

THIRD DAY

Friday, January 18, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:05 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Ed Baldwin, Trinity Missionary Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators B. Kobayashi, Nakasato and Yamasaki who were excused.

The Chair announced that he had read and approved the Journal of the Second Day.

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

The Senate reconvened at 11:12 o'clock a.m.

INTRODUCTION OF SENATE BILLS

On motion by Senator Solomon, seconded by Senator Reed and carried, the following bills passed First Reading by title, and were referred to committees:

Senate Bill

No. 1 "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

Introduced by: Senator Wong, R.

Referred to: Committee on Ways and Means.

No. 2 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

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

Referred to: Committee on Ways and Means.

No. 3 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES."

Introduced by: Senator Cobb, by request.

Referred to: Committee on Consumer Protection and Business Regulation.

No. 4 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Cobb, by request.

Referred to: Committee on Employment and Public Institutions, then to the Committee on Ways and Means.

No. 5 "A BILL FOR AN ACT RELATING TO CONSUMERS' RIGHTS."

Introduced by: Senator Cobb, by request.

Referred to: Committee on Consumer Protection and Business Regulation.

No. 6 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Cobb, by request.

Referred to: Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means.

No. 7 "A BILL FOR AN ACT REQUIRING THE STATE TO RESOLVE THE CASE OF JOHN BERESIMSKY AND MAKING AN APPROPRIATION THEREFOR."

Introduced by: Senator Cobb, by request.

Referred to: Committee on Employment and Public Institutions, then to the Committee on Ways and Means.

No. 8 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Levin, Ikeda, Solomon.

Referred to: Committee on Consumer Protection and Business Regulation, then to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the following bills passed First Reading and were placed on the calendar for further consideration on Tuesday, January 22, 1991:

Senate Bill

No. 9 "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION."

Introduced by: Senators Hagino, Chang.

No. 10 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MANAGEMENT AND PRESERVATION OF THE HULA PLATFORM AT KE'E, KAUAI."

Introduced by: Senators Tungpalan, Blair, Kobayashi, A., Kobayashi, B., Matsuura, Reed, Yamasaki.

No. 11 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Senators Tungpalan, Kobayashi, A., Kobayashi, B.

No. 12 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPLETION OF CONSTRUCTION OF THE PEARL CITY PERFORMING ARTS CENTER."

Introduced by: Senators Tungpalan, Blair, Kobayashi, A., Matsuura, Reed, Yamasaki.

No. 13 "A BILL FOR AN ACT RELATING TO CREDIT CARDS."

Introduced by: Senators Tungpalan, Blair, Cobb, Kobayashi, A., Kobayashi, B., Reed.

No. 14 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAMEHAMEHA HIGHWAY."

Introduced by: Senators Tungpalan, Cobb, Kobayashi, A., Kobayashi, B., Matsuura, Reed, Yamasaki.

No. 15 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROXIES."

Introduced by: Senator Cobb, by request.

No. 16 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Hagino.

No. 17 "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT."

Introduced by: Senators Blair, Ikeda.

No. 18 "A BILL FOR AN ACT RELATING TO ACCESS TO RECREATIONAL AREAS."

Introduced by: Senators Blair, Fernandes Salling, Ikeda, Iwase, Koki, Levin.

No. 19 "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD SURRENDER CLAUSES."

Introduced by: Senators Blair, Koki, Levin, McMurdo, Solomon.

No. 20 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF ISSUES RELATED TO LEASEHOLD CONVERSION OF CONDOMINIUMS AND COOPERATIVES."

Introduced by: Senators Blair, Ikeda, Iwase, Koki, Levin, McMurdo, Solomon.

No. 21 "A BILL FOR AN ACT RELATING TO OAHU LAND DEVELOPMENT."

Introduced by: Senators Blair, Ikeda.

No. 22 "A BILL FOR AN ACT RELATING TO UTILITY-FINANCED ENERGY CONSERVATION PROGRAMS."

Introduced by: Senators Blair, Fernandes Salling, Ikeda, Iwase, Koki, Levin.

No. 23 "A BILL FOR AN ACT RELATING TO MEDICAL CLAIMS CONCILIATION PANELS."

Introduced by: Senators Blair, Fernandes Salling, Ikeda, Iwase, Koki, Levin, McMurdo.

No. 24 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."

Introduced by: Senators Blair, Fernandes Salling, Ikeda, Iwase, Koki, Levin, Solomon, Tungpalan.

No. 25 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."

Introduced by: Senators Blair, Fernandes Salling, Iwase, Koki, Levin.

No. 26 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION AND MAKING AN APPROPRIATION THEREFOR."

Introduced by: Senators Blair, Ikeda, Iwase, McMurdo, Solomon.

No. 27 "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSES."

Introduced by: Senators Blair, Ikeda, Iwase, McMurdo, Solomon.

No. 28 "A BILL FOR AN ACT RELATING TO TREE FARMS."

Introduced by: Senators Blair, Ikeda, Iwase, Solomon.

No. 29 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Senators Blair, Fernandes Salling, Iwase, Koki, Levin.

No. 30 "A BILL FOR AN ACT RELATING TO MINORS."

Introduced by: Senators Blair, Koki.

No. 31 "A BILL FOR AN ACT RELATING TO RENTAL HOUSING."

Introduced by: Senators Blair, Iwase, McMurdo, Solomon.

No. 32 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Senators Blair, Fernandes Salling, Ikeda, Koki, McMurdo, Solomon.

No. 33 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PURCHASE LAND FOR A MAJOR PARK IN CENTRAL OAHU."

Introduced by: Senators Iwase, Blair, Chang, Hagino, Holt, Kobayashi, A.

No. 34 "A BILL FOR AN ACT RELATING TO WAIVER OF JURISDICTION."

Introduced by: Senator Iwase.

No. 35 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ACQUISITION OF FACILITIES FOR THE HOMELESS."

Introduced by: Senator Crozier.

No. 36 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NIGHT SECURITY PROGRAM FOR JAMES CAMPBELL HIGH SCHOOL, ILIMA INTERMEDIATE SCHOOL, KAIMILOA ELEMENTARY SCHOOL, EWA BEACH ELEMENTARY SCHOOL, AND POHAKEA ELEMENTARY SCHOOL."

Introduced by: Senator Crozier.

No. 37 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."

Introduced by: Senator Reed.

No. 38 "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS."

Introduced by: Senator Reed.

No. 39 "A BILL FOR AN ACT RELATING TO COURT OFFICERS."

Introduced by: Senator Reed.

No. 40 "A BILL FOR AN ACT RELATING TO NOISE."

Introduced by: Senator Reed.

No. 41 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senator Reed.

No. 42 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

Introduced by: Senator Reed.

No. 43 "A BILL FOR AN ACT RELATING TO DRUG AND ALCOHOL TESTING."

Introduced by: Senator Reed.

No. 44 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES III AND V, OF THE HAWAII CONSTITUTION TO PROVIDE FOR AN ELECTIVE OFFICE OF ATTORNEY GENERAL."

Introduced by: Senator Reed.

No. 45 "A BILL FOR AN ACT RELATING TO NOISE POLLUTION."

Introduced by: Senator Reed.

No. 46 "A BILL FOR AN ACT RELATING TO JOINT AND SEVERAL LIABILITY."

Introduced by: Senator Reed.

No. 47 "A BILL FOR AN ACT RELATING TO RECYCLABLE CONTAINERS."

Introduced by: Senator Reed.

No. 48 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXES."

Introduced by: Senator Reed.

No. 49 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Reed.

No. 50 "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF SALES AND GROSS PROCEEDS OF SALES TO THE COUNTIES."

Introduced by: Senator Reed.

No. 51 "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES."

Introduced by: Senator Reed.

No. 52 "A BILL FOR AN ACT RELATING TO OCEAN AND SUBMERGED LAND LEASING."

Introduced by: Senator Reed.

No. 53 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senator Reed.

No. 54 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senator Reed.

No. 55 "A BILL FOR AN ACT RELATING TO ANNUITIES."

Introduced by: Senator Reed.

No. 56 "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION."

Introduced by: Senator Reed.

No. 57 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 58 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 59 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 60 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 61 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR HOOLEHUA COMMUNITY CENTER, MOLOKAI."

Introduced by: Senator Reed.

No. 62 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS."

Introduced by: Senator Reed.

No. 63 "A BILL FOR AN ACT RELATING TO UNLAWFUL ENTRY."

Introduced by: Senator Reed.

No. 64 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senator Reed.

No. 65 "A BILL FOR AN ACT RELATING TO PROSECUTORIAL OFFICERS AND EMPLOYEES."

Introduced by: Senator Reed.

No. 66 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."

Introduced by: Senator Reed.

No. 67 "A BILL FOR AN ACT RELATING TO THE DISQUALIFICATION OF JUDGES."

Introduced by: Senator Reed.

No. 68 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 69 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 70 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 71 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Reed.

No. 72 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Reed.

No. 73 "A BILL FOR AN ACT RELATING TO ENGINEERS, ARCHITECTS, SURVEYORS."

Introduced by: Senator Reed.

No. 74 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Reed.

No. 75 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KIHEI SCHOOL, MAUI."

Introduced by: Senator Reed.

No. 76 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KIHEI SCHOOL, MAUI."

Introduced by: Senator Reed.

No. 77 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DESIGN, PLANS, AND CONSTRUCTION FOR AN AUTOMATED SPRINKLER SYSTEM AT KIHEI SCHOOL, MAUI."

Introduced by: Senator Reed.

No. 78 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KUALAPUU SCHOOL, ON THE ISLAND OF MOLOKAI."

Introduced by: Senator Reed.

No. 79 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PURCHASE AND INSTALLATION OF AIR CONDITIONING UNITS FOR ALL CLASSROOMS AT KIHEI SCHOOL, MAUI."

Introduced by: Senator Reed.

No. 80 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MALA WHARF, WEST MAUI."

Introduced by: Senator Reed.

No. 81 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE AND INSTALLATION OF A CENTRAL AIR CONDITIONING UNIT FOR THE CAFETORIUM AT KIHEI SCHOOL, MAUI."

Introduced by: Senator Reed.

No. 82 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAND ACQUISITION, DESIGN,

PLANS, AND CONSTRUCTION FOR A THIRD ELEMENTARY SCHOOL IN KIHEI, MAUI."

Introduced by: Senator Reed.

The following Majority leadership assignments were announced by Senate President Wong:

Majority Leader:
Senator Gerald T. Hagino

Majority Floor Leader:
Senator Malama Solomon

Majority Policy Leader:
Senator Bertrand Kobayashi

Majority Caucus Leader:
Senator Andrew Levin

Majority Whip:
Senator Randall Y. Iwase

Leadership Committee:
Senator Ann Kobayashi

The President also announced the following standing and leadership committees of the Senate, their respective chairmen and members:

Standing Committees:

Committee on Agriculture and Environmental Protection

Senator Anthony K.U. Chang, Chairman
Senator Donna R. Ikeda, Vice Chairman
Senator Gerald T. Hagino
Senator Andrew Levin
Senator Malama Solomon
Senator Rick Reed

Committee on Consumer Protection and Business Regulation

Senator Donna R. Ikeda, Chairman
Senator Randall Y. Iwase, Vice Chairman
Senator Anthony K.U. Chang
Senator Steve Cobb
Senator Mike Crozier
Senator Richard M. Matsuura
Senator Mike McCartney
Senator Eloise Y. Tungpalan
Senator Stanley T. Koki

Committee on Culture, Arts and Historic Preservation

Senator Eloise Y. Tungpalan, Chairman
Senator Bertrand Kobayashi, Vice Chairman
Senator Russell Blair
Senator Steve Cobb
Senator Rick Reed

Committee on Education

Senator Mike McCartney, Chairman
Senator Eloise Y. Tungpalan, Vice Chairman
Senator Lehua Fernandes Salling
Senator Milton Holt
Senator Randall Y. Iwase
Senator Bertrand Kobayashi
Senator Norman Mizuguchi
Senator Malama Solomon
Senator Rick Reed

Committee on Employment and Public Institutions

Senator Norman Mizuguchi, Chairman
 Senator Mike Crozier, Vice Chairman
 Senator Russell Blair
 Senator Ann Kobayashi
 Senator Mamoru Yamasaki
 Senator Stanley T. Koki

Committee on Health and Human Services

Senator Mary-Jane McMurdo, Chairman
 Senator Andrew Levin, Vice Chairman
 Senator Bertrand Kobayashi
 Senator Norman Mizuguchi
 Senator Mamoru Yamasaki
 Senator Stanley T. Koki

Committee on Housing and Hawaiian Programs

Senator Mike Crozier, Chairman
 Senator Lehua Fernandes Salling, Vice Chairman
 Senator James Aki
 Senator Mike McCartney
 Senator Mary-Jane McMurdo
 Senator Dennis M. Nakasato
 Senator Rick Reed

Committee on Judiciary

Senator Russell Blair, Chairman
 Senator Milton Holt, Vice Chairman
 Senator Steve Cobb
 Senator Mike Crozier
 Senator Donna R. Ikeda
 Senator Richard M. Matsuura
 Senator Mary-Jane McMurdo
 Senator Eloise Y. Tungpalan
 Senator Stanley T. Koki
 Senator Rick Reed

Committee on Planning, Land and Water Use Management

Senator Milton Holt, Chairman
 Senator Malama Solomon, Vice Chairman
 Senator Anthony K. U. Chang
 Senator Gerald T. Hagino
 Senator Donna R. Ikeda
 Senator Randall Y. Iwase
 Senator Richard M. Matsuura
 Senator Dennis M. Nakasato
 Senator Mary George

Committee on Science, Technology and Economic Development

Senator Richard M. Matsuura, Chairman
 Senator Anthony K. U. Chang, Vice Chairman
 Senator James Aki
 Senator Gerald T. Hagino
 Senator Milton Holt
 Senator Ann Kobayashi
 Senator Andrew Levin
 Senator Mike McCartney
 Senator Mary George

Committee on Tourism and Recreation

Senator Dennis M. Nakasato, Chairman
 Senator Mary-Jane McMurdo, Vice Chairman
 Senator Lehua Fernandes Salling
 Senator Ann Kobayashi
 Senator Norman Mizuguchi
 Senator Stanley T. Koki

Committee on Transportation and Intergovernmental Relations

Senator Lehua Fernandes Salling, Chairman
 Senator Steve Cobb, Vice Chairman
 Senator James Aki
 Senator Russell Blair
 Senator Dennis M. Nakasato
 Senator Mamoru Yamasaki
 Senator Mary George

Committee on Ways and Means

Senator Mamoru Yamasaki, Chairman
 Senator Ann Kobayashi, Vice Chairman
 Senator James Aki
 Senator Gerald T. Hagino
 Senator Randall Y. Iwase
 Senator Bertrand Kobayashi
 Senator Andrew Levin
 Senator Malama Solomon
 Senator Mary George

Leadership Committees:

Committee on Executive Appointments

Senator Ann Kobayashi, Chairman
 Senator Gerald T. Hagino, Vice Chairman
 Senator James Aki
 Senator Randall Y. Iwase
 Senator Bertrand Kobayashi
 Senator Andrew Levin
 Senator Malama Solomon
 Senator Mary George
 Senator Rick Reed

Committee on Legislative Management

Senator Gerald T. Hagino, Chairman
 Senator James Aki, Vice Chairman
 Senator Mary George

ADJOURNMENT

At 11:15 o'clock a.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 9:30 o'clock a.m., Tuesday, January 22, 1991.