

THIRTY-EIGHTH DAY

Tuesday, March 30, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Roy Sasaki, Hope United Methodist Church, Kaaawa, and Kahuku Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga and Mizuguchi who were excused.

The President announced that he had read and approved the Journal of the Thirty-Seventh Day.

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

Senator B. Kobayashi, in recognition of Doctors' Day, introduced a delegation from the Hawaii Medical Association (HMA), seated on the floor of the Senate, as follows:

"Mr. President, today I have the honor of introducing a group of physicians and auxiliary members in commemoration of Doctors' Day.

"Doctors' Day has been celebrated since 1933 when it was first recognized by the Auxiliary of the Southern Medical Association. The date March 30th was selected because it was the first day anesthesia was used during surgery in 1842. Today, we would like to mark this day by recognizing a number of physicians who, together with their colleagues, have made invaluable contributions to the State of Hawaii and to individuals for whom they provide medical care.

"We have on the floor today, Dr. Jeannette Chang, president of HMA; seated next to her Dr. Carl Lehman, president, Honolulu County Medical Society; then Dr. Richard De Journett, president of the Hawaii Federation of Physicians and Dentists; next is Dr. Steve Wallach, former president of HMA and, currently, its legislative committee chairman; then we have Mrs. Lillian Nishi, vice president of the Auxiliary of Honolulu County Medical Society; and then we have Dr. Ramon Sy, who has been recognized by HMA as the Physician of the Year."

The honorees rose to be recognized. Senator B. Kobayashi presented the Senate certificate of recognition to Dr. Chang and Senators Matsunaga, Tungpalan, Solomon, George, A. Kobayashi and Grauly presented leis to each the honorees.

Senator B. Kobayashi then continued:

"Mr. President, in the gallery, we have a number of friends and supporters of HMA and the various county medical associations. In particular, we have Ms. Jan Estioko, executive director of HMA." (All rose to be recognized.)

Senator Matsuura then introduced Ms. June Motokawa and said:

"Mr. President, as an elected legislator, I always look for somebody that someday can take my place, and I have one such potential person in the gallery. Her name is June Motokawa and she is the vice president of HSTA." (Ms. Motokawa stood to be recognized.)

Senator Matsunaga introduced Mr. Mark Nakashima, as follows:

"Mr. President, we have another member of HSTA here with us in the gallery and he is Mr. Mark Nakashima, HSTA legislative specialist from Honokaa. I know Mark from the time when he used to drive my father around when my father would return home to the islands from Washington, D.C." (Mr. Nakashima rose to be recognized.)

Senator Chang then said:

"Mr. President, I note that the good Senator from Hilo did not indicate which place would be taken by Ms. Motokawa. I don't know whether it's the best Senate basketball player, the best Senate singer or all of these positions.

"In any case, Mr. President, I would be remiss if I did not extend greetings to Dr. Jeannette Chang on behalf of the members of her clan here today, that is, Senator Grauly and myself. Dr. Chang's family and my family, come from the same cluster of villages in China. Greetings!"

Senator Grauly then added:

"Mr. President, in addition to giving my personal greetings to Dr. Jeannette Chang, I'd also like to extend my personal greetings to Dr. Ramon Sy who has been the president of the 'Aloha Medical Mission' for many years now.

"If there is a local equivalent to Dr. Tom Dooley, it is Ramon Sy. It is a real privilege for us to have him here this morning as the Physician of the Year. I wish to extend my personal congratulations to Dr. Sy for all the work that he's done to make Hawaii and the physicians in Hawaii known throughout the Far East. Thank you, Dr. Sy."

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 271 to 274) were read by the Clerk and were placed on file:

Gov. Msg. No. 271, dated February 23, 1993, transmitting a study entitled, "Local Measured Telephone Service in Hawaii: Impacts and Alternatives," prepared for the Division of Consumer Advocacy, pursuant to Act 189, SLH 1989.

Gov. Msg. No. 272, dated February 24, 1993, transmitting the Occupational Safety and Health Contested Cases Report for fiscal year ending June 30, 1992, prepared by the Department of Labor and Industrial Relations pursuant to Section 396-11(k), HRS.

Gov. Msg. No. 273, dated March 9, 1993, transmitting the 1991 and 1992 Annual Reports of the Department of Commerce and Consumer Affairs.

Gov. Msg. No. 274, dated March 12, 1993, transmitting the report, "Peer Education Program in the State of Hawaii Evaluation Report 1990-1991 and 1991-1992," prepared by the Department of Health.

HOUSE COMMUNICATION

Hse. Com. No. 381, returning S.B. No. 280, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 1993, in an amended form, was read by the Clerk and was placed on file.

By unanimous consent, action on S.B. No. 280, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Wednesday, March 31, 1993.

STANDING COMMITTEE REPORTS

Senator George, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1115) recommending that H.B. No. 1411, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1411, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1116) recommending that H.B. No. 52, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 52, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1117) recommending that H.B. No. 199, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 199, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1118) recommending that H.B. No. 200, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1119) recommending that H.B. No. 210, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

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

H.B. No. 210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1120) recommending that H.B. No. 570, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1121) recommending that H.B. No. 1073 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1073, entitled: "A BILL FOR AN ACT RELATING TO EXTORTION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1122) recommending that H.B. No. 1089, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1089, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1123) recommending that H.B. No. 1598, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1598, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1124) recommending that H.B. No. 1798, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 1993.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

ORDER OF THE DAY

THIRD READING

**MATTERS DEFERRED FROM
MONDAY, MARCH 29, 1993**

H.B. No. 1678:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1678, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCE REGISTRATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 118, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, H.B. No. 118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1127, H.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, H.B. No. 1127, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1601:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, H.B. No. 1601, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1602:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, H.B. No. 1602, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC REDEVELOPMENT PROGRAM FOR DEPRESSED AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1688, H.D. 1:

On motion by Senator Koki, seconded by Senator McCartney and carried, H.B. No. 1688, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE CENTERS FOR COMMITTED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1693:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 1693, entitled: "A BILL FOR AN ACT RELATING TO REPORTING GROSS INCOME CHANGES TO THE DEPARTMENT OF TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1692:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 1692, entitled: "A BILL FOR AN ACT RELATING TO THE RECOMPUTATION OF INCOME TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1460, H.D. 1:

By unanimous consent, action on H.B. No. 1460, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TAX ADMINISTRATION FUND," was deferred until Wednesday, March 31, 1993.

H.B. No. 635:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 635, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1895:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 1895, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS UNDER THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 2003, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 2003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 568, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 568, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1117, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1117, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1591, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1591, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1668, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1668, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 62:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 62, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL ENTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 201, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 1 (Iwase). Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 569, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 569, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 782, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 782, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION

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

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 783, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 783, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," was deferred until Wednesday, March 31, 1993.

H.B. No. 921:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTERESTS AMOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 922:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL DISCLOSURE STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1068:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1068, entitled: "A BILL FOR AN ACT RELATING TO FORGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1075:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1075, entitled: "A BILL FOR AN ACT RELATING TO THEFT OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1467, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1467, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1687, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1687, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION

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

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1717, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1717, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1564:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

H.B. No. 1604:

On motion by Senator Matsunaga, seconded by Senator Kanno and carried, H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Fukunaga, Mizuguchi, Reed, Tanaka).

ADJOURNMENT

At 12:31 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Koki and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 31, 1993.