is a wealth of knowledge, especially in the sports background because he used to be the premier writer for the Honolulu Advertiser and after seeing his articles, the editor figured out his talents were either being wasted in the sports department or the sports department needed more talent there so they farmed him out to the legislative arm of the Advertiser.

"I'd like to introduce Mr. Andy Yamaguchi."

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 339, transmitting the Interim Report of the Tax Review Commission dated April 19, 1989, was read by the Clerk and was placed on file.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 41, from the Department of Health, Family Planning Services Section, transmitting the Annual Report, Fiscal Year 1988, Office of Family Planning, was read by the Clerk and placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1301 to 1313) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1301, returning S.C.R. No. 3, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 3, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO DISCOURAGE THE GOVERNMENT OF JAPAN FROM THE DISPOSING OF RADIOACTIVE WASTE IN THE MARIANAS TRENCH," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1302, returning S.C.R. No. 14, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 14, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING HEALTH INSURANCE COVERAGE OF PRESCRIPTION DRUGS FOR HIV-POSITIVE INDIVIDUALS," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1303, returning S.C.R. No. 37, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 37, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A BAN ON NUCLEAR WEAPONS TESTING," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1304, returning S.C.R. No. 47, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 47, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO URGE THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO REPEAL PROPOSITION 42 AND ASSESS WHETHER PROPOSITION 48 IS CONSISTENT WITH THE GOALS OF HIGHER EDUCATION," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1305, returning S.C.R. No. 48, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO URGE THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO ALLOW THE UNIVERSITY OF HAWAII BASEBALL PROGRAM TO SCHEDULE A GREATER NUMBER OF CONTESTS WITH FOREIGN OPPONENTS WITHOUT HAVING THESE CONTESTS COUNT TOWARD GAMES OF THE REGULAR SEASON," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1306, returning S.C.R. No. 124, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 124, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII INSTITUTE OF MARINE BIOLOGY OF THE UNIVERSITY OF HAWAII AND THE UNIVERSITY OF HAWAII AT HILO TO JOINTLY PREPARE A PROPOSAL TO ESTABLISH A MARINE RESEARCH FIELD STATION IN PUAKO, HAWAII," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1307, returning S.C.R. No. 127, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 127, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF REGENTS TO CONSIDER DEVELOPING A FILM INDUSTRY DEGREE PROGRAM AT THE UNIVERSITY OF HAWAII," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1308, returning S.C.R. No. 157, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 157, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE UNIVERSITY OF HAWAII, SCHOOL OF PUBLIC HEALTH, TO CONTINUE ITS INVESTIGATION INTO THE PRESENCE OF MERCURY IN HAWAIIAN GROWN MARIJUANA AND ITS HARMFUL EFFECTS," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1309, returning S.C.R. No. 168, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 168, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROVIDE A STATUS REPORT ON THE TRANSFER OF CERTAIN SAND ISLAND LANDS TO THE CITY AND COUNTY OF HONOLULU," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1310, returning S.C.R. No. 193, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 193, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FINAL RULING PREEMPTING STATE PREVAILING WAGE RATES FOR WORKERS INVOLVED IN PUBLIC OR INDIAN HOUSING PROJECTS," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1311, returning S.C.R. No. 203, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 203, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO EVALUATE THE DESIRABILITY OF DEVELOPING AND ESTABLISHING A FILM PRODUCTION CENTER AND ENTERTAINMENT PARK," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1312, returning S.C.R. No. 259, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 259, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO PROVIDE A LEASE OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SEARCH FOR A SITE FOR SEAGULL SCHOOLS, INC. IN WAIMANALO," was deferred until Wednesday, April 26, 1989.

Hse. Com. No. 1313, returning S.C.R. No. 270, S.D. 1, which was adopted by the House of Representatives on April 24, 1989, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 270, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO REINSTATE WRESTLING AS AN INTERCOLLEGIATE SPORT AS PART OF A SYSTEM-WIDE ATHLETIC MASTER PLAN," was deferred until Wednesday, April 26, 1989.

#### STANDING COMMITTEE REPORTS

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1821) recommending that H.C.R. No. 353, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 353, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO INCORPORATE MANUFACTURED HOUSING IN THEIR PROJECTS," was adopted.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1822) recommending that H.C.R. No. 97, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 97, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER-UNIVERSITY RELATIONS WITH UNIVERSITIES IN HAWAII'S SISTER-STATES," was adopted.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1823) recommending that H.C.R. No. 98 be referred to the Committee on Legislative Management.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FINANCING OF HIGHER EDUCATION IN HAWAII," was referred to the Committee on Legislative Management.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1824) recommending that H.C.R. No. 106, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 106, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO INCREASE STUDENT INVOLVEMENT IN ACADEMIC DECISION MAKING," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1825) recommending that H.C.R. No. 119, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 119, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO SUPPORT THE EFFORTS OF NONRESIDENT NATIVE HAWAIIANS IN OBTAINING FEDERAL ASSISTANCE," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1826) recommending that H.C.R. No. 199, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 199, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT TO PROVIDE JUST COMPENSATION TO THE HAWAIIAN PEOPLE FOR LOSSES RELATED TO THE OVERTHROW OF THE HAWAIIAN MONARCHY," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1827) recommending that H.C.R. No. 92, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII STATE FUNCTIONAL PLAN FOR HOUSING BE AMENDED BY AMENDING THE DEFINITION OF AFFORDABLE HOUSING," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1828) recommending that H.C.R. No. 271, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 271, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE ALTERNATIVES TO PRESERVE MIDDLE-INCOME HOUSING AT THE QUEEN EMMA GARDENS," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1829) recommending that H.C.R. No. 221 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO CONSIDER WHETHER RESTRICTING THE SALE OF OHANA UNITS IS DESIRABLE," was adopted.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1830) recommending that H.C.R. No. 375, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 375, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL GOVERNORS ASSOCIATION TO WORK FOR CHANGES IN THE FEDERAL RULES AND

STATUTES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN," was adopted.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 1831) recommending that H.C.R. No. 19 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF CHAPTER 42, HAWAII REVISED STATUTES, TO DETERMINE ITS APPLICABILITY TO FELLOWSHIPS FOR ARTISTS," was adopted.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 1832) recommending that H.C.R. No. 275 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN OF ACTION TO SELECT THE OFFICIAL STATE FISH," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1833) recommending that H.C.R. No. 256, H.D. 1, S.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 256, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF HAWAII'S UTILIZATION OF THE FEDERAL MEDICAID PROGRAM AND THE DEVELOPMENT OF A STRATEGIC PLAN TO MAXIMIZE RECOVERY OF FEDERAL DOLLARS FROM MEDICAID," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1834) recommending that H.C.R. No. 175, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 175, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY THE CAUSE OF THE TREMENDOUS SOCIAL WORKER SHORTAGE AMONG THE VARIOUS STATE AGENCIES," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1835) recommending that H.C.R. No. 309 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 309, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE PROBLEMS INVOLVED IN ASSURING QUALITY OF CARE BY IN HOME PROVIDERS," was adopted.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1836) recommending that H.C.R. No. 229, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 229, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

DEVELOPMENT OF A PLAN AND TIMETABLE FOR THE UPGRADING AND CONSTRUCTION OF MEDICAL FACILITIES IN HAWAII COUNTY," was adopted.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1837) recommending that H.C.R. No. 177, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 177, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF AVAILABILITY OF SANITARY FACILITIES IN FAST FOOD AND OTHER RESTAURANTS," was adopted.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1838) recommending that H.C.R. No. 292 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 292, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO APPLY FOR FEDERAL MATCHING GRANTS TO BUILD STATE NURSING HOMES FOR VETERANS ON THE ISLANDS OF HAWAII, MAUI, AND KAUAI," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1839) recommending that H.C.R. No. 201 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS LEGISLATION CONFERRING STANDING TO SUE IN THE FEDERAL DISTRICT COURTS UPON THE STATE OF HAWAII AND ITS NATIVE BENEFICIARIES FOR BREACH OF THE NATIVE LAND TRUSTS," was adopted.

Senator Chang, for the Committee on Business Development and Pacific Relations, presented a report (Stand. Com. Rep. No. 1840) recommending that H.C.R. No. 93 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SEEK TO ESTABLISH A SISTER-STATE AGREEMENT WITH THE SOVIET TERRITORY OF PRIMOR'YE," was adopted.

Senator Chang, for the Committee on Business Development and Pacific Relations, presented a report (Stand. Com. Rep. No. 1841) recommending that H.C.R. No. 246, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 246, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMPLEMENT OFF-HOUR CONSTRUCTION OF ITS IMPROVEMENT DISTRICT PROJECTS IN THE KAKAOKO COMMUNITY DEVELOPMENT DISTRICT WHEN DETERMINED TO BE ECONOMICALLY FEASIBLE," was adopted.

Senator Chang, for the Committee on Business Development and Pacific Relations, presented a report

(Stand. Com. Rep. No. 1842) recommending that H.C.R. No. 299 be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 299, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF ESTABLISHING GENERAL TRADING COMPANIES IN HAWAII," was adopted.

Senator Chang, for the majority for the Committee on Business Development and Pacific Relations, presented a report (Stand. Com. Rep. No. 1843) recommending that H.C.R. No. 145, H.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 145, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A GOVERNOR'S FILM AND VIDEO ADVISORY COUNCIL," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1844) recommending that the Senate advise and consent to the nominations of the following:

Craig K. Hirai to the Board of Taxation, First Taxation District (Oahu), in accordance with Gov. Msg. No. 287;

Beverly Emiko Nalani Pauole-Moore to the Board of Taxation Review, Second Taxation District, (Maui), in accordance with Gov. Msg. No. 288;

Fred T. Yamashiro to the Board of Taxation Review, Third Taxation District (Hawaii), in accordance with Gov. Msg. No. 289; and

Wesley Sahara and Emilio "Spud" Olivas to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 290.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 1844 and Gov. Msg. Nos. 287, 288, 289 and 290, was deferred until Wednesday, April 26, 1989.

At 11:25 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:30 o'clock a.m.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM MONDAY, APRIL 24, 1989

#### THIRD READING

H.B. No. 1803:

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 1803, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Chang, Cobb, Fernandes Salling, Holt, Menor, Solomon).

#### FINAL READING

Conf. Com. Rep. No. 13 (H.B. No. 435, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 435, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 2 (Levin, Tungpalan). Excused, 6 (Chang, Cobb, Fernandes Salling, Holt, Menor, Solomon).

Conf. Com. Rep. No. 28 (S.B. No. 83, S.D. 1, H.D. 1, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 28 be adopted and S.B. No. 83, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Reed.

Senator Blair then made the following remarks:

"Mr. President, I rise to speak against this bill. I note that we have adopted Conference Committee Report Nos. 31 and 91, with respect to other health initiatives, and I feel we should be giving priority to these local programs. Until those matters are fully funded to meet the needs of our own citizens, we ought not to expand the scope of our activities."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 28 was adopted and S.B. No. 83, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 4 (Blair, Ikeda, Matsuura, Reed). Excused, 6 (Chang, Cobb, Fernandes Salling, Holt, Menor, Solomon).

Conf. Com. Rep. No. 29 (S.B. No. 1360, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, Conf. Com. Rep. No. 29 was adopted and S.B. No. 1360, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Chang, Cobb, Fernandes Salling, Holt, Menor, Solomon).

Conf. Com. Rep. No. 57 (H.B. No. 1902, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 29 and H.B. No. 1902, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was deferred until Wednesday, April 26, 1989.

Conf. Com. Rep. No. 63 (S.B. No. 1344, S.D. 1, H.D. 1, C.D. 1):

Senator Blair moved that Conf. Com. Rep. No. 63 be adopted and S.B. No. 1344, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Reed.

Senator Ikeda rose to speak in favor of this bill.

"Mr. President, yesterday we voted on this bill and then reconsidered the action taken when the chairman of the House committee managing the bill cast a cloud of

doubt on the legitimacy of both this bill and S.B. No. 667, because both bills lacked proper public hearing, according to him.

"As I indicated yesterday, both S.B. Nos. 667 and 1344 were treated in the same way in that final amendments to both bills were not discussed over the table. At the last conference meeting held on these measures no agreement could have been reached on S.B. No. 1344 since I, as the chair of the Senate committee, had not even decided what those proposed amendments would be. Although I did propose some language changes to the bill at our initial conference meeting, those changes were rejected by the House conferees at that time. I might add that the draft before you contains those previously rejected amendments.

"I guess Mr. Andrews, or Representative Andrews can afford to sign blank checks since agreements apparently mean nothing to him since he cavalierly breaks them as fast as he makes them. Except for the fact that the public will now be denied a public hearing prior to the conversion of land into natural area reserves and that that process will also lack legislative oversight, S.B. No. 667 contains nothing that we can't live without. The issue can be taken up again next year. And certainly the same can be said of S.B. No. 1344, except for the fact that by doing so, we lose the chance to be the first state in the nation to adopt this concept into law.

"One might argue that this should not be the overriding reason for passing this bill, and he would be correct. However, many people including this chairperson and my staff have worked hard on this legislation. While it is by no means perfect, it does represent a fair position and one which is certain to be modified in the future. It also makes a statement and that is that we care about what is happening to our environment and that we are willing to do something about it.

"I disagree with Representative Andrew's statement in this morning's newspaper that this bill is not significant. The bill and the committee reports are correct and in good order so the only compelling reason to suggest recommitting this bill is the question of whether or not another public hearing was required.

"Representative Andrews was asked to go through this formality and refused. As the Senate chairperson I contend that another public hearing was not required. The recess of the conference committee was called on Thursday afternoon, at the request of the House chairman, and it was also left subject to the call of that chair.

"We then received the memorandum of agreement which I read to this body yesterday, Mr. President, late Friday evening and followed its instructions to the letter. If Representative Andrews felt that another hearing was required he certainly did not request one nor did he convene one.

"I guess what I'm getting at, Mr. President, is that if a cloud exists it does so only because of the capricious acts of one individual who lacks integrity and whose ego is totally out of whack. I don't happen to feel that that is reason enough to deny the people of this state landmark legislation. Nor do I feel that such behavior should be given credence by recommitting this bill. It is my contention that no matter how legitimate the process, a person who does not keep his word will still find an excuse to not honor his commitment.

"Mr. President, we were elected to do a job for the people of this state. You and I and the rest of our colleagues have tried to do so to the best of our ability. I don't think that we should let the acts of one individual

who is apparently forgotten why he was elected to stop us from doing that job. Therefore, Mr. President, I ask you and my colleagues to support the passage of this bill. Thank you."

Senator McMurdo then responded:

"Mr. President, I would like to say that I am profoundly grateful to the Senator who has chaired the Agriculture Committee for giving this bill the boost so that it can pass so that we can show that Hawaii is really concerned about the future."

The motion was put to the Chair and carried, and Conf. Com. Rep. No. 63 was adopted and S.B. No. 1344, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OZONE DEPLETION AND GLOBAL WARMING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Cobb, Fernandes Salling, Holt, Solomon).

Conf. Com. Rep. No. 149 (H.B. No. 1879, S.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, Conf. Com. Rep. No. 149 was adopted and H.B. No. 1879, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ENTERPRISE ZONES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 2 (Koki, McCartney). Excused, 6 (Chang, Cobb, Fernandes Salling, Holt, Solomon, Wong, R.).

MATTER DEFERRED FROM  
MONDAY, APRIL 24, 1989

S.C.R. No. 38, S.D. 1, H.D. 1:

By unanimous consent, action on S.C.R. No. 38, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING A DIRECT-ACCESS HIGHWAY TO THE H-1 FREEWAY FROM WAIKIKI," was deferred until Wednesday, April 26, 1989.

Senator Ikeda rose on a point of personal privilege:

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, I think my remarks in speaking in favor of S.B. No. 1344 clearly states my feelings on the way negotiations were handled on the part of the House. At this time, I would like to request that the Senate leadership file a formal letter of protest with the House leadership protesting the bad faith negotiations on the part of their House chairperson. Thank you."

ADJOURNMENT

At 11:41 o'clock a.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 4:00 o'clock p.m., Wednesday, April 26, 1989.