

TWENTIETH DAY

Thursday, February 17, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lieutenant Shelley Hill, Salvation Army, Aiea, after which the Roll was called showing all Senators present with the exception of Senators Koki and McCartney who were excused.

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

Senator Nakasato introduced Mr. Steven Kanda of the Kalakaua Lions Club. Mr. Kanda was presented a congratulatory Senate certificate and a lei.

At 11:43 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.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 141 to 149) were read by the Clerk and were placed on file:

Gov. Msg. No. 141, dated January 24, 1994, transmitting the 1993 Annual Report of the Compliance Resolution Fund (CRF), prepared by the Department of Commerce and Consumer Affairs, Regulated Industries Complaints Office pursuant to Section 26-9, HRS.

Gov. Msg. No. 142, dated January 26, 1994, transmitting the 1993 Annual Report prepared by the Department of Hawaiian Home Lands pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 143, dated January 28, 1994, transmitting the "Status Report on the Hospital and Nursing Facility Tax," prepared by the Department of Human Services pursuant to Act 315, SLH 1993.

Gov. Msg. No. 144, dated January 28, 1994, transmitting a report prepared by the University of Hawaii pursuant to H.C.R. No. 125 (1993) and H.R. No. 122 (1993), summary of special, trust, and revolving fund transactions for the Fiscal Year ended June 30, 1993.

Gov. Msg. No. 145, dated January 28, 1994, transmitting a report prepared by the University of Hawaii pursuant to H.R. No. 356 (1993) and H.C.R. No. 389 (1993), relating to high-performance computing and communications.

Gov. Msg. No. 146, dated February 4, 1994, transmitting the 1993 Annual Report of Hawaii Foreign-Trade Zone No. 9, prepared by the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 147, dated February 4, 1994, transmitting the 1993-1994 Report of the Hawaii Enterprise Zones Program, prepared by the Department of Business, Economic Development and Tourism, Business Services Division pursuant to Chapter 209E, HRS.

Gov. Msg. No. 148, dated February 7, 1994, transmitting the "Report on the Financial Services Assistance Program," prepared by the Department of

Business, Economic Development and Tourism pursuant to Chapter 201C, HRS.

Gov. Msg. No. 149, dated February 7, 1994, transmitting the 1993 Annual Report of The Research Corporation of the University of Hawaii, pursuant to Section 307-6, HRS.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 52 to 55) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE COMMISSION ON WATER RESOURCE MANAGEMENT CONDUCT A THOROUGH INVESTIGATION OF WHETHER THE WAILUKU (IAO) AQUIFER SHOULD BE DESIGNATED A WATER MANAGEMENT AREA."

Offered by: Senator Matsuura.

Referred to: Committee on Planning, Land and Water Use Management

No. 53 "SENATE CONCURRENT RESOLUTION RECOGNIZING THE TWENTIETH ANNIVERSARY OF THE NATURAL ENERGY LABORATORY OF HAWAII."

Offered by: Senators Matsuura, Matsunaga.

Referred to: Committee on Science, Technology and Economic Development

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ELIMINATE UNNECESSARY RULES AND REVISE, SIMPLIFY, AND CONSOLIDATE ITS ADMINISTRATIVE RULES RELATING TO SMALL BOAT HARBORS AND BOATING TO MAKE THEM USER-FRIENDLY, AND PREPARE A RULE BOOK FOR LAYPEOPLE FOR EACH REGISTERED VESSEL OWNER."

Offered by: Senator Fukunaga.

Referred to: Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Tourism and Recreation

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CREATE AN OVERSIGHT COMMITTEE TO MONITOR THE PROGRESS OF THE RECREATIONAL BOATING PROGRAM."

Offered by: Senator Fukunaga.

Referred to: Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Tourism and Recreation

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 42 to 44) were read by the Clerk and were referred to committees:

Senate Resolution

No. 42 "SENATE RESOLUTION REQUESTING THE COMMISSION ON WATER RESOURCE MANAGEMENT CONDUCT A THOROUGH INVESTIGATION OF WHETHER THE WAILUKU (IAO) AQUIFER SHOULD BE DESIGNATED A WATER MANAGEMENT AREA."

Offered by: Senator Matsuura.

Referred to: Committee on Planning, Land and Water Use Management

No. 43 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ELIMINATE UNNECESSARY RULES AND REVISE, SIMPLIFY, AND CONSOLIDATE ITS ADMINISTRATIVE RULES RELATING TO SMALL BOAT HARBORS AND BOATING TO MAKE THEM USER-FRIENDLY, AND PREPARE A RULE BOOK FOR LAYPEOPLE FOR EACH REGISTERED VESSEL OWNER."

Offered by: Senator Fukunaga.

Referred to: Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Tourism and Recreation

No. 44 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CREATE AN OVERSIGHT COMMITTEE TO MONITOR THE PROGRESS OF THE RECREATIONAL BOATING PROGRAM."

Offered by: Senator Fukunaga.

Referred to: Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Tourism and Recreation

STANDING COMMITTEE REPORTS

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1833) recommending that S.B. No. 2694, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2694, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1834) recommending that S.B. No. 2841, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2841, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HEARING IMPAIRED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1835) recommending that S.B. No. 2855, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

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

adopted and S.B. No. 2855, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1836) recommending that S.B. No. 2900, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2900, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1837) recommending that S.B. No. 3081, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3081, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LONG-TERM REHABILITATION RESIDENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1838) recommending that S.B. No. 3082, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3082, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1839) recommending that S.B. No. 1542 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1542, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARK AND RECREATION DEVELOPMENT AT KEALAKEHE AND KALAOA, WEST HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1840) recommending that S.B. No. 2121 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2121, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE VISITOR INDUSTRY EDUCATION COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1841) recommending that S.B. No. 2424 pass Second

Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2424, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT EXISTING NATIONALLY AND INTERNATIONALLY TELEVISED GOLF TOURNAMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1842) recommending that S.B. No. 2500 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2500, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF NEW MARKETS FOR HAWAII'S VISITOR INDUSTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1843) recommending that S.B. No. 2596 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN ECOTOURISM PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1844) recommending that S.B. No. 2749 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2749, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1845) recommending that S.B. No. 2843 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2843, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE 1994 ROYAL HAWAIIAN MASTERS RUGBY FESTIVAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1846) recommending that S.B. No. 2883 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2883, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1995

FIREFIGHTERS GAMES - HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1847) recommending that S.B. No. 2077 pass Second Reading and be referred to the Committee on Planning, Land and Water Use Management.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2077, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Planning, Land and Water Use Management.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1848) recommending that S.B. No. 2728, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2728, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 2249:

By unanimous consent, action on S.B. No. 2249, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROLS TO BE EXERCISED IN THE EXECUTION OF THE BUDGET AND OTHER PROGRAM APPROPRIATIONS," was deferred until Friday, February 18, 1994.

S.B. No. 2378:

By unanimous consent, action on S.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until Friday, February 18, 1994.

S.B. No. 2404, S.D. 1:

By unanimous consent, action on S.B. No. 2404, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," was deferred until Friday, February 18, 1994.

S.B. No. 2591:

By unanimous consent, action on S.B. No. 2591, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," was deferred until Friday, February 18, 1994.

S.B. No. 2964:

By unanimous consent, action on S.B. No. 2964, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX ON MANUFACTURING AND PRODUCING," was deferred until Friday, February 18, 1994.

S.B. No. 2970:

By unanimous consent, action on S.B. No. 2970, entitled: "A BILL FOR AN ACT RELATING TO

ADMINISTRATIVE TAX REFUNDS," was deferred until Friday, February 18, 1994.

Senator Reed rose on a point of personal privilege and stated:

"Mr. President, thank you. Very briefly, there's an article in the Advertiser this morning that relates to my comments relative to caucusing during session. There's one error I'd like to correct, and that is, when I made the point of that kind of thing being rude, I was not thinking of the two or three Republicans who were here, I was thinking about people in the gallery who were here to hear the testimony, etc. But beyond that, I want to thank the leadership. I've been informed by the majority leader, and the majority caucus leader underscored that, that henceforth, caucusing on bills will be prior to session. We're very appreciative that leadership has been responsive. Thank you."

Senator Holt also rose on a point of personal privilege and said:

"Mr. President, also another correction to a newspaper article two days ago that Mike Yuen wrote -- I was not the swing vote last night. Thank you."

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 18, 1994.