

## FIFTH DAY

Wednesday, January 22, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:30 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Stephen M. Winsett, St. Clement's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators Chang, Cobb, Nakasato and Reed who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 95 and 96) were read by the Clerk and were placed on file:

Gov. Msg. No. 95, dated January 10, 1992, transmitting the "Status Report of the Medicaid Perinatal Demonstration Project," prepared by the Department of Human Services in response to Act 326, SLH 1990.

Gov. Msg. No. 96, dated December 26, 1991, transmitting the document, Family Center System - An Evaluation and Report on Accomplishments, July 1990 - October 1991, a project administered by the Department of Human Services in response to Act 329, SLH 1990, in partnership with the Hawaii Community Services Council.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 14, from the Department of Budget and Finance, Housing Finance and Development Corporation, dated January 16, 1992, transmitting the "Overview of Affordable Housing Targets - December 1991," was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 8 to 14) were read by the Clerk and were referred to committees:

## Senate Concurrent Resolution

No. 8 "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES CONGRESS TO ALLOW FOREIGN VESSELS TO TRANSPORT OIL TO HAWAII."

Offered by: Senator Matsuura.

Referred to: Committee on Science, Technology and Economic Development

No. 9 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSIDER REDESIGNATION OF THE NANAWALE FOREST RESERVE FROM RESOURCE TO CONSERVATION."

Offered by: Senator Levin.

Referred to: Committee on Planning, Land and Water Use Management

No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE THE COST

OF CARRYING OUT THE VOLUNTARY RELOCATION OF RESIDENTS LIVING IN THE VICINITY OF GEOTHERMAL DEVELOPMENT IN THE PUNA DISTRICT, COUNTY OF HAWAII."

Offered by: Senator Levin.

Referred to: Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Science, Technology and Economic Development

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING THE LAND USE COMMISSION TO UNDERTAKE A STUDY OF THE SOCIAL, ECONOMIC, AND PUBLIC SAFETY IMPACT OF RESTRICTING DEVELOPMENT IN HIGH LAVA FLOW INUNDATION HAZARD AREAS."

Offered by: Senator Levin.

Referred to: Committee on Planning, Land and Water Use Management

No. 12 "SENATE CONCURRENT RESOLUTION REQUESTING THE INTERNATIONAL TRADE COMMISSION TO INVESTIGATE ALLEGATIONS OF MACADAMIA NUT DUMPING IN THE WORLD MARKET AND ITS CONSEQUENT ADVERSE IMPACT ON THE UNITED STATES MACADAMIA NUT INDUSTRY."

Offered by: Senator Levin.

Referred to: Committee on Agriculture and Environmental Protection

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE IMPACT OF LARGE AND OVERSIZED TRUCKS ON THE PUBLIC ROADWAYS."

Offered by: Senator McMurdo.

Referred to: Committee on Transportation and Intergovernmental Relations

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII TO DIVEST ALL SHARES HELD IN TOBACCO COMPANIES."

Offered by: Senators Blair, Kobayashi, B., Koki, Levin.

Referred to: Committee on Employment and Public Institutions

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 8 to 13) were read by the Clerk and were referred to committees:

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Offered by: Senator Levin.

Referred to: Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Science, Technology and Economic Development

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Offered by: Senators Blair, Koki.

Referred to: Committee on Employment and Public Institutions

**INTRODUCTION OF SENATE BILLS**

On motion by Senator Solomon, seconded by Senator George and carried, the following bills passed First Reading by title, and were referred to committees:

**Senate Bill**

No. 2449 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

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

Referred to: Committee on Ways and Means.

No. 2450 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senator Hagino.

Referred to: Committee on Employment and Public Institutions, then to the Committee on Ways and Means.

No. 2451 "A BILL FOR AN ACT RELATING TO ABOVE GROUND STORAGE TANKS."

Introduced by: Senator Chang.

Referred to: Committee on Agriculture and Environmental Protection.

No. 2452 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR PLACEMENT OF UTILITY WIRES, CABLES, AND RELATED EQUIPMENT UNDERGROUND IN THE AREA OF THE DIAMOND HEAD BIKEWAY."

Introduced by: Senators Cobb, Kobayashi, B.

Referred to: Committee on Tourism and Recreation, then to the Committee on Ways and Means.

No. 2453 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE PRESCRIPTIONS."

Introduced by: Senators Yamasaki, Ikeda, Matsuura, Chang, Kobayashi, A.

Referred to: Committee on Health and Human Services.

No. 2454 "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION."

Introduced by: Senators Yamasaki, Ikeda, Matsuura, Chang, Kobayashi, A.

Referred to: Committee on Health and Human Services.

No. 2455 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS AND INFORMATION."

Introduced by: Senator Matsuura.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2456 "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE."

Introduced by: Senators Matsuura, Aki.

Referred to: Committee on Consumer Protection and Business Regulation.

No. 2457 "A BILL FOR AN ACT RELATING TO POLICE POWERS."

Introduced by: Senators Matsuura, Fernandes Salling.

Referred to: Committee on Transportation and Intergovernmental Relations, then to the Committee on Judiciary.

No. 2458 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE COUNTY OF HAWAII."

Introduced by: Senators Solomon, Matsuura, Levin.

Referred to: Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means.

No. 2459 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ACTION TO REMEDY SUBSURFACE CONTAMINATION OF THE WAILOA RIVER STATE RECREATION AREA, COUNTY OF HAWAII, BY PETROLEUM PRODUCTS."

Introduced by: Senators Matsuura, Solomon, Levin.

Referred to: Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means.

No. 2460 "A BILL FOR AN ACT RELATING TO ACCRETED LANDS."

Introduced by: Senator Blair.

Referred to: Committee on Planning, Land and Water Use Management, then to the Committee on Judiciary.

No. 2461 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator Crozier.

Referred to: Committee on Transportation and Intergovernmental Relations.

No. 2462 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HUI 'IMI TASK FORCE."

Introduced by: Senator Crozier.

Referred to: Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means.

No. 2463 "A BILL FOR AN ACT RELATING TO MATERNAL AND CHILD HEALTH."

Introduced by: Senators Levin, McMurdo.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means.

No. 2464 "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION."

Introduced by: Senator Levin.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2465 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FOREIGN TRADE ZONE WAREHOUSE IN HILO, HAWAII."

Introduced by: Senators Matsuura, Solomon, Levin.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2466 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senator Matsuura.

Referred to: Committee on Science, Technology and Economic Development.

No. 2467 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Senators Matsuura, Holt.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2468 "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES."

Introduced by: Senator McMurdo.

Referred to: Committee on Science, Technology and Economic Development.

No. 2469 "A BILL FOR AN ACT RELATING TO THE PACIFIC OCEAN RESOURCES COMPACT."

Introduced by: Senator McMurdo.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2470 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAHIAWA INTERMEDIATE SCHOOL TO PROVIDE FOR A SECOND VICE PRINCIPAL POSITION."

Introduced by: Senator Hagino.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2471 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PERMANENT CLERK-TYPIST POSITION FOR STOREFRONT SCHOOL IN WAHIAWA, OAHU."

Introduced by: Senator Hagino.

Referred to: Committee on Education, then to the Committee on Ways and Means.

**ORDER OF THE DAY**

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, January 21, 1992:

Senate Concurrent Resolution	Referred to:
No. 4	Committee on Judiciary
No. 5	Committee on Judiciary
No. 6	Committee on Judiciary
No. 7	Committee on Tourism and Recreation

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Tuesday, January 21, 1992:

Senate Resolution	Referred to:	No. 2409	Committee on Agriculture and Environmental Protection
No. 4	Committee on Judiciary	No. 2410	Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means
No. 5	Committee on Judiciary	No. 2411	Committee on Agriculture and Environmental Protection
No. 6	Committee on Judiciary	No. 2412	Committee on Education, then to the Committee on Ways and Means
No. 7	Committee on Tourism and Recreation	No. 2413	Committee on Agriculture and Environmental Protection

**REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Tuesday, January 21, 1992:

Senate Bill	Referred to:	No. 2414	Committee on Judiciary
No. 2391	Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means	No. 2415	Committee on Consumer Protection and Business Regulation, then to the Committee on Ways and Means
No. 2392	Committee on Housing and Hawaiian Programs, then to the Committee on Judiciary	No. 2416	Committee on Health and Human Services
No. 2393	Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means	No. 2417	Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means
No. 2394	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2418	Committee on Education, then to the Committee on Ways and Means
No. 2395	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2419	Committee on Judiciary, then to the Committee on Ways and Means
No. 2396	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2420	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2397	Committee on Judiciary, then to the Committee on Ways and Means	No. 2421	Committee on Tourism and Recreation, then to the Committee on Ways and Means
No. 2398	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2422	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2399	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2423	Committee on Tourism and Recreation, then to the Committee on Ways and Means
No. 2400	Committee on Education, then to the Committee on Ways and Means	No. 2424	Committee on Education, then to the Committee on Ways and Means
No. 2401	Committee on Judiciary	No. 2425	Committee on Transportation and Intergovernmental Relations
No. 2402	Committee on Judiciary	No. 2426	Committee on Judiciary
No. 2403	Committee on Tourism and Recreation	No. 2427	Committee on Judiciary
No. 2404	Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means	No. 2428	Committee on Housing and Hawaiian Programs
No. 2405	Committee on Consumer Protection and Business Regulation, then to the Committee on Ways and Means	No. 2429	Committee on Judiciary
No. 2406	Committee on Judiciary, then to the Committee on Ways and Means	No. 2430	Committee on Housing and Hawaiian Programs
No. 2407	Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means	No. 2431	Committee on Consumer Protection and Business Regulation
No. 2408	Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means	No. 2432	Committee on Consumer Protection and Business Regulation
		No. 2433	Committee on Employment and Public Institutions, then to the Committee on Judiciary

No. 2434 Committee on Health and Human Services, then to the Committee on Legislative Management

At 11:41 o'clock a.m., on motion by Senator Solomon, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 23, 1992.

No. 2435 Committee on Employment and Public Institutions, then to the Committee on Ways and Means

No. 2436 Committee on Education, then to the Committee on Ways and Means

No. 2437 Committee on Consumer Protection and Business Regulation

No. 2438 Committee on Consumer Protection and Business Regulation

No. 2439 Committee on Education, then to the Committee on Ways and Means

No. 2440 Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means

No. 2441 Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means

No. 2442 Committee on Ways and Means

No. 2443 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2444 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2445 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2446 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2447 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 2448 Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means

The President then made the following observation:

"Members of the Senate, I would like to read for the record and bring to your attention an article that appeared in the 'Maui Press,' January 17-24, 1992 edition. The article is titled 'The Joe and Yama Show.' It includes a brief description of Representative Souki and Senator Yamasaki and the differences in their political styles. I want to share the strategy that has already been figured out between the House and the Senate.

"The question was posed as to what they feel is the most important strategy at the Legislature:

"Representative Souki said: 'We wait until we find out what Yama wants, then we hold that back from him.'

"Senator Yamasaki responded: 'Count the votes. Don't talk too much. Know all the details. Don't show anger.'

"Members of the Senate, our game plan has already been set for the 1992 session so don't worry about it!" (Laughter.)

**ADJOURNMENT**