

FORTY-FOURTH DAY

Thursday, April 7, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Rabbi Richard Leibovitz, Naval Station, Pearl Harbor, after which the Roll was called showing all Senators present with the exception of Senators Grauly and Kanno who were excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 369 to 381) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 369, transmitting H.C.R. No. 390, H.D. 1, which was adopted by the House of Representatives on April 6, 1994, was placed on file.

By unanimous consent, H.C.R. No. 390, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A HAWAII MUSEUM CENTER AT BARBERS POINT TO PRESERVE OUR HISTORY AND PROMOTE ECONOMIC DEVELOPMENT IN KAPOLEI," was referred jointly to the Committee on Higher Education, Culture and Arts and Historic Preservation and the Committee on Planning, Land and Water Use Management.

Hse. Com. No. 370, returning S.B. No. 256, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 256, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," was deferred until Friday, April 8, 1994.

Hse. Com. No. 371, returning S.B. No. 1605, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1605, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," was deferred until Friday, April 8, 1994.

Hse. Com. No. 372, returning S.B. No. 1803, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1803, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTOMATIC FINGERPRINT IDENTIFICATION SYSTEM," was deferred until Friday, April 8, 1994.

Hse. Com. No. 373, returning S.B. No. 2294, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2294, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Friday, April 8, 1994.

Hse. Com. No. 374, returning S.B. No. 2393, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2393, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," was deferred until Friday, April 8, 1994.

Hse. Com. No. 375, returning S.B. No. 2513, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2513, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION, TO CHANGE THE TERMS OF THE APPOINTEES TO THE JUDICIAL SELECTION COMMISSION," was deferred until Friday, April 8, 1994.

Hse. Com. No. 376, returning S.B. No. 2515, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2515, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION, TO CHANGE THE COMPOSITION OF THE APPOINTEES TO THE JUDICIAL SELECTION COMMISSION," was deferred until Friday, April 8, 1994.

Hse. Com. No. 377, returning S.B. No. 2620, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2620, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred until Friday, April 8, 1994.

Hse. Com. No. 378, returning S.B. No. 2722, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2722, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES," was deferred until Friday, April 8, 1994.

Hse. Com. No. 379, returning S.B. No. 2829, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2829, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Friday, April 8, 1994.

Hse. Com. No. 380, returning S.B. No. 2880, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2880, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND COURT," was deferred until Friday, April 8, 1994.

Hse. Com. No. 381, returning S.B. No. 2949, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1994, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2949, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," was deferred until Friday, April 8, 1994.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2763) recommending that S.C.R. No. 6, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2763 and S.C.R. No. 6, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH GROUNDWATER MONITORING PROGRAMS OF EACH ISLAND OF THE STATE," was deferred until Friday, April 8, 1994.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2764) recommending that S.R. No. 3, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2764 and S.R. No. 3, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH GROUNDWATER MONITORING PROGRAMS OF EACH ISLAND OF THE STATE," was deferred until Friday, April 8, 1994.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2765) recommending that S.C.R. No. 70, as amended in S.D. 1, be referred to the Committee on Ways and Means.

By unanimous consent, action on Stand. Com. Rep. No. 2765 and S.C.R. No. 70, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RECOMMENDATIONS OF THE HUI 'IMI TASK FORCE REPORT BY AUTHORIZING THE REINSTATEMENT OF THE HUI 'IMI TASK FORCE," was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2766) recommending that H.B. No. 2640, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2640, H.D. 2, S.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO HAZARDOUS WASTE BROKERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2767) recommending that H.B. No. 3150 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3150, entitled: "A BILL FOR AN ACT RELATING TO MILITARY JUSTICE TRAINING FOR MEMBERS OF THE STATE MILITARY FORCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2768) recommending that H.B. No. 3155 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3155, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2769) recommending that H.B. No. 3520, 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 Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3520, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2770) recommending that H.B. No. 3610, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3610, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2771) recommending that S.R. No. 172, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2771 and S.R. No. 172, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE TRANSPORTATION COMMITTEE TO STUDY USE OF FEDERAL FUNDS FOR UNDERGROUND UTILITY FACILITIES FOR HIGHWAY PROJECTS," was deferred until Friday, April 8, 1994.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2772) recommending that S.C.R. No. 21, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2772 and S.C.R. No. 21, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT MANAGEMENT AND FINANCIAL AUDITS OF THE AIRPORTS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was deferred until Friday, April 8, 1994.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2773) recommending that S.C.R. No. 22, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2773 and S.C.R. No. 22, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT MANAGEMENT AND FINANCIAL AUDITS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was deferred until Friday, April 8, 1994.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2774) recommending that S.C.R. No. 27, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2774 and S.C.R. No. 27, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT MANAGEMENT AND FINANCIAL AUDITS OF THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was deferred until Friday, April 8, 1994.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2775) recommending that H.B. No. 2287, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2776) recommending that H.B. No. 2327, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2327, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

Senator Grauly, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2777) recommending that H.B. No. 2312, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the majority of the Committee was adopted and H.B. No. 2312, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

MARRIAGE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 1994.

ORDER OF THE DAY

ADVISE AND CONSENT

Ldr. Com. Rep. No. 2749 (Gov. Msg. No. 180):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2749 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of ROBYN AU and LYNN HIGASHI HIATT to the Defender Council, terms to expire June 30, 1998, seconded by Senator McCartney.

Senator A. Kobayashi rose in support of the nominees, as follows:

"Thank you, Mr. President. I'd like to thank all the individuals whose names are before us today for confirmation. They are selflessly volunteering their time to serve on these boards and commissions and I'd like to thank them and show our appreciation. Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Grauly, Kanno).

Ldr. Com. Rep. No. 2750 (Gov. Msg. No. 192):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2750 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of JOHN A. CHANIN to the Commission to Promote Uniform Legislation, term to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Grauly, Kanno).

Ldr. Com. Rep. No. 2751 (Gov. Msg. No. 194):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2751 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of LAWRENCE WAKUI to the Western Interstate Commission for Higher Education, term to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Grauly, Kanno).

Ldr. Com. Rep. No. 2752 (Gov. Msg. No. 212):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2752 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of EUGENE K. JIMENEZ to the Advisory Council for Community

Services, term to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

Ldr. Com. Rep. No. 2753 (Gov. Msg. No. 227):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2753 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of GLENN T. NISHIMITSU, ASAKO T. IWAMOTO and ROBERT WALLACE LOW to the Board of Human Services, terms to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

Ldr. Com. Rep. No. 2754 (Gov. Msg. No. 228):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2754 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations to the Oahu Library Advisory Commission of the following:

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,

seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

Ldr. Com. Rep. No. 2755 (Gov. Msg. No. 229):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2755 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of FRANK G. NELSON and JEAN S. SHIMOSE to the Hawaii Library Advisory Commission, terms to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

Ldr. Com. Rep. No. 2756 (Gov. Msg. No. 230):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2756 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of SUSAN K. HAMADA, JENNIE W.Y. AHN, TAKEKO Y. YAMANE, LEO MIYAJIMA and SANDRA L. SMITH to

the Kauai Library Advisory Commission, terms to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

Ldr. Com. Rep. No. 2757 (Gov. Msg. No. 231):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2757 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of ROGENE K. RADNER and TATIANA TRAILOV to the Maui County Library Advisory Commission, terms to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

Ldr. Com. Rep. No. 2758 (Gov. Msg. No. 232):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2758 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of WAYNE MATSUYAMA, CALVIN C.M. KAM and NEAL JUN SHIKUMA to the Medical Advisory Board, terms to expire June 30, 1998, seconded by Senator McCartney.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

THIRD READING

H.B. No. 2760, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator Aki and carried, H.B. No. 2760, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

H.B. No. 2320, H.D. 1:

On motion by Senator Matsunaga, seconded by Senator Baker and carried, H.B. No. 2320, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Graulty, Kanno).

RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
No. 3253	Jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Judiciary

No. 3428, H.D. 2 Jointly to the Committee on Consumer Protection and the Committee on Labor and Employment and the Committee on Ways and Means

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

"Thank you, Mr. President. On a point of personal privilege.

"I received a call from pastor Earl Cunningham from Captain Cook and he sent me this article that I want to share with the rest of my colleagues, about Alfred Preis. He leaves a living legacy and for those of you who know him or do not know him, he was the person responsible for the beautiful and solemn design of our Arizona Memorial.

"I wanted to make you aware of the article and the fact that he has contributed so much to Hawaii. He was the long-time director of the State Foundation on Culture and the Arts and he has served Hawaii well. Thank you, Mr. President."

ADJOURNMENT

At 11:51 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, April 8, 1994.