

FORTY-EIGHTH DAY

Thursday, April 15, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:36 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Chaplain Lonnie B. Barker, Captain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Aki, Fernandes Salling, Ikeda, Koki, McCartney and Reed who were excused.

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

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

Senator Chang presented the 1993 Small Business Persons of the Year Award winners, seated on the floor of the Senate, as follows:

"Mr. President, we have with us this morning the winners of the Small Business Administration's 1993 Small Business Person of the Year awards. I've asked different Senators to introduce our honorees, beginning with Senator Ann Kobayashi who will be introducing the winners of the Small Business Person of the Year award; Senator Fukunaga who will introduce the winner of the Women in Business Advocate of the Year, Island of Oahu; followed by Senators Bert Kobayashi, George, Tungpalan, Grauly, Solomon, Tanaka and Ikeda."

Senator A. Kobayashi introduced Bill and Joyce Edwards and said:

"Mr. President, it's a great honor for me to introduce the winners of the Small Business Person of the Year award, Bill and Joyce Edwards of System Center, Inc." (Mr. and Mrs. Edwards stood to be recognized.)

Senator Fukunaga introduced Robert Fujii as follows:

"Mr. President, I would like to introduce and recognize Mr. Robert Masao Fujii of Bank of Hawaii who was named the Minority Small Business Advocate of the Year (Island of Oahu). By way of introduction, I would like to note that Mr. Fujii has been instrumental in initiating economic development programs such as: the Office of Hawaiian Affairs Native Hawaiian Revolving Loan Fund, the Kalihi-Palama Immigrant Service Center's Refugee Micro-loan program, and programs at the Honolulu Japanese Chamber of Commerce." (Mr. Fujii stood to be recognized.)

Senator B. Kobayashi introduced Janet Haole as follows:

"Mr. President, it's a pleasure to introduce Janet L. Haole with Triple Check Income Tax & Accounting Service who is this year's Woman in Business Advocate of the Year (Island of Oahu)." (Ms. Haole stood to be recognized.)

Senator George introduced Reg Baker as follows:

"Mr. President, I have the pleasure this morning of introducing Reg Baker who is a CPA. He is the Small Business Accountant Advocate of the Year (Island of Oahu)." (Mr. Baker stood to be recognized)

Senator Tungpalan introduced Dexter Taniguchi as follows:

"Mr. President, it's my pleasure to introduce Dexter Taniguchi who is the Financial Services Advocate of the Year (Island of Oahu). Congratulations, Mr. Taniguchi!" (Mr. Taniguchi stood to be recognized.)

Senator Grauly introduced Diane Chang and said:

"Mr. President, it's my great privilege and honor to introduce to everyone the program editor of the 'Hawaii Business' magazine, Diane Emiko Chang, who is the recipient of the Media Advocate of the Year (Island of Oahu) award from the Small Business Administration. May I add, Mr. President, that Ms. Chang is now the editor of the Honolulu Star-Bulletin." (Ms. Chang stood to be recognized.)

Senator Solomon introduced Morton Bassan Jr. and stated:

"Mr. President, it is my honor today to commend and congratulate Morton E. Bassan Jr. who has been named the Small Business Exporter of the Year for the Island of Hawaii and the State of Hawaii. He owns the only commercial navel orange orchard in the State of Hawaii and is known for his Ka'u gold oranges. Mahalo nui and congratulations!" (Mr. Bassan stood to be recognized.)

Senator Tungpalan introduced Tomoo Okayama and remarked:

"Mr. President, it's my honor to introduce to our body Mr. Tomoo Okuyama. This individual received the Entrepreneurial Success Award (County of Hawaii)." (Mr. Okuyama was not present.)

Senator Tanaka introduced Cara Yamaguchi and said:

"Mr. President, it's a great honor to introduce Cara Yamaguchi, the Young Entrepreneur of the Year (Island of Oahu). I read her article and she did a terrific job. Competition is always good and I know you'll do good. Congratulations!" (Ms. Yamaguchi stood to be recognized.)

Senator Chang then continued:

"Mr. President, the 1993 winners are accompanied by Ann Nakagawa who represents the Small Business Administration." (Ms. Nakagawa rose to be recognized.)

The honorees were each presented a congratulatory Senate certificate and lei by Senators Chang, A. Kobayashi, B. Kobayashi, Grauly, Hagino, George, Fukunaga, Solomon and Tungpalan.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 319, informing the Senate that on April 12, 1993, he signed the following bills into law:

House Bill No. 635 as Act 5, entitled: "RELATING TO TAXATION";

House Bill No. 1564 as Act 6, entitled: "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"; and

House Bill No. 1591 as Act 7, entitled: "RELATING TO EXPUNGEMENT ORDERS,"

was read by the Clerk and was placed on file

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 555 to 568) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 555, transmitting H.C.R. No. 5, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 5, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR PAP TESTS," was referred to the Committee on Health, then to the Committee on Legislative Management.

Hse. Com. No. 556, transmitting H.C.R. No. 8, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 8, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING LEGISLATION THAT ADDRESSES THE ESCALATING PROBLEM OF VIOLENCE AGAINST WOMEN," was referred to the Committee on Judiciary.

Hse. Com. No. 557, transmitting H.C.R. No. 46, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE RELATIONSHIP BETWEEN HAWAIIAN ELECTRIC INDUSTRIES AND HAWAIIAN ELECTRIC COMPANY," was referred to the Committee on Science, Technology and Economic Development.

Hse. Com. No. 558, transmitting H.C.R. No. 58, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION DISCOURAGING THE FEEDING OF PESTIFEROUS BIRDS," was referred to the Committee on Government Operations, Environmental Protection and Hawaiian Programs.

Hse. Com. No. 559, transmitting H.C.R. No. 87, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 87, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER NAMING A PUBLIC AREA IN THE STATE LIBRARY AFTER SAMUEL MANAIKALANI KAMAKAU," was referred to the Committee on Education, Labor and Employment.

Hse. Com. No. 560, transmitting H.C.R. No. 97, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE PROBABLE EFFECTS OF THE LICENSING OF CRANE OPERATORS AND THE REGISTRATION OF CRANES," was referred to the Committee on Consumer Protection.

Hse. Com. No. 561, transmitting H.C.R. No. 118, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING WRITTEN CERTIFICATION TO THE FEDERAL GOVERNMENT THAT THE STATE LEGISLATURE UPHOLDS THE PHILOSOPHY OF STATES' RIGHTS AND OPPOSES ANY COERCIVE FEDERAL LAW WHICH ATTEMPTS TO REGULATE STATE BEHAVIOR BY THREATENING THE WITHHOLDING OF FEDERAL FUNDS," was referred to the Committee on Legislative Management.

Hse. Com. No. 562, transmitting H.C.R. No. 184, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 184, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE GOVERNOR APPOINT TO THE HAWAII TROPICAL FOREST RECOVERY TASK FORCE A PERSON WHO WILL REPRESENT THE INTERESTS OF HUNTERS," was referred to the Committee on Tourism, Recreation and Transportation.

Hse. Com. No. 563, transmitting H.C.R. No. 189, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK'," was referred to the Committee on Higher Education, Culture, Arts and Historic Preservation.

Hse. Com. No. 564, transmitting H.C.R. No. 294, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE AUDITOR CONDUCT A COMPREHENSIVE REVIEW OF HAWAII'S HOMEOWNERS' INSURANCE INDUSTRY," was referred to the Committee on Consumer Protection, then to the Committee on Legislative Management.

Hse. Com. No. 565, transmitting H.C.R. No. 314, H.D. 2, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 314, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO ASSESS AND PROPOSE ENFORCEMENT PROCEDURES FOR STATE AND COUNTY COMPLIANCE WITH UNIFORM FEDERAL ACCESSIBILITY STANDARDS AS MANDATED BY SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES, AND THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES," was referred to the Committee on Government Operations, Environmental Protection and Hawaiian Programs.

Hse. Com. No. 566, transmitting H.C.R. No. 333, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 333, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE OFFICE OF PUBLIC INSURANCE COUNSEL TO REPRESENT THE INTERESTS OF HAWAII'S INSURANCE CONSUMERS," was referred to the Committee on Consumer Protection, then to the Committee on Legislative Management.

Hse. Com. No. 567, transmitting H.C.R. No. 354, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 354, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," was referred to the Committee on Consumer Protection, then to the Committee on Legislative Management.

Hse. Com. No. 568, transmitting H.C.R. No. 385, H.D. 1, which was adopted by the House of Representatives on April 13, 1993, was placed on file.

By unanimous consent, H.C.R. No. 385, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ACCEPTING THE INVITATION OF THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE," was referred jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Agriculture.

STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1396) recommending that S.R. No. 112, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 112, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO EVALUATE COMPLIANCE WITH SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1397) recommending that S.C.R. No. 137, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 137, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO EVALUATE COMPLIANCE WITH SECTIONS 103-50 AND 103-50.5, HAWAII REVISED STATUTES," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1398) recommending that S.R. No. 116, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 116, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXAMINE THE ADEQUACY, EFFECTIVENESS, AND EFFICIENCY OF THE DEPARTMENT'S SYSTEMS, PROGRAMS AND PROCEDURES," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1399) recommending that S.C.R. No. 141, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 141, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXAMINE THE ADEQUACY, EFFECTIVENESS, AND EFFICIENCY OF THE DEPARTMENT'S SYSTEMS, PROGRAMS AND PROCEDURES," was referred to the Committee on Legislative Management.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1400) recommending that S.R. No. 73, as amended in S.D. 1, be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A FIVE-YEAR STRATEGIC PLAN FOR PATIENT CARE AT KOHALA HOSPITAL, HAWAII," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1401) recommending that S.C.R. No. 92, as amended in S.D. 1, be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A FIVE-YEAR STRATEGIC PLAN FOR PATIENT CARE AT KOHALA HOSPITAL, HAWAII," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1402) recommending that S.R. No. 89, as amended in S.D. 1, be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION DIRECTING A STUDY OF THE EFFECTS OF NON-IONIZING ELECTROMAGNETIC RADIATION ON HUMANS," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1403) recommending that S.C.R. No. 152, as amended in S.D. 1, be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 152, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DIRECTING

A STUDY OF THE EFFECTS OF NON-IONIZING ELECTROMAGNETIC RADIATION ON HUMANS," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com. Rep. No. 1404) recommending that S.R. No. 87, as amended in S.D. 1, be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 87, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ALLOW AND PROVIDE FOR TRANSPORTATION OF HAWAIIAN LANGUAGE IMMERSION PROGRAM STUDENTS BETWEEN SCHOOL DISTRICTS ON THE SAME ISLAND," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com. Rep. No. 1405) recommending that S.C.R. No. 110, as amended in S.D. 1, be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 110, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ALLOW AND PROVIDE FOR TRANSPORTATION OF HAWAIIAN LANGUAGE IMMERSION PROGRAM STUDENTS BETWEEN SCHOOL DISTRICTS ON THE SAME ISLAND," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com. Rep. No. 1406) recommending that S.R. No. 203 be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 203, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION TO EXTEND FEDERAL EMERGENCY UNEMPLOYMENT BENEFITS," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com. Rep. No. 1407) recommending that S.C.R. No. 233 be adopted.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 233, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION TO EXTEND FEDERAL EMERGENCY UNEMPLOYMENT BENEFITS," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com. Rep. No. 1408) recommending that S.C.R. No. 46 be referred to the Committee on Legislative Management.

On motion by Senator Iwase, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF ALLOWING TEACHERS TO RETIRE AT ANY AGE WITH TWENTY-FIVE YEARS OF SERVICE," was referred to the Committee on Legislative Management.

AGREE/DISAGREE

MATTER DEFERRED FROM WEDNESDAY, APRIL 14, 1993

S.B. No. 413 (H.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 413, and requested a conference on the subject matter thereof.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The President re-referred the following Senate concurrent resolution that was offered:

Senate	
Concurrent	
Resolution	Referred to:
No. 145	Committee on Agriculture

AGREE/DISAGREE

S.B. No. 1616, S.D. 2 (H.D. 1):

Senator A. Kobayashi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1616, S.D. 2, seconded by Senator B. Kobayashi.

Senator A. Kobayashi then explained:

"Mr. President, this bill deals with restoring the titles of sheriff and deputy sheriff to Special Services deputies of the Department of Public Safety. The changes made by the House are technical in nature and we agree with them."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1616, S.D. 2, and S.B. No. 1616, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," was placed on the calendar for Final Reading on Friday, April 16, 1993.

At this time, Senator B. Kobayashi, chairman of the Committee on Legislative Management, requested a waiver of the 48-hour Notice of a Public Hearing on S.C.R. No. 81.

Senator B. Kobayashi explained:

"Mr. President, S.C.R. No. 81 is a companion resolution to S.R. No. 66 which is on the agenda for tomorrow's hearing. We forgot to put the S.C.R. on the agenda with the S.R."

The Chair granted the waiver.

ADJOURNMENT

At 11:54 o'clock a.m., on motion by Senator Iwase, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 16, 1993.