

## FIFTY-SEVENTH DAY

Wednesday, April 26, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Strickland, Unity Church of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Ikeda and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Fifty-Sixth Day.

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

The Senate reconvened at 11:43 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 742 and 743) were read by the Clerk and were placed on file:

Hse. Com. No. 742, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments proposed by the Senate to the following House bills and has on April 25, 1995, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 337, S.D. 1;  
H.B. No. 397, S.D. 1;  
H.B. No. 895, H.D. 1, S.D. 1;  
H.B. No. 1096, S.D. 1;  
H.B. No. 1557, H.D. 2, S.D. 1;  
H.B. No. 1839, H.D. 1, S.D. 1;  
H.B. No. 1849, H.D. 1, S.D. 1; and  
H.B. No. 1962, H.D. 1, S.D. 1.

Hse. Com. No. 743, returning S.C.R. No. 126, which was adopted by the House of Representatives on April 25, 1995.

## ORDER OF THE DAY

MATTERS DEFERRED FROM  
TUESDAY, APRIL 25, 1995

## FINAL READING

S.B. No. 593, S.D. 1, H.D. 2:

On motion by Senator Iwase, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 593, S.D. 1, and S.B. No. 593, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ikeda, Tanaka).

## AGREE/DISAGREE

S.C.R. No. 1, H.D. 1 (Hse. Com. No. 719):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 1 and requested a conference on the subject matter thereof.

S.C.R. No. 21, H.D. 1 (Hse. Com. No. 720):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 21 and requested a conference on the subject matter thereof.

S.C.R. No. 33, S.D. 1, H.D. 2 (Hse. Com. No. 721):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 33, S.D. 1, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 33, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE MERITS OF ESTABLISHING A SINGLE ENTRY POINT FOR LONG-TERM CARE SERVICES FOR ELDERLY ADULTS, DISABLED CHILDREN, AND DISABLED YOUNGER ADULTS," was finally adopted.

S.C.R. No. 61, S.D. 1, H.D. 1 (Hse. Com. No. 699):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 61, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 76, H.D. 1 (Hse. Com. No. 722):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 76 and requested a conference on the subject matter thereof.

S.C.R. No. 95, S.D. 1, H.D. 1 (Hse. Com. No. 723):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 95, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Fukunaga, chairman, Baker, Liu as managers on the part of the Senate at such conference.

S.C.R. No. 103, S.D. 2, H.D. 1 (Hse. Com. No. 724):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 103, S.D. 2, and requested a conference on the subject matter thereof.

S.C.R. No. 121, H.D. 1 (Hse. Com. No. 725):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 121, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 121, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAII LONG-TERM CARE REFORM TASK FORCE," was finally adopted.

S.C.R. No. 128, S.D. 1, H.D. 1 (Hse. Com. No. 726):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 128, S.D. 1, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 128, S.D. 1, H.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUPPORT PAPA OLA LOKAHI IN ITS EFFORTS TO PLACE GRADUATES FROM THE NATIVE HAWAIIAN HEALTH PROFESSIONS SCHOLARSHIP PROGRAM," was finally adopted.

S.C.R. No. 167, S.D. 1, H.D. 1 (Hse. Com. No. 727):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 167, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 181, S.D. 1, H.D. 1 (Hse. Com. No. 728):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 181, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 191, H.D. 1 (Hse. Com. No. 729):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 191, and requested a conference on the subject matter thereof.

S.C.R. No. 207, H.D. 1 (Hse. Com. No. 730):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 207 and requested a conference on the subject matter thereof.

S.C.R. No. 213, S.D. 1, H.D. 1 (Hse. Com. No. 732):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 213, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 214, S.D. 1, H.D. 1 (Hse. Com. No. 731):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 214, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 237, S.D. 1, H.D. 1 (Hse. Com. No. 733):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 237, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Tam, chairman, Aki, Levin as managers on the part of the Senate at such conference.

S.C.R. No. 243, S.D. 1, H.D. 1 (Hse. Com. No. 734):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 243, S.D. 1, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 243, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO REVIEW THE RESPONSIBILITIES AND FUNCTIONS OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY," was finally adopted.

S.C.R. No. 246, S.D. 1, H.D. 1 (Hse. Com. No. 735):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 246, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Tam, chairman, Aki, Chumbley as managers on the part of the Senate at such conference.

S.C.R. No. 247, S.D. 1, H.D. 1 (Hse. Com. No. 736):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 247, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Fukunaga, chairman, Baker, Liu as managers on the part of the Senate at such conference.

S.C.R. No. 249, S.D. 1, H.D. 1 (Hse. Com. No. 737):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 249, S.D. 1, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 249, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF 'GREENWAY' DEFINITION," was finally adopted.

S.C.R. No. 266, S.D. 1, H.D. 1 (Hse. Com. No. 738):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 266, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 270, S.D. 1, H.D. 2 (Hse. Com. No. 739):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 270, S.D. 1, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 270, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A TASK FORCE TO DEVELOP A PLAN TO MARKET THE EXPERTISE AND EXCELLENCE OF HAWAII'S HEALTH CARE," was finally adopted.

S.C.R. No. 290, H.D. 1 (Hse. Com. No. 740):

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 290 and requested a conference on the subject matter thereof.

S.C.R. No. 305, S.D. 1, H.D. 1 (Hse. Com. No. 741):

Senator Ihara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 305, S.D. 1, seconded by Senator Liu and carried.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 305, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY PROTOCOL TO ALLOW RESIDENT GUIDE DOGS TO RE-ENTER THE STATE WITHOUT QUARANTINE UNDER CERTAIN CONDITIONS," was finally adopted.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1554 (Gov. Msg. No. 209):

Senator Solomon moved that Stand. Com. Rep. No. 1554 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of J. N. MUSTO, Ph.D. to the Board of Directors, Research Corporation of the University of Hawaii, term to expire June 30, 1999, seconded by Senator Holt.

At this time, Senator Solomon rose in support of all of the nominees as follows:

"Mr. President, I'm speaking in support of all the nominees.

"Upon review of the statements submitted by the nominees, your committee finds that the aforementioned nominees are volunteers willing to serve without compensation and will work with compassion and commitment to assist in administering various government functions. Your committee further finds that the nominees have been appointed based upon their credentials, integrity and their desire to make Hawaii better through their participation on the board or commission to which they have been nominated.

"As a result of this, Mr. President, I urge a positive vote. 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 (Ikeda, Tanaka).

Stand. Com. Rep. No. 1555 (Gov. Msg. No. 293):

Senator Solomon moved that Stand. Com. Rep. No. 1555 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

WONDA MAE AGPALSA to the Hawaiian Homes Commission, term to expire June 30, 1996 (Gov. Msg. No. 293); and

JOHN A. H. TOMOSO and THOMAS K. KAULUKUKUI, JR., to the Hawaiian Homes Commission, terms to expire June 30, 1999 (Gov. Msg. No. 293),

seconded by Senator Holt.

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

Ayes, 23. Noes, none. Excused, 2 (Ikeda, Tanaka).

Stand. Com. Rep. No. 1556 (Gov. Msg. Nos. 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312 and 313):

On motion by Senator Solomon, seconded by Senator Holt and carried, Stand. Com. Rep. No. 1556 and Gov. Msg. Nos. 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312 and 313 were recommitted to the Committee on Executive and Judicial Appointments.

Stand. Com. Rep. No. 1557 (Gov. Msg. Nos. 178, 338, 339, 340, 341):

Senator Solomon moved that Stand. Com. Rep. No. 1557 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

JAMES W. MASTERS to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 1996 (Gov. Msg. No. 178);

DON I. SAKAI and BARBARA PIIMAILE RICHARDSON to the Board of Taxation Review, First Taxation District (Oahu), terms to expire June 30, 1999 (Gov. Msg. No. 338);

MIMI S. J. HU to the Board of Taxation Review, Second Taxation District (Maui County), term to expire June 30, 1999 (Gov. Msg. No. 339);

ELMER A. VIEIRA to the Board of Taxation Review, Third Taxation District (Hawaii), term to expire June 30, 1999 (Gov. Msg. No. 340); and

WILLIAM T. HONJIYO to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 1999 (Gov. Msg. No. 341),

seconded by Senator Holt.

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

Ayes, 23. Noes, none. Excused, 2 (Ikeda, Tanaka).

Stand. Com. Rep. No. 1558 (Gov. Msg. Nos. 342, 343, 344, 345, 346 and 347):

Senator Solomon moved that Stand. Com. Rep. No. 1558 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of the following:

BARBARA F. MILLS and EARL PA MAI TENN to the Tourism Training Council, terms to expire June 30, 1997 (Gov. Msg. No. 342);

JULIET K. AIU to the Commission on Transportation, term to expire June 30, 1999 (Gov. Msg. No. 343);

TOY G. GRICE and EDWARD M. KAWAMURA to the Advisory Board on Veterans Services, terms to expire June 30, 1999 (Gov. Msg. No. 344);

CORDELL W. J. CHANG, D.V.M. and JOHN D. HADDOCK, D.V.M. to the Board of Veterinary Examiners, terms to expire June 30, 1999 (Gov. Msg. No. 345);

BERT UYENO, SOLOMON K. NAONE JR. and JOSE M. PADRON to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, terms to expire June 30, 1999 (Gov. Msg. No. 346); and

REGINALD H. F. YOUNG, D.Sc. to the Board of Certification of Operating Personnel in Water Treatment Plants, term to expire June 30, 1999 (Gov. Msg. No. 347),

seconded by Senator Holt.

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

## ADJOURNMENT

Ayes, 23. Noes, none. Excused, 2 (Ikeda, Tanaka).

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

"Mr. President, may I stand on a point of personal privilege?

"Mr. President, I just received a hearing notice on S.R. No. 82. The reason I am standing on a point of personal privilege is to alert the public that the last two weeks of session during conference is perhaps the most critical period during which things can change without the public being aware of it. You may have a rabbit in the bill and you may end up having a snake coming out. What makes this conference period vulnerable and dangerous is that the Senate President and the Speaker of the House appoints the conferees respectively. If there is collusion, the bill could be altered or changed without any public input or knowledge. There lies the danger for abuse of the legislative process and system. I just wanted to make sure that as we go into conference, that we do it in a way that is proper so we will gain the respect of the public.

"I cite S.R. No. 82 because recently I made a long speech on the floor regarding S.C.R. 120. You may remember that I was trying to have the PUC do an audit on GTE Hawaiian Tel's nonregulated activities. Unfortunately, after the resolution deadline passed, GTE filed a motion with the Department of Justice to vacate their consent decree. Now we are having a hearing on S.R. 82. I've been asking that S.C.R. 120 be heard. I should be pleased that we are having at least an S.R. being heard, but my problem is that I don't know if S.R. No. 82 had a proper hearing. If it did, I'm not aware of it. I did call the PUC if they had testified on S.R. No. 82 and S.C.R. No. 120. I can't locate any testimony on S.R. 82 or S.C.R. 120. Decision-making on S.R. No. 82 will be on Friday so I hope at that time the chair will allow me to submit my testimony so at least we have something for the record to show that the Senate had serious concerns regarding GTE Hawaiian Tel's non-regulated activities that the Justice Department should at least consider some of our comments.

"Thank you."

Senator Fukunaga then responded:

"Mr. President, I am responding to the prior speaker's comments.

"S.R. No. 82 was scheduled for a public hearing that was duly noticed. It is the companion resolution to S.C.R. No. 95, S.D. 1, H.D. 1, which has been amended to encompass a broader range of subject matter than had been included in the original resolution.

"Thank you."

At this time, Senator Tam, for the Committee on Ecology and Environmental Protection, requested a waiver of the required hours of notice for a public hearing on S.R. No. 248, and the Chair granted the waiver.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator Holt, for the Committee on Consumer Protection, requested a waiver of the required hours of notice for a public hearing on H.B. No. 806, and the Chair granted the waiver.

At 12:04 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 27, 1995.