

## FIFTH DAY

**Wednesday, January 23, 1991**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Carolyn Stapleton of the Hawaii Council of Churches, after which the Roll was called showing all Senators present with the exception of Senator Matsuura who was excused.

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

The following introductions of visitors seated in the gallery were made to the members of the Senate:

Senator Tungpalan introduced Ms. Marilyn Van Gieson, head librarian, Pearl City Regional Library, and Ms. Bette Tatum from the National Federation of Independent Businesses.

Senator Reed then introduced the Honorable John Trainer, member of the Senate, South Australia Parliament, his wife Rosemary and son Jonathan. Senator Reed said that "Mr. Trainer was the previous speaker of the Legislature and presently serves as the majority whip."

Senator Solomon introduced Mr. William Chang, "a friend from the Hana community."

Senator McCartney introduced Mr. Liko Kaluhiwa, "sometimes known as the mayor of Kaneohe Bay and his mother Rocky is on the staff of the Senate Sergeant-at-Arms."

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 56 to 70) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 56, submitting for consideration and confirmation for Comptroller, the nomination of Russel S. Nagata, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 57, submitting for consideration and confirmation for Chairman, Board of Agriculture, the nomination of Yukio Kitagawa, term to expire December 31, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 58, submitting for consideration and confirmation for Attorney General, the nomination of Warren Price III, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 59, submitting for consideration and confirmation for Director of Finance, the nomination of Yukio Takemoto, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 60, submitting for consideration and confirmation for Director of Commerce and Consumer Affairs, the nomination of Robert A. Alm, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 61, submitting for consideration and confirmation for Adjutant General, the nomination of

Edward V. Richardson, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 62, submitting for consideration and confirmation for Chairman, Hawaiian Homes Commission, the nomination of Hoaliku L. Drake, term to expire December 31, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 63, submitting for consideration and confirmation for Director of Health, the nomination of John C. Lewin, M.D., term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 64, submitting for consideration and confirmation for Director of Human Services, the nomination of Winona K. E. Rubin, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 65, submitting for consideration and confirmation for Director of Labor and Industrial Relations, the nomination of Mario R. Ramil, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 66, submitting for consideration and confirmation for Chairperson, Board of Land and Natural Resources, the nomination of William W. Paty, term to expire December 31, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 67, submitting for consideration and confirmation for Director of Personnel Services, the nomination of Sharon Y. Miyashiro, Ph.D., term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 68, submitting for consideration and confirmation for Director of Public Safety, the nomination of George W. Sumner, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 69, submitting for consideration and confirmation for Director of Taxation, the nomination of Richard F. Kahle Jr., term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 70, submitting for consideration and confirmation for Director of Transportation, the nomination of Edward Y. Hirata, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

#### 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 placed on the calendar for further consideration on Thursday, January 24, 1991:

Senate Bill

No. 150 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Senator Kobayashi, A.

No. 151 "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES."

Introduced by: Senators Ikeda, Kobayashi, A.

No. 152 "A BILL FOR AN ACT RELATING TO THE LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION."

Introduced by: Senator Ikeda.

No. 153 "A BILL FOR AN ACT RELATING TO SERVICE DOGS."

Introduced by: Senator Ikeda.

No. 154 "A BILL FOR AN ACT RELATING TO FOOD LABELING."

Introduced by: Senators Ikeda, Chang.

No. 155 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."

Introduced by: Senators Ikeda, Chang.

No. 156 "A BILL FOR AN ACT RELATING TO DECEPTIVE TRADE PRACTICES."

Introduced by: Senator Ikeda.

No. 157 "A BILL FOR AN ACT RELATING TO THE AGRICULTURE DEVELOPMENT AUTHORITY."

Introduced by: Senators Ikeda, Chang.

No. 158 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Cobb, by request.

No. 159 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Senator Blair.

No. 160 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DISH-ENGINE PROJECT."

Introduced by: Senators Matsuura, Mizuguchi.

No. 161 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT OF MAHIMAH I FEED."

Introduced by: Senators Matsuura, Tungpalan.

No. 162 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND DESIGN OF AN ELECTRICAL PLANT USING DOWN HOLE COAXIAL HEAT EXCHANGE TECHNOLOGY."

Introduced by: Senators Matsuura, Ikeda.

No. 163 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Senators Matsuura, Nakasato.

No. 164 "A BILL FOR AN ACT RELATING TO BOXING."

Introduced by: Senators Matsuura, McCartney.

No. 165 "A BILL FOR AN ACT RELATING TO DISCOVERY."

Introduced by: Senators Matsuura, Ikeda.

No. 166 "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION PANELS."

Introduced by: Senators Matsuura, McMurdo.

No. 167 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING FOR THE PACIFIC INTERNATIONAL CENTER FOR HIGH TECHNOLOGY RESEARCH TO UNDERTAKE A PACIFIC FISHERIES ASSESSMENT AND SATELLITE DATA NETWORK DEVELOPMENT PROGRAM."

Introduced by: Senators Matsuura, Kobayashi, B.

No. 168 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 13, OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE THAT IN CIVIL CASES THE DEFENDANT MAY HAVE A TRIAL BY A JUDGE."

Introduced by: Senators Matsuura, Kobayashi, B., Holt.

No. 169 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Matsuura, George.

No. 170 "A BILL FOR AN ACT RELATING TO TRAFFIC."

Introduced by: Senators Matsuura, Solomon.

No. 171 "A BILL FOR AN ACT RELATING TO ACTIONS BY AND AGAINST THE STATE."

Introduced by: Senators Matsuura, Nakasato.

No. 172 "A BILL FOR AN ACT RELATING TO GEOTHERMAL WELLS."

Introduced by: Senators Matsuura, Nakasato, Holt.

No. 173 "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL CENTER FOR HIGH TECHNOLOGY RESEARCH."

Introduced by: Senators Matsuura, Fernandes Salling.

No. 174 "A BILL FOR AN ACT RELATING TO HUMANE STANDARDS FOR STATE AND COUNTY OPERATED ANIMAL QUARANTINE FACILITIES."

Introduced by: Senators Cobb, Aki, Ikeda, McCartney, Nakasato, Tungpalan.

No. 175 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Cobb, Aki, Ikeda, McCartney, Nakasato, Tungpalan.

No. 176 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII - WEST OAHU."

Introduced by: Senator Crozier.

No. 177 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUBSIDIZE THE

**AGRICULTURAL QUANTITY RATE OF THE ANAHOLA HAWAIIAN HOMES FARM LOTS."**

Introduced by: Senators Crozier, Aki.

**No. 178 "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATION BUDGETS AND RESERVES."**

Introduced by: Senators Ikeda, Iwase.

**No. 179 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A CONDOMINIUM PROJECT POSITION."**

Introduced by: Senators Ikeda, Iwase.

**No. 180 "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION."**

Introduced by: Senator Crozier.

**No. 181 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."**

Introduced by: Senator Reed.

**No. 182 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."**

Introduced by: Senator Reed.

**No. 183 "A BILL FOR AN ACT RELATING TO LAND USE."**

Introduced by: Senator Reed.

**No. 184 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."**

Introduced by: Senator Reed.

**No. 185 "A BILL FOR AN ACT RELATING TO TAXATION."**

Introduced by: Senators Cobb, Aki, Blair, Ikeda, McCartney, Solomon.

**No. 186 "A BILL FOR AN ACT RELATING TO STATE AGENCIES."**

Introduced by: Senators Cobb, Blair, Aki, McCartney, Solomon, Tungpalan.

**No. 187 "A BILL FOR AN ACT RELATING TO GAME DERBIES."**

Introduced by: Senators Solomon, Aki, Iwase, Nakasato, Reed, Tungpalan, Yamasaki.

**ORDER OF THE DAY****REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Tuesday, January 22, 1991:

Senate Bill Referred to:

No. 83 Committee on Judiciary

No. 84 Committee on Health and Human Services, then to the Committee on Judiciary

No. 85 Committee on Employment and Public Institutions

No. 86 Committee on Consumer Protection and Business Regulation

No. 87 Committee on Consumer Protection and Business Regulation

No. 88 Committee on Transportation and Intergovernmental Relations

No. 89 Committee on Planning, Land and Water Use Management, then to the Committee on Judiciary

No. 90 Committee on Employment and Public Institutions, then to the Committee on Judiciary

No. 91 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 92 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 93 Committee on Judiciary, then to the Committee on Ways and Means

No. 94 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 95 Committee on Employment and Public Institutions, then to the Committee on Ways and Means

No. 96 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 97 Committee on Transportation and Intergovernmental Relations

No. 98 Committee on Housing and Hawaiian Programs

No. 99 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 100 Committee on Judiciary, then to the Committee on Ways and Means

No. 101 Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means

No. 102 Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means

No. 103 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 104 Committee on Judiciary

No. 105 Committee on Judiciary

No. 106 Committee on Judiciary

No. 107 Committee on Science, Technology and Economic Development

No. 108 Committee on Agriculture and Environmental Protection

No. 109 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 110 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 111 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 112 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 113 Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means

No. 114 Committee on Judiciary

No. 115 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 116 Committee on Transportation and Intergovernmental Relations, then to the Committee on Judiciary

No. 117 Committee on Judiciary, then to the Committee on Ways and Means

No. 118 Committee on Judiciary

No. 119 Committee on Housing and Hawaiian Programs

No. 120 Committee on Education, then to the Committee on Ways and Means

No. 121 Committee on Judiciary

No. 122 Committee on Judiciary

No. 123 Committee on Judiciary

No. 124 Committee on Judiciary

No. 125 Committee on Judiciary, then to the Committee on Ways and Means

No. 126 Committee on Judiciary

No. 127 Committee on Judiciary

No. 128 Committee on Judiciary

No. 129 Committee on Judiciary

No. 130 Committee on Judiciary

No. 131 Committee on Judiciary

No. 132 Committee on Judiciary

No. 133 Committee on Judiciary

No. 134 Committee on Judiciary

No. 135 Committee on Judiciary

No. 136 Committee on Health and Human Services, then to the Committee on Judiciary

No. 137 Committee on Consumer Protection and Business Regulation

No. 138 Committee on Judiciary

No. 139 Committee on Judiciary, then to the Committee on Ways and Means

No. 140 Committee on Health and Human Services, then to the Committee on Judiciary

No. 141 Committee on Judiciary

No. 142 Committee on Transportation and Intergovernmental Relations

No. 143 Committee on Employment and Public Institutions, then to the Committee on Legislative Management

No. 144 Committee on Judiciary

No. 145 Committee on Judiciary

No. 146 Committee on Judiciary

No. 147 Committee on Judiciary, then to the Committee on Ways and Means

No. 148 Committee on Judiciary

No. 149 Committee on Employment and Public Institutions, then to the Committee on Judiciary

#### ADJOURNMENT

At 11:49 o'clock a.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 24, 1991.