

FIFTY-FIFTH DAY

Monday, April 23, 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 Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Tauseet Ahmed, Muslim Students Association, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

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

Senator McCartney, on behalf of Senator Koki and himself, introduced a group of students from King Intermediate School, Kaneohe, who were seated in the gallery, accompanied by their teachers, Lori Hanaike, Pam Hirata and Miriam Koki.

Senator A. Kobayashi introduced the YWCA 1990 Outstanding Individual Achievement Award winners as follows:

"Mr. President, it gives me a great deal of pleasure to introduce the recipients of the YWCA 1990 Outstanding Individual Achievement Awards. These women go through very rigorous screening before a committee which looks into their background and their achievements. To give you an idea, Senator Eloise Tungpalan is on that committee, so you know that the women that emerge as winners are truly outstanding.

"The Outstanding Individual Achievement Awards, respectively, were given to the following:

Business - Joyce Richards-Hurst, executive director of the Girl Scout Council of Hawaii;

Communications and Arts - Haunani Apoliona, director of program operations for Alu Like, who is a musician, composer and entertainer of Hawaiian music;

Government - Myra Immings, Air Installation Combatibility Use Zone officer, Naval Air Station, Barbers Point;

Professions - Ellen Carson, attorney with Paul, Johnson, Alston & Hunt;

Trailblazers - Won Hee You, customer service representative, City Bank, Makiki Branch, and a vendor at International Market Place; and

Outstanding Organization Award - U.S. Army Corps of Engineers, Pacific Ocean Division, Ft. Shafter, represented by Anita Naone, Robyn Au, Beth Miura and Lise Ditzel-Ma.

"The other categories of winners who were not able to be with us today are:

Education - Dr. Joyce Tsunoda, chancellor for the Community Colleges, University of Hawaii;

Community Services - Ann Simpson, community relations manager, First Hawaiian Bank;

Youth Achievement - Marti Lynn Young, a senior at Mililani High School; and

Y's Angel - Esther Park, who has been an employee of the YWCA of Oahu and Korea for 50 years."

"Thank you, Mr. President."

The honorees, present on the floor of the Senate, rose to be recognized and were presented congratulatory Senate certificates.

Senator A. Kobayashi also introduced Ms. Bette Tatum, coordinator of the YWCA 1990 Outstanding Individual Achievement Awards, who accompanied the group.

Senator Tungpalan then introduced the commissioners of the State Foundation on Culture and the Arts as follows:

"Mr. President, it is my pleasure to present to this honorable body, on the occasion of its 25th anniversary, the commissioners of the State Foundation on Culture and the Arts.

"The State Foundation on Culture and the Arts, established by Act 269 of the 1965 Legislature, promotes and stimulates participation in the arts, culture and humanities by assisting in the coordination of activities of individuals and groups interested in the preservation and advancement of the arts, culture and humanities.

"Notable among its varied and successful programs is the Art in Public Places program which adorns the state's public buildings with distinctive art pieces of talented local artists.

"The State Foundation of Culture and the Arts has made cultural and artistic programs, and history and humanities programs available to all people throughout the state, especially to those who would otherwise not have the opportunity to participate.

"On the floor with us this morning are representatives from the State Foundation on Culture and the Arts: Millicent Kim, chair of the commission; Andy Ichiki, Rowena Keaka, Arthur Kohara and Gladys Sonomura, commissioners; Wendell Silva, executive director of the foundation, with planning and budget officer Evelyn Ng."

All of the honorees rose to be recognized and were presented the congratulatory Senate certificate and leis.

At this time, the members of the Senate extended birthday congratulations and best wishes to Senator McMurdo.

At 11:50 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 with the President in the Chair.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 777 to 781) were read by the Clerk and were placed on file.

Hse. Com. No. 777, informing the Senate that the House reconsidered its action taken on April 20, 1990 in disagreeing to the amendments proposed by the Senate to H.B. No. 2051.

Hse. Com. No. 778, informing the Senate that the Speaker on April 23, 1990 designated Representatives Ige, D., and Fukunaga as co-chairman on the part of the House at the conference on H.B. No. 1144, H.D. 2, S.D. 2.

Hse. Com. No. 779, informing the Senate that the House reconsidered its action taken on April 19, 1990 in disagreeing to the amendments proposed by the Senate to H.B. No. 3110, H.D. 2.

Hse. Com. No. 780, informing the Senate that the House reconsidered its action taken on April 19, 1990 in disagreeing to the amendments proposed by the Senate to H.B. No. 2069, H.D. 1.

Hse. Com. No. 781, informing the Senate that the House reconsidered its action taken on April 19, 1990 in disagreeing to the amendments proposed by the Senate to H.B. No. 2901.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 3328) recommending that H.C.R. No. 8, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3328 and H.C.R. No. 8, H.D. 1, S.D. 1, entitled: "HOUSE 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," was deferred until Tuesday, April 24, 1990.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 3329) recommending that H.C.R. No. 10, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3329 and H.C.R. No. 10, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO EXTEND THE TERRITORIAL LIMITS OF THE UNITED STATES AND COASTAL STATES FROM THREE TO TWELVE MILES OFFSHORE," was deferred until Tuesday, April 24, 1990.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 3330) recommending that H.C.R. No. 28, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3330 and H.C.R. No. 28, H.D. 1, S.D. 1, entitled: "HOUSE 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," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3331) recommending that S.R. No. 60, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3331 and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP GUIDELINES AND PROCEDURES TO IMPLEMENT AN OUTREACH TEACHER CERTIFICATION PROGRAM FOR

NONCERTIFIED SPECIAL EDUCATION TEACHERS," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3332) recommending that S.R. No. 94 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3332 and S.R. No. 94, entitled: "SENATE RESOLUTION EXPRESSING THE SUPPORT OF THE SENATE FOR THE ESTABLISHMENT OF A CHALLENGER CENTER AFFILIATE SATELLITE SITE IN THE STATE OF HAWAII," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3333) recommending that S.R. No. 117, as amended in S.D. 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 3333 and S.R. No. 117, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ADOPTING A 'DROPOUTS DON'T DRIVE' POLICY IN HAWAII," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3334) recommending that S.R. No. 126, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3334 and S.R. No. 126, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3335) recommending that S.R. No. 139, as amended in S.D. 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 3335 and S.R. No. 139, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A REVIEW AND EVALUATION OF THE CURRENT SYSTEM FOR ELECTING MEMBERS OF THE BOARD OF EDUCATION AND MAKE RECOMMENDATIONS REGARDING COMPENSATING MEMBERS AND PROVIDING STAFFING FOR THEM," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3336) recommending that S.R. No. 158 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 3336 and S.R. No. 158, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF WORKING HOURS FOR OLDER STUDENTS," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3337) recommending that S.R. No. 187, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3337 and S.R. No. 187, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE LIBRARIAN

TO CONSIDER THE DEVELOPMENT OF COMMUNITY LIBRARY FACILITIES IN PUBLIC SCHOOLS AS PART OF THE STATE LIBRARY SYSTEM MASTER PLAN, INCLUDING A COMMUNITY/SCHOOL LIBRARY AT HELEMANO ELEMENTARY SCHOOL," was deferred until Tuesday, April 24, 1990.

Senator B. Kobayashi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3338) recommending that S.R. No. 209, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3338 and S.R. No. 209, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION INVESTIGATE DIFFERENT SUCCESSFUL ABSTINENCE PROGRAMS BEING USED THROUGHOUT THE NATION," was deferred until Tuesday, April 24, 1990.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 3339) recommending that the Senate advise and consent to the nominations of Jan M.L.Y. Amii, Mark H. Hastert, Dennis S. Hokama, Ah Leong Kam and Wadsworth Y.H. Yee to the Commission on Transportation, in accordance with Gov. Msg. No. 280.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3339 and Gov. Msg. No. 280 was deferred until Tuesday, April 24, 1990.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 3340) recommending that the Senate advise and consent to the nominations of Joaquin P. Freitas, David Kekoa Akana, Rudolph Embernate, Robert K. Mole, Antone Basque, Henry Cho, Ernest "Casey" Moniz, Rose T. Ohashi, Lance Terayama and Lenora N. Wee to the State Highway Safety Council, in accordance with Gov. Msg. No. 281.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3340 and Gov. Msg. No. 281 was deferred until Tuesday, April 24, 1990.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 3341) recommending that the Senate advise and consent to the nominations of Virginia Frances Baresch, R.N., William M. Dang Jr., M.D., Wayne Matsuyama, O.D., and George Plechaty, M.D., to the Medical Advisory Board, in accordance with Gov. Msg. No. 282.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3341 and Gov. Msg. No. 282 was deferred until Tuesday, April 24, 1990.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3342) recommending that the Senate advise and consent to the nomination of Lawrence Wakui, Ph.D., to the Western Interstate Commission for Higher Education (WICHE), in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3342 and Gov. Msg. No. 273 was deferred until Tuesday, April 24, 1990.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3320 (Gov. Msg. No. 215):

Senator Blair moved that Stand. Com. Rep. No. 3320 be received and placed on file, seconded by Senator Reed and carried.

Senator Blair then moved that the Senate advise and consent to the nominations to the Hawaii Education Council of the following:

Ron Harris-White, term to expire June 30, 1993; and

Andy Y. Nii, Barbara J. Furstenberg, Ph.D., Vivian S.P. Ing and Darlene E. Martin, terms to expire June 30, 1994,

seconded by Senator Reed.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3321 (Gov. Msg. No. 216):

Senator Blair moved that Stand. Com. Rep. No. 3321 be received and placed on file, seconded by Senator Reed and carried.

Senator Blair then moved that the Senate advise and consent to the nomination of Doris M. Ching, Ph.D., to the Education Commission of the States, term to expire June 30, 1994, seconded by Senator Reed.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3322 (Gov. Msg. No. 217, 218, 219 and 220):

Senator Blair moved that Stand. Com. Rep. No. 3322 be received and placed on file, seconded by Senator Reed and carried.

Senator Blair then moved that the Senate advise and consent to the nominations of the following:

Philip Soliven Adao to the Library Advisory Commission, City and County of Honolulu, term to expire June 30, 1993;

Sally Ann Harper, Hazel K. Kauahikaua and Dorothy M. Boblin, to the Library Advisory Commission, City and County of Honolulu, terms to expire June 30, 1994;

Frank G. Nelson and Fumiyo Yamanaka to the Library Advisory Commission, County of Hawaii, terms to expire June 30, 1994;

Jane H. Taura to the Library Advisory Commission, County of Maui, term to expire June 30, 1992;

Janice S. Espiritu to the Library Advisory Commission, County of Maui, term to expire June 30, 1993;

Robert Buchanan and Tatiana Trailov to the Library Advisory Commission, County of Maui, terms to expire June 30, 1994;

Frederico R. Cuaresma to the Library Advisory Commission, County of Kauai, term to expire June 30, 1991; and

Peggy T. Cha, Priscilla T. Leong, Virginia A. Rapozo, Jean E. Sato and Jay Anthony Taylor to the Library

Advisory Commission, County of Kauai, terms to expire June 30, 1994;

seconded by Senator Reed.

The motion was put by the Chair and carried on the following showing of Ayes and Ayes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3327 (Gov. Msg. No. 173):

Senator Blair moved that Stand. Com. Rep. No. 3327 be received and placed on file, seconded by Senator Reed and carried.

Senator Blair then moved that the Senate advise and consent to the nominations of Frank T.S. Kim and Alfred O. Souza to the Civil Defense Advisory Council, terms to expire June 30, 1994, seconded by Senator Reed.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM FRIDAY, APRIL 19, 1990

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 3323 (S.R. No. 123, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 123, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON CLASSROOM DIVIDERS," was adopted.

Stand. Com. Rep. No. 3324 (H.C.R. No. 162, H.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 162, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO UNDERTAKE A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC HIGH SCHOOL IN KEAAU," was adopted.

Stand. Com. Rep. No. 3325 (H.C.R. No. 154, H.D. 1, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 154, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH AN EXCHANGE PROGRAM WITH OKINAWA, HAWAII'S SISTER STATE," was adopted.

Stand. Com. Rep. No. 3326 (H.C.R. No. 109, H.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 109, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DEVELOP A COMPREHENSIVE REPAIR AND MAINTENANCE PROGRAM FOR THE HAWAII STATE LIBRARY FACILITIES," was adopted.

AGREE/DISAGREE

S.C.R. No. 7, S.D. 1, H.D. 1:

By unanimous consent, action on S.C.R. No. 7, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS TO EXTEND THE TERRITORIAL LIMITS OF THE UNITED STATES AND COASTAL STATES FROM THREE TO TWELVE NAUTICAL MILES OFFSHORE," was deferred until Tuesday, April 24, 1990.

S.C.R. No. 46, S.D. 1, H.D. 1:

By unanimous consent, action on S.C.R. No. 46, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INFORM THE COASTAL STATES OF THE UNITED STATES AS WELL AS THE PACIFIC ISLANDS OF AMERICAN SAMOA, FEDERATED STATES OF MICRONESIA, GUAM, NORTHERN MARIANA ISLANDS AND REPUBLIC OF BELAU TO BAN LARGE-SCALE DRIFTNETS, TO PROHIBIT TRANSSHIPMENT OF DRIFTNET-CAUGHT FISH, AND TO REFUSE TO SERVICE SHIPS ENGAGING IN DRIFTNETTING WITH ANY NATION SUPPORTING OR SANCTIONING THE PRACTICE OF DRIFTNET FISHING," was deferred until Tuesday, April 24, 1990.

FINAL READING

S.B. No. 2475, S.D. 2, H.D. 1:

On motion by Senator Blair, seconded by Senator Reed and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2475, S.D. 2, and S.B. No. 2475, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3109, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3109, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL STATUTES," was deferred until Tuesday, April 24, 1990.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

APPOINTMENT OF CONFEREES

H.B. No. 2895, H.D. 1, S.D. 1:

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2895, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, chairman, Kobayashi, A., Koki as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:17 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., Tuesday, April 24, 1990.