

EIGHTEENTH DAY

Tuesday, February 11, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:33 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Steve Murphy, Pali View Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Koki who was excused.

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

Senator Chang, introduced to the members of the Senate a group of 7th and 8th grade students from Punahou School, who are Student Council members of the Middle School of Punahou, and their teachers, Mr. John Saporito and Mr. Rob Durant.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 152 to 156) were read by the Clerk and were placed on file:

Gov. Msg. No. 152, dated February 3, 1992, transmitting a report prepared by the University of Hawaii in response to H.R. No. 103 and H.C.R. No. 93 (1991), requesting the University of Hawaii to name the UH-Hilo baseball field after George and Marion Hall.

Gov. Msg. No. 153, dated February 3, 1992, transmitting the University of Hawaii Master Plan Progress Report in response to S.R. No. 135 and S.C.R. No. 157 (1991), and the proceedings of the University of Hawaii Master Plan Conference, October 11, 1991.

Gov. Msg. No. 154, dated February 4, 1992, transmitting the Annual Report on the Research and Training Revolving Fund, prepared by the University of Hawaii in response to HRS 304-8.1 (Act 296, SLH 1991, Section 96).

Gov. Msg. No. 155, dated February 4, 1992, transmitting a report prepared by the University of Hawaii in response to HRS 304-8, requesting the University of Hawaii to submit a report of the income and the expenditure from each University special and revolving fund during the previous fiscal year.

Gov. Msg. No. 156, dated February 3, 1992, transmitting a report, "Geothermal and Cable Development Permitting," prepared by the Department of Land and Natural Resources in response to Section 196D-11, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 25) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 2337, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2337, entitled: "A BILL FOR AN ACT RELATING TO FAMILY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 6, transmitting H.B. No. 2408, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2408, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 7, transmitting H.B. No. 2410, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2410, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 8, transmitting H.B. No. 2490, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2490, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 9, transmitting H.B. No. 2712, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2712, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT JURISDICTION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 10, transmitting H.B. No. 2914, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2914, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPRISONMENT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 11, transmitting H.B. No. 2930, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2930, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VICTIMS AND WITNESSES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 12, transmitting H.B. No. 2949, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2949, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIME," passed First Reading by title and was referred to the Committee on Employment and Public Institutions, then to the Committee on Judiciary.

Hse. Com. No. 13, transmitting H.B. No. 3003, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3003, entitled: "A BILL FOR AN ACT RELATING TO EXTRADITION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 3266, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3266, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 3303, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3303, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTIGATING POWERS OF THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, transmitting H.B. No. 3324, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3324, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 17, transmitting H.B. No. 3326, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3326, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 3508, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3508, entitled: "A BILL FOR AN ACT RELATING TO THE RULE AGAINST PERPETUITIES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 19, transmitting H.B. No. 3658, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3658, entitled: "A BILL FOR AN ACT RELATING TO VETERANS WAR MEMORIALS," passed First Reading by title and was referred to the Committee on Employment and Public Institutions, then to the Committee on Culture, Arts and Historic Preservation.

Hse. Com. No. 20, transmitting H.B. No. 3854, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3854, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 21, transmitting H.B. No. 3860, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3860, H.D. 1, entitled: "A BILL FOR AN ACT RELATED TO MEDICAID," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 22, transmitting H.B. No. 3942, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3942, entitled: "A BILL FOR AN ACT RELATING TO DECEDENTS' ESTATES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 23, transmitting H.B. No. 3943, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3943, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 24, transmitting H.B. No. 3945, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3945, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 25, transmitting H.B. No. 3948, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3948, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," passed First Reading by title and was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 36) was read by the Clerk and was referred to committee:

Senate Concurrent Resolution

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO INVESTIGATE ALTERNATIVES TO WELFARE."

Offered by: Senators Levin, Aki, Chang, Hagino, Holt, Ikeda, Kobayashi, A., Kobayashi, B., McCartney, Reed, Yamasaki.

Referred to: Committee on Health and Human Services

SENATE RESOLUTION

The following resolution (S.R. No. 29) was read by the Clerk and was referred to committee:

Senate Resolution

No. 29 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE ALTERNATIVES TO WELFARE."

Offered by: Senators Levin, Aki, Chang, Hagino, Holt, Ikeda, Kobayashi, A., Kobayashi, B., McCartney, Reed, Yamasaki.

Referred to: Committee on Health and Human Services

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1640) recommending that S.B. No. 2884, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1640 and S.B. No. 2884, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM," was deferred until Thursday, February 13, 1992.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1641) recommending that S.B. No. 1274 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1274, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS SYSTEM," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1642) recommending that S.B. No. 2282 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. 2282, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRODUCTION OF A VIDEOTAPE OF THE 1992 HAWAIIAN INTERNATIONAL SUPERCROSS MOTORCYCLE COMPETITION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1643) recommending that S.B. No. 2489 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. 2489, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RELOCATION OF THE KAHULUI HARBOR CANOE FACILITY ON MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1644) recommending that S.B. No. 3051 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. 3051, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A WEST HAWAII SHOOTING RANGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1645) recommending that S.B. No. 3362 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. 3362, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LIFEGUARD TRAINING CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1646) recommending that S.B. No. 3386 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. 3386, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATE RECREATION AREAS IN LOWER PUNA DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1647) recommending that S.B. No. 2423, 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. 2423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF THE TRANSIENT ACCOMMODATIONS TAX REVENUES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1648) recommending that S.B. No. 2757, 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. 2757, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

H.B. No. 72, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, H.B. No. 72, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Koki).

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock a.m.

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2319	Committee on Ways and Means
No. 2405	Committee on Ways and Means
No. 2410	Committee on Ways and Means
No. 2499	Committee on Ways and Means
No. 2555	Committee on Ways and Means
No. 2602	Committee on Ways and Means
No. 2615	Committee on Ways and Means
No. 2621	Committee on Ways and Means
No. 2622	Committee on Ways and Means
No. 2623	Committee on Ways and Means
No. 2768	Committee on Ways and Means
No. 2847	Committee on Ways and Means
No. 2848	Committee on Ways and Means
No. 2849	Committee on Ways and Means
No. 2850	Committee on Ways and Means
No. 2880	Committee on Ways and Means
No. 3049	Committee on Ways and Means
No. 3198	Committee on Ways and Means
No. 3259	Committee on Tourism and Recreation, then to the Committee on Ways and Means
No. 3324	Committee on Ways and Means
No. 3339	Committee on Ways and Means
No. 3416	Committee on Ways and Means

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

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

"On January 17, the Honolulu Advertiser broke the story that the Republican Party was questioning my residence in the First Senatorial District. That same day, I rose on this floor and asked that you investigate the

charge, believing that that was the only way in which I could clear my name.

"Mr. President, I thank you for your prompt response. You formed an ad hoc committee including both the Majority and Minority leaders of this Senate; I provided the documents the committee needed to evaluate the charge; and now the committee has issued its report declaring that I am in compliance with all requirements for residence in the First Senatorial District. I believe that Miscellaneous Communication No. 3 has been duly filed with the Clerk.

"Mr. President, my appreciation to you, to our Majority Leader and to our Minority Leader for all of your effort in this regard. I appreciate the thoroughness of your work and, of course, I am pleased to be vindicated. It is never a pleasant task to stand in judgment of one's peers, even when the outcome is positive, and that only adds to my gratitude to the three of you for taking on this task and bringing it to a swift conclusion. Thank you, again."

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 12, 1992, on a rising vote and a moment of silence in memory of the late Dr. George H. Mills.