

## FIFTY-SEVENTH DAY

**Wednesday, April 25, 1990**

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:47 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Chaplain Michael E. Reynolds, Colonel, WESTCOM, Fort Shafter, after which the Roll was called showing all Senators present.

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

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

Senator George introduced a group of 4th grade students (50) from Punahou School, who were seated in the gallery, accompanied by teachers, Mrs. Bendix and Mrs. Comcovich, and parents. Senator George recognized her grandson, Connor Lowrey, seated with the 4th graders.

Senator Crozier introduced Reverend John Hammond of Christ Temple Community Church of Oahu in Makakilo who was also seated in the gallery.

Senator A. Kobayashi introduced Ms. Coreene Zablan, who was seated on the floor of the Senate, as follows:

"Mr. President, this week is Secretaries Week and with us today is Coreene Zablan, the 1990 Secretary of the Year of the Oahu Chapter of Professional Secretaries International. Coreene defines the criteria for a top professional secretary as 'common sense, integrity, efficiency and responsibility' and by her own work performance she exemplifies all these qualities.

"In recognition of her professionalism, her high standards, and her commitment to education and self improvement, her peers and colleagues in the Oahu Chapter of Professional Secretaries International have named her Secretary of the Year for 1990. I present Coreene Zablan."

Ms. Zablan rose to be recognized and was presented the congratulatory Senate certificate and lei.

Senator A. Kobayashi also introduced "other outstanding secretaries," who were seated in the gallery, that are members of the Oahu Chapter of Professional Secretaries International: Karen Shishido, Barbara Vandine, Aulani Admad, Gladys Rodenhurst, Gert Quon, Daryl-Jean Shimizu, Nam Snow and Lourita Hookano.

Senator Crozier added his comments to the introduction:

"Mr. President, I knew Coreene Zablan when she was a PBX operator. She's really come a long way. I extend my congratulations to her and wish her success in her endeavors. Aloha!"

Senator Tungpalan, on behalf of Senators Mizuguchi, Menor and herself, introduced students Blythe Matsuda, Jonni Cho and Jason Paikai of Pearl City High School as follows:

"Mr. President, it's my great pleasure this morning to introduce three Pearl City High School students who are worthy of recognition for their recent heroic actions.

"On February 20, 1990, a potential bus accident was averted through the quick thinking and heroic actions of Pearl City High School sophomore Blythe Matsuda and freshmen Jonni Cho and Jason Paikai.

"On the morning of the 20th, as the school bus transporting Pearl City High School students approached Momilani Elementary, the bus driver suffered a heart attack and these three brave youths worked swiftly to ensure the safety of the 35 to 40 students. Blythe ran to the front of the bus and turned off the ignition, while Jonni put on the emergency brake to stop the bus from rolling backward and Jason, who was sitting in the back of the bus, calmly opened the emergency door, quieted the students and saw that each left safely from the bus. Although none of these students have driver's licenses, their actions were effective in saving the lives of all the passengers aboard the bus.

"This morning we'd like to commend these three youths for their courageous and heroic actions in averting a potentially dangerous bus accident and acknowledge their quick thinking and the responsible manner in which they responded to the crisis.

"On the floor are Blythe Matsuda, Jonni Cho and Jason Paikai. Accompanying them is Pearl City High School Vice Principal Kazu Agena."

The students rose to be recognized and were presented the Senate certificate of recognition and leis.

Senator Holt, on behalf of Senators Solomon and himself, introduced the 1990 University of Hawaii Men's Volleyball Team as follows:

"Mr. President, we have a group of outstanding young men here on the floor of the Senate. I would like to read the certificate which honors the 1990 University of Hawaii Men's Volleyball Team.

"Whereas, in continuing the tradition of excellence in athletics at the University of Hawaii, the 1990 UH men's volleyball team closed its season ranked fifth in the nation in the final AVCA/Tachikara volleyball poll; and

"Whereas, during the season, the Rainbow men defeated three teams ranked above them in the final poll, including 13-time NCAA champion and number 2 ranked UCLA before a sold-out Klum Gym; and

"Whereas, despite their 12-4 record in the WIVA Harry Wilson Division and national ranking, the Rainbows failed to qualify for the league post-season tournament while ninth-ranked UC-Santa Barbara, 6-10 in the WIVA Burt DeGroot Division, moved on to the playoffs; and

"Whereas, the organizational problems associated with the recent divisional separation of the league seriously dampened one of the greatest seasonal performances in UH men's volleyball history; and

"Whereas, seniors Carlos Briceno, Damien Hardy, Lyman Lacro, Adam Lockwood, Poncho Maluo, Brian Poppinga and Gary VanSickle deserved a sweeter ending to their collegiate careers; and

"Whereas, head coach Alan Rosehill and assistant coach Tony Crabbe, along with Brad Stewart, Larson Viliamu, Robert Mape, Barry Magaoay, Kelsy Kaaa and Mark Presho are expected to give their many

friends and supporters countless moments of excitement, drama and great pride in the years to come; now, therefore,

'Be it resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, that the Senate recognizes, commends and above all, thanks the players and coaches of the 1990 University of Hawaii Men's Volleyball Team for sharing their talent, dedication and achievement with the people of Hawaii.'

All of the honorees, accompanied by head coach Alan Rosehill and wife Melanie, rose to be recognized and were presented the congratulatory Senate certificate and leis.

Senator Solomon, on behalf of the Senate President, welcomed and introduced Keahi Allen, daughter of the late Napua Stevens, and said:

"Mr. President, I would like to present a Senate certificate to the Keahi Allen in memory and honor of her mother Napua Stevens.

"Mr. President, the Hawaiians have a cherished song, 'E'kolu mea nui Maka honua' which says to us and tells us that the three most important things in life are faith, hope and charity. I feel, Mr. President, that Aunt Napua Stevens exemplified this. She had faith in her Hawaiian culture and lived this throughout her life. She had hope, through her commitment to the Hawaiian culture, that this would be passed on to the future. And she was a very charitable person because of her graciousness and her willingness to help all of us in the State of Hawaii.

"On behalf of the President of the Senate, I would like to present the certificate in memory of Napua Stevens and extend our deepest condolences to her family."

Ms. Keahi Allen rose to be recognized and was presented the Senate certificate honoring her mother. Senator Hagino presented her with a lei.

Senator McCartney then added his comments:

"Mr. President, I would also like to speak of the late Aunt Napua Stevens.

"I got to know her very well towards the last few years of her life and our families became very close. She spent many hours at our home sharing many of the stories of her life and it's a part of my life today.

"I would like to say to Keahi that her mom worked really hard to make Hawaii a better place and she always put her heart and soul into giving to others. That is something we will always remember. I will always remember Aunt Napua Stevens. Thank you."

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

The Senate reconvened at 12:06 o'clock p.m. with the President in the Chair.

### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 789 to 798) were read by the Clerk and were placed on file:

Hse. Com. No. 789, returning S.C.R. No. 91, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 790, returning S.C.R. No. 93, S.D. 1, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 791, returning S.C.R. No. 95, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 792, returning S.C.R. No. 156, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 793, returning S.C.R. No. 220, S.D. 1, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 794, returning S.C.R. No. 221, S.D. 1, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 795, returning S.C.R. No. 223, S.D. 1, which was adopted by the House of Representatives on April 24, 1990.

Hse. Com. No. 796, informing the Senate that the Speaker on April 24, 1990 added Representative Okamura as a manager on the part of the House at the conference on H.B. No. 2259, H.D. 2, S.D. 2.

Hse. Com. No. 797, informing the Senate the House reconsidered its action taken on April 12, 1990 and that the amendments proposed by the Senate to H.B. No. 2164, H.D. 1, were agreed to by the House of Representatives; and H.B. No. 2164, H.D. 1, S.D. 1, passed Final Reading on April 24, 1990.

Hse. Com. No. 798, informing the Senate that the amendments proposed by the Senate to the following House bills were agreed to by the House and on April 24, 1990, said bills, as amended, passed Final Reading:

H.B. No. 2737, H.D. 1, S.D. 1; and  
H.B. No. 2908, S.D. 1.

### STANDING COMMITTEE REPORTS

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 3355) recommending that the Senate advise and consent to the nominations of Ethel Aiko Oda, Ph.D., Fely Igne Libre, Catherine E. Ouye and Jo-Alyce Peterson, Ed.D., to the Advisory Commission on Employment and Human Resources, in accordance with Gov. Msg. No. 245.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3355 and Gov. Msg. No. 245 was deferred until Thursday, April 26, 1990.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 3356) recommending that the Senate advise and consent to the nominations of Clarence M. Takashima and Joan M.C. Bickson to the Civil Service Commission, in accordance with Gov. Msg. No. 277.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3356 and Gov. Msg. No. 277 was deferred until Thursday, April 26, 1990.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3357) recommending that the Senate advise and consent to the nominations of the following:

Paul Takehiro to the Board of Vocational Rehabilitation, in accordance with Gov. Msg. No. 238; and

Florence M.F. Lau to the Board of Vocational Rehabilitation, in accordance with Gov. Msg. No. 293;

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3357 and Gov. Msg. Nos. 238 and 293 was deferred until Thursday, April 26, 1990.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3358) recommending that the Senate advise and consent to the nominations of Iris K. Ikeda Catalani, Holly Chun-Ming, Barbara Dahl, Richard Davi, Robert Timothy Guard, Marsha R. Joyner and Jeffrey Portnoy to the Commission on the Status of Women, in accordance with Gov. Msg. No. 276.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3358 and Gov. Msg. No. 276, was deferred until Thursday, April 26, 1989.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3359) recommending that H.C.R. No. 135 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3359 and H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF CHILDREN AND YOUTH TO EVALUATE THE CONDITION OF CHILDREN AND YOUTH PROGRAMS AND SERVICES IN HAWAII," was deferred until Thursday, April 26, 1990.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3360) recommending that H.C.R. No. 136, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3360 and H.C.R. No. 136, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPARISON OF REIMBURSEMENT RATES AND REIMBURSABLE PROCEDURES AND SERVICES UNDER MEDICAID AND PRIVATE HEALTH INSURANCE PLANS," was deferred until Thursday, April 26, 1990.

Senator McMurdo, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3361) recommending that H.C.R. No. 152 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3361 and H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES TO CONDUCT A COMPREHENSIVE REVIEW OF PROGRAMS AND SERVICES FOR RUNAWAY YOUTH AND THEIR PARENTS," was deferred until Thursday, April 26, 1990.

Senator McCartney, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 3362) recommending that S.R. No. 239 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3362 and S.R. No. 239, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR REPRESENTATIVE DAN ROSTENKOWSKI'S FIVE YEAR PLAN TO ELIMINATE THE FEDERAL BUDGET DEFICIT," was deferred until Thursday, April 26, 1990.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep.

No. 3363) recommending that H.C.R. No. 40, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3363 and H.C.R. No. 40, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE TRANSFER OF JURISDICTION OVER CERTAIN PARCELS OF REMNANT LANDS IN THE KEEHI LAGOON AREA FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR THE PURPOSE OF ESTABLISHING AN INDUSTRIAL PARK," was deferred until Thursday, April 26, 1990.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 3364) recommending that the Senate advise and consent to the nominations of Ann K. Nathaniel and Kilikua Alvina Park to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 275.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 3364 and Gov. Msg. No. 275 was deferred until Thursday, April 26, 1990.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3365) recommending that the Senate advise and consent to the nominations of the following:

Robert F. Maynard to the Board of Taxation Review, First Taxation District (Oahu), in accordance with Gov. Msg. No. 247;

Albert "Benny" Rodero to the Board of Taxation Review, Third Taxation District (Hawaii), in accordance with Gov. Msg. No. 248;

Filemon M. Nanod and George Y. Kondo to the Board of Taxation Review, Second Taxation District (Maui), in accordance with Gov. Msg. No. 249; and

Belma A. Baris to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 250.

In accordance with Senate Rule 33, action on Stand. Com. rep. No. 3365 and Gov. Msg. Nos. 247, 248, 249 and 250 was deferred until Thursday, April 26, 1990.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 3366) recommending that H.C.R. No. 105, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3366 and H.C.R. No. 105, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO SUGGEST WAYS TO URGE THE PACIFIC ASIA TRAVEL ASSOCIATION TO RELOCATE ITS HEADQUARTERS TO HAWAII," was deferred until Thursday, April 26, 1990.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 3343 (Gov. Msg. No. 246):

Senator Blair moved that Stand. Com. Rep. No. 3343 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 Philia L. Lau, Eberhard

Linke and Winona Whitman, to the Tourism Training 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, 24. Noes, none. Excused, 1 (Koki).

Stand. Com. Rep. No. 3344 (Gov. Msg. No. 279):

Senator Blair moved that Stand. Com. Rep. No. 3344 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 Larry L. Cundiff, Herbert S.K. Kaopua Sr. and Eddie E. Lapa to the Stadium Authority, 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, 24. Noes, none. Excused, 1 (Koki).

Stand. Com. Rep. No. 3345 (Gov. Msg. No. 272):

Senator Blair moved that Stand. Com. Rep. No. 3345 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 Bonnie A. Hilton, Ph.D., William Yuen and Janice P. Kim to the Board of Directors of the Research Corporation, University of Hawaii, 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, 24. Noes, none. Excused, 1 (Koki).

Stand. Com. Rep. No. 3346 (Gov. Msg. No. 254):

Senator Blair moved that Stand. Com. Rep. No. 3346 be received and placed on file, seconded by Senator Reed and carried.

Senator Blair then moved that the Senate consent to the nomination of Melvin K. Soong as Eleventh Judge, Circuit Court of the First Circuit, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Reed.

Senator Menor rose to speak in support of Gov. Msg. No. 254 as follows:

"Mr. President, your Committee on Judiciary recommends that the Senate consent to the appointment of Judge Melvin K. Soong to a ten-year term as a judge of the First Circuit Court.

"Prior to his appointment, Judge Soong served nine years as a district court judge in the First Circuit. For the last three years, Judge Soong has been the administrative judge of the District Court of the First Circuit.

"At the confirmation hearing held by the Judiciary Committee last week, the attorney general, the president of the Hawaii State Trial Judges Association and a number of government officials and prominent attorneys testified in favor of Judge Soong's confirmation. Those who testified spoke highly of Judge Soong and of his

reputation for honesty and integrity as a jurist. Judge Soong was also praised for his tremendous insight into the administrative and case load issues facing the judiciary.

"In addition to his career as a judge, Judge Soong also has a broad background in public service and the law; first as a police officer and a sheriff, later as deputy director of the Hawaii State Tax Department and thereafter as an assistant United States attorney for Hawaii.

"Judge Soong has also demonstrated a strong commitment to the community, and particularly to our youth through his involvement in the Kainalu Pop Warner Program. And your committee was also informed by one of the trial judges who testified at our hearing that Judge Soong is also an accomplished athlete, especially in the game of golf where he's managed to use his negotiating skills to extract a few points from his fellow golfers, even before teeing off, to achieve a swift and sudden victory.

"Your committee also conducted its own inquiries into Judge Soong's background and found nothing that would prevent him from being an able circuit court judge. And concerning his confirmation hearing, I'd like to inform the Senate that Judge Soong commented to me that he found the confirmation process to be a very positive experience and, for a district court judge, that it wasn't such a bad experience after all. So I hope that Judge Soong can, perhaps, communicate that message strongly to the House and more specifically my counterpart, the chairman of the House Judiciary Committee.

"In any event, in closing, I commend Judge Soong for his outstanding service in the district court and I look forward to his tenure as a circuit court judge and, in that respect, I recommend to this body Judge Soong's confirmation as a circuit court judge. Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Koki).

Senator Menor, at this time, introduced Judge Soong who was seated in the gallery with his wife Barbara, son David, daughter Sharon Odom and grandson Kaipo Odom.

Stand. Com. Rep. No. 3347 (Gov. Msg. No. 274):

Senator Blair moved that Stand. Com. Rep. No. 3347 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 Calvin S. Nemoto to the Board of Directors, Housing Finance and Development Corporation, 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, 24. Noes, none. Excused, 1 (Koki).

## **MATTERS DEFERRED FROM TUESDAY, APRIL 24, 1990**

### **STANDING COMMITTEE REPORTS**

Stand. Com. Rep. No. 3349 (H.C.R. No. 73, H.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, Stand. Com. Rep. No. 3349 was adopted and H.C.R. No. 73, H.D. 1, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING A REPORT ABOUT TOURISM JOBS," was adopted.

Stand. Com. Rep. No. 3350 (H.C.R. No. 74):

On motion by Senator Blair, seconded by Senator Reed and carried, Stand. Com. Rep. No. 3350 was adopted 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 adopted.

Stand. Com. Rep. No. 3351 (H.C.R. No. 87):

On motion by Senator Blair, seconded by Senator Reed and carried, Stand. Com. Rep. No. 3351 was adopted 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 adopted.

Stand. Com. Rep. No. 3352 (H.C.R. No. 11):

On motion by Senator Blair, seconded by Senator Reed and carried, Stand. Com. Rep. No. 3352 was adopted 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 referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 3353 (H.C.R. No. 138):

On motion by Senator Blair, seconded by Senator Reed and carried, Stand. Com. Rep. No. 3353 was adopted 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 adopted.

Stand. Com. Rep. No. 3354 (H.C.R. No. 91, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, Stand. Com. Rep. No. 3354 was adopted 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 adopted.

#### FINAL READING

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

Senator Blair moved that S.B. No. 3109, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Reed.

Senator Ikeda rose to speak in favor of the bill as follows:

"Mr. President, this bill has been very complex and deals with a number of different components. As you know, I initially decided to hold H.B. 2897, H.D. 1, dubbed the superfund bill, and this bill contains the same provisions. I am sure that many are wondering why I have now changed my mind.

"Since this legislation was first heard, the parties involved have had many opportunities to discuss their differences and have made several attempts to reach a consensus. Unfortunately, all attempts have failed.

"The major disagreement centers on the pre-enforcement provisions in the bill which would permit the Department of Health to order cleanup without an appeal process. The order is reviewed only if the cleanup is completed or if someone is in violation of the order. Violation, of course, triggers the penalty provision of a fine of \$25,000 per day.

"It was this provision, above all others, which troubled me because it granted the Department of Health broad powers which had the potential for abuse and I didn't feel comfortable giving the department such authority. I felt that power used indiscriminately could wreak havoc in certain situations.

"I also took the time to review the federal laws which are in place and initially felt that there was adequate protection available through existing law.

"The House then passed this bill, piggybacking the superfund portion onto it. I also noted that this bill passed the House with only one dissenting vote and the chairman of the Planning, Energy and Environmental Protection Committee was quoted in the newspaper saying that 'he took the action because he believes the contending parties ... are close to agreement on the bill.' I took him at his word and again permitted the parties to get together to work on producing an acceptable draft.

"That attempt was also unsuccessful, but it also gave me more time to continue my research on the subject. I was troubled by the point that Dr. Lewin made in that very same news article and I quote, 'The alternative is to leave it' (meaning cleanup) 'to the discretion of industry as to whether a spill needs to be cleaned up or not. Should a pipeline explode or pollutants leak into a wetland or into drinking water supplies, we would have some serious legal difficulties,' Lewin said.

"In reviewing the different drafts and differences that the Department of Health and the industry have on this bill, I concluded that agreement was possible in most areas of concern. However, the major difference, which centers on the question of pre-enforcement powers, is a basic philosophical difference which will never be resolved between the parties.

"In a letter to me dated April 20, Dr. Lewin wrote:

'As you know, we have had discussions over the last several weeks with representatives of various groups interested in the bill. Representatives of industrial and agricultural groups felt strongly that there should be pre-enforcement review of Department actions. We have considered their position. We also have analyzed the experience of the federal government in using its Superfund Act which precludes pre-enforcement review. We feel more strongly than ever that to provide pre-enforcement review of Department actions would cripple our ability to use the bill effectively.'

"I have also since learned that there is no provision in the federal Comprehensive Environmental Response Compensation and Liability Act, more commonly known

as CERCLA, to delegate responsibility for local implementation of the law to individual states. This is in contrast to other federal environmental statutes such as the Clean Water Act or the Clean Air Act which have such provisions. Furthermore, there is no local federal authority for implementation of CERCLA. Emergency response to an environmental release of a hazardous material must be mobilized from EPA's Region 9 Office in San Francisco.

"Under the circumstances, Mr. President, I have therefore concluded that if we are to err on this issue, let it be on the side of protecting the environment.

"Also, Mr. President, there is no doubt in my mind that this legislation will have to be worked on during the interim. Much of the confusion could have been avoided if the Department of Health had adopted rules and regulations on the initial law. This needs to be done, and I feel that they were derelict in their duty and ask that they take immediate steps to remedy this situation.

"I want to thank Representative Andrews and Representative Shon for passing this draft to the Senate. Their actions gave me the time I needed to study this issue and reach the right decision, which is to pass this measure. I, therefore, urge you all to vote in favor of this bill. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3109, S.D. 1, and S.B. No. 3109, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

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

By unanimous consent, action on S.B. No. 2356, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY RESPONSE TRAUMA PROGRAM," was deferred until Monday, April 30, 1990.

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

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. 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

S.B. No. 2600, 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. 2600 and S.B. No. 2600, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

S.B. No. 2617, 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. 2617 and S.B. No.

2617, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION AGAINST SPOUSAL IMPOVERISHMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

S.B. No. 2781, 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. 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

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

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. 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

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

By unanimous consent, action on S.B. No. 3013, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," was deferred until Thursday, April 26, 1990.

S.B. No. 3077, 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. 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Koki).

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened 12:21 o'clock p.m.

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

By unanimous consent, action on 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 deferred until Monday, April 30, 1990.

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2235, S.D. 1, H.D. 1:

Senator Blair moved that the Senate reconsider its action taken on April 12, 1990 in disagreeing to the amendments proposed by the House to S.B. No. 2235, S.D. 1, seconded by Senator Chang and carried..

On motion by Senator Blair, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2235, S.D. 1, and S.B. No. 2235, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was placed on the calendar for Final Reading on Thursday, April 26, 1990.

S.B. No. 2599, S.D. 1, H.D. 1:

Senator Blair moved that the Senate reconsider its action taken on April 12, 1990 in disagreeing to the amendments proposed by the House to S.B. No. 2599, S.D. 1, seconded by Senator Chang and carried.

On motion by Senator Blair, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2599, S.D. 1, and S.B. No. 2599, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was placed on the calendar for Final Reading on Thursday, April 26, 1990.

S.B. No. 2835, H.D. 1:

Senator Blair moved that the Senate reconsider its action taken on April 12, 1990 in disagreeing to the amendments proposed by the House to S.B. No. 2835, seconded by Senator Chang and carried.

On motion by Senator Blair, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2835 and S.B. No. 2835, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF REAL ESTATE APPRAISERS," was placed on the calendar for Final Reading on Thursday, April 26, 1990.

S.B. No. 2839, S.D. 1, H.D. 1:

Senator Blair moved that the Senate reconsider its action taken on April 12, 1990 in disagreeing to the amendments proposed by the House to S.B. No. 2839, S.D. 1, seconded by Senator Chang and carried.

On motion by Senator Blair, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2839, S.D. 1, and S.B. No. 2839, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATING ORGANIZATIONS," was placed on the calendar for Final Reading on Thursday, April 26, 1990.

S.B. No. 2347, S.D. 1, H.D. 1:

Senator Blair moved that the Senate reconsider its action taken on April 12, 1990 in disagreeing to the amendments proposed by the House to S.B. No. 2347, S.D. 1, seconded by Senator Chang and carried.

On motion by Senator Blair, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2347, S.D. 1, and S.B. No. 2347, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MOTOR VEHICLE WARRANTIES," was placed on the calendar for Final Reading on Thursday, April 26, 1990.

S.B. No. 3150, S.D. 1, H.D. 1:

Senator Crozier moved that the Senate reconsider its action taken on April 12, 1990 in disagreeing to the amendments proposed by the House to S.B. No. 3150, S.D. 1, seconded by Senator Fernandes Salling and carried.

On motion by Senator Crozier, seconded by Senator Fernandes Salling and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3150, S.D. 1, and S.B. No. 3150, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was placed on the calendar for Final Reading on Thursday, April 26, 1990.

#### DISCHARGE OF CONFEREES

H.B. No. 1718, S.D. 2:

The President discharged the managers on the part of the Senate for the conference to consider the amendments proposed by the Senate to H.B. No. 1718.

#### ADJOURNMENT

At 12:26 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 26, 1990.