

SIXTH DAY

Wednesday, January 27, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Pam Vessels of the Hawaii Council of Churches, after which the Roll was called showing all Senators present with the exception of Senator J. Wong.

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

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

Senator Reed introduced a group of students from Kaunakakai Elementary School on Molokai, who are observing the legislative process, accompanied by their teacher/advisor, Ms. Tsulan Purdy; four mothers, Mrs. Yvonne Friel, Mrs. Choppy Kalama, Mrs. Carolyn Soares and Mrs. Bella Saiki; and Representative Bill Pfeil.

Senator Holt introduced Mr. Matthew Wendt, West Coast correspondent for High Tech Image Film, Federal Republic of Germany, and Mr. Sakae Kashiwagi, bureau chief, Washington, D.C. Office, Hokkaido Shinbun, who are visiting the East-West Center.

Senator Yamasaki introduced Mr. George Apo, a constituent from Lahaina, Maui.

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock a.m.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Senator Tungpalan, on behalf of Senator J. Wong, introduced Adjutant General Alexis Lum of the Hawaii National Guard who was presented with a Senate certificate of recognition honoring the 95th birthday of the Guard. General Lum was accompanied by Brigadier General Edward Richardson and Brigadier General John D'Araujo, who were present on the Senate floor, and several members of the Army and Air National Guard, seated in the gallery.

The generals were presented with leis by Senators Tungpalan, Fernandes Salling and Young.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 87, transmitting a report, "The Health Care Quality Improvement Act of 1986 (PL-99-660)," from the Department of Commerce and Consumer Affairs in response to H.C.R. No. 155, H.R. No. 261 and S.R. No. 48 (1987), was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 22 from the Department of Business and Economic Development, transmitting the "1988 Hawaii Film/Tape Production Resource Directory," was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 5) was read by the Clerk and was referred to committee:

Senate
Concurrent
Resolution

No. 5 "SENATE CONCURRENT RESOLUTION SUPPORTING THE IMPOSITION OF FEES FOR FRIVOLOUS MOTIONS AND CIVIL ACTIONS."

Offered by: Senators Matsuura, Kobayashi, A. and Aki.

Referred to: Committee on Judiciary.

SENATE RESOLUTION

The following resolution (S.R. No. 7) was read by the Clerk and was referred to committee:

Senate
Resolution

No. 7 "SENATE RESOLUTION SUPPORTING THE IMPOSITION OF FEES FOR FRIVOLOUS MOTIONS AND CIVIL ACTIONS."

Offered by: Senators Matsuura, Kobayashi, A. and Aki.

Referred to: Committee on Judiciary.

INTRODUCTION OF SENATE BILLS

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the following bills passed First Reading by title, and were referred to committee:

Senate Bills

No. 2169 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."

Introduced by: Senators Herkes, Matsuura, Reed, Ikeda, George, Solomon and Kobayashi; A.

Referred to: Committee on Transportation.

No. 2170 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS."

Introduced by: Senators Herkes, George, Ikeda, Kobayashi, A. and Reed.

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

No. 2171 "A BILL FOR AN ACT RELATING TO THE SALARY OF DISTRICT COURT JUDGES."

Introduced by: Senator Hee.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the following bills passed First Reading by title, and were placed on the calendar for further consideration on Thursday, January 28, 1988:

Senate Bills

No. 2172 "A BILL FOR AN ACT RELATING TO KAULA."

Introduced by: Senators Fernandes Salling, Aki, Herkes, Reed, Kobayashi, A., McMurdo, Kobayashi, B., Hagino, Chang, Mizuguchi, Blair and Yamasaki.

No. 2173 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Senators Aki, Solomon, Fernandes Salling, Holt, Young, Tungpalan, Ikeda, Matsuura, Menor, Chang, Kobayashi, A., Cobb, Wong, J., Reed, Herkes and Nakasato.

No. 2174 "A BILL FOR AN ACT RELATING TO A STATE LOTTERY."

Introduced by: Senator Yamasaki, by request.

No. 2175 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."

Introduced by: Senator Yamasaki, by request.

No. 2176 "A BILL FOR AN ACT RELATING TO COUNTY TORT LIABILITY."

Introduced by: Senator Yamasaki, by request.

No. 2177 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Yamasaki, by request.

No. 2178 "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES IN SUITS AGAINST A COUNTY."

Introduced by: Senator Yamasaki, by request.

No. 2179 "A BILL FOR AN ACT RELATING TO LIQUOR TAXATION."

Introduced by: Senator Yamasaki, by request.

No. 2180 "A BILL FOR AN ACT RELATING TO LIMITING STATE AND COUNTY LIABILITY."

Introduced by: Senator Yamasaki, by request.

No. 2181 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Senator Yamasaki, by request.

No. 2182 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Herkes, George, Ikeda, Kobayashi, A., Young, Matsuura, Hagino, Wong, J., McMurdo and Reed.

No. 2183 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senator Nakasato.

No. 2184 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Nakasato.

No. 2185 "A BILL FOR AN ACT RELATING TO THE SALARY OF THE EXECUTIVE DIRECTOR OF THE STATE ETHICS COMMISSION."

Introduced by: Senator Wong, R., by request.

No. 2186 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."

Introduced by: Senator Wong, R., by request.

ORDER OF THE DAY

THIRD READING

Senate Bill No. 603, S.D. 1:

Senator Hee moved that S.B. No. 603, S.D. 1, be recommitted to the Committee on Judiciary, seconded by Senator Menor.

Senator Hee then rose to speak on the recommitment as follows:

"Mr. President, Senate Bill 603, S.D. 1, Relating to Drug Paraphernalia, is the bill that I'm asking this body to consider to recommit and the reasons are very simple. We now know that the House will act upon Senate Bill 151 which was passed in 1987, which would outlaw the sale of drug paraphernalia. In essence, Senate Bill 151 would do very similar things as S.B. 603.

"Relying on the faith of the Senate President and the Speaker of the House, our caucus is confident that Senate Bill 151 will come back to the Senate with the language of the model act inserted. To that degree, Senate Bill 603 becomes a superfluous vehicle at this time.

"As chairman of the Senate Judiciary Committee, I want to assure all members on the committee and in this body that this Senate took the position of outlawing drug paraphernalia in 1987, not yesterday. We acted quickly; we acted swiftly. Senate Bill 603 which was decked on Friday, two days prior to the Governor's State-of-the-State address, was simply a means to provide our intent once again to the House that the Senate is committed to the ban on any sale of drug paraphernalia and has demonstrated that commitment in 1987, and we will demonstrate that commitment in 1988.

"Thank you, Mr. President."

Senator Holt also rose to speak in support of the recommitment and said:

"Mr. President, in support of the motion and as a member of the Judiciary Committee, I just would like to say that I'm doing it with the expectation that Senate Bill 151 will come over from the House immediately and not two weeks from today."

The motion was then put by the Chair and carried and S.B. No. 603, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO DRUG PARAPHERNALIA," was recommitted to the Committee on Judiciary.

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Tuesday, January 26, 1988:

Senate Bills Referred to:

No. 2143 Jointly to the Committee on Tourism and Recreation and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2144 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 2145 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 2146 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Housing, Hawaiian Programs and Natural Resources

No. 2147 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Housing, Hawaiian Programs and Natural Resources

No. 2148 Committee on Judiciary

No. 2149 Committee on Judiciary

No. 2150 Committee on Government Operations, then to the Committee on Judiciary

No. 2151 Committee on Government Operations, then to the Committee on Ways and Means

No. 2152 Committee on Government Operations

No. 2153 Committee on Judiciary

No. 2154 Committee on Government Operations

No. 2155 Committee on Government Operations

No. 2156 Committee on Labor and Employment

No. 2157 Committee on Health, then to the Committee on Judiciary

No. 2158 Committee on Judiciary, then to the Committee on Ways and Means

No. 2159 Committee on Business Development and Pacific Relations, then to the Committee on Ways and Means

No. 2160 Committee on Consumer Protection and Commerce

No. 2161 Committee on Consumer Protection and Commerce

No. 2162 Committee on Planning and Environment

No. 2163 Committee on Higher Education, then to the Committee on Ways and Means

No. 2164 Committee on Human Services, then to the Committee on Ways and Means

No. 2165 Committee on Consumer Protection and Commerce

No. 2166 Committee on Labor and Employment

No. 2167 Committee on Judiciary

No. 2168 Committee on Government Operations

RE-REFERRAL OF HOUSE BILL

The President re-referred H.B. No. 842 to the Committee on Business Development and Pacific Relations, then to the Committee on Ways and Means.

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

"Mr. President, the Senate Tourism Committee finally received the state administration's consultant contracts today, and for this body's information the three contracts total \$503,000. These contracts are not site selection studies, but rather are site assessment studies.

"The three preliminary agreements were entered into on December 1. We are assuming that the consultants have been working without a signed contract for about seven weeks, as these contracts were just notarized on or about January 20, 1988. Performance of services on all three contracts in each one of these contracts shall be completed -- I think it's an important point -- by June 30 of 1988.

"Last year, Mr. President, in this article by Jerry Burris on May 1: "The just completed session which began with high hopes and ended 63 days later on a note of high drama gave the administration a blueprint for its own initiative on the convention center," Waihee said. "We will select a site next session," the Governor vowed."

"I guess by the dates of the contracts when these services will be completed, this body will not be receiving any specific site recommendation from the Governor this session. The only hope, and a slim one at that, is for the House to come up with its alternative site recommendation then we can compare it to the Ala Wai.

"Mr. President, as I said, I'm flexible. The House Tourism chairman has publicly said that he will pick a site within two weeks. Now, since the Governor and the House seem to be having difficulty in selecting a site, maybe we should turn this over to the Mayor because he said he could do it cheaper and faster.

"Mr. President, in rising on this point, I just would like to say that we will be having a public hearing tomorrow morning at 9:30 a.m., of joint houses, an informational briefing on the convention center site assessment studies. The Director of the Department of Business and Economic Development will be there to testify and answer why the Governor started these contracts in December when he could have started it as early as May of 1987. Thank you."

ADJOURNMENT

At 12:09 o'clock p.m., on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 28, 1988.