

SECOND DAY

Thursday, January 18, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Wayne K. Bumbry, Progressive National Baptist Convention, after which the Roll was called showing all Senators present with the exception of Senator Aki who was excused.

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

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 11) were read by the Clerk and were placed on file:

Gov. Msg. No. 1, letter dated January 17, 1990, transmitting a proposed legislation appropriating funds to implement the 1989-1993 collective bargaining agreements with the University of Hawaii Professional Assembly, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, and recommending introduction and immediate passage of the administration measure.

Gov. Msg. No. 2, transmitting a report, "Development of a Used Motor Oil Recycling Program for Do-It-Yourself Oil Changers," prepared by the Department of Health in response to H.C.R. No. 152 (1989).

Gov. Msg. No. 3, letter dated December 22, 1989, regarding the estimated amount of money required, by the Department of Human Services, to be appropriated to pay individual providers of health care services at the maximum rates permitted by the federal and state rules in the upcoming fiscal year, pursuant to Section 346-59, HRS.

Gov. Msg. No. 4, transmitting the "1989 Report of the Commission to Promote Uniform Legislation," prepared by the Department of the Attorney General.

Gov. Msg. No. 5, transmitting the "Commissioner's Report to the Fifteenth Legislature on the Thrift Guaranty Corporation of Hawaii," dated January 1990.

Gov. Msg. No. 6, transmitting the "Hawaii Public Broadcasting Authority Annual Report for the Fiscal Year 1988-1989," pursuant to Section 314-12, HRS.

Gov. Msg. No. 7, transmitting "The High Technology Development Corporation Strategic Plan 1990-1995," December 20, 1989.

Gov. Msg. No. 8, transmitting reports in response to Act 210, SLH 1989, directing the Board of Professional Engineers, Architects, Surveyors and Landscape Architects to undertake a study to determine optimal requirements for professional experience, and requesting the Department of Commerce and Consumer Affairs to study the idea of assigning responsibility for the four professions to two boards.

Gov. Msg. No. 9, transmitting a progress report "Caring for Hawaii's Children," prepared by the Office of Children and Youth in response to Sections 115, 116 and 118, H.B. No. 205 (1989).

Gov. Msg. No. 10, transmitting a report prepared by the Department of Labor and Industrial Relations in response to H.C.R. No. 191 (1989), requesting a study to determine labor shortages for agricultural workers.

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

The Senate reconvened at 11:48 o'clock a.m.

Gov. Msg. No. 11, letter dated January 17, 1990, transmitting a proposed legislation to appropriate funds to implement the Pilot After-School Program in the public schools beginning in February 1990, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, and recommending introduction and immediate passage of the administration measure.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 5) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the Office of Hawaiian Affairs, transmitting "The Multi-Year Program and Supplemental Operating Budget for the Period 1989-1995 (Supplemental Period 1990-1991)," of the Office of Hawaiian Affairs.

Dept. Com. No. 2, from the Department of Budget and Finance dated November 24, 1989, transmitting certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii as of July 1, 1989.

Dept. Com. No. 3, from the Office of the Auditor, transmitting a "Study of Administrative Flexibility for Out-of-State Offices," Report No. 89-27, in response to Act 366, SLH 1988.

Dept. Com. No. 4, from the Office of the Administrative Director of the Courts, the Judiciary, transmitting the "Center for Alternative Dispute Resolution Annual Report, July 1, 1988 - June 30, 1989," in response to Act 346, SLH 1989.

Dept. Com. No. 5, from the Office of the Auditor, transmitting the "Feasibility Study of Earmarking Tax Revenues for a Long-Term Care Insurance Program," Report No. 90-1, in response to S.C.R. No. 137 (1989).

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 1 to 11) were read by the Clerk and were referred to committees:

Senate
Concurrent
Resolution

No. 1 "SENATE CONCURRENT RESOLUTION SUPPORTING THE ADOPTION OF A NATIONWIDE SYSTEM OF LABELING UNIFORMITY IN PLASTIC MATERIAL."

Offered by: Senator Matsuura.

Referred to: Committee on Agriculture

No. 2 "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO ESTABLISH PROGRAMS TO REQUIRE ENERGY CONSERVATION PLANS FOR ALL NEW COMMERCIAL BUILDINGS."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Energy and Natural Resources

No. 3 "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE COASTAL ZONE MANAGEMENT ACT (P.L. 92-583) AND TO ENACT A STRICT OIL SPILL LIABILITY LAW."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Energy and Natural Resources

No. 4 "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR THE ESTABLISHMENT OF A COMPACT BETWEEN PACIFIC STATES AND THE CANADIAN PROVINCE OF BRITISH COLUMBIA TO PROVIDE FOR FUTURE PLANNING AND PROTECTION OF OCEAN RESOURCES WHICH ARE OF REGIONAL CONCERN."

Offered by: Senators Matsuura, Cobb.

Referred to: Committee on Energy and Natural Resources

No. 5 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE TO GIVE HIGHER PRIORITY TO THE ELIMINATION OF HIGH SEAS DRIFT GILL NETS, AND TO INCREASE INTERNATIONAL COOPERATION AND RESEARCH TO FOSTER A GREATER UNDERSTANDING OF THE OCEAN."

Offered by: Senators Matsuura, Tungpalan, McMurdo.

Referred to: Committee on Energy and Natural Resources

No. 6 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TAKE ALL NECESSARY ACTIONS TO DESIGNATE HILO INTERNATIONAL AIRPORT AS AN INCOMING PORT OF ENTRY FOR THE ACCEPTANCE OF INTERNATIONAL FLIGHTS TO THE ISLAND OF HAWAII."

Offered by: Senators Matsuura, Nakasato.

Referred to: Committee on Transportation

No. 7 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO EXTEND THE TERRITORIAL LIMITS OF THE UNITED STATES AND COASTAL STATES FROM THREE TO TWELVE MILES OFFSHORE."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Energy and Natural Resources

No. 8 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO REQUEST CONGRESSIONAL LEGISLATION WHICH WOULD REQUIRE THE POSTAL SERVICE TO

SECURE A MORE PERMANENT FORM OF IDENTIFICATION FROM AN APPLICANT FOR A POST OFFICE BOX."

Offered by: Senators Matsuura, Mizuguchi.

Referred to: Committee on Government Operations

No. 9 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF REQUIRING TAX CLEARANCES AS A CONDITION TO THE ISSUANCE OF REQUIRED STATE LICENSES AND DOCUMENTS."

Offered by: Senator Blair.

Referred to: Committee on Ways and Means

No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ADDRESS ISSUES RELATED TO LEASEHOLD CONVERSION OF CONDOMINIUMS AND COOPERATIVE HOUSING PROJECTS."

Offered by: Senator Blair.

Referred to: Committee on Housing and Hawaiian Programs

No. 11 "SENATE CONCURRENT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RESTRICTING THE ABILITY OF THE UNITED STATES CONGRESS TO VARY THE COMPENSATION OF SENATORS AND REPRESENTATIVES."

Offered by: Senators Cobb, Aki, Hagino, McCartney, Tungpalan.

Referred to: Committee on Government Operations

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 2 to 10) were read by the Clerk and were referred to committees:

Senate Resolution

No. 2 "SENATE RESOLUTION SUPPORTING THE ADOPTION OF A NATIONWIDE SYSTEM OF LABELING UNIFORMITY IN PLASTIC MATERIAL."

Offered by: Senator Matsuura.

Referred to: Committee on Agriculture

No. 3 "SENATE RESOLUTION URGING THE COUNTIES TO ESTABLISH PROGRAMS TO REQUIRE ENERGY CONSERVATION PLANS FOR ALL NEW COMMERCIAL BUILDINGS."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Energy and Natural Resources

No. 4 "SENATE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE COASTAL ZONE MANAGEMENT ACT (P.L. 92-583) AND TO ENACT A STRICT OIL SPILL LIABILITY LAW."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Energy and Natural Resources

No. 5 "SENATE RESOLUTION URGING SUPPORT FOR THE ESTABLISHMENT OF A COMPACT BETWEEN PACIFIC STATES AND THE CANADIAN PROVINCE OF BRITISH COLUMBIA TO PROVIDE FOR FUTURE PLANNING AND PROTECTION OF OCEAN RESOURCES WHICH ARE OF REGIONAL CONCERN."

Offered by: Senators Matsuura, Cobb.

Referred to: Committee on Energy and Natural Resources

No. 6 "SENATE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE TO GIVE HIGHER PRIORITY TO THE ELIMINATION OF HIGH SEAS DRIFT GILL NETS, AND TO INCREASE INTERNATIONAL COOPERATION AND RESEARCH TO FOSTER A GREATER UNDERSTANDING OF THE OCEAN."

Offered by: Senators Matsuura, Tungpalan, McMurdo.

Referred to: Committee on Energy and Natural Resources

No. 7 "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF REQUIRING TAX CLEARANCES AS A CONDITION TO THE ISSUANCE OF REQUIRED STATE LICENSES AND DOCUMENTS."

Offered by: Senator Blair.

Referred to: Committee on Ways and Means, then to the Committee on Legislative Management

No. 8 "SENATE RESOLUTION REQUESTING THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ADDRESS ISSUES RELATED TO LEASEHOLD CONVERSION OF CONDOMINIUMS AND COOPERATIVE HOUSING PROJECTS."

Offered by: Senator Blair.

Referred to: Committee on Housing and Hawaiian Programs

No. 9 "SENATE RESOLUTION CONCERNING THE OFFICIAL STATE FISH."

Offered by: Senators Cobb, Aki, Matsuura, McCartney, McMurdo, Solomon.

Referred to: Committee on Culture, Arts and Historic Preservation

No. 10 "SENATE RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RESTRICTING THE ABILITY OF THE UNITED STATES CONGRESS TO VARY THE COMPENSATION OF SENATORS AND REPRESENTATIVES."

Offered by: Senators Cobb, Aki, Blair, Hagino, McCartney, Tungpalan.

Referred to: Committee on Government Operations

INTRODUCTION OF SENATE BILLS

On motion by Senator Blair, seconded by Senator Reed and carried, the following bills passed First Reading by title, and were placed on the calendar for further consideration on Friday, January 19, 1990:

Senate Bill

No. 2327 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

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

No. 2328 "A BILL FOR AN ACT RELATING TO EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING UNIT 7 AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS."

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

No. 2329 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

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

No. 2330 "A BILL FOR AN ACT RELATING TO A PILOT AFTER-SCHOOL PROGRAM IN THE PUBLIC SCHOOLS."

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

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Wednesday, January 17, 1990:

Senate Bill	Referred to:
No. 2320	Committee on Energy and Natural Resources, then to the Committee on Ways and Means
No. 2321	Committee on Energy and Natural Resources
No. 2322	Committee on Transportation, then to the Committee on Judiciary
No. 2323	Committee on Transportation
No. 2324	Committee on Energy and Natural Resources, then to the Committee on Ways and Means
No. 2325	Committee on Judiciary
No. 2326	Committee on Transportation, then to the Committee on Judiciary

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 2, letter from Senator Steve Cobb dated January 17, 1990, received by the Senate on January 17, 1990, was read by the Clerk and was placed on file.

Greetings and remarks to Mr. George Amimoto, newly elected Assistant Clerk of the Senate, were made by the following:

Senator Mizuguchi rose to state as follows:

"Mr. President, on behalf of your Senators with longevity in this body, Senator Yamasaki, Senator Cobb, Senator George, yourself and myself, we welcome our

Assistant Clerk back to the Senate. It's nice to see George back in the Senate. Thank you."

Senator Crozier added his greetings, and on a point of personal privilege said:

"Mr. President, I'd like also to welcome George Amimoto back. Some of us served with him in the ConCon, Senators Hagino, Fernandes Salling, Chang and myself, and we would like to welcome him back.

"George was like a father to many of us as we were a lot younger then and we did some things that were not quite kosher. George was also there to guide us. We appreciated that.

"On a more serious note, Mr. President, the Minority Leader yesterday made some comments and I'm sure it's all taken to heart. One of the things she discussed was the Tax Review Commission, and she thought that the Majority should put in a bundle of bills on the recommendations of the Tax Review Commission. As you know, you and I have been talking about taxes for the last three weeks. We are, Senator George, we are putting in bills. There will be 25 different bills to reflect the Tax Review Commission's recommendations coming in from the Senate Majority.

"Thank you very much."

Senator Chang added his greetings as follows:

"Mr. President, on behalf of the youngsters in the Senate, those who served with George Amimoto as fellow staff members, Senator Ann Kobayashi, Senator Russell Blair, Senator Milton Holt and myself, we would like to welcome George back."

At this time, Senator Holt rose on a point of personal privilege and stated:

"Mr. President, I rise to speak on a point of personal privilege. Senator Crozier alluded to some of the remarks made yesterday by the Minority Leader. I also have something to say.

"During yesterday's opening day ceremonies, the Minority Leader reminded us of the agenda which you had set for the '80s, ten years ago. The Minority Leader also reminded us that our list of accomplishments with regard to this agenda is relatively short and that, 'most of that agenda is still before us.'

"Mr. President, as we try to set the agenda for the '90s, I feel that the Minority Leader's remarks are entirely appropriate. I would like to remind the members of this body, however, that the Senate Minority has had a significant role in contributing to our 'short list' of accomplishments for the '80s.

"As you recall, Mr. President, the leadership of the 1981 and 1982 Senate Majority was comprised of a coalition which included Minority party members in key positions. Senator Mizuguchi and I remember those years very well and I'm sure you do too, Mr. President. Because of this experience, we are well aware of what it feels like to be in the minority and, therefore, can identify closely with the Minority Leader's remarks.

"In short, Mr. President, I hope that the Minority Leader is serious in proposing that we should forget politics, partisanship and personalities and work together to find solutions. Thank you."

The President then made the following announcement:

"Pursuant to the consensus of the Caucus of the Whole, reached at its meeting on August 31, 1989, the Chair makes the following changes to the Senate Committee structure:

1. Senator Blair assumes the chair of Consumer Protection and Commerce Committee, replacing Senator Cobb who remains a member of the committee. Senator Chang replaces Senator Blair as vice chair.

2. Senator Aki replaces Senator McCartney as a member of the Energy and Natural Resources Committee.

3. Senator McCartney replaces Senator Aki as a member of the Government Operations Committee and assumes the chair in place of Senator Blair.

4. Senator Fernandes Salling assumes the vice chair of Housing and Hawaiian Programs Committee, replacing Senator Cobb who remains a member of the committee.

5. Senator Cobb relinquishes his membership on the Judiciary Committee."

ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 19, 1990.