

THIRTIETH DAY

Tuesday, March 15, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:31 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Kathy Ledgerwood, First United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

The President announced that he had read and approved the Journal of the Twenty-Ninth Day.

Senator McCartney introduced Kalli Kamauoha, who was crowned America's Favorite Teenager at the National Scholarship Pageant. Miss Kamauoha was presented a Senate certificate and a lei.

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 206 to 251) were read by the Clerk and were referred to committee:

Gov. Msg. No. 206, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, City and County of Honolulu, the nominations of LESLIE MARK CANSIBOG and MICHAEL S. TOMEI, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 207, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Hawaii, the nominations of BRUCE W. HEIDENFELDT and DON INABA, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 208, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Kauai, the nominations of ELTON S. USHIO and SHIRLEY TANI, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 209, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nominations of KARL K. YOSHIOKA, ALLEN DOUGLAS DAGUAY and IRVIN L. SARSON, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 210, submitting for consideration and confirmation to the Board of Barbers, the nominations of: MILTON Y. MIGITA, term to expire June 30, 1997; and GARY N. SUZUKAWA and JOSLYN TAMURA, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 211, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nominations of: ANNA C. KAOHELAULII, term to expire June 30, 1997; and WILLIAM E. PICKARD and BARRY M. UTSUMI, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 212, submitting for consideration and confirmation to the Advisory Council for Community Services, the nomination of EUGENE K. JIMENEZ, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 213, submitting for consideration and confirmation to the Consumer Advisory Council, the nominations of ARMAND KAINOA CHONG, GRANT TANIMOTO, CHERYL GARCIA, MICHAEL R. WALSH and GEORGE RAINEY, JR., terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 214, submitting for consideration and confirmation to the Board of Cosmetology, the nominations of LUCRECIA ANNE WHITEHURST and PAUL H. LEWIS, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 215, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of: THOMAS M. GREEN, term to expire June 30, 1994; and ANGELA M. CHIN, ALAN Y. MIYAMOTO and VICKIE M. PEILER, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 216, submitting for consideration and confirmation to the Commission on Persons with Disabilities, the nominations of ANTHONY S. AKAMINE, DEAN M. GEORGIEV, HELEN S. YOUNG, DONALD A. MEDEIROS and STEPHEN A. SCHER, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 217, submitting for consideration and confirmation to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, the nomination of AMY ESAKI, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 218, submitting for consideration and confirmation to the State Emergency Medical Services Advisory Committee, the nominations of ROBERT K. OVERLOCK, DAVID M. NELSON, DIANE KOMENAKA, RANDOLPH K.M. WONG, GERALDINE L. MASUNAGA and STEVEN L. SCHUMM, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 219, submitting for consideration and confirmation to the Board of Health, the nominations of JOHN J. ING, SHARON HANLEY VITOUSEK and ALLAN R. KUNIMOTO, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 220, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of: AMOS S. KOTOMORI and TED SUBIA MINA, terms to expire June 30, 1996; JOJI NOUCHI and ROBERT Y. HEE, terms to expire June 30, 1997; and LANE K. UCHIMURA, MARIANNE RICE SANCHEZ and MARK H. YAMAKAWA, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 221, submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nominations of: LENORA L. LORENZO and BRIAN F. AHAKUELO, terms to expire June 30, 1997; and AGNES E. PIGAO CADIZ and

RICHARD F. KOLBE, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 222, submitting for consideration and confirmation to the Waianae Coast Subarea Health Planning Council, the nominations of JUANITA G. OCLARAY and TERRY ANN JONES, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 223, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: CLAUDINE MIKI TOMASA and CHRISTOPHER G. PABLO, terms to expire June 30, 1997; and HARVEY W. SMITH, ANN M. DITZLER and LORETTA T. SCHULER, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 224, submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nomination of JOHN R. LIPSCOMB, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 225, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: LYNNE JOSEPH, term to expire June 30, 1995; and JOSEPHINE C. DUVAUCHELLE and NANI LARSEN, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 226, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of MARY M. HEW, KAREN M. HOLT, GUY M. SUGINO, TERRY LEE POAIPUNI and SHIRLEY K. TAKAHASHI, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 227, submitting for consideration and confirmation to the Board of Human Services, the nominations of GLENN T. NISHIMITSU, ASAKO T. IWAMOTO and ROBERT WALLACE LOW, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 228, submitting for consideration and confirmation to the Oahu Library Advisory Commission, the nominations of: CHARLES WARREN BRENNAN, term to expire June 30, 1995; and ALAN N. ISOBE, PATRICIA A. NISHIMOTO and KATHARINE L. TOTTO, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 229, submitting for consideration and confirmation to the Hawaii Library Advisory Commission, the nominations of FRANK G. NELSON and JEAN S. SHIMOSE, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Kauai Library Advisory Commission, the nominations of SUSAN K. HAMADA, JENNIE W.Y. AHN, TAKEKO Y. YAMANE, LEO MIYAJIMA and SANDRA L. SMITH, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 231, submitting for consideration and confirmation to the Maui County Library Advisory Commission, the nominations of ROGENE K. RADNER and TATIANA TRAILOV, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Medical Advisory Board, the nominations of WAYNE MATSUYAMA, CALVIN C.M. KAM and NEAL JUN SHIKUMA, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 233, submitting for consideration and confirmation to the Board of Medical Examiners, the nominations of JAMES S. TSUJI, WILLIAM E. IACONETTI and DOUGLAS R. SODETANI, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 234, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nominations of DENNIS KUWABARA and SCOTT HARADA, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of HERBERT K. ENDO, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 236, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nominations of: HOWARD TAGOMORI, term to expire June 30, 1996; and LARRY J. MARIETTI, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 237, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, City and County of Honolulu, the nominations of ELIZABETH ANNE TAGA, CLIFF K. CISCO and RODOLFO V. RAMOS, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 238, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, County of Hawaii, the nominations of DEEN L. WONG, TSING Y. CANNON and WENDELL M. KELII, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 239, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, County of Kauai, the nominations of CORRADO A. ALTOMARE, M. JEAN ODO and ALAN T. TSUNODA, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 240, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, County of Maui, the nominations of STEVEN M. MOSER, GRANT Y.M. CHUN and ARNOLD JAMES PYLES, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Radiologic Technology Board, the nominations of NICHOLAS JOHN GLADDIS and MARY E.C. OYADOMARI, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nomination of TRUDIE KIESSLING, term to expire

June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 243, submitting for consideration and confirmation to the Board of Registration, Island of Hawaii, the nomination of ROBERT D.S. KIM, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 244, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of JOY F. HIRAOKA, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 245, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai, and Kahoolawe, the nomination of JOHN K. KAALEKAHI, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 246, submitting for consideration and confirmation to the Reproductive Rights Protection Committee, the nominations of BYRON A. ELIASHOF and HELEN MAY SMALLEY-BOWER, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 247, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nominations of: ROBERT MEYER, term to expire June 30, 1996; and DIANNE L.Y. MERRITT, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 248, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nomination of EUGENE F. SIMON, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 249, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawaii), the nomination of CARMELO A. JUSTO, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 250, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of KENNETH Y. KIMURA, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 251, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of JAN EVERETT-O'GARA and HERBERT M. RICHARDS III, terms to expire June 30, 1998, was referred to the Committee on Executive Appointments.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 93 to 103) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 93 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII VISITORS BUREAU TO UTILIZE LOCAL RESIDENTS THAT ARE REPRESENTATIVE OF THE ETHNIC AND CULTURAL DIVERSITY OF THE STATE IN THEIR PROMOTIONS OF HAWAII."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism and Recreation

No. 94 "SENATE CONCURRENT RESOLUTION URGING THE DIRECTORS OF FINANCE OF THE COUNTIES TO PRODUCE LICENSE PLATES DEPICTING AN ARTISTIC REPRESENTATION OF A HAWAIIAN ENDANGERED SPECIES."

Offered by: Senator Levin.

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

No. 95 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN MAY OF EVERY YEAR AS 'STATE OF HAWAII ARCHAEOLOGY WEEK'."

Offered by: Senators Levin, Baker, Chang, Kanno, Kobayashi, A.

Referred to: Committee on Higher Education, Culture and Arts and Historic Preservation

No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROGRAM TO DEFINE AND IMPLEMENT THE VALUES AND ETHICS INCULCATING ROLE OF THE PUBLIC SCHOOLS IN CONTEMPORARY SOCIETY."

Offered by: Senators Levin, Aki, Baker, Kobayashi, A., Nakasato.

Referred to: Committee on Education

No. 97 "SENATE CONCURRENT RESOLUTION SUPPORTING THE CREATION OF A NATIONAL ANNUAL ENDANGERED SPECIES ART CONTEST SPONSORED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SPONSOR AN ANNUAL HAWAII STATE ENDANGERED SPECIES ART CONTEST."

Offered by: Senators Levin, Aki, Baker, Chang, Kobayashi, A., Matsuura, Nakasato, Tungpalan.

Referred to: Jointly to the Committee on Higher Education, Culture and Arts and Historic Preservation and the Committee on Planning, Land and Water Use Management

No. 98 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE OCTOBER 26, 1994, AS TRANSCULTURAL NURSING AND HUMAN CARING DAY."

Offered by: Senators Levin, Aki, Baker, Chang, Kanno, Kobayashi, A., Tungpalan.

Referred to: Committee on Health

No. 99 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO REPORT ON PLANS TO RESPOND TO THE HEALTH AND SOCIAL PROBLEMS ON THE ISLAND OF HAWAII."

Offered by: Senators Levin, Aki, Baker, Chang, Kanno, Kobayashi, A., Matsuura, Nakasato, Tungpalan.

Referred to: Jointly to the Committee on Human Services and the Committee on Health

No. 100 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO REVIEW PROJECT MA'ALO AND MAKE RECOMMENDATIONS WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII AT HILO OR ELSEWHERE."

Offered by: Senators Levin, Baker, Kobayashi, A., Tungpalan.

Referred to: Committee on Higher Education, Culture and Arts and Historic Preservation

No. 101 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO COMPLY WITH THE MODEL ENERGY CODE IN THE CONSTRUCTION OF NEW BUILDINGS."

Offered by: Senators Levin, Tungpalan.

Referred to: Jointly to the Committee on Science, Technology and Economic Development and the Committee on Higher Education, Culture and Arts and Historic Preservation

No. 102 "SENATE CONCURRENT RESOLUTION SUPPORTING THE SIERRA CLUB LEGAL DEFENSE FUND'S FORMAL PETITION WITH THE FEDERAL AVIATION ADMINISTRATION TO CONTROL TOUR AIRCRAFT IN THE STATE OF HAWAII."

Offered by: Senators Levin, Aki, Baker, Kobayashi, A., Nakasato, Tungpalan.

Referred to: Jointly to the Committee on Transportation and the Committee on Tourism and Recreation

No. 103 "SENATE CONCURRENT RESOLUTION SUPPORTING PREVENTION AS A LEGITIMATE STRATEGY FOR THE STATE OF HAWAII."

Offered by: Senators Chang, Levin, Kobayashi, A.

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

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 66 to 75) were read by the Clerk and were referred to committees:

Senate Resolution

No. 66 "SENATE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII VISITORS BUREAU TO UTILIZE LOCAL RESIDENTS THAT ARE REPRESENTATIVE OF THE ETHNIC AND CULTURAL DIVERSITY OF THE STATE IN THEIR PROMOTIONS OF HAWAII."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism and Recreation

No. 67 "SENATE RESOLUTION URGING THE DIRECTORS OF FINANCE OF THE COUNTIES TO PRODUCE LICENSE PLATES DEPICTING AN ARTISTIC REPRESENTATION OF A HAWAIIAN ENDANGERED SPECIES."

Offered by: Senators Levin, Chang, Tungpalan.

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

No. 68 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN MAY OF EVERY YEAR AS 'STATE OF HAWAII ARCHAEOLOGY WEEK'."

Offered by: Senators Levin, Aki, Baker, Kobayashi, A., Nakasato, Tungpalan.

Referred to: Committee on Higher Education, Culture and Arts and Historic Preservation

No. 69 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROGRAM TO DEFINE AND IMPLEMENT THE VALUES AND ETHICS INCULCATING ROLE OF THE PUBLIC SCHOOLS IN CONTEMPORARY SOCIETY."

Offered by: Senators Levin, Baker, Kobayashi, A.

Referred to: Committee on Education

No. 70 "SENATE RESOLUTION SUPPORTING THE CREATION OF A NATIONAL ANNUAL ENDANGERED SPECIES ART CONTEST SPONSORED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SPONSOR AN ANNUAL HAWAII STATE ENDANGERED SPECIES ART CONTEST."

Offered by: Senators Levin, Baker, Kanno, Kobayashi, A.

Referred to: Jointly to the Committee on Higher Education, Culture and Arts and Historic Preservation and the Committee on Planning, Land and Water Use Management

No. 71 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE OCTOBER 26, 1994, AS TRANSCULTURAL NURSING AND HUMAN CARING DAY."

Offered by: Senators Levin, Baker, Kobayashi, A., Nakasato.

Referred to: Committee on Health

No. 72 "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO REPORT ON PLANS TO RESPOND TO THE HEALTH AND SOCIAL PROBLEMS ON THE ISLAND OF HAWAII."

Offered by: Senators Levin, Baker, Kobayashi, A.

Referred to: Jointly to the Committee on Human Services and the Committee on Health

No. 73 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO REVIEW PROJECT MA'ALO AND MAKE RECOMMENDATIONS WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII AT HILO OR ELSEWHERE."

Offered by: Senators Levin, Baker, Kobayashi, A., Solomon.

Referred to: Committee on Higher Education, Culture and Arts and Historic Preservation

No. 74 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO COMPLY WITH THE MODEL ENERGY CODE IN THE CONSTRUCTION OF NEW BUILDINGS."

Offered by: Senator Levin.

Referred to: Jointly to the Committee on Science, Technology and Economic Development and the Committee on Higher Education, Culture and Arts and Historic Preservation

No. 75 "SENATE RESOLUTION SUPPORTING THE SIERRA CLUB LEGAL DEFENSE FUND'S FORMAL PETITION WITH THE FEDERAL AVIATION ADMINISTRATION TO CONTROL TOUR AIRCRAFT IN THE STATE OF HAWAII."

Offered by: Senators Levin, Baker, Kobayashi, A.

Referred to: Jointly to the Committee on Transportation and the Committee on Tourism and Recreation

STANDING COMMITTEE REPORT

Senators Levin and Ikeda, for the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2532) recommending that H.B. No. 3322, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Levin, seconded by Senator Ikeda and carried, the joint report of the Committees was adopted and H.B. No. 3322, H.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE PAYMENT PROGRAMS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 17, 1994.

ORDER OF THE DAY

RE-REFERRAL OF HOUSE BILLS

The President re-referred the following House bills that were received:

House Bill Referred to:

No. 2177, H.D. 2 Jointly to the Committee on Agriculture and the Committee on Planning, Land and Water Use Management

No. 2275 Jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Labor and Employment and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2553, H.D. 2 Jointly to the Committee on Health and the Committee on Judiciary, then to the Committee on Ways and Means

No. 3160, H.D. 2 Jointly to the Committee on Human Services and the Committee on Ways and Means

No. 3170, H.D. 2 Committee on Tourism and Recreation, then to the Committee on Planning, Land and Water Use Management

No. 3190, H.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

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate
Concurrent
Resolution Referred to:

No. 89 Jointly to the Committee on Human Services and the Committee on Judiciary

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

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

"Mr. President, if you haven't or if you have noticed ... on Friday, March 11th, there was an article about 'Tourism industry efforts seem to be paying off,' and this appeared in the Honolulu Star-Bulletin. At the end of the article it says that 'However, Hawaii can't rely solely on the cold weather, the yen-dollar exchange rate and advertising to keep the tourists coming. Maintaining the islands as a beautiful, clean and safe place to vacation is essential. The campaigns to rid Kalakaua Avenue of T-shirt stands and prostitutes are crucial to the efforts to keep Hawaii attractive to visitors.'

"As you know, Mr. President, your Committee on Tourism recently completed hearings on the issue of the obstruction of the public use of the sidewalks in Waikiki by persons soliciting charitable donations. The committee was astounded to hear from attorneys for the city that they were prepared to accept the status quo for the next four or five years it will take to complete the appeals process concerning a new ordinance that they deem necessary in order to clear the sidewalks.

"We asked them specifically why a new ordinance was necessary and why they did not proceed under existing law, specifically Section 711-1101, Hawaii Revised Statutes, which makes it a crime to impede or obstruct any person on the sidewalk in order to solicit charitable donations and also Section 29-6.3, Revised Ordinances of Honolulu, which makes it a crime for any person to engage in any deceptive, fraudulent or misleading representation while promoting products upon any sidewalk. They had no satisfactory answer.

"We also had testimony from merchants who made it clear that they will not be in business four or five years from now if the sidewalk vendors are not removed from their privileged positions.

"We are requesting the attorney general and the city prosecutor to enforce the laws against obstructing the sidewalks. Also we have talked with the attorney general relative to his office and the Office of the Consumer Protector taking actions under Section 480, Hawaii Revised Statutes, to determine whether these vendors are actually engaged in commerce and whether they are violating that section of the law in competing with others selling similar merchandise.

"In other words, Mr. President, we already have laws in the books that are effective. We also could get the attorney general, as well as our consumer affairs to look into it to see if there is any way of doing the investigation

so that we can help the city in solving this issue much sooner.

"Thank you very much."

Senator B. Kobayashi also rose on a point of personal privilege and said:

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

"With regard to the comments of the prior speaker in relation to the Waikiki T-shirt vendors, I've been over this issue many times with a number of people including some of the lawyers involved. Part of the reason for the caution on the part of the city is ambiguity in constitutional law. The particular points in question may, indeed, give rise to a very long appeals process. The length of the appeals process is, itself, part of the caution because it could, indeed, stretch four or five years and it could indeed cost hundreds of thousands of dollars. A figure has been mentioned of one million dollars that might be required for an appeals process. That might be high, but there is no doubt that there would be a great deal of time and money spent on an appeals process.

"The second point, however, is the fact that the constitutional law, in this case, is not 100 percent clear. There are a few cases that will allow the city to proceed with their current legal logic. However, that legal logic has not been tested in all aspects and that's part of their hesitation.

"Nonetheless, I think the prior speaker is correct in saying that there is a great deal of frustration by the slowness of the process, a great deal of financial loss on the part of merchants who are trying to do their level best to run a good business down in Waikiki, and a great deal of frustration amongst the citizenry, including the Waikiki citizenry about the T-shirt vendors.

"Annually, I do a survey of my district asking them about a number of questions affecting the district. This year I asked them how much they would be willing to see the city and county spend on a legal court battle affecting the Waikiki T-shirt vendors. The choices were as follows: zero dollars; less than \$100,000; \$200,000; \$400,000; or as much as needed. Fifty-two percent of my respondents said 'as much as needed.' I was astounded by the fact that 52 percent of the respondents would be willing to go out on a limb and see the city spend hundreds of thousands of dollars and many years in court litigation. That's how serious some of the residents think this problem is. Thank you."

ADJOURNMENT

At 11:51 o'clock a.m., on motion by Senator Chang, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 16, 1994.