

FOURTEENTH DAY

Wednesday, February 5, 1992

SENATE RESOLUTION

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John B. Connell, St. Barnabas' Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators Chang, Cobb and McMurdo who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 129 to 134) were read by the Clerk and were placed on file:

Gov. Msg. No. 129, dated January 14, 1992, transmitting the "Assessment of FY 1992 Job Fair Program," in response to Section 154, Act 296, SLH 1991.

Gov. Msg. No. 130, dated January 29, 1992, transmitting briefing materials on the International Business Center of Hawaii (ICBH), prepared by the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 131, dated January 22, 1992, transmitting the 1991 Annual Report of the Hawaii Foreign-Trade Zone No. 9, prepared by the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 132, dated January 24, 1992, transmitting a report prepared by the Department of Health in response to H.C.R. No. 115 (1991), requesting review and recommendations from the Director of Health on the collaboration with the Big Island AIDS Project, to develop a system for measuring the extent of human immunodeficiency virus HIV-related infections and conditions in West Hawaii.

Gov. Msg. No. 133, dated January 24, 1992, transmitting the 1991 Annual Report of the State Council on Mental Health and Substance Abuse.

Gov. Msg. No. 134, dated January 24, 1992, transmitting the "Needle Exchange Evaluation Report," report prepared by the Department of Health in response to Act 280, SLH 1990.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 35) was read by the Clerk and was referred to committee:

Senate Concurrent Resolution

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING CASH PAYMENTS FOR ACCUMULATED SICK LEAVE UPON THE TERMINATION OF CERTAIN SHORTAGE CATEGORY PERSONNEL."

Offered by: Senator Levin.

Referred to: Committee on Employment and Public Institutions

The following resolution (S.R. No. 28) was read by the Clerk and was referred to committee:

Senate Resolution

No. 28 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING CASH PAYMENTS FOR ACCUMULATED SICK LEAVE UPON THE TERMINATION OF CERTAIN SHORTAGE CATEGORY PERSONNEL."

Offered by: Senator Levin.

Referred to: Committee on Employment and Public Institutions

STANDING COMMITTEE REPORTS

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1605) recommending that S.B. No. 129, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 129, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 7, 1992.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1606) recommending that S.B. No. 2200 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2200, entitled: "A BILL FOR AN ACT RELATING TO THE DEFRAUDING OF CARRIERS OF PASSENGERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 7, 1992.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1607) recommending that S.B. No. 606, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1608) recommending that S.B. No. 805 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 805, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY OF THE EXECUTIVE DIRECTOR OF THE STATE ETHICS COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1609) recommending that S.B. No. 2213 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2213, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FAMILY COURT DIVORCE SEMINAR PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1610) recommending that S.B. No. 2383 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2383, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1611) recommending that S.B. No. 2396 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2396, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1612) recommending that S.B. No. 2422 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2422, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE TREATMENT AT MAUI MEMORIAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1613) recommending that S.B. No. 2534 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2534, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1614) recommending that S.B. No. 2548 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2548, entitled: "A BILL FOR AN ACT TAX CREDIT FOR DEPENDENT CARE EXPENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1615) recommending that S.B. No. 2398, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2398, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRISIS RESPONSE PILOT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1616) recommending that S.B. No. 962, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Health and Human Services.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 962, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was recommitted to the Committee on Health and Human Services.

RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 962	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2271	Committee on Ways and Means
No. 2596	Committee on Employment and Public Institutions, then to the Committee on Judiciary
No. 2617	Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means
No. 2901	Committee on Employment and Public Institutions, then to the Committee on Ways and Means
No. 3294	Committee on Ways and Means
No. 3388	Committee on Ways and Means
No. 3418	Committee on Health and Human Services, then Jointly to the Committee on Ways and Means and the Committee on Transportation and Intergovernmental Relations

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

HOUSE COMMUNICATION

Hse. Com. No. 3, transmitting H.C.R. No. 70, which was adopted by the House of Representatives on February 5, 1992, was read by the Clerk and was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.C.R. No. 70, recognizing and honoring The Most Reverend Desmond M. Tutu, Anglican Archbishop of Cape Town, South Africa, in Joint Session of the Sixteenth Legislature, was adopted.

Senator Koki rose to speak on a point of personal privilege as follows:

"Mr. President, just a short point of personal privilege.

"The other day I made a few remarks regarding HAPA (Hawaii Academy of Plaintiffs' Attorneys, Inc.) and they have responded to me. Being that it was on the floor of the Senate that I made those remarks, I would like to have their response inserted into the Senate Journal."

The Chair so ordered.

The text of the letter from the Hawaii Academy of Plaintiffs' Attorneys, Inc. reads as follows:

"Hawaii Academy of Plaintiffs' Attorneys, Inc.
1088 Bishop Street, Suite 706
Honolulu, Hawaii 96813
Tel. (808) 524-4155

February 3, 1992

Senator Stanley Koki
State Office Tower, Room 309
Honolulu, Hawaii 96813

Dear Senator Koki:

It came to my attention on Friday afternoon (1/31) that you called my (and HAPA's) credibility into question in a floor speech at session. My credibility is important to me and I have always tried to be forthright, accurate and fair in all my dealings, including those with legislators. Consequently, I feel compelled to respond by this letter.

The materials to which you referred were distributed only to members of the Senate and House Committees on Consumer Protection and the Judiciary as part of the informational briefing we held on Monday, January 27. As you know, you were invited but did not attend. After the briefing, I gave copies to the Senate President and Senator Yamasaki for their information.

All of the information contained in the materials was researched and checked. I stand by its accuracy. Since the materials were distributed to legislators, I was particularly careful about the facts contained in them. When two of your colleagues raised some issues at the briefing, I immediately checked and responded to them to clarify any misunderstanding or misinterpretation there might have been.

Although you did not attend the briefing, I believed that I had cleared up any misunderstanding you may have had in our telephone conversation we had on Thursday afternoon (1/30). In that conversation, I indicated to you my sources, my interpretation of the remarks made by C.A.I.R., and explained why I felt it was necessary to rebut them. It is my distinct recollection that, during that telephone conversation, we discussed your interpretation of the comments and our differences of opinion.

Accuracy is important to me and, if I am incorrect or inaccurate, I would be the first to admit it and make sure that accurate and correct information is provided. I have been and am always available to answer any questions or clarify any point that I make on behalf of HAPA. If our telephone conversation did not clear up any misconceptions you still have, I apologize. However,

although we may differ on some of the issues, I am confident that the facts I have presented are indeed accurate.

Sincerely,
/s/ Bob Toyofuku
Robert S. Toyofuku

RST:jb
cc: All Senators"

Senator Levin also rose to speak on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, Senator McCartney asked us a few days ago to try to be positive during this part of the session, but I believe he limited his request to Fridays and today is not Friday. So, I must rise to insult one of our colleagues, if the Chair will permit, by simply saying, 'Senator Reed, you would make an excellent attorney.'" (Laughter.)

The Chair called on Senator Reed for a response and Senator Reed replied:

"Mr. President, thank you. It would be an insult were I not to consider the source so I thank you for the back-handed compliment and I also would like to let any of my colleagues who are indeed lawyers know that I have a long list now of people who want me to represent them. Since I'm getting calls to that effect and, of course, can't represent them, if anybody wants to have any clients referred, please let me know."

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 10:45 o'clock a.m., Thursday, February 6, 1992.