

## THIRTIETH DAY

Tuesday, March 13, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:38 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend David Lehmborg, First United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Holt, Koki and Matsuura who were excused.

The President announced that he had read and approved the Journal of the Twenty-Ninth Day.

Senator Chang then introduced to the members of the Senate Ms. Sara Tompkison as follows:

"Mr. President, the National Voter Slogan Contest is an effective means through which citizen-awareness of the importance of voting in our society is promoted. The 1989 Hawaii Voter Slogan Contest generated keen interest and competition. From over 9,000 entries, one slogan was selected as a Hawaii winner.

"On August 18, 1989, Sara Tompkison's slogan: 'The Freedom to Choose is Yours to Use -- Vote in 1990,' was chosen as the first place winner in the adult division. Ms. Tompkison's slogan placed fourth overall in the National Voter Slogan Contest.

"This morning, I would like to introduce Sara Tompkison and extend the Senate's warmest congratulations to Sara Tompkison for her accomplishments in both the local and national voter slogan contests, and our commendation to her for her important and direct role in encouraging citizens to vote."

The honoree, who was seated on the floor of the Senate, rose to be recognized and was presented the congratulatory Senate certificate and lei by Senator Chang.

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

The Senate reconvened at 11:46 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 181 to 191) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 181, submitting for consideration and confirmation to the Board of Medical Examiners, the nominations of: Moon Soo Park, M.D., term to expire June 30, 1991; Erlinda M. Cachola, M.D., William E. Iaconetti, M.D., and Abe Sakai, terms to expire June 30, 1994, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 182, submitting for consideration and confirmation to the State Board of Nursing, the nominations of Calvin M. Ichinose, Stanley K. Okinaka and Benjamin Mercado, terms to expire June 30, 1993, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 183, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nominations of: Arthur K. Kusumoto and Jan L. Hirakawa, O.D., terms to expire June 30, 1994; and

Chester John Twarowski, O.D., term to expire June 30, 1991, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 184, submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nominations of: Robert L. Ellis, Robert A. Stodden, Ph.D., and Mark Y. Yabui, terms to expire June 30, 1991; Mary Jane Lee, Susan C. Sanders, Margaret A. Donovan, Ed.D., Margaret B. Proffitt and Myron W. Wong, terms to expire June 30, 1994, was referred to the Committee on Health.

Gov. Msg. No. 185, submitting for consideration and confirmation to the Commission on Persons with Disabilities, the nominations of: Judith L. Ishimoto, Stephen S. Scher, Gladys Coelho Baisa and Lundsford Dole Phillips, terms to expire June 30, 1994; and Myron M. Yamauchi, term to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 186, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nominations of Donna R. Ching, Ph.D., Catherine L. Cotton, Alan Jay Spain, M.D., and Gwen Sumie Naguwa, M.D., terms to expire June 30, 1994, was referred to the Committee on Health.

Gov. Msg. No. 187, submitting for consideration and confirmation to the State Council on Mental Health and Substance Abuse, the nominations of: Fredda Sullam, term to expire June 30, 1993, and James Cook, term to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 188, submitting for consideration and confirmation to the Board of Radiologic Technologists, the nominations of Kathy Fogarty and Fred K. Funamoto, terms to expire June 30, 1994, was referred to the Committee on Health.

Gov. Msg. No. 189, submitting for consideration and confirmation to the Child Abuse and Neglect Secondary Prevention Advisory Committee, the nominations of Lorraine Therese Frenza, Liane Y. Mikami, Lois A. Sugai and Robert W. Low, terms to expire June 30, 1993, was referred to the Committee on Human Services.

Gov. Msg. No. 190, submitting for consideration and confirmation to the Policy Advisory Board for Elderly Affairs, the nominations of: Henry Kaimiaina Kaalekahi, Sr., term to expire June 30, 1993, and Mary I. Ventura, term to expire June 30, 1991, was referred to the Committee on Human Services.

Gov. Msg. No. 191, letter dated March 9, 1990 recommending immediate passage of House Bill No. 2164, H.D. 1, Relating to Special Purpose Revenue Bonds for Not-for-Profit Corporations that Provide Health Care Facilities to the General Public (to assist Kapiolani Health Care System), in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, was placed on file.

## HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 384) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 384, returning Senate Bill No. 609 which passed Third Reading in the House of

Representatives on March 12, 1990, in an amended form, was read by the Clerk and was placed on file.

By unanimous consent, action on S.B. No. 609, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," was deferred until Thursday, March 14, 1990.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 85 to 87) were read by the Clerk and were referred to committees:

Senate  
Concurrent  
Resolution

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF A BAN ON THE SALE OF IVORY IN HAWAII."

Offered by: Senators McMurdo, Chang, Cobb, Hagino, Ikeda, Kobayashi, A., Mizuguchi, Nakasato, Tungpalan.

Referred to: Committee on Consumer Protection and Commerce

No. 86 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH AN ECONOMIC DEVELOPMENT BOARD."

Offered by: Senators Solomon, Aki, Blair, Chang, Fernandes Salling, Hagino, Kobayashi, A., Kobayashi, B., Levin, Menor, Mizuguchi, Nakasato, Reed, Tungpalan, Yamasaki.

Referred to: Committee on Housing and Hawaiian Programs

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY'S CENTER FOR ALTERNATIVE DISPUTE RESOLUTION TO CONVENE AND MODERATE A SERIES OF ROUNDTABLE DISCUSSIONS FOR THE PURPOSE OF MAKING RECOMMENDATIONS AIMED AT FURTHER DEVELOPING THE USE OF MEDIATION, ARBITRATION, AND OTHER DISPUTE RESOLUTION OPTIONS IN HAWAII'S COURTS."

Offered by: Senators Matsuura, Holt, Aki.

Referred to: Committee on Judiciary

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 74 to 76) were read by the Clerk and were referred to committees:

Senate  
Resolution

No. 74 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF A BAN ON THE SALE OF IVORY IN HAWAII."

Offered by: Senators McMurdo, Chang, Cobb, Hagino, Ikeda, Kobayashi, A., Mizuguchi, Nakasato, Tungpalan.

Referred to: Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

No. 75 "SENATE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH AN ECONOMIC DEVELOPMENT BOARD."

Offered by: Senators Solomon, Aki, Blair, Chang, Fernandes Salling, Hagino, Kobayashi, A., Kobayashi, B., Levin, Menor, Mizuguchi, Nakasato, Reed, Tungpalan, Yamasaki.

Referred to: Committee on Housing and Hawaiian Programs

No. 76 "SENATE RESOLUTION REQUESTING THE JUDICIARY'S CENTER FOR ALTERNATIVE DISPUTE RESOLUTION TO CONVENE AND MODERATE A SERIES OF ROUNDTABLE DISCUSSIONS FOR THE PURPOSE OF MAKING RECOMMENDATIONS AIMED AT FURTHER DEVELOPING THE USE OF MEDIATION, ARBITRATION, AND OTHER DISPUTE RESOLUTION OPTIONS IN HAWAII'S COURTS."

Offered by: Senators Matsuura, Holt, Aki.

Referred to: Committee on Judiciary

#### STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2650) recommending that S.C.R. No. 2, as amended in S.D. 1, be adopted.

On motion by Senator Crozier, seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 2, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO PERIODICALLY REVIEW THEIR BUILDING CODES AND TO REVISE THEM TO IMPROVE THEIR ENERGY EFFICIENCY PROVISIONS," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2651) recommending that S.R. No. 3, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 3, S.D. 1, entitled: "SENATE RESOLUTION URGING THE COUNTIES TO PERIODICALLY REVIEW THEIR BUILDING CODES AND TO REVISE THEM TO IMPROVE THEIR ENERGY EFFICIENCY PROVISIONS," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2652) recommending that S.C.R. No. 3, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE COASTAL ZONE MANAGEMENT ACT (P.L. 92-583)," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2653) recommending that S.R. No. 4, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 4, S.D. 1, entitled: "SENATE

RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE COASTAL ZONE MANAGEMENT ACT (P.L. 92-583)," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2654) recommending that S.C.R. No. 4, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 4, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR THE ESTABLISHMENT OF A COMPACT BETWEEN PACIFIC STATES AND THE CANADIAN PROVINCE OF BRITISH COLUMBIA TO PROVIDE FOR FUTURE PLANNING AND PROTECTION OF OCEAN RESOURCES WHICH ARE OF REGIONAL CONCERN," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2655) recommending that S.R. No. 5, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 5, S.D. 1, entitled: "SENATE RESOLUTION URGING SUPPORT FOR THE ESTABLISHMENT OF A COMPACT BETWEEN PACIFIC STATES AND THE CANADIAN PROVINCE OF BRITISH COLUMBIA TO PROVIDE FOR FUTURE PLANNING AND PROTECTION OF OCEAN RESOURCES WHICH ARE OF REGIONAL CONCERN," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2656) recommending that S.C.R. No. 5, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 5, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE TO GIVE HIGHER PRIORITY TO THE ELIMINATION OF HIGH SEAS DRIFT GILL NETS, AND TO INCREASE INTERNATIONAL COOPERATION AND RESEARCH TO FOSTER A GREATER UNDERSTANDING OF THE OCEAN," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2657) recommending that S.R. No. 6, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 6, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE TO GIVE HIGHER PRIORITY TO THE ELIMINATION OF HIGH SEAS DRIFT GILL NETS, AND TO INCREASE INTERNATIONAL COOPERATION AND RESEARCH TO FOSTER A GREATER UNDERSTANDING OF THE OCEAN," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2658) recommending that S.C.R. No. 7, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was

adopted and S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS TO EXTEND THE TERRITORIAL LIMITS OF THE UNITED STATES AND COASTAL STATES FROM THREE TO TWELVE MILES OFFSHORE," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2659) recommending that S.C.R. No. 20, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 20, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO ENACT FEDERAL GROUNDWATER LEGISLATION THAT IS FAITHFUL TO AND SUPPORTIVE OF THE PRIMARY ROLE AND RESPONSIBILITY OF WESTERN STATES AND ISLAND GOVERNMENTS IN MANAGING GROUNDWATER," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2660) recommending that S.R. No. 16, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 16, S.D. 1, entitled: "SENATE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO ENACT FEDERAL GROUNDWATER LEGISLATION THAT IS FAITHFUL TO AND SUPPORTIVE OF THE PRIMARY ROLE AND RESPONSIBILITY OF WESTERN STATES AND ISLAND GOVERNMENTS IN MANAGING GROUNDWATER," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2661) recommending that S.C.R. No. 21, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 21, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A SOLUTION TO THE FEDERAL RESERVED WATER RIGHTS CLAIMS ON THE CONTINENTAL UNITED STATES," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2662) recommending that S.R. No. 17, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 17, S.D. 1, entitled: "SENATE RESOLUTION URGING A SOLUTION TO THE FEDERAL RESERVED WATER RIGHTS CLAIM," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2663) recommending that S.C.R. No. 22, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 22, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL ENERGY REGULATORY COMMISSION TO AGGRESSIVELY INCORPORATE WATER LAWS AND MANAGEMENT CONCERNS OF THE WESTERN

STATES AND ISLAND GOVERNMENTS IN ITS DECISIONS AND URGING CONGRESS TO CLARIFY THE FEDERAL POWER ACT TO REQUIRE FULFILLMENT OF THE WATER LAWS OF THE WESTERN STATES AND ISLAND GOVERNMENTS," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2664) recommending that S.R. No. 18, as amended in S.D. 1, be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 18, S.D. 1, entitled: "SENATE RESOLUTION URGING THE FEDERAL ENERGY REGULATORY COMMISSION TO AGGRESSIVELY INCORPORATE WATER LAWS AND MANAGEMENT CONCERNS OF THE WESTERN STATES AND ISLAND GOVERNMENTS IN ITS DECISIONS AND URGING CONGRESS TO CLARIFY THE FEDERAL POWER ACT TO REQUIRE FULFILLMENT OF THE WATER LAWS OF THE WESTERN STATES AND ISLAND GOVERNMENTS," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2665) recommending that S.C.R. No. 23 be adopted.

On motion by Senator Crozier seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO HONOR THE STATE'S WATER RIGHTS," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2666) recommending that S.R. No. 19 be adopted.

On motion by Senator Crozier, seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 19, entitled: "SENATE RESOLUTION URGING THE FEDERAL GOVERNMENT TO HONOR THE STATE'S WATER RIGHTS," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2667) recommending that S.C.R. No. 46, as amended in S.D. 1, be adopted.

On motion by Senator Crozier, seconded by Senator Blair and carried, the report of the Committee was adopted and S.C.R. No. 46, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUSPEND TRADE RELATIONS WITH ANY NATION SUPPORTING OR SANCTIONING THE PRACTICE OF DRIFTNET FISHING," was adopted.

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 2668) recommending that S.R. No. 43, as amended in S.D. 1, be adopted.

On motion by Senator Crozier, seconded by Senator Blair and carried, the report of the Committee was adopted and S.R. No. 43, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUSPEND TRADE RELATIONS WITH ANY NATION SUPPORTING OR SANCTIONING THE PRACTICE OF DRIFTNET FISHING," was adopted.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2669) recommending that the Senate advise and consent to the nomination of Hoaliku L. Drake as Chairman, Hawaiian Homes Commission, in accordance with Gov. Msg. No. 89.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 2669 and Gov. Msg. No. 89 was deferred until Wednesday, March 14, 1990.

## ORDER OF THE DAY

### RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
No. 2265, H.D. 1	Committee on Tourism, Recreation and Planning, then to the Committee on Ways and Means
No. 2353, H.D. 2	Committee on Corrections, then to the Committee on Judiciary
No. 2354, H.D. 2	Committee on Corrections, then to the Committee on Judiciary
No. 3429, H.D. 2	Jointly to the Committee on Transportation and the Committee on Judiciary

### ADJOURNMENT

At 11:50 o'clock a.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 14, 1990.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate