

FORTY-SIXTH DAY

Thursday, April 5, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Bishop Dwight Nakamura, Jodo Mission of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Ikeda, Levin and Yamasaki who were excused.

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

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

Senator Blair introduced a group of 5th graders from Lunalilo Elementary School, who were seated in the gallery, accompanied by their teachers, Brian Date and Janet Araki, and parent facilitator Sandi Shimabukuro.

Senator Aki, on behalf of Senator Lehua Fernandes Salling and himself, introduced Ms. Norma Nolle, Mr. Joe Shiramizu, Mr. George Susterich, Ms. Katherine Wilson, Ms. Ferne Orlik, Mr. Robert Riola, Mr. Alfredo Villanueva and Ms. Mildred Yamada, who were seated in the gallery, accompanied by Ms. Kealoa Takahashi from the Kauai County Office of Elderly Affairs.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 413 to 423) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 413, transmitting H.C.R. No. 253, H.D. 1, which was adopted by the House of Representatives on April 4, 1990, was placed on file.

By unanimous consent, H.C.R. No. 253, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPROVE THE OVERALL SANITATION OF THE ANIMAL QUARANTINE STATION," was referred to the Committee on Agriculture.

Hse. Com. No. 414, transmitting H.C.R. No. 256, which was adopted by the House of Representatives on April 4, 1990, was placed on file.

By unanimous consent, H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF IMPROVING THE VISITOR AND STAFF FACILITIES AT THE ANIMAL QUARANTINE STATION," was referred to the Committee on Agriculture.

Hse. Com. No. 415, transmitting H.C.R. No. 320, H.D. 1, which was adopted by the House of Representatives on April 4, 1990, was placed on file.

By unanimous consent, H.C.R. No. 320, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR INCREASED EFFORTS TO IMPROVE THE ATTENDANCE OF PARENTS AND SCHOOL PERSONNEL AT INTERMEDIATE AND HIGH SCHOOL OPEN HOUSES," was referred to the Committee on Education.

Hse. Com. No. 416, returning S.B. No. 973, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1990, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 973, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until April 6, 1990

Hse. Com. No. 417, returning S.B. No. 2252, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1990, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2252, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," was deferred until April 6, 1990

Hse. Com. No. 418, returning S.B. No. 2288, which passed Third Reading in the House of Representatives on April 4, 1990, was placed on file.

Hse. Com. No. 419, returning S.B. No. 2475, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1990, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2475, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until April 6, 1990

Hse. Com. No. 420, returning S.B. No. 2617, which passed Third Reading in the House of Representatives on April 4, 1990, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2617, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION AGAINST SPOUSAL IMPOVERISHMENT," was deferred until April 6, 1990

Hse. Com. No. 421, returning S.B. No. 3140, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1990, was placed on file.

Hse. Com. No. 422, returning S.B. No. 3166, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1990, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3166, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was deferred until April 6, 1990

Hse. Com. No. 423, returning S.B. No. 3334, which passed Third Reading in the House of Representatives on April 4, 1990, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3334, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX," was deferred until April 6, 1990

STANDING COMMITTEE REPORTS

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2898) recommending that S.C.R. No. 62, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2898 and S.C.R. No. 62, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO SUPPORT THE CONSTRUCTION OF A FACILITY TO HOUSE THE UNIVERSITY OF HAWAII AT HILO HAWAIIAN LANGUAGE CENTER KNOWN AS THE HALE KUAMO'O AND THE AFFILIATED ACADEMIC PROGRAM," was deferred until Friday, April 6, 1990.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2899) recommending that S.R. No. 53, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2899 and S.R. No. 53, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS TO SUPPORT THE CONSTRUCTION OF A FACILITY TO HOUSE THE UNIVERSITY OF HAWAII AT HILO HAWAIIAN LANGUAGE CENTER KNOWN AS THE HALE KUAMO'O AND THE AFFILIATED ACADEMIC PROGRAM," was deferred until Friday, April 6, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2900) recommending that H.B. No. 2183, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2183, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2901) recommending that H.B. No. 2820, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2902) recommending that H.B. No. 2842, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2903) recommending that H.B. No. 3083, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3083, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL PAPER," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2904) recommending that H.B. No. 3110, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3110, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2905) recommending that S.C.R. No. 219, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2905 and S.C.R. No. 219, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES FISH & WILDLIFE SERVICE TO USE RECOVERY TEAMS IN THE DEVELOPMENT AND IMPLEMENTATION OF RECOVERY PLANS FOR ENDANGERED AND THREATENED SPECIES," was deferred until Friday, April 6, 1990.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2906) recommending that S.R. No. 202, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2906 and S.R. No. 202, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES FISH & WILDLIFE SERVICE TO USE RECOVERY TEAMS IN THE DEVELOPMENT AND IMPLEMENTATION OF RECOVERY PLANS FOR ENDANGERED AND THREATENED SPECIES," was deferred until Friday, April 6, 1990.

Senators Ikeda and Matsuura, for the Committee on Agriculture and the Committee on Energy and Natural Resources, presented a joint report (Stand. Com. Rep. No. 2907) recommending that S.C.R. No. 35, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2907 and S.C.R. No. 35, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENTER INTO LAND EXCHANGES WITH KAMEHAMEHA SCHOOLS/BISHOP ESTATE TO CREATE AN AGRICULTURAL PARK," was deferred until Friday, April 6, 1990.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2908) recommending that H.B. No. 2169, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2169, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2909) recommending that H.B. No. 2527, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2527, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2910) recommending that H.B. No. 2532, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2532, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRUSTEES' POWERS ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2911) recommending that H.B. No. 3121, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3121, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2912) recommending that H.B. No. 3380, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3380, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1990.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 4, 1990

Stand. Com. Rep. No. 2877 (S.C.R. No. 211):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 211, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO EXAMINE THE FEASIBILITY OF ESTABLISHING A PRE-RELEASE CENTER FOR ADULT INMATES," was adopted.

Stand. Com. Rep. No. 2878 (S.R. No. 193):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 193, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO EXAMINE THE FEASIBILITY OF ESTABLISHING A PRE-RELEASE CENTER FOR ADULT INMATES," was adopted.

Stand. Com. Rep. No. 2879 (S.C.R. No. 15):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF PROFILES FOR ALL ADULTS AND JUVENILES IN STATE CORRECTIONAL FACILITIES," was adopted.

Stand. Com. Rep. No. 2880 (S.R. No. 15):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 15, entitled: "SENATE RESOLUTION URGING THE DEVELOPMENT OF PROFILES FOR ALL ADULTS AND JUVENILES IN STATE CORRECTIONAL FACILITIES," was adopted.

Stand. Com. Rep. No. 2881 (S.C.R. No. 215):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 215, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ASSIGN PERSONNEL TO FORMULATE A PLAN OF ACTION ADDRESSING THE NEEDS OF INMATES WITH DISABILITIES," was adopted.

Stand. Com. Rep. No. 2882 (S.R. No. 197):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 197, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ASSIGN PERSONNEL TO FORMULATE A PLAN OF ACTION ADDRESSING THE NEEDS OF INMATES WITH DISABILITIES," was adopted.

Stand. Com. Rep. No. 2885 (S.R. No. 198):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 198, entitled: "SENATE RESOLUTION REQUESTING THE COMMITTEE ON CORRECTIONS TO EXERCISE LEGISLATIVE OVERSIGHT OF IMPROVEMENTS TO KULANI CORRECTIONAL FACILITY," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 2886 (S.C.R. No. 34, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO IMPLEMENT STANDARDS FOR GRAY WATER USAGE," was adopted.

Stand. Com. Rep. No. 2887 (S.R. No. 32, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 32, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO IMPLEMENT STANDARDS FOR GRAY WATER USAGE," was adopted.

Stand. Com. Rep. No. 2888 (S.C.R. No. 91):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 91, entitled: "SENATE CONCURRENT RESOLUTION URGING ALL DOMESTIC CARRIERS TO SHOW A VIDEO THAT EXPLAINS THE RESTRICTIONS OF THE STATE'S PLANT AND ANIMAL QUARANTINE LAWS TO PASSENGERS ON

INCOMING FLIGHTS TO HAWAII TO PROTECT THE NATURAL ENVIRONMENT OF THE ISLANDS," was adopted.

Stand. Com. Rep. No. 2889 (S.R. No. 80):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 80, entitled: "SENATE RESOLUTION URGING ALL DOMESTIC CARRIERS TO SHOW A VIDEO THAT EXPLAINS THE RESTRICTIONS OF THE STATE'S PLANT AND ANIMAL QUARANTINE LAWS TO PASSENGERS ON INCOMING FLIGHTS TO HAWAII TO PROTECT THE NATURAL ENVIRONMENT OF THE ISLANDS," was adopted.

Stand. Com. Rep. No. 2890 (S.C.R. No. 95):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ASSESS THE FEASIBILITY OF ESTABLISHING A FULL SERVICE VETERINARY CLINIC AT THE ANIMAL QUARANTINE STATION IN HALAWA," was adopted.

Stand. Com. Rep. No. 2891 (S.R. No. 83):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 83, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE ASSESS THE FEASIBILITY OF ESTABLISHING A FULL SERVICE VETERINARY CLINIC AT THE ANIMAL QUARANTINE STATION IN HALAWA," was adopted.

Stand. Com. Rep. No. 2892 (S.C.R. No. 220, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 220, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A LEGISLATIVE INTERIM TASK FORCE TO IDENTIFY THE FACTORS RESTRICTING AGRICULTURAL DEVELOPMENT IN HAWAII," was adopted.

Stand. Com. Rep. No. 2893 (S.R. No. 203, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 203, S.D. 1, entitled: "SENATE RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A LEGISLATIVE INTERIM TASK FORCE TO IDENTIFY THE FACTORS RESTRICTING AGRICULTURAL DEVELOPMENT IN HAWAII," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 2894 (S.C.R. No. 223, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 223, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF AN AGRICULTURAL RESEARCH INSTITUTION," was adopted.

Stand. Com. Rep. No. 2895 (S.R. No. 206, S.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 206, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO

DETERMINE THE FEASIBILITY OF AN AGRICULTURAL RESEARCH INSTITUTION," was adopted.

THIRD READING

H.B. No. 1261, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1261, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Friday, April 6, 1990.

H.B. No. 2233, H.D. 1, S.D. 1:

On motion by Senator Crozier seconded by Senator Aki and carried, H.B. No. 2233, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE MARINE WATERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2269, H.D. 1:

On motion by Senator Menor, seconded by Senator Aki and carried, H.B. No. 2269, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2490:

On motion by Senator Nakasato, seconded by Senator Mizuguchi and carried, H.B. No. 2490, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2793, H.D. 2, S.D. 1:

On motion by Senator Nakasato, seconded by Senator Mizuguchi and carried, H.B. No. 2793, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2892, S.D. 1:

On motion by Senator Nakasato, seconded by Senator Mizuguchi and carried, H.B. No. 2892, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 3212, H.D. 1, S.D. 1:

On motion by Senator Nakasato, seconded by Senator Crozier and carried, H.B. No. 3212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2487:

On motion by Senator Crozier, seconded by Senator Fernandes Salling and carried, H.B. No. 2487, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2799, H.D. 1:

On motion by Senator Menor, seconded by Senator Aki and carried, H.B. No. 2799, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE THEFT OF LIVESTOCK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2874, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Aki and carried, H.B. No. 2874, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 3274:

On motion by Senator Menor, seconded by Senator Aki and carried, H.B. No. 3274, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 1023, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Aki and carried, H.B. No. 1023, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Ikeda, Levin, Matsuura, Yamasaki).

H.B. No. 2494, H.D. 1:

By unanimous consent, action on H.B. No. 2494, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Friday, April 6, 1990.

FINAL READING

S.B. No. 3151, S.D. 1, H.D. 1:

On motion by Senator Crozier, seconded by Senator Fernandes Salling and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3151, S.D. 1, and S.B. No. 3151, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Ikeda, Levin, Matsuura, Yamasaki).

Senator Holt rose to speak on a point of personal privilege as follows:

"Mr. President, during the last few days much has been reported by the news media regarding the bill which increases the salary of the stadium manager. As the introducer of this bill, I would like to state for the record, the purpose and intent of this measure.

"To begin, there are two major reasons for this bill. The first and primary reason is to correct an inequity in the salary of the stadium manager which has existed since 1982. As you may recall, Mr. President, the salary of the stadium manager was equal to that of a department head from 1975 to 1982. In 1982, however, Act 129, the Executive Pay Bill, downgraded the salary of this position to that of a first deputy. Since that time, subsequent legislation for executive salary adjustments in 1986 and again in 1989 has continued to maintain this distinction while the duties and responsibilities of this position and the use of the Aloha Stadium have increased significantly. This is also the reason why the original Senate bill contained a provision for the establishment of an additional deputy stadium manager position.

"The second reason for this bill, Mr. President, is the additional responsibilities that will accrue to the stadium manager's position under Senate Bill 3233, 'Relating to Sports.' As you know, this bill which is supported by the administration, would create a 'Hawaii Sports Authority' which would be generally responsible for sports promotion activities and the management, operation and development of all state sports facilities, except for those which are under the control of the University and the Department of Education. There is no question in my mind that the passage of this bill will immediately and significantly increase the job duties of the stadium manager. In this light, Mr. President, the proposed change in title and increase in the stadium manager's salary could best be described as niggardly.

"I am somewhat surprised, Mr. President, that the administration has been silent until now when the bill has passed three readings in each house, to voice their objections. I am also surprised that the administration seems to have abandoned their original position as reflected in their testimony in support of this bill. For the record, Mr. President, I would like to read that testimony at this time. This is on Senate Bill 2969 before the Tourism Committee on February 6th -- comments:

"The authority under current statutes appoints a manager and a deputy. The stadium manager has full power to administer the affairs of the stadium and the related facilities and reports directly to the authority. This bill restores the salary of the stadium manager to the level of a department head. From 1975 to 1981, the salary of the stadium manager was clearly established at the level of a department head. However, in Act 129 in the 1982 executive pay bill, the salary of the manager, beginning July 1, 1982, was downgraded to the level of first deputy. Subsequent legislation in 1986 and 1989 for executive pay

adjustments have continued to remain the salary level at the first deputy level.

'We believe that the original intent of the legislation passed in 1975 was overlooked when Act 129 was passed. We have checked the minutes of the authority meetings and find that there are no records to indicate that the authority requested or concurred with the change.

'Your favorable consideration at this time to restore the salary of the manager to the director's level is timely in light of the continued increase in use and schedule of activities of the stadium. Use of the stadium has significantly increased since it opened its door in 1976. Originally conceived to stage baseball and football, the stadium now has surely become a multi-purpose facility which holds swap meets, motor events, concerts, etc. In the process, the stadium has become self-sufficient in terms of generating enough revenues to cover its operations. The future of the stadium as a stage to feature even more events continues to be bright. The increase in activity has also increased the administrative workload.

'The facility is also aging and the need to properly maintain it is evident, as we all know. We are requesting the authorization to hire an additional deputy to divide the workload in two -- one deputy to focus on the operations and the other to handle promotions, marketing and planning for future sports facilities. There is an increasing need to evaluate the financial wealth of potential promoters requesting use of the stadium.'

"And the recommendation, Mr. President, in that testimony to your committee: 'We strongly recommend' (not, we recommend; we strongly recommend) 'the passage of Senate Bill 2969.'

"As you can see, Mr. President, the administration at one time recognized the merits of the bill and voiced their support. Due to the adverse publicity regarding this matter, however, it appears that the administration has seen fit to reverse their former position. If this is the case, Mr. President, I would strongly recommend that this Legislature continue its support for this bill based on its merits and submit it to the governor for approval. To do otherwise would mean that we have succumbed to the same external influence and pressure.

"I had hoped, Mr. President, that the administration would have notified this body of their apparent concerns rather than try to influence us through the news media. And I am speaking of the April 4th article in the Advertiser where the governor is quoted as saying, 'We did not initiate it and we're not supporting it.' In fact, there is also a caricature of you and the Speaker, Mr. President -- it makes you look pretty tall, actually.

"Please correct me if I am wrong, Mr. President, but is it not the Senate's procedure to fully and openly, and with public input, (Let me say that no one testified against this bill, not in the Senate, not in the House.) debate the merits of any legislation in committee and on this floor? Isn't that our procedure?"

The Chair responded: "Yes, it is."

Senator Holt continued:

"If this is so, Mr. President, then it would appear that the administration is attempting to adversely influence this process through the media. Rather than circumvent the established process, I believe that it is incumbent on the administration to veto this measure rather than to try and

avoid it. In other words, Mr. President, the ball is now on the administration's playing field and the question is whether the administration will carry the ball, or punt on first down.

"This is important, Mr. President, because we need to know, all of us here, if the rules, the players, and the playing field will be the same the next time around.

"Thank you."

ADJOURNMENT

At 12:04 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 6, 1990.