

## FORTY-FOURTH DAY

Wednesday, April 3, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Robert Fraser, Unitarian Universalist Church, after which the Roll was called showing all Senators present.

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

Senator Ige introduced Dr. Samuel Wong, the new conductor of the Honolulu Symphony. Dr. Wong was then presented a Senate certificate by Senator Ige and a lei by Senator Fukunaga.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 323 to 325) were read by the Clerk and were placed on file:

Gov. Msg. No. 323, dated February 28, 1996, transmitting a report, "Feasibility of a Pacific Islands Business Development Plan," prepared by the Department of Business, Economic Development and Tourism in response to S.C.R. No. 99 (1995).

Gov. Msg. No. 324, dated March 21, 1996, transmitting the 1995 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, pursuant to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 325, dated March 21, 1996, transmitting a report pursuant to Act 218, Section 194, SLH 1995, on unbudgeted positions for ten departments for fiscal year 1996.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 447 and 448) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 447, transmitting H.C.R. No. 65, H.D. 1, which was adopted by the House of Representatives on April 1, 1996, was placed on file.

By unanimous consent, H.C.R. No. 65, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO INVESTIGATE CONDITIONS AND STANDARDS OF THE MEDICAL SYSTEM WITHIN THE STATE CORRECTIONAL SYSTEM," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 448, transmitting H.C.R. No. 324, H.D. 1, which was adopted by the House of Representatives on April 1, 1996, was placed on file.

By unanimous consent, H.C.R. No. 324, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING YOUTH ATHLETIC LEAGUES IN HAWAII TO ADOPT POLICIES DISCOURAGING TOBACCO

AND ALCOHOL USE BY COACHES, PARENTS, AND FAMILY MEMBERS DURING LEAGUE PRACTICES AND GAMES," was referred to the Committee on Health.

## STANDING COMMITTEE REPORTS

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2563) recommending that the Senate advise and consent to the nominations of the following:

DAVID SCOTT GILBERT, KENNETH T. ONO, LINDA MARIE ROSEN, M.D., PATRICIA JEAN DUKES and MIRIAM K. KAHALEKAI to the Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 190;

ALAN L. GARSON, Ed.D., to the Advisory Commission on Employment and Human Resources, in accordance with Gov. Msg. No. 191;

LORI ANN C. LUM and GARY S. MIJO to the Hawaii Community Development Authority, in accordance with Gov. Msg. No. 192; and

C. BARRY RALEIGH, Ph.D., to the Board of Directors, High Technology Development Corporation, in accordance with Gov. Msg. No. 193.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2563 and Gov. Msg. Nos. 190, 191, 192 and 193 was deferred until Thursday, April 4, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2564) recommending that the Senate advise and consent to the nominations of the following:

MARIA A. UNEMORI to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 180;

HERBERT J. HONDA to the Board of Agriculture, in accordance with Gov. Msg. No. 181;

ROGER J. RIOS to the Aquatic Life and Wildlife Advisory Committee, County of Maui, in accordance with Gov. Msg. No. 182;

MAUDE I. PANGANIBAN, D.C., to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 183; and

JACK LAW and ALLICYN HIKIDA TASAKA to the Civil Rights Commission, in accordance with Gov. Msg. No. 184.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2564 and Gov. Msg. No. 180, 181, 182, 183 and 184 was deferred until Thursday, April 4, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2565) recommending that the Senate advise and consent to the nominations of the following:

HARVEY T. KODAMA, RICARDO MEDINA and JAMES T. SATO to the Civil Service Commission, in accordance with Gov. Msg. No. 185;

ELAINE K. KIMURA to the Board of Cosmetology, in accordance with Gov. Msg. No. 186;

RICHARD R. CHAVES, BILLIE PUALANI KEAWEKANE and PHYLLIS ANN MEIGHEN to the Commission on Persons with Disabilities, in accordance with Gov. Msg. No. 187;

BERT Y. MATSUOKA, BARBARA A. FABREY, THEODORE I. SAKAI and FRANK P. SU'A, JR., to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 188; and

CARL T. TAKAMURA to the Education Commission of the States, in accordance with Gov. Msg. No. 189.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2565 and Gov. Msg. Nos. 185, 186, 187, 188 and 189 was deferred until Thursday, April 4, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2566) recommending that the Senate advise and consent to the nominations of the following:

MARCIA Y. SAKAI, Ph.D., to the Tax Review Commission, in accordance with Gov. Msg. No. 201;

ANN T. ZANE and ROYCE S. FUKUNAGA to the Board of Certification of Operating Personnel in Water Treatment Plants, in accordance with Gov. Msg. No. 202; and

GERALD L. DE MELLO to the Western Interstate Commission for Higher Education, in accordance with Gov. Msg. No. 203.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2566 and Gov. Msg. No. 201, 202 and 203 was deferred until Thursday, April 4, 1996.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2567) recommending that S.R. No. 28 be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and S.R. No. 28, entitled: "SENATE RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO IDENTIFY AND DELINEATE AUTHORITY AND RESPONSIBILITY FOR THE INSPECTION, TESTING, MAINTENANCE, AND REPAIR OF ALL FIRE HYDRANTS LOCATED ON PUBLIC AND PRIVATE PROPERTY," was adopted.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2568) recommending that S.C.R. No. 40 be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO IDENTIFY AND DELINEATE AUTHORITY AND RESPONSIBILITY FOR THE INSPECTION, TESTING, MAINTENANCE, AND REPAIR OF ALL FIRE HYDRANTS LOCATED ON PUBLIC AND PRIVATE PROPERTY," was adopted.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2569) recommending that S.R. No. 170 be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee

was adopted and S.R. No. 170, entitled: "SENATE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A RELATIONSHIP OF FRIENDSHIP AND PEACE THROUGH EDUCATION AND OTHER MEASURES BETWEEN THE STATE OF HAWAII AND THE PREFECTURE OF HIROSHIMA, JAPAN," was adopted.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2570) recommending that S.C.R. No. 212 be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A RELATIONSHIP OF FRIENDSHIP AND PEACE THROUGH EDUCATION AND OTHER MEASURES BETWEEN THE STATE OF HAWAII AND THE PREFECTURE OF HIROSHIMA, JAPAN," was adopted.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2571) recommending that the Senate advise and consent to the nominations of the following:

RICHARD L. KLEMM and BLAKE VANCE, Ph.D., to the Advisory Committee on Pesticides, in accordance with Gov. Msg. No. 197;

HELEN G. CHAPIN, Ph.D., and DARRELL M. OISHI to the State Post-Secondary Education Commission, in accordance with Gov. Msg. No. 198; and

ALBERT K. P. AH NEE, BERNADETTE M. PANG and PATRICK MCGUIGAN to the Radiologic Technology Board, in accordance with Gov. Msg. No. 199.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2571 and Gov. Msg. Nos. 197, 198 and 199 was deferred until Thursday, April 4, 1996.

## ORDER OF THE DAY

### MATTER DEFERRED FROM TUESDAY, APRIL 2, 1996

#### THIRD READING

H.B. No. 3331:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 3331, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

Senator Ikeda, chair of the Committee on Ways and Means, requested a waiver of the 48-hour Notice of a Public Hearing on the following House bills: H.B. No. 3421, H.B. No. 3602, H.B. No. 3603 and H.B. No. 3153; and the Chair granted the waiver.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Senator Ikeda, for the committee on Ways and Means, again requested a waiver of the required hours of Notice of a Public Hearing on S.C.R. No. 16, and the Chair granted the waiver.

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

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

"Mr. President, last night your joint Committees on Consumer Protection and Ways and Means spent several hours listening to testimony on H.B. No. 2286, H.D. 1, S.D. 1, proposed, and then deferred decision-making on the bill until tomorrow at 2:00 p.m. because Ways and Means had at least 50 bills or so to have decision-making on, and we could have some time to refine language to address a couple of issues that came up relating to the Senate's auto insurance reform proposal.

"Mr. President, I was very surprised to find that the Advertiser covered our hearing and still managed to publish an article that wants the consumers of this state to believe that the Senate bill is stuck in potholes: 'Senate no-fault reform bill runs into potholes' on concerns that were raised at the hearing. Mr. President, the only potholes I know of are those manufactured by supporters of the status quo who want to keep our auto insurance premiums the second highest in the nation. These pothole manufacturers do not want reform; they do not want savings; they do not want more for less, and certainly do not want the consumers to know the facts.

"Mr. President, when this body could not decide on a preferred site for a convention center several years ago, there was no mention of potholes, despite the fact that we had no position on the issue. Perhaps it was because the manufacturers of potholes really wanted the convention center and were willing to say nothing and let us move the process forward, even though we were in the biggest pothole that ever existed in this body. And thanks to Senator Ikeda, Senator Aki, Senator McCartney, and others in this body, the State will fill the pothole on Kapiolani and Atkinson with an attractive Hawaiian style convention center that will take this economy into the 21st century.

"Mr. President, I'm not an attorney; I'm not tied to any insurance company; I am not a postal worker from Mililani heading the good drivers' coalition. Mr. President, I am a Senator from Kalihi; I'm a Hawaiian; I'm a single parent with the custody of three boys -- I'm a proud member of this fine institution.

"Mr. President, I know there will be many more potholes manufactured as we work toward auto insurance reform this session. I only hope, Mr. President, that the manufacturers of these potholes do not have their shovels and leave those shovels in the path of a better society for their children and ours too.

"Thank you, Mr. President."

#### ADJOURNMENT

At 12:14 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 4, 1996.