

## FOURTEENTH DAY

**Tuesday, February 5, 1991**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father Richard Rowe, Institute for Human Services, after which the Roll was called showing all Senators present with the exception of Senators Aki, Koki and Nakasato who were excused.

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

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

Senator Crozier introduced a group of visitors from New Zealand and Australia -- Mr. Bob Wickham, Ms. Irma Sai, Ms. Beverly Evans and Mr. Mark Middleton, accompanied by Mr. Kabule Kauahi.

Senator Crozier also introduced a group of 4th, 5th and 6th grade students from the Gifted and Talented Program of Mauka Lani Elementary School in Makakilo and their teacher Miss Joanne Oshiro.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 75 to 117) were read by the Clerk and were placed on file:

Gov. Msg. No. 75, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 304-8.4, HRS, Annual Report on the University of Hawaii at Hilo's Vocational and Technical Training Projects Revolving Fund.

Gov. Msg. No. 76, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 150, Act 316, SLH 1989, requesting the University of Hawaii to submit a report on youth sports and fitness program.

Gov. Msg. No. 77, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Sections 146 and 160A, Act 299, SLH 1990, requesting reports from UHM, UH-Hilo, and Community Colleges on the status and expenditures of each of the repair and maintenance projects.

Gov. Msg. No. 78, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 148A, Act 299, SLH 1990, requesting a report to the 1991 Legislature on student minority programs.

Gov. Msg. No. 79, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 151B, Act 299, SLH 1990, urging the Board of Regents to implement a center on the family at University of Hawaii - Manoa.

Gov. Msg. No. 80, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 156A, Act 299, SLH 1990, requesting a report on the Child Care Center.

Gov. Msg. No. 81, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 304-8.92, HRS, annual report on the discoveries and inventions revolving fund.

Gov. Msg. No. 82, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 114 (1990) and S.R. No. 100 (1990), urging University of Hawaii - Hilo in collaboration with the School of Ocean and Earth Science and Technology to prepare a proposal to establish a center for undergraduate marine education at UH-Hilo.

Gov. Msg. No. 83, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 143 (1990) and S.R. No. 129 (1990), requesting the UH to develop and implement both a short-term and long-term plan to increase recruitment of qualified women and minorities for faculty positions.

Gov. Msg. No. 84, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 156 (1990) and S.R. No. 142 (1990), requesting a study on the potential of processed products as a means of exporting tropical fruits without the constraints of fruit fly quarantine regulations.

Gov. Msg. No. 85, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 152 (1990) and S.R. No. 138 (1990), urging the University of Hawaii to establish and implement an effective policy on sexual harassment and discrimination.

Gov. Msg. No. 86, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to H.C.R. No. 153 (1990) and H.R. No. 167 (1990), requesting the University of Hawaii to develop exchange programs with universities in the Philippines.

Gov. Msg. No. 87, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to H.C.R. No. 222 (1990) and H.R. No. 236 (1990), requesting a study to determine the feasibility of establishing an international exchange center.

Gov. Msg. No. 88, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to H.C.R. No. 223 (1990) and H.R. No. 237 (1990), requesting a study to determine the feasibility of establishing an international service training program for Hawaii residents.

Gov. Msg. No. 89, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to H.C.R. No. 224 (1990) and H.R. No. 238 (1990), requesting a study to determine the feasibility of establishing an international service training program for students from Pacific countries.

Gov. Msg. No. 90, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to H.C.R. No. 230 (1990) and H.R. No. 244 (1990), requesting the School of Ocean and Earth Science and Technology of the University of Hawaii in cooperation with the Department of Education to prepare a curriculum outline for an expanded marine science program for elementary and secondary schools in Hawaii.

Gov. Msg. No. 91, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to H.C.R. No. 259 (1990) and H.R. No. 272 (1990), requesting assistance for the University

of Hawaii's Women Faculty Caucus to update a study on disparity of status between men and women faculty.

Gov. Msg. No. 92, dated December 11, 1990, transmitting a report prepared by the University of Hawaii in response to Section 304-8.1(b), Act 189, SLH 1974, annual report on the research and training revolving fund.

Gov. Msg. No. 93, dated December 26, 1990, transmitting the "Hamakua Regional Plan: From Kaiaakea to Waipio," November 1990, prepared by the Hamakua Steering Committee, a cooperative effort between the state, the County of Hawaii, and the private sector.

Gov. Msg. No. 94, dated January 23, 1991, transmitting a report "Recommendations for Improving the Hawaii Coastal Zone Management Program," January 1991, prepared by the Office of State Planning.

Gov. Msg. No. 95, dated January 29, 1991, transmitting the "Report of the Capitol Tours and Information Program Advisory Committee," February 1991, in response to Section 196B, Act 299, SLH 1990.

Gov. Msg. No. 96, dated December 17, 1990, transmitting the "1990 Report of the Commission to Promote Uniform Legislation," prepared by the Department of the Attorney General.

Gov. Msg. No. 97, dated December 20, [A90, transmitting the progress report prepared by the Office of Children and Youth in response to Act 270, SLH 1990, relating to child care.

Gov. Msg. No. 98, dated December 21, 1990, transmitting the 1990 Annual Report prepared by the Hawaii State Commission on the Status of Women pursuant to Chapter 367, HRS.

Gov. Msg. No. 99, dated December 24, 1990, transmitting a report "Preschool Open Doors, A Progress Report, December, 1990," prepared by the Office of Children and Youth.

Gov. Msg. No. 100, dated January 29, 1991, transmitting a report prepared by the Department of Land and Natural Resources listing the land acquisitions completed, acquisitions that are pending completion, and acquisitions under consideration by the Department of Land and Natural Resources pursuant to Act 299, SLH 1990, Section 233C.

Gov. Msg. No. 101, dated December 10, 1990, transmitting a report prepared by the Department of Public Safety in response to Act 281, Section 14, SLH 1990, reviewing its role and responsibility for narcotic enforcement.

Gov. Msg. No. 102, dated January 14, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 299, Section 192F, SLH 1990, providing a detailed expenditure report of the \$1,500,000 allotted for the nonrecurring repair and maintenance projects.

Gov. Msg. No. 103, dated January 24, 1991, transmitting a land disposition report prepared by the Department of Land and Natural Resources in response to Section 171-29, HRS.

Gov. Msg. No. 104, dated January 23, 1991, transmitting a report prepared by the Department of Land and Natural Resources in response to H.C.R. No. 40 (1990), to prepare a status report on the transfer of

certain lands at Keehi Lagoon from the Department of Transportation to the Department of Land and Natural Resources for the purpose of establishing an industrial park.

Gov. Msg. No. 105, dated January 24, 1991, transmitting a report prepared by the Department of Land and Natural Resources in response to H.C.R. No. 264 (1990), requesting a study to determine the feasibility of purchasing lands in Waipio Valley owned by Bishop Museum.

Gov. Msg. No. 106, dated December 27, 1990, transmitting the "Report to the Hawaii State Legislature on the Job Opportunities and Basic Skills Program," prepared by the Department of Human Services in response to Acts 299 and 321, SLH 1990.

Gov. Msg. No. 107, dated December 31, 1990, transmitting the "Report to the Hawaii State Legislature, Project Success Program," July 1989 - December 1990, prepared by the Department of Human Services in response to HRS 346-215.

Gov. Msg. No. 108, dated January 18, 1991, transmitting the "Report of the Insurance Commission of Hawaii 1990, Summary of Insurance Business for the Year 1989," pursuant to Section 431:2-211, HRS.

Gov. Msg. No. 109, dated January 14, 1991, transmitting the Department of Transportation 1990 Report to the Governor.

Gov. Msg. No. 110, dated January 8, 1991, transmitting the "Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 1989 - 1990," prepared by the Department of Accounting and General Services in response to Section 41D-4, HRS.

Gov. Msg. No. 111, dated January 14, 1991, transmitting the 1990 Annual Report of the Aloha Tower Development Corporation.

Gov. Msg. No. 112, dated January 9, 1991, transmitting the 1990 Annual Report of the Department of Commerce and Consumer Affairs.

Gov. Msg. No. 113, dated December 20, 1990, transmitting the 1990 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel.

Gov. Msg. No. 114, dated December 31, 1990, transmitting a report prepared by the Department of Labor and Industrial Relations in response to Section 53, Act 299, SLH 1990, on high demand occupations training.

Gov. Msg. No. 115, dated January 7, 1991, transmitting a report prepared by the Department of Labor and Industrial Relations in response to Section 52, Act 299, SLH 1990, on the Aloha State Specialized Employment and Training Program.

Gov. Msg. No. 116, dated December 18, 1990, transmitting a report by the Contractors License Board in response to Act 141, SLH 1989.

Gov. Msg. No. 117, dated February 1, 1991, transmitting "A Report to the Governor on the Hawaii Statewide Drug Prevention and Control Strategy, An Overview and Action Plans, January 1991," prepared by the Statewide Drug Prevention and Control Committee.

The following communication (Dept. Com. No. 22) was read by the Clerk and was placed on file:

Dept. Com. No. 22, from the Office of the Auditor dated February 1, 1991, transmitting reports, "First Status Report on Job Sharing in Hawaii State Government" and "Status Report on Administrative Flexibility Granted to the University of Hawaii and the Department of Education."

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

### HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 4) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 4, transmitting H.C.R. No. 5, which was adopted by the House of Representatives on February 4, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.C.R. No. 5, relating to the dates of the mandatory recess for the Regular Session of 1991, was adopted.

### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 8) was read by the Clerk and was referred to committee:

Senate  
Concurrent  
Resolution

No. 8 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO OVERTURN THE NATIONAL BELLAS HESS CASE."

Offered by: Senator Chang.

Referred to: Committee on Ways and Means

### SENATE RESOLUTION

The following resolution (S.R. No. 13) was read by the Clerk and was referred to committee:

Senate  
Resolution

No. 13 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO OVERTURN THE NATIONAL BELLAS HESS CASE."

Offered by: Senator Chang.

Referred to: Committee on Ways and Means

### ORDER OF THE DAY

#### THIRD READING

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

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, H.B. No. 1, H.D. 1, entitled: "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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Koki, Nakasato).

At 11:42 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.

### RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 185 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Ways and Means

No. 287 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Ways and Means

No. 301 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Judiciary

No. 302 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Judiciary

No. 728 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Judiciary

No. 1233 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Ways and Means

No. 1321 Committee on Employment and Public Institutions, then to the Committee on Judiciary

No. 1322 Committee on Employment and Public Institutions, then to the Committee on Ways and Means

No. 1323 Committee on Employment and Public Institutions, then to the Committee on Judiciary

No. 1326 Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, and then to the Committee on Judiciary

No. 2048 Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means

No. 2071 Committee on Planning, Land and Water Use Management, then to the Committee on Judiciary

### MISCELLANEOUS COMMUNICATION

Misc. Com. No. 3, from Ewa Neighborhood Board No. 23, transmitting a resolution, date approved December 13, 1990, relating to lack of adequate fire protection in communities on Oahu, was read by the Clerk and was placed on file.

At this time, Senator Chang introduced to the members of the Senate a delegation of visiting legislators from the Republic of China on Taiwan on their last leg of a goodwill mission to the United States: Mr. Mock Cheong Hing, leader; vice leaders, Mr. Chang Li Min and Mr. Chan Yun Cha; the Honorable Chou Ting Ho, the Honorable Yao Shun, the Honorable Hsue Kuo Lian, the Honorable Chen Chih Sheng, and the Honorable Maou Tsung Tsan; accompanied by their wives, Mrs. Lo Fong Ping, Mrs. Bor Jin Jy and Mr. Yao Shun, and Mr. Hollington Han, director general of the Coordination Council of North American Affairs.

#### ADJOURNMENT

At 11:50 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., Monday, February 11, 1991.