

SECOND DAY

Thursday, January 17, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Stanley Amos of the Trinity Missionary Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Chang and Holt who were excused.

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

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

Senator Fernandes Salling introduced Councilwoman Maxine Correa, Kauai County Council, who was seated in the gallery.

Senator Matsuura introduced Mrs. Kiyo Miyamoto, "one of the strongest Democrats from Maui," who was also seated in the gallery.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 53) were read by the Clerk and were placed on file:

Gov. Msg. No. 1, dated November 1, 1990, transmitting a report prepared by the Department of Health in response to H.C.R. No. 92 (1990), to form a task force to advise the Legislature on the issue of protecting health care organizations and professionals from liability when they perform charitable medical services.

Gov. Msg. No. 2, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 110 (1990), to conduct a comprehensive overview of the special education program's staffing requirements.

Gov. Msg. No. 3, dated December 4, 1990, transmitting a report prepared by the Department of Accounting and General Services in response to H.C.R. No. 213 (1990), to review its standard specifications for construction contracts and to incorporate practical new technologies that will result in cost savings or extended usefulness of facilities.

Gov. Msg. No. 4, dated December 4, 1990, transmitting a report prepared by the Executive Office on Aging, "The Akamai Kupuna: A Legal Handbook for Hawaii's Older Adults, Their Caregivers, and Their Families."

Gov. Msg. No. 5, dated December 4, 1990, transmitting the 1989 Annual Report of the Department of Labor and Industrial Relations.

Gov. Msg. No. 6, dated December 4, 1990, transmitting a report prepared by the Executive Office on Aging, "A Study of the Effects of Liability Risks and Other Factors Affecting the Growth of Adult Day Care Facilities and Programs in the State of Hawaii."

Gov. Msg. No. 7, dated December 4, 1990, transmitting the 1989 Annual Report of the Department of Taxation.

Gov. Msg. No. 8, dated December 4, 1990, transmitting a report prepared by the Department of Human Services in response to H.C.R. No. 148 (1990), "Requesting the Department of Human Services to Shorten the Form for Medicaid Applications."

Gov. Msg. No. 9, dated December 4, 1990, transmitting the 1990 Status Report on Applicant Tracking System, prepared by the Department of Personnel Services pursuant to Section 219A, HRS.

Gov. Msg. No. 10, dated December 4, 1990, transmitting the report, "Statistics of Hawaiian Agriculture 1989," prepared by the Hawaii Agricultural Statistics Services.

Gov. Msg. No. 11, dated December 4, 1990, transmitting the 1990 Annual Report of the Community Long Term Care Branch which includes the response to H.B. No. 205 (1990), Sections 112 and 113, prepared by the Department of Human Services.

Gov. Msg. No. 12, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to Act 367 (1989), the development of the final plan on the early education program.

Gov. Msg. No. 13, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to Act 334 (1990), after-school plus (A+) program.

Gov. Msg. No. 14, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 143B, on state school property parking fees.

Gov. Msg. No. 15, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 121 (1990), on procedures to encourage open enrollment in the public schools.

Gov. Msg. No. 16, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to Act 296 (1990), on the implementation costs for teacher Class VII.

Gov. Msg. No. 17, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 117 (1990), on the long-range plan for the reduction of class size in grades K-12.

Gov. Msg. No. 18, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 141C, on library assistants for school libraries.

Gov. Msg. No. 19, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to S.C.R. No. 226 (1990) on the successful abstinence programs.

Gov. Msg. No. 20, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 75 (1990), on classroom dividers.

Gov. Msg. No. 21, dated December 4, 1990, transmitting the Annual Report on the Teacher Education Coordinating Committee, 1989-1990.

Gov. Msg. No. 22, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 141A, on vice principals and general aides.

Gov. Msg. No. 23, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 19 (1990), on the systematic planning for Hookena Elementary School.

Gov. Msg. No. 24, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, on a second school district for West Hawaii.

Gov. Msg. No. 25, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 137A, on the consortium for teaching Asia and Pacific in the schools.

Gov. Msg. No. 26, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 320 (1990), on increasing and improving parental and school personnel participation in school activities.

Gov. Msg. No. 27, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to H.C.R. No. 162 (1990), on establishing a public high school in Keaau, Hawaii.

Gov. Msg. No. 28, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 128A, on grade two class size reduction.

Gov. Msg. No. 29, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 141D, on social studies curriculum improvement.

Gov. Msg. No. 30, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 140A, on in-school suspension pilot program.

Gov. Msg. No. 31, dated December 4, 1990, transmitting a report prepared by the Department of Education in response to the proviso of the Supplemental Appropriations Act of 1990, Act 299, Section 130, on school priority fund.

Gov. Msg. No. 32, dated December 4, 1990, transmitting the annual report, "Student Achievement Report: Low Achievers," prepared by the Department of Education in response to Section 296-11, HRS.

Gov. Msg. No. 33, dated December 4, 1990, transmitting a report prepared by the Department of Health in response to H.C.R. No. 181 (1990), to convene a multi-agency task force to conduct a statewide needs assessment of adolescent health and the need for primary adolescent health care facilities.

Gov. Msg. No. 34, dated December 5, 1990, transmitting a report "Hawaii State Public Library System Lost Books and Fines Special Fund Account, Report on Collections and Disbursements," FY 1990, prepared by the Department of Education in response to Act 129, SLH 1989.

Gov. Msg. No. 35, dated December 5, 1990, transmitting the "Report to 1991 Legislature," in response to Section 489-6, HRS, requiring the Department of Labor and Industrial Relations to report on discrimination in public accommodations.

Gov. Msg. No. 36, dated December 6, 1990, transmitting a report prepared by the Office of Children and Youth in response to H.C.R. No. 315 (1990), "Requesting the Office of Children and Youth, in Cooperation with the Executive Office on Aging, to Examine National Intergenerational Programs and Develop a Recommended List of Appropriate Programs for Hawaii."

Gov. Msg. No. 37, dated December 10, 1990, transmitting a report prepared by the Department of Accounting and General Services in response to Section 220, Act 316, SLH 1990, requesting an interim report on the feasibility of establishing a state historical museum.

Gov. Msg. No. 38, dated December 10, 1990, transmitting the "Tax Credits Claimed by Hawaii Residents - 1988," prepared by the Department of Taxation.

Gov. Msg. No. 39, dated December 11, 1990, transmitting the "Annual Report on Activities of the Hawaii Statewide Trail and Access System," prepared by the Department of Land and Natural Resources.

Gov. Msg. No. 40, dated December 11, 1990, transmitting a report prepared by the Department of Land and Natural Resources in response to S.C.R. No. 228 (1990), to conduct an assessment of state lands held under revocable permits for residential purposes to determine whether these lands can be leased on a long-term basis.

Gov. Msg. No. 41, dated December 11, 1990, transmitting a report prepared by the Department of Land and Natural Resources in response to H.C.R. No. 12 (1990), to enter into discussions with Kamehameha Schools/Bishop Estate to develop, through land exchange, an agricultural park.

Gov. Msg. No. 42, dated December 11, 1990, transmitting a report prepared by the Department of Land and Natural Resources in response to S.C.R. No. 35 (1990), to enter into land exchanges with Kamehameha Schools/Bishop Estate to create an agricultural park.

Gov. Msg. No. 43, dated December 11, 1990, transmitting a report prepared by the Department of Land and Natural Resources in response to S.C.R. No. 121 (1990), to implement a permanent state black powder hunting program.

Gov. Msg. No. 44, dated December 11, 1990, transmitting a report prepared by the Department of Labor and Industrial Relations in response to Act 335, SLH 1990, on the status of the two-year pilot program to develop visitor industry practicum courses at Wallace Rider Farrington High School and Waipahu High School.

Gov. Msg. No. 45, dated December 14, 1990, transmitting a report prepared by the Department of Personnel Services in response to H.C.R. No. 22 (1990),

on a review of the use of temporary, emergency and exempt hires by the state.

Gov. Msg. No. 46, dated December 14, 1990, transmitting a report prepared by the Department of Land and Natural Resources in response to S.C.R. No. 141 (1990), on the Florida Largemouth Bass by the Westin Kauai Hotel to its freshwater lagoon for the purpose of studying its adaptation to Hawaiian waters.

Gov. Msg. No. 47, dated December 18, 1990, transmitting a report "Relating to Violent Behavior," prepared by the Office of State Planning in response to Act 361, SLH 1989.

Gov. Msg. No. 48, dated December 19, 1990, transmitting a report prepared by the Department of Public Safety in response to H.C.R. No. 151 (1990), on the formation of a task force to address the social worker shortage in Hawaii.

Gov. Msg. No. 49, dated December 19, 1990, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 215 (1990), to assign personnel to formulate a plan of action addressing the needs of inmates with disabilities.

Gov. Msg. No. 50, dated December 19, 1990, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 15 (1990), outlining the steps it has taken to develop profiles of all adults incarcerated in correctional facilities in the state.

Gov. Msg. No. 51, dated December 24, 1990, transmitting a report prepared by the Office of Children and Youth in response to H.C.R. No. 135 (1990), to evaluate the condition of children and youth programs and services in Hawaii.

Gov. Msg. No. 52, dated December 27, 1990, transmitting: "The Multi-Year Program and Financial Plan and Executive Budget for the Period 1991-1997, pursuant to Section 37-69, Budget - The Six-Year Program and Financial Plan," and "The Variance Report for Fiscal Years 1990 and 1991, pursuant to Section 37-75, Budget - Variance Report."

Gov. Msg. No. 53, dated January 15, 1991, transmitting copies of "An Action Plan to Address Controversies Under the Hawaiian Home Lands Trust and the Public Land Trust," January 1991, pursuant to Section 5, Act 395 (1988).

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 15) were read by the Clerk and were placed on file:

Dept. Com. No. 1, letter from the Supreme Court Judicial Council of Hawaii dated October 23, 1990, transmitting the "Report of The Judicial Salary Commission."

Dept. Com. No. 2, from the Department of Agriculture dated November 5, 1990, transmitting the Ernst and Young audit and final report, pursuant to Chapter 157, Milk Control Act, as amended by Act 25 mandates an audit with Federal Milk Marketing Order Specifications which examines and verifies milk utilization by the processing plants.

Dept. Com. No. 3, from the Office of the Ombudsman dated November 14, 1990, transmitting the annual Report of the Ombudsman, FY 1989-1990.

Dept. Com. No. 4, from the Department of Budget and Finance dated November 29, 1990, transmitting certified copies of "Statement of Total Outstanding Indebtedness of the State of Hawaii as of July 1, 1990," and "Statement of the Debt Limit of the State of Hawaii as of July 1, 1990."

Dept. Com. No. 5, from the Office of the Auditor dated December 5, 1990, transmitting four sunset evaluation reports: "Sunset Evaluation Update: Pest Control Operators"; "Sunset Evaluation Update: Dispensing Opticians"; "Sunset Evaluation Update: Pilotage"; and "Sunset Evaluation Update: Travel Agencies."

Dept. Com. No. 6, from the Office of the Auditor dated December 17, 1990, transmitting reports: "Sunrise Analysis of Rental Referral Agents" and "Follow-up on the Management and Financial Audit of the Judiciary."

Dept. Com. No. 7, from the Legislative Reference Bureau dated December 11, 1990, transmitting the Ho'ike Manual 1991 Edition and information on Ho'ike system training classes.

Dept. Com. No. 8, from the Office of the Administrative Director of the Courts, Judiciary, transmitting studies and reports in response to: SCR No. 136 (1990) - report on updating the Hawaii Rules of Evidence; HR 334, HCR 239 and HR 176 (1990) - various reports and studies from The Center for Alternative Dispute Resolutions; HR 324 (1990) - requiring DHS and DAGS to utilize the mediation service of ADR to address employee concerns; and SCR 66 (1990) - management and fiscal audit of the Maui Sheriff's office.

Dept. Com. No. 9, from the Supreme Court of Hawaii dated December 28, 1990, transmitting the Judiciary's Biennium Budget and Variance Report for Fiscal Biennium 1991-1993.

Dept. Com. No. 10, from the Supreme Court of Hawaii dated December 28, 1990, transmitting the Judiciary's report on all agencies applying for a grant, subsidy, or purchase of service contract for fiscal biennium 1991-1993.

Dept. Com. No. 11, letter from the Supreme Court of Hawaii dated January 7, 1991, informing the Senate that there were no general or special fund transfers implemented in fiscal year 1989-1990.

Dept. Com. No. 12, from the Office of the Auditor dated January 7, 1991, transmitting reports: "Study of the Development of the Department of Education's Financial Management System and Student Information and Program Management System;" and "Review of the Regulation of Residential Construction in the Conservation District."

Dept. Com. No. 13, transmitting a report prepared by the Real Estate Commission, Department of Commerce and Consumer Affairs, dated January 9, 1991, in response to Act 278 (1988) and Act 283 (1990), relating to condominium property regime: 1) condominium specialist and 2) condominium management education fund.

Dept. Com. No. 14, letter from the Administrative Director of the Courts, Judiciary, dated January 9, 1991, regarding access to the legislative computer system via computer terminals in the Judiciary.

Dept. Com. No. 15, letter from the Administrative Director of the Courts, Judiciary, dated January 9, 1991,

regarding its legislative team for the 1991 Session, Sixteenth Legislature.

HOUSE COMMUNICATION

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on January 16, 1991, was read by the Clerk and was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 1 and 2) were read by the Clerk and were placed on file:

Misc. Com. No. 1, letter from the Department of Water, County of Kauai, dated November 21, 1990, submitting copies of proposed CIP projects for the 1991 legislative session and copies of Resolution No. 2 pertain to Legislative Budget.

Misc. Com. No. 2, letter from the Bishop Museum dated January 7, 1991, transmitting a report on use of the state appropriation (subsidy funds) for July 1, 1989 through June 30, 1990.

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.

ADJOURNMENT

At 11:46 o'clock a.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, January 18, 1991.