

## SEVENTEENTH DAY

**Monday, February 14, 1994**

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Senator Eloise Tungpalan, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

Senator Matsunaga introduced officials of the Central Pacific Bank of Honolulu. A Senate certificate and leis were presented by various Senators.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 38 to 51) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE PROVISION OF HIGH OCCUPANCY VEHICLE THROUGHWAYS ALONG CONGESTED CORRIDORS TO INCREASE HOV LANE UTILIZATION."

Offered by: Senator Matsunaga.

Referred to: Committee on Transportation

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO UNDERTAKE A COMPARATIVE STUDY DOCKET ON THE USE OF FOSSIL VERSUS NONFOSSIL FUELS FOR GENERATION OF ELECTRICITY."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FACILITATION OF RENEWABLE ENERGY RESOURCES UTILIZATION."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 41 "SENATE CONCURRENT RESOLUTION URGING HAWAII'S ELECTRIC UTILITIES TO EXPLORE AND UTILIZE WIND SYSTEMS TO SATISFY A GREATER PROPORTION OF HAWAII'S ELECTRICAL GENERATION REQUIREMENTS."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 42 "SENATE CONCURRENT RESOLUTION URGING HAWAII'S ELECTRIC UTILITIES TO

EXPLORE AND ADOPT 'GREEN PRICING' AND OTHER ADMINISTRATIVE AND TECHNOLOGICAL OPTIONS WHICH WOULD FACILITATE THE USE AND DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS IN HAWAII."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 43 "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO ADDRESS SHORTAGE OF DENTAL TREATMENT SERVICES ON THE ISLAND OF MAUI FOR THE MEDICALLY INDIGENT."

Offered by: Senator Tanaka.

Referred to: Committee on Health

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF FEDERAL, STATE, AND COUNTY REQUIREMENTS APPLICABLE TO NEW BUSINESS STARTS, A DETERMINATION OF HOW THE STATE'S BUSINESS ACTION CENTER CAN BE STRENGTHENED TO FACILITATE NEW BUSINESS STARTS, AND A STUDY OF THE FEASIBILITY OF CREATING AND IMPLEMENTING AN INTERACTIVE HAWAII BUSINESS REGULATION SYSTEM."

Offered by: Senator Tanaka.

Referred to: Jointly to the Committee on Consumer Protection and the Committee on Science, Technology and Economic Development

No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING NECESSARY REPAIRS AND IMPROVEMENTS TO THE TRACK AND FIELD AREA OF FARRINGTON HIGH SCHOOL."

Offered by: Senator Nakasato.

Referred to: Committee on Education

No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO COORDINATE JOINT PROMOTIONS WITH AND BETWEEN PRIVATE SECTOR COMPANIES."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism and Recreation

No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH STATEWIDE HOTEL PARTNERSHIP TRAINING PROGRAMS."

Offered by: Senator Nakasato.

Referred to: Committee on Education

No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING FAVORABLE CONSIDERATION BY CONGRESS TO EXPAND ACTIVITIES IN THE FOREIGN TRADE ZONES TO ALLOW DUTY FREE TRADE IN THE STATE OF HAWAII."

Offered by: Senator Nakasato.

Referred to: Jointly to the Committee on Transportation and the Committee on Government Operations, Environmental Protection and Hawaiian Programs

No. 49 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A COMMISSION TO OBSERVE THE 50TH ANNIVERSARY OF THE END OF WORLD WAR II."

Offered by: Senator Mizuguchi.

Referred to: Jointly to the Committee on Higher Education, Culture and Arts and Historic Preservation and the Committee on Government Operations, Environmental Protection and Hawaiian Programs

No. 50 "SENATE CONCURRENT RESOLUTION APPROVING THE BIENNIAL REVIEW OF THE COMPENSATION PLANS FOR CIVIL SERVICE EMPLOYEES AND THE COSTS THEREOF SUBMITTED BY THE CONFERENCE OF PERSONNEL DIRECTORS TO TAKE EFFECT ON JULY 1, 1994."

Offered by: Senator Mizuguchi, by request.

Referred to: Committee on Labor and Employment

No. 51 "SENATE CONCURRENT RESOLUTION CALLING FOR THE IMMEDIATE TERMINATION OF ANY FURTHER PARTICIPATION BY THE STATE OF HAWAII IN THE PROPOSED COMMERCIAL SATELLITE LAUNCHING FACILITY."

Offered by: Senator Levin.

Referred to: Jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Science, Technology and Economic Development

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 29 to 41) were read by the Clerk and were referred to committees:

##### Senate Resolution

No. 29 "SENATE RESOLUTION REQUESTING A STUDY ON THE PROVISION OF HIGH OCCUPANCY VEHICLE THROUGHWAYS ALONG CONGESTED CORRIDORS TO INCREASE HOV LANE UTILIZATION."

Offered by: Senator Matsunaga.

Referred to: Committee on Transportation

No. 30 "SENATE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO UNDERTAKE A COMPARATIVE STUDY DOCKET ON THE USE OF FOSSIL VERSUS NONFOSSIL FUELS FOR GENERATION OF ELECTRICITY."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 31 "SENATE RESOLUTION REQUESTING A STUDY ON THE FACILITATION OF RENEWABLE ENERGY RESOURCES UTILIZATION."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 32 "SENATE RESOLUTION URGING HAWAII'S ELECTRIC UTILITIES TO EXPLORE AND UTILIZE WIND SYSTEMS TO SATISFY A GREATER PROPORTION OF HAWAII'S ELECTRICAL GENERATION REQUIREMENTS."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 33 "SENATE RESOLUTION URGING HAWAII'S ELECTRIC UTILITIES TO EXPLORE AND ADOPT 'GREEN PRICING' AND OTHER ADMINISTRATIVE AND TECHNOLOGICAL OPTIONS WHICH WOULD FACILITATE THE USE AND DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS IN HAWAII."

Offered by: Senator Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 34 "SENATE RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO ADDRESS SHORTAGE OF DENTAL TREATMENT SERVICES ON THE ISLAND OF MAUI FOR THE MEDICALLY INDIGENT."

Offered by: Senator Tanaka.

Referred to: Committee on Health

No. 35 "SENATE RESOLUTION REQUESTING A REVIEW OF FEDERAL, STATE, AND COUNTY REQUIREMENTS APPLICABLE TO NEW BUSINESS STARTS, A DETERMINATION OF HOW THE STATE'S BUSINESS ACTION CENTER CAN BE STRENGTHENED TO FACILITATE NEW BUSINESS STARTS, AND A STUDY OF THE FEASIBILITY OF CREATING AND IMPLEMENTING AN INTERACTIVE HAWAII BUSINESS REGULATION SYSTEM."

Offered by: Senator Tanaka.

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No. 36 "SENATE RESOLUTION REQUESTING NECESSARY REPAIRS AND IMPROVEMENTS TO THE TRACK AND FIELD AREA OF FARRINGTON HIGH SCHOOL."

Offered by: Senator Nakasato.

Referred to: Committee on Education

No. 37 "SENATE RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO COORDINATE JOINT PROMOTIONS WITH AND BETWEEN PRIVATE SECTOR COMPANIES."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism and Recreation

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Offered by: Senator Nakasato.

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No. 41 "SENATE RESOLUTION CALLING FOR THE IMMEDIATE TERMINATION OF ANY FURTHER PARTICIPATION BY THE STATE OF HAWAII IN THE PROPOSED COMMERCIAL SATELLITE LAUNCHING FACILITY."

Offered by: Senator Levin.

Referred to: Jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Science, Technology and Economic Development

#### STANDING COMMITTEE REPORTS

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1768) recommending that S.B. No. 2824, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the Committee was adopted and S.B. No. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1769) recommending that S.B. No. 2828, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the Committee was adopted and S.B. No. 2828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIALS AND OTHER ELECTION DAY OFFICIALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grauly, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1770) recommending that S.B. No. 2866, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the majority of the Committee was adopted and S.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1771) recommending that S.B. No. 1147, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the Committee was adopted and S.B. No. 1147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1772) recommending that S.B. No. 2136, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the Committee was adopted and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1773) recommending that S.B. No. 2160, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the Committee was adopted and S.B. No. 2160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

Senator Grauly, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1774) recommending that S.B. No. 2346, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the majority of the Committee was adopted and S.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading, with the exception of Senator Reed who voted "no," and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

Senator Grauly, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1775) recommending that S.B. No. 2347, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the majority of the Committee was adopted and S.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading, with the exception of Senators Aki and Reed who voted "no," and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1776) recommending that S.B. No. 2393, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the Committee was adopted and S.B. No. 2393, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

Senator Grauly, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1777) recommending that S.B. No. 2681, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, the report of the majority of the Committee was adopted and S.B. No. 2681, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 1994.

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

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

## ORDER OF THE DAY

### THIRD READING

S.B. No. 2653, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Hagino and carried, S.B. No. 2653, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Reed).

### RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 2261, S.D. 1 Committee on Government Operations, Environmental Protection and Hawaiian Programs, then to the Committee on Ways and Means

No. 2262, S.D. 1 Jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Judiciary, then to the Committee on Ways and Means

Senator Tungpalan rose on a point of personal privilege, as follows:

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

"On Thursday, I was outraged when I received this letter from a constituent. It appears, from the typewritten section, that he had great admiration for my honesty and my integrity. In fact he said, and I quote: 'I would like to support your political endeavors because I feel you've always been honest and full of integrity, a quality quite rare in this day and age. You stand above other Senators for this and many other reasons.' And he goes on to

mention how he's always voted for me. What he did, unfortunately, was enclose a check for a thousand dollars with this letter, and in a postscript he wrote: 'I will personally come by to sign the check after you voted "no" on the gun bills, and the bills are defeated.' I was outraged. I couldn't believe that anyone, especially in my district, could have thought that they would have been able to compromise my honesty and integrity. I don't think there is a Senator that I've ever served with and, certainly, none in this body that would ever succumb to any such bribery and, indeed, it is a bribery. Our laws are very clear that you cannot offer any money to anyone to influence their vote.

"I am not standing here before this body to voluntarily resolve this issue in this manner. Unfortunately, I had shared this information with you, Mr. President, with others whom I felt needed to know, as with the Prosecutor of the City and County of Honolulu and the Police Department. I wanted to have a complete background check on this individual. I wanted to be able to know thoroughly what actions and what options lay before me, and I pursued this in a very diligent and very careful manner. After all, this man lives but a block away from my home.

"In his letter, he states that he has expensive, precision-made guns, European and American masterpieces that he said a street punk wouldn't even consider buying.

"I care about my family and I care about my neighbors, and yet I want to do what is right, which is why I brought this matter before the police and the prosecutor. I wanted to be the Christian that I am; I speak of 'ho'oponopono'; I speak of healing; I speak of pardoning, so we can be pardoned. I wanted to be able to pardon this individual. Unfortunately, it's out of my hands now. The matter is before the prosecutor and the police, and I am told that even though I would like to be able to forgive and not prosecute, it is a matter now before the prosecutor and the police and it is not one which is in my hands any longer.

"I would like to leave the people in the State of Hawaii with this message: I will not tolerate this kind of activity. The Senators in this state are as honest and as uncompromising in their integrity as those in any other, and I would hope that this kind of nonsense stops. We deserve fair and just legislation to protect the citizens of this state and I, for one, can always be counted on voting that way.

"Thank you, Mr. President, and my colleagues."

### ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Chang, seconded by Senator George and carried, the Senate adjourned until 11:00 o'clock a.m., Tuesday, February 15, 1994.