

FIFTY-SIXTH DAY

Tuesday, April 24, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:40 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Larry Kositzin, Seventh-Day Adventist Church, Kailua, after which the Roll was called showing all Senators present with the exception of Senator Yamasaki who was excused.

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

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

Senator McMurdo introduced Mr. Frank Delima as follows:

"Mr. President, today, we are honoring a young man who really needs no introduction to any of us here. He is a young man who was raised in Pauoa Valley and attended Cathedral Grade School, continued his education at Damien Memorial High and Chaminade University. He graduated with a bachelor's degree in sociology and at St. Patrick Theologate in California with a master's degree in divinity.

"At one time, he thought he wanted to become a clergyman, but he chose instead to be a comic artist in Hawaii in 1974, and he has really ministered to the youth of Hawaii through his visitations annually, since 1981, first to the schools on the neighbor islands and, currently, to every elementary and intermediate school of Hawaii.

"Frank Delima has served on the Board of Adult Friends for Youth and was selected as one of the 1989 honorees for contributing significantly to youth and volunteerism. His efforts have resulted in the creation of a network of community volunteers who are working to prevent, reduce and mitigate the problem of juvenile delinquency.

"His big goal for the youth of Hawaii is to bring parents and children together by way of a yearly concert 'celebration,' focusing on good parenting, guidance, communication and loving. Frank Delima has enriched the lives of all he has touched not only with his philanthropic work, but on stage with zany antics and his universally satirical but always kind humor.

"The Senate expresses to Frank Delima its admiration for his accomplishments and contributions to the Adult Friends for Youth program and also expresses a heartfelt mahalo for his work with the youth of Hawaii.

"Thank you, Frank, for making us laugh."

Mr. Delima, seated on the floor of the Senate, rose to be recognized and was presented the congratulatory Senate certificate and lei.

Senator McMurdo then introduced Captain Gerald E. Mittendorff as follows:

"Mr. President, this is a man who originally was a farm boy from Virginia. He has served as a fighter pilot during two tours of duty in Vietnam and subsequently served as head of pilot training. His name is Captain Gerald E. Mittendorff and he was brought to Hawaii by

the United States Navy two years ago to serve as the United States Navy's project director for Kaho'olawe.

"In 1978, the United States Navy and the State of Hawaii entered into a memorandum of understanding concerning Kaho'olawe and its conservation. And in 1980 the United States Navy and the Protect Kaho'olawe Ohana signed a consent decree recognizing the use of the island as a target range and permitting limited visitation rights to the Ohana.

"During Captain Mittendorff's tenure as project director he has developed a working rapport with the Protect Kaho'olawe Ohana, gaining access to the island for the Ohana. He continued coordination of the Navy's cooperation with Department of Land and Natural Resources and the Native Hawaiian Plant Society's efforts to revegetate the island to prevent further soil erosion. He continued the rehabilitation of a 300,000-gallon cistern since the island has no source of fresh water, and has planted over 50,000 trees and 25,000 native plants.

"He also initiated the use of radio collars on feral goats which significantly enhanced the efficacy of the goat-elimination program thereby reducing the erosion of the island and preventing damage to important cultural sites. Kaho'olawe is believed to be the only island or area ever to be effectively eradicated of feral goats.

"The actions of Captain Mittendorff have helped bring together to resolve and to alleviate the environmental programs on Kaho'olawe and to preserve the archaeological sites.

"The Senate expresses its gratitude and appreciation to Captain Gerald Mittendorff, commends him for his success, and extends to him a heartfelt mahalo for a job well done."

Captain Mittendorff, seated on the floor of the Senate, rose to be recognized and was presented the congratulatory Senate certificate and lei.

Senator George then introduced Ms. Patti Pitts with a group of home-schooled students from the Windward Support Group who were seated in the gallery.

Senator Chang welcomed Mr. Frank Delima with the following remark:

"Mr. President, I represent Pauoa Valley and is related to Mr. Delima on another occasion. I was the newspaper boy along the slopes of Punchbowl, including Madeira and Azores Streets, and came to know very early the nuances of the Portuguese culture. Welcome again."

Senator Chang, in honor of the 200-year bicentennial of the arrival of the Chinese in Hawaii, made the following introduction:

"Mr. President, more than 200 years ago, the first Chinese reached Hawaii. Following them, subsequent groups of courageous pioneers left their homes in China to seek a better future in Hawaii. They struggled through difficult times as they established new beginnings. Welcomed by the Hawaiians, warmed by the aloha spirit of this land, and stimulated by the great cultural diversity brought by other immigrants, these Chinese settlers did find a far better life. In turn, they enriched the community of which they had become an integral part.

"In honor of the 200-year bicentennial of the arrival of Chinese in Hawaii, the governor appointed a commission

to commemorate this illustrious history through the celebratory year of 1989. The commission hosted more than 60 cultural events in the Hawaiian community, ranging from art and film exhibitions, to the annual Narcissus Festival, to programs of dance, choral works and presentations on Chinese musical instruments. The commission successfully entertained, educated and enthralled the Hawaiian community in commemorating the contributions of the Chinese in Hawaii.

"With us today are several important figures that served on the commission. First, the honorary chairman, Senator Hiram Fong. I'd like to mention here that if it were not for Senator Fong, many of us would not be in this chamber today. Senator Fong led the successful fight to have 25 senators serve in the Legislature, rather than 15 as advocated by chairman Heen. As I have indicated, Senator Fong successfully argued that 25 would be a more representative number.

"Also with us today are Dr. Rosie Chang, who served as vice chairman of the Governor's Commission, and Dr. Doris M. Ching, English secretary of the commission. I think it's also significant, Mr. President, that the two women who served as officers of the commission hold highly advanced degrees -- another indicator of the progress that this gender is making in our society. Last but not least, and through an inadvertent error she was seated in the gallery rather than the floor of the chamber where she belongs, is Bea Chun who served loyally and ably in the office of the commission.

"Accompanying the officers and Bea Chun is Dr. Chang's husband, also seated in the gallery.

The honorees rose to be recognized and were presented the congratulatory Senate certificate and lei.

Senator Chang continued:

"Mr. President, the Senate member who worked most closely with the commission is also being honored today: Glenda Young has been a highly dedicated and selfless volunteer for Queen's Medical Center, working with critically injured patients in the Trauma/Surgical Intensive Care Unit. Her extraordinary efforts in assisting victims of traumatic injuries reveal a rare conscientiousness coupled with deep compassion and concern that has gained the respect and admiration of the medical center's staff.

"Glenda's contributions have resulted in her being selected as Queen's nominee for the prestigious 1990 Thomas Jefferson Awards. Her work has also been profiled in the local media.

"The Senate wishes to recognize and congratulate Glenda Young at this time for her unparalleled efforts as a volunteer for the center and wishes her continued success in all her future endeavors.

"It is my honor to introduce Glenda Young. With her today are Lindsey Carrey, director of patient relations for Queen's Medical Center, and Maura Okamoto, director of volunteer services for the center."

The honoree rose to be recognized and was presented the congratulatory Senate certificate and lei.

Senator Ikeda introduced Mr. Stafford Morse as follows:

"Mr. President, it gives me great pleasure this morning to introduce to this honorable body one of the work horses and distinguished member of the Hawaii Kai community.

"Stafford Morse was born on Molokai but is a long time resident of Hawaii Kai who has been an active member of the Hawaii Kai Neighborhood Board. In fact, he served six terms on Neighborhood Board #1, is chairman of the Parks and Recreation Subcommittee of the Hawaii Kai Communities Council, and is a member of the Koko Isle Association Board.

"Stafford has been a staunch advocate for the protection and enjoyment of our surrounding natural environment. As president of the Hawaii Kai Marina Association, a commander with 37 years of service in the Coast Guard Reserve, he is sailing coach for Kaiser High School, and as a sea scout leader, he has always made himself available to anyone in the community who needed assistance.

"Stafford is also one of our first marine patrol volunteers and has been a great asset in controlling the activity in Maunalua Bay, especially with the advent of jet skis and the problems that we have faced. He has served the community for so many years, very quietly, in his own way, never been recognized for all of the things that he's done for us. I want him to stand up today and be recognized for all of his achievements, congratulate him and thank him for his efforts."

Mr. Morse rose to be recognized and was presented the Senate certificate of recognition and lei.

Senator McCartney then said:

"Mr. President, may I be allowed to make a few remarks on some of our honorees.

"First of all, I'd like to thank Mr. Delima for coming. Many of us enjoy his humor and his entertainment, but I really would like to commend him for his commitment to the youth of Hawaii. It really shows that he is giving much more back to our community than what he has received. We are thankful to have someone like him to influence our youth and we thank him for being here today.

"Also, I would like to thank Captain Mittendorff, on behalf of the Government Operations Committee. He was our gracious host when we had the opportunity to visit Kaho'olawe. I was very, very impressed with his work and commitment to restore the island and to restore the vegetation and protecting the archaeological sites. It's our hope that some day the island is returned to the people of Hawaii.

"Captain Mittendorff is becoming a part of the island and the thing I noticed when I was there was that the island had grown upon him and he had grown upon the island. I think we are blessed by having such a person like him to be a caretaker of the island. I thank him for the time that he gave us when we visited the island in November.

"Senator Fong. I think, Senator Fong is a constituent of mine. I would like to share one quick story with him and with the members of the Senate.

"My father moved to Kahaluu in the early 50s and at that time Kahaluu was under the threat of a noxious industry. I believe they wanted to put a deep draft harbor and Campbell Industrial Park there. My father and some of the other community leaders were very concerned about this kind of activity and fought very hard to preserve and protect the rural character of Windward Oahu. My father remembers very warmly how Senator Fong joined the group and, as a landowner in that area, signed a petition which helped to protect and preserve Windward Oahu. He feels in his heart that if it wasn't

for Senator Fong's help Windward Oahu would not be the community it is today. That is the reason why my mom and dad are still Republicans today. They became Republicans and they joined the Republican Party to help Senator Fong. That's a fond story that I will always remember of our family. Thank you for coming today, too.

"Thank you, Mr. President, for allowing me to share."

Senator Matsuura also rose to remark:

"Mr. President, I would also like to make a few comments.

"I don't think that Senator Fong remembers me, but, back in the early 60s when I was in India working to help in the Green Revolution, one of my jobs was to introduce new crops and to improve crops so that the children of India would have high protein foods to eat. I remember that the crops that were assigned to me were the green legume crops. The yield was very, very low, and the only solution that I could see to solve the protein problem of India was to grow soybeans. Unfortunately, soybeans, they told me, was a 'political' crop and no U.S. sponsored AID technician could work on soybeans. So I had a problem.

"Fortunately, I knew the Senator's brother Harold who was a good friend of mine. I wrote a letter to Harold to see if he could talk to his brother to release soybeans as a 'political' crop. And, Senator, you did it! The people of India, the children of India should really thank you because soybean has played a very great part in the Green Revolution of India. Thank you very much, Senator Fong."

Senator McMurdo then introduced Ms. Millie Fujinaga and said:

"Mr. President, I would be remiss if I did not recognize a lady who keeps Frank Delima on the straight and narrow path and gets him to places on time and that sort of thing. I would like to ask Millie Fujinaga, manager of Frank DeLima, to please stand up and be recognized."

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 298 and 299) were read by the Clerk and were placed on file.

Gov. Msg. No. 298, informing the Senate that on April 17, 1990, he signed the following bills into law:

Senate Bill No. 2141 as Act 13, entitled: "RELATING TO ANABOLIC STEROIDS";

Senate Bill No. 2700 as Act 14, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 3114 as Act 15, entitled: "RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE";

Senate Bill No. 3116 as Act 16, entitled: "RELATING TO S CORPORATIONS";

Senate Bill No. 3122 as Act 17, entitled: "RELATING TO CERTIFICATIONS FOR TAX EXEMPTIONS";

House Bill No. 1159 as Act 18, entitled: "RELATING TO ANATOMICAL GIFT DESIGNATIONS";

House Bill No. 2020 as Act 19, entitled: "RELATING TO PROBATE";

House Bill No. 2753 as Act 20, entitled: "RELATING TO PERMITS";

Senate Bill No. 2668 as Act 21, entitled: "RELATING TO THE OFFICE OF AUDITOR PROPER";

Senate Bill No. 2711 as Act 22, entitled: "RELATING TO HISTORIC PROPERTIES";

Senate Bill No. 3423 as Act 23, entitled: "RELATING TO FENCES";

House Bill No. 2487 as Act 24, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2490 as Act 25, entitled: "RELATING TO EMPLOYMENT SECURITY"; and

House Bill No. 2638 as Act 26, entitled: "RELATING TO PUBLIC CONTRACTS."

Gov. Msg. No. 299, informing the Senate that on April 18, 1990, he signed the following bills into law:

House Bill No. 2269 as Act 27, entitled: "RELATING TO ORGANIZED CRIME";

House Bill No. 2799 as Act 28, entitled: "RELATING TO THE THEFT OF LIVESTOCK"; and

House Bill No. 3274 as Act 29, entitled: "RELATING TO SERVICE OF PROCESS."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 782 to 788) were read by the Clerk and were placed on file.

Hse. Com. No. 782, informing the Senate that the amendments proposed by the Senate to the following House bills were agreed to by the House, and on April 23, 1990, said bills, as amended, passed Final Reading:

H.B. No. 2051, S.D. 1;

H.B. No. 2069, H.D. 1, S.D. 1;

H.B. No. 2901, S.D. 1; and

H.B. No. 3110, H.D. 2, S.D. 1.

Hse. Com. No. 783, informing the Senate that the House reconsidered its action taken on April 12, 1990 in disagreeing to the amendments proposed by the Senate to H.B. No. 2737, H.D. 1, and H.B. No. 2908.

Hse. Com. No. 784, informing the Senate that the report of the Committee on Conference on S.B. No. 103, H.D. 1, C.D. 1, was adopted and said bill passed Final Reading in the House of Representatives on April 23, 1990.

Hse. Com. No. 785, informing the Senate that the report of the Committee on Conference on H.B. No. 2053, H.D. 1, S.D. 1, C.D. 1, was adopted and said bill passed Final Reading in the House of Representatives on April 23, 1990.

Hse. Com. No. 786, informing the Senate that the Speaker on April 23, 1990, appointed Representatives

Souki, chairman, Fukunaga, Leong, Marumoto as managers on the part of the House for the consideration of amendments proposed by the Senate to H.B. No. 2895, H.D. 1.

Hse. Com. No. 787, informing the Senate that the Speaker added Representatives Baker, Chang, Dulualo, M. Ige, Ihara, Isbell, Kanoho, Kawakami, Leong, Yonamine, Marumoto as managers on the part of the House at the conference on S.B. No. 2597, S.D. 1, H.D. 1.

Hse. Com. No. 788, informing the Senate that the Speaker designated Representative Shon as lead co-chairman on the part of the House at the conference on S.B. No. 2432, S.D. 1, H.D. 1.

STANDING COMMITTEE REPORTS

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 3343) recommending that the Senate advise and consent to the nominations of Philia L. Lau, Eberhard Linke and Winona Whitman to the Tourism Training Council, in accordance with Gov. Msg. No. 246.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3343 and Gov. Msg. No. 246 was deferred until Wednesday, April 25, 1990.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 3344) recommending that the Senate advise and consent to the nominations of Larry L. Cundiff, Herbert S. K. Kaopua, Sr., and Eddie E. Lapa to the Stadium Authority, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3344 and Gov. Msg. No. 279 was deferred until Wednesday, April 25, 1990.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3345) recommending that the Senate advise and consent to the nominations of Bonnie A. Hilton, Ph.D., William Yuen and Janice P. Kim to the Board of Directors of the Research Corporation, University of Hawaii, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3345 and Gov. Msg. No. 272 was deferred until Wednesday, April 25, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3346) recommending that the Senate consent to the nomination of Melvin K. Soong as the Eleventh Judge, Circuit Court of the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 254.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3346 and Gov. Msg. No. 254 was deferred until Wednesday, April 25, 1990.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 3347) recommending that the Senate advise and consent to the nomination of Calvin S. Nemoto to the Board of Directors, Housing Finance and Development Corporation, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3347 and Gov. Msg. No. 274 was deferred until Wednesday, April 23, 1990.

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

Senator McCartney, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 3348) recommending that H.B. No. 2862 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator McMurdo and carried, the report of the Committee was adopted and H.B. No. 2862, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 26, 1990.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 3349) recommending that H.C.R. No. 73, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3349 and H.C.R. No. 73, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ABOUT TOURISM JOBS," was deferred until Wednesday, April 25, 1990.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 3350) recommending that H.C.R. No. 74 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3350 and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO TAKE ALL REASONABLE STEPS TO ENSURE THAT ALL UNITED STATES ORGANIZATIONS LOCATED IN FOREIGN COUNTRIES USE MAPS WHICH INCLUDE THE STATE OF HAWAII AS PART OF THE UNITED STATES," was deferred until Wednesday, April 25, 1990.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 3351) recommending that H.C.R. No. 87 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3351 and H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO IMPROVE AND PERMANENTLY DESIGNATE AN AREA FOR COMPETITION WATER SKIING AT KEEHI LAGOON," was deferred until Wednesday, April 25, 1990.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3352) recommending that H.C.R. No. 11 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 3352 and H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE HAWAII STATE LEGISLATURE IN THE DEVELOPMENT OF A SILVER LEGISLATURE IN HAWAII," was deferred until Wednesday, April 25, 1990.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3353) recommending that H.C.R. No. 138 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3353 and H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK LEGISLATION WHICH WOULD EXEMPT SOCIAL SECURITY AND SUPPLEMENTAL SECURITY INCOME COST OF LIVING ALLOWANCES RECEIVED BY PERSONS ON PUBLIC ASSISTANCE AND OTHER FEDERAL AID PROGRAMS FROM CALCULATION FOR ELIGIBILITY FOR THESE BENEFITS," was deferred until Wednesday, April 25, 1990.

Senators Holt and Fernandes Salling, for the Committee on Tourism, Recreation and Planning and the Committee on Transportation, presented a joint report (Stand. Com. Rep. No. 3354) recommending that H.C.R. No. 91, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3354 and H.C.R. No. 91, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO APPROVE HAWAIIAN AIRLINES, INC.'S APPLICATION TO PROVIDE NONSTOP SERVICE BETWEEN HAWAII AND JAPAN," was deferred until Wednesday, April 25, 1990.

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3339 (Gov. Msg. No. 280):

Senator Blair moved that Stand. Com. Rep. No. 3339 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 Commission on Transportation:

Jan M. L. Y. Amii, term to expire June 30, 1993; and

Wadsworth Y. H. Yee, Mark H. Hastert, Ah Leong Kam and Dennis S. Hokama, 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, 20. Noes, none. Excused, 5 (Crozier, Fernandes Salling, Nakasato, Yamasaki, Wong, R.).

Stand. Com. Rep. No. 3340 (Gov. Msg. No. 281):

Senator Blair moved that Stand. Com. Rep. No. 3340 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 State Highway Safety Council of the following:

Joaquin P. Freitas, term to expire June 30, 1992;

Rudolph Embernate, David Kekoa Akana and Robert K. Mole, terms to expire June 30, 1993; and

Antone Basque, Henry Cho, Lance Terayama, Ernest 'Casey' Moniz, Rose T. Ohashi and LeNora N. Wee, 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, 20. Noes, none. Excused, 5 (Crozier, Fernandes Salling, Nakasato, Yamasaki, Wong, R.).

Stand. Com. Rep. No. 3341 (Gov. Msg. No. 282):

Senator Blair moved that Stand. Com. Rep. No. 3341 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 Medical Advisory Board of the following:

William M. Dang, Jr., M.D., Wayne Matsuyama, O.D., and George Plechaty, M.D., terms to expire June 30, 1994; and

Virginia Frances Baresch, R.N., term to expire June 30, 1992,

seconded by Senator Reed.

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

Ayes, 20. Noes, none. Excused, 5 (Crozier, Fernandes Salling, Nakasato, Yamasaki, Wong, R.).

Stand. Com. Rep. No. 3342 (Gov. Msg. No. 273):

Senator Blair moved that Stand. Com. Rep. No. 3342 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 Lawrence Wakui, Ph.D., to the Western Interstate Commission for Higher Education (WICHE), term of 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, 20. Noes, none. Excused, 5 (Crozier, Fernandes Salling, Nakasato, Yamasaki, Wong, R.).

MATTERS DEFERRED FROM MONDAY, APRIL 23, 1990

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 3328 (H.C.R. No. 8, 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. 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 adopted.

Stand. Com. Rep. No. 3329 (H.C.R. No. 10, 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. 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 adopted.

Stand. Com. Rep. No. 3330 (H.C.R. No. 28, 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. 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 adopted.

Stand. Com. Rep. No. 3331 (S.R. No. 60, 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. 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 adopted.

Stand. Com. Rep. No. 3332 (S.R. No. 94):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 3333 (S.R. No. 117, 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. 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 referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 3334 (S.R. No. 126, 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. 126, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was adopted.

Stand. Com. Rep. No. 3335 (S.R. No. 139, 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. 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 TO MAKE RECOMMENDATIONS REGARDING COMPENSATING MEMBERS AND PROVIDING STAFFING FOR THEM," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 3336 (S.R. No. 158):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 158, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF WORKING HOURS FOR OLDER STUDENTS," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 3337 (S.R. No. 187, 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. 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 adopted.

Stand. Com. Rep. No. 3338 (S.R. No. 209, 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. 209, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION INVESTIGATE DIFFERENT SUCCESSFUL ABSTINENCE PROGRAMS BEING USED THROUGHOUT THE NATION," was adopted.

AGREE/DISAGREE

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

On motion by Senator Matsuura, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 7, S.D. 1, and 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 finally adopted.

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

On motion by Senator Matsuura seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 46, S.D. 1, and 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 finally adopted.

FINAL READING

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 Wednesday, April 25, 1990.

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2617, H.D. 1:

Senator A. Kobayashi moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 2617, H.D. 1, seconded by Senator McMurdo and carried.

On motion by Senator A. Kobayashi, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by House to S.B. No. 2617, and S.B. No. 2617, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION AGAINST SPOUSAL IMPOVERISHMENT," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 2356, S.D. 1, H.D. 2:

Senator A. Kobayashi moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 2356, S.D. 1, H.D. 2, seconded by Senator McMurdo and carried.

On motion by Senator A. Kobayashi, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by House to S.B. No. 2356, S.D. 1, and S.B. No. 2356, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY RESPONSE TRAUMA PROGRAM," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 3077, S.D. 2, H.D. 1:

Senator A. Kobayashi moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 3077, S.D. 2, H.D. 1, seconded by Senator McMurdo and carried.

On motion by Senator A. Kobayashi, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by House to S.B. No. 3077, S.D. 2, and S.B. No. 3077, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 3013, S.D. 1, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 3013, S.D. 1, H.D. 1, seconded by Senator Blair and carried.

On motion by Senator Ikeda, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by House to S.B. No. 3013, S.D. 1, and S.B. No. 3013, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 2505, S.D. 2, H.D. 2:

Senator Ikeda moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 2505, S.D. 2, H.D. 2, seconded by Senator Blair and carried.

On motion by Senator Ikeda, seconded by Senator Blair and carried, the Senate agreed to the amendments

proposed by House to S.B. No. 2505, S.D. 2, and S.B. No. 2505, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALES AT WHOLESALE TO PRODUCERS," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 2781, S.D. 2, H.D. 1:

Senator McCartney moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 2781, S.D. 2, H.D. 1, seconded by Senator McMurdo and carried.

On motion by Senator McCartney, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by House to S.B. No. 2781, S.D. 2, and S.B. No. 2781, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASE OF RECYCLED PRODUCTS," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 3287, S.D. 1, H.D. 2:

Senator Matsuura moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 3287, S.D. 1, H.D. 2, seconded by Senator Blair and carried.

On motion by Senator Matsuura, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by House to S.B. No. 3287, S.D. 1, and S.B. No. 3287, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

At 12:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o'clock p.m.

S.B. No. 2600, H.D. 1:

Senator McCartney moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 2600, H.D. 1, seconded by Senator McMurdo and carried.

On motion by Senator McCartney, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by House to S.B. No. 2600, and S.B. No. 2600, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

S.B. No. 2811, S.D. 2, H.D. 2:

Senator McCartney moved that the Senate reconsider its action taken on April 12, 1990 on S.B. No. 2811, S.D. 2, H.D. 2, seconded by Senator McMurdo and carried.

On motion by Senator McCartney, seconded by Senator McMurdo and carried, the Senate agreed to the amendments proposed by House to S.B. No. 2811, S.D. 2, and S.B. No. 2811, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL DATA," was placed on the calendar for Final Reading on Wednesday, April 25, 1990.

Senator A. Kobayashi rose to speak on a point of personal privilege as follows:

"Mr. President, this morning there was an article of apology from a reporter because of an inadvertent racial slur. And this had occurred because of an article on

April 10th regarding a film production company of which I am a member.

"When the reporter came to ask me about the film company, I told him that the only reason the company was formed was to help the many talented people of this state start building a film industry here in Hawaii. I talked to him about the many capable electricians and make-up and special events people and of the more than 400 members of the Screen Actors Guild, including many singers who are very talented and capable living here in Hawaii and how we should help them get started in a film industry.

"One of the things I mentioned was about a member of the 'Society of Seven.' He's very handsome, has a wonderful voice, and even looks like Kui Lee. When I was at a party recently with a group of entertainment type people, I was praising the 'Society of Seven' and telling them about this singer. And someone mentioned that the singer did not speak English, which surprised me, and I mentioned this to the reporter and mentioned it with a sense of surprise. I never said it in a derogatory manner. I never mentioned the man's race or where he came from because it didn't make any difference to me.

"I've known the members of the 'Society of Seven' for many years. I've known Tony Ruivivar and Ben Sagum since they first decided to live here in Hawaii. I used to attend their birthday parties and even took their wives shopping and went apartment hunting.

"In making this apology, the reporter infers that I was stereotyping, which is far from the truth. And I feel the reporter should once again apologize publicly in his paper with the same large headline because I did not stereotype. And I certainly gave him no reason to make any kind of racial slur.

"Thank you."

APPOINTMENT OF CONFEREES

H.B. No. 2950, H.D. 2, S.D. 2:

The President appointed Senator Fernandes Salling as co-chairman, together with Senator Yamasaki, on the part of the Senate at the conference to be held for the consideration of amendments made to H.B. No. 2950, H.D. 2.

ADJOURNMENT

At 12:30 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., Wednesday, April 25, 1990.