

## FIFTEENTH DAY

Wednesday, February 10, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:33 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sarah Benson, a student at St. Andrew's Priory, after which the Roll was called showing all Senators present with the exception of Senator Matsunaga who was excused.

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

The following introductions were made to the members of the Senate:

Senator Slom introduced the following Junior Achievement Hawaii Business Hall of Fame inductees: Lily K. Yao, Vice Chairman of First Hawaiian Bank; Dr. Edison H. Miyawaki, founder of Nuuanu Hale and Liliha Healthcare Center, who was accompanied by his wife, Sallie; and Sidney S. Kosasa, President of the ABC Stores, who was accompanied by Neil Ishida, Human Resource Director of the ABC Stores. Accompanying the group was Pam Huch Kekumano, President, Junior Achievement - Hawaii.

Senator Kawamoto then introduced Admiral Joseph W. Prueher, Commander in Chief of the U.S. Pacific Command, in recognition of his distinguished military career and his service to the United States and the State of Hawaii as he prepares for his retirement from the U.S. Navy. Accompanying Admiral Prueher was his wife, Suzanne.

The Chair then stated:

"Because the military is such an important part of our lives here in Hawaii, I would like to ask Admiral Prueher to make some short comments as he leaves Hawaii into retirement. So may I ask Senators Kawamoto and Bunda to escort Admiral Prueher to the rostrum so he may make some brief remarks to the members of the Senate."

Admiral Prueher addressed the members of the Senate as follows:

"I appreciate this opportunity, and very much the certificate and the recognition to the work that my people have done as all of us ride on the shoulders of others. It's a pleasure to be in this beautiful chambers -- the first time for me -- and to be in front of a Senate body with the prospect, I hope, of not getting grilled too hard on the subject matter at hand. I thank you very much.

"Suzanne and I have enjoyed our time here in Hawaii a tremendous amount. It's a pleasure to be in this State, I think, largely because of the great participation in promoting the freedom of the United States that Hawaii gave during World War II and the State has given subsequently in the proximity to a number of threats in the region throughout the past years. The patriotism and the dedication of Hawaii to her veterans is something that is just a pleasure for me to behold.

"I think as we go forward in a time of protracted peace, which does not come for free, I think of it in terms of tending a garden -- a garden can look pretty good, but it takes a lot of work to keep it that way.

"We must keep in mind the young soldiers, sailors, airmen and marines -- the men and women -- many of whom live in Hawaii. They are different from other people that go around. They are alike in many ways, but they are different in the sense that they have signed up and they have volunteered to spend out their lives in support of democracy so that the rest of us can

have the lives that we are able to lead. So I ask you to keep that in mind.

"I thank you very much, again, for the recognition, for the back and forth that we have with the military and Hawaii. It really works very well. We have an excellent dialogue. We don't always agree on everything, but I think we reach balanced decisions because of the people like you and the Senators that are here.

"And again, as Suzanne and I depart, we can't think of a better place than Hawaii with the warm breezes and the warm waters, which are only topped by the warm friendships that we have here. Thank you very much."

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 179 to 196) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 179, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of EIICHI JUMAWAN, term to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 180, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of JUNE K. MOTOKAWA, terms to expire June 30, 1999 and June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 181, submitting for consideration and confirmation to the Credit Union Advisory Board, the nominations of: WAYNE M. SHINTANI, term to expire June 30, 2000; PATRICK PETTI, term to expire June 30, 2002; and RALPH Y. FUJINAKA and MILTON W. Y. LUM, terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 182, submitting for consideration and confirmation to the State Foundation on Culture and the Arts, the nomination of CHARLES M. FREEDMAN, term to expire June 30, 2002, was referred to the Committee on Education and Technology.

Gov. Msg. No. 183, submitting for consideration and confirmation to the Board of Trustees, Deferred Compensation Plan, the nomination of BRIAN L. SEN, term to expire June 30, 2003, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 184, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of MARCELLA SETO CHOCK, Pharm.D., term to expire June 30, 2002, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 185, submitting for consideration and confirmation to the Endangered Species Recovery Committee, the nomination of FREDERICK R. WARSHAUER, term to expire June 30, 2003, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 186, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nominations of: DOUGLAS WON, term to expire June 30, 2002; and LYNNE WATERS, term to expire

June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 187, submitting for consideration and confirmation to the Hawai'i Labor Relations Board, the nomination of CHESTER C. KUNITAKE, term to expire June 30, 2005, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 188, submitting for consideration and confirmation to the Board of Directors, Hawai'i Tourism Authority, the nominations of: SHARI W. CHANG, MARK ROLFING, KEITH VIEIRA and RON WRIGHT, terms to expire June 30, 2000; GARY J. BALDWIN, GILBERT M. KIMURA, DIANE S. QUITQUIT, JOHN LINN REED and ROY TOKUJO, terms to expire June 30, 2002; and W. DAVID P. CAREY III, term to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 189, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nominations of: HENRY CHO Sr., term to expire June 30, 2001; and JOHN A.H. TOMOSO, term to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 190, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nominations of: GARY MCKEAGUE and CLAYTON E. WINGER, terms to expire June 30, 2000; MELVIN MIYAMOTO and J. PATRICK ROLISON, terms to expire June 30, 2001; and ALLAN L. PARKER, term to expire June 30, 2002, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 191, submitting for consideration and confirmation to the Board of Directors, Housing and Community Development Corporation of Hawai'i, the nomination of ALLAN LOS BANOS, Jr., term to expire June 30, 2002, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 192, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of DAVID A. KAKU, M.D., term to expire June 30, 2002, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 193, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of GREGORY G.Y. PAI, Ph.D., term to expire June 30, 2000, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 194, submitting for consideration and confirmation to the Rental Housing Trust Fund Advisory Commission, the nomination of PATRICK S. YAMADA, term to expire June 30, 2001, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 195, submitting for consideration and confirmation to the Commission on Transportation, the nominations of RUDY MIRANDA and ALFRED WONG, terms to expire June 30, 2003, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 196, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of KEN H. TAKAYAMA, term to expire June 30, 2003, was referred to the Committee on Judiciary.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 17 to 20) were read by the Clerk and were placed on file:

Dept. Com. No. 17, from the Department of Education, Student Conference Planning Committee, dated January 28, 1999, transmitting the 1998 State Student Conference Proceedings, "E Ho'ohui Pu Kakou, Together . . . We Can!"

Dept. Com. No. 18, from the Department of the Attorney General, transmitting a report, "Juvenile Robbery Arrests in Honolulu, An Overview."

Dept. Com. No. 19, from the Department of the Attorney General, transmitting a report, "Crime and Justice in Hawaii, 1998 Household Survey Report."

Dept. Com. No. 20, from the Hawaii Tourism Authority dated February 9, 1999, transmitting the Hawaii Tourism Authority 1998 Status Report, pursuant to Chapter 201B, HRS.

#### HOUSE COMMUNICATION

Hse. Com. No. 6, transmitting H.B. No. 1086, which passed Third Reading in the House of Representatives on February 9, 1999, was read by the Clerk and was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1086, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred to the Committee on Education and Technology.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 35 to 39) were read by the Clerk and were referred to committees:

##### Senate Concurrent Resolution

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE CIVIL DEFENSE EDUCATION IN THE PUBLIC SCHOOL SYSTEM."

Offered by: Senators Kawamoto, Matsuura, Bunda, Inouye, Levin.

Referred to: Committee on Education and Technology, then to the Committee on Ways and Means

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY REVIEWING THE STATE CIVIL DEFENSE SYSTEM."

Offered by: Senators Kawamoto, Matsuura, Bunda, Inouye, Levin.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF NOISE MITIGATION AT HILO AIRPORT."

Offered by: Senators Kawamoto, Bunda, Inouye, Matsuura, Levin.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REQUIRE FEDERAL CONTRACTING OFFICERS TO ADHERE TO FEDERAL LAWS THAT ARE DESIGNED TO IMPROVE EMPLOYMENT CONDITIONS

IN HAWAII WHEN UNEMPLOYMENT RATES ARE HIGHER THAN THE NATIONAL AVERAGE."

Offered by: Senators Kawamoto, Anderson, Buen, Bunda, Fukunaga, Hanabusa, D. Ige, Ihara, Inouye, Iwase, Kanno, Levin, Matsuura, Mizuguchi, Nakata, Tam, Taniguchi.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Labor and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE AMENDMENT OF FEDERAL ACQUISITION REGULATIONS TO INCORPORATE LANGUAGE IN A PRESIDENTIAL MEMORANDUM ENCOURAGING THE USE OF PROJECT LABOR AGREEMENTS IN FEDERAL CONSTRUCTION CONTRACTS."

Offered by: Senators Kawamoto, Bunda, Fukunaga, D. Ige, Inouye, Iwase, Kanno, Nakata, Tam, Taniguchi.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Labor and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 13 to 17) were read by the Clerk and were referred to committees:

##### Senate Resolution

No. 13 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE CIVIL DEFENSE EDUCATION IN THE PUBLIC SCHOOL SYSTEM."

Offered by: Senators Kawamoto, Matsuura, Bunda, Inouye, Levin.

Referred to: Committee on Education and Technology, then to the Committee on Ways and Means

No. 14 "SENATE RESOLUTION REQUESTING A STUDY REVIEWING THE STATE CIVIL DEFENSE SYSTEM."

Offered by: Senators Kawamoto, Levin, Matsuura, Bunda, Inouye.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 15 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF NOISE MITIGATION AT HILO AIRPORT."

Offered by: Senators Kawamoto, Levin, Bunda, Inouye, Matsuura.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 16 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REQUIRE FEDERAL CONTRACTING OFFICERS TO ADHERE TO FEDERAL LAWS THAT ARE DESIGNED TO IMPROVE EMPLOYMENT CONDITIONS IN HAWAII

WHEN UNEMPLOYMENT RATES ARE HIGHER THAN THE NATIONAL AVERAGE."

Offered by: Senators Kawamoto, Anderson, Buen, Bunda, Fukunaga, Hanabusa, D. Ige, Ihara, Inouye, Iwase, Kanno, Levin, Matsuura, Mizuguchi, Nakata, Tam.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Labor and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 17 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE AMENDMENT OF FEDERAL ACQUISITION REGULATIONS TO INCORPORATE LANGUAGE IN A PRESIDENTIAL MEMORANDUM ENCOURAGING THE USE OF PROJECT LABOR AGREEMENTS IN FEDERAL CONSTRUCTION CONTRACTS."

Offered by: Senators Kawamoto, Bunda, Fukunaga, D. Ige, Inouye, Kanno, Nakata, Tam.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Labor and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

#### STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 1284, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1284, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 1408 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1408, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 1409 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1409, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 41) recommending that S.B. No. 1410 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1410, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING



On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 76, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE COUNTY OF KAUAI CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 55) recommending that S.B. No. 959, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 959, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 56) recommending that S.B. No. 1255, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1255, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO BUILD A HAWAII ISLAND VETERANS MEMORIAL CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 57) recommending that S.B. No. 1256, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1256, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 58) recommending that S.B. No. 808 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 808, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 59) recommending that S.B. No. 1168, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 12, 1999.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 60) recommending that S.B. No. 1194, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1194, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 12, 1999.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 61) recommending that S.B. No. 290, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Government Operations and Housing.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was recommitted to the Committee on Government Operations and Housing.

**ORDER OF THE DAY**

**THIRD READING**

S.B. No. 667:

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, S.B. No. 667, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Iwase). Excused, 3 (M. Ige, Matsunaga, Tanaka).

S.B. No. 1216:

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, S.B. No. 1216, entitled: "A BILL FOR AN ACT RELATING TO BICYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (M. Ige, Matsunaga, Tanaka).

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Monday, February 8, 1999 and Tuesday, February 9, 1999:

Senate Concurrent Resolution	Referred to:
No. 32	Committee on Economic Development, then to the Committee on Ways and Means
No. 33	Committee on Transportation and Intergovernmental Affairs
No. 34	Committee on Economic Development, then to the Committee on Ways and Means

Senator Tam, for the Committee on Government Operations and Housing, requested a waiver of the 48-hour Notice of a Public Hearing on S.B. No. 285, and the Chair granted the waiver.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

**ADJOURNMENT**

At 12:10 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 11, 1999.