

## TWENTIETH DAY

Tuesday, February 19, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John C. Millen, Holy Nativity Church, after which the Roll was called showing all Senators present with the exception of Senators Blair, Cobb and Nakasato who were excused.

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

Senator Matsuura, on behalf of Senators A. Kobayashi, George, Yamasaki, and himself, introduced to the members of the Senate two gentlemen from AT&T Language Line Service, Mr. Jeffrey J. Munks, director of marketing and sales, and Mr. Douglas Kindrick, seated in the gallery.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 156 and 157) were read by the Clerk and were placed on file:

Gov. Msg. No. 156, dated February 8, 1991, transmitting the "Findings and Recommendations on the Proposed Renovations at Paradise Park, Manoa Valley, Oahu," prepared by the Department of Land and Natural Resources in response to S.C.R. No. 245 (1990).

Gov. Msg. No. 157, dated February 11, 1991, transmitting a report prepared by the Department of the Attorney General in response to H.C.R. No. 293 (1990), requesting a study regarding the state's right to protect data generated in electronic form.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 16 to 19) were read by the Clerk and were referred to committees:

Senate  
Concurrent  
Resolution

No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING REINSTATEMENT OF THE VOCATIONAL TEACHER EDUCATION PROGRAM AT THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION."

Offered by: Senators Solomon, Fernandes Salling, Hagino, Holt, Iwase, Kobayashi, A., Kobayashi, B., McCartney, Mizuguchi, Reed, Tungpalan.

Referred to: Committee on Education

No. 17 "SENATE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ESTABLISH A FOREIGN-TRADE ZONE WITHIN THE HILO U.S. CUSTOMS PORT OF ENTRY 32-02, COUNTY OF HAWAII."

Offered by: Senators Solomon, Holt, Aki, Fernandes Salling, Hagino, Iwase, Kobayashi, A., Koki, Matsuura, Mizuguchi, Nakasato, Yamasaki.

Referred to: Committee on Science, Technology and Economic Development

No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACCELERATE ITS KOA REFORESTATION PROGRAM AND ESTABLISH SPECIAL KOA MANAGEMENT AREAS FOR HARVESTING OF KOA TREES."

Offered by: Senators Aki, Chang, Hagino, Kobayashi, A., Koki, Nakasato, Yamasaki.

Referred to: Committee on Planning, Land and Water Use Management

No. 19 "SENATE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR HAWAII RESIDENT BRUCE I. YAMASHITA AND DENOUNCING RACIAL DISCRIMINATION."

Offered by: Senators Kobayashi, A., Iwase.

Referred to: Committee on Judiciary

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 18 and 19) were read by the Clerk and were referred to committees:

Senate  
Resolution

No. 18 "SENATE RESOLUTION REQUESTING REINSTATEMENT OF THE VOCATIONAL TEACHER EDUCATION PROGRAM AT THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION."

Offered by: Senators Solomon, Fernandes Salling, Hagino, Holt, Iwase, Kobayashi, A., Kobayashi, B., McCartney, Mizuguchi, Reed, Tungpalan.

Referred to: Committee on Education

No. 19 "SENATE RESOLUTION EXPRESSING SUPPORT FOR PRESIDENT BUSH'S DEMAND FOR UNCONDITIONAL IRAQI WITHDRAWAL FROM KUWAIT, AND APPRECIATION TO THE PERSONNEL OF OPERATION DESERT STORM."

Offered by: Senator Reed.

Referred to: Committee on Employment and Public Institutions

## STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 26) recommending that S.B. No. 1001, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Science, Technology and Economic Development.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1001, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCIENCE AND TECHNOLOGY," passed Second Reading and was recommitted to the Committee on Science, Technology and Economic Development.

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 27) recommending that S.B. No. 1006, as amended in S.D. 1, pass Second

Reading and be recommitted to the Committee on Science, Technology and Economic Development.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1006, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was recommitted to the Committee on Science, Technology and Economic Development.

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 28) recommending that S.B. No. 1524, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Science, Technology and Economic Development.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION," passed Second Reading and was recommitted to the Committee on Science, Technology and Economic Development.

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 29) recommending that S.B. No. 1832, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1832, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 30) recommending that S.B. No. 29, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 29, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 31) recommending that S.B. No. 84 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 84, entitled: "A BILL FOR AN ACT RELATING TO POWER OF ATTORNEY," passed Second Reading and was referred to the Committee on Judiciary.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 32) recommending that S.B. No. 372 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 372, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CENTERS," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 401, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 401, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY CHILDHOOD PROGRAM TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 34) recommending that S.B. No. 402, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 402, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILY HELP PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 35) recommending that S.B. No. 420, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 420, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 36) recommending that S.B. No. 868, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 868, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REMEMBRANCE OF THE FALL OF THE HAWAIIAN MONARCHY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 37) recommending that S.B. No. 1158, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1158, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE HISTORY CENTER OR MUSEUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 1462 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1462, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOVING IMAGE PRESERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 1668 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1668, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CULTURE AND ARTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 373 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 373, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ARCHITECTURAL ACCESS COMMITTEE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 41) recommending that S.B. No. 12 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 12, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPLETION OF CONSTRUCTION OF THE PEARL CITY PERFORMING ARTS CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 42) recommending that S.B. No. 1549 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1549, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 43) recommending that S.B. No. 1801 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1801, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STRENGTHENING THE HAWAII INTERNATIONAL FILM FESTIVAL OUTREACH PROGRAM," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 44) recommending that S.B. No. 2131 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2131, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FILM ON THE HISTORY AND CULTURE OF AMERICANS OF JAPANESE ANCESTRY IN HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 45) recommending that S.B. No. 976, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

By unanimous consent, Stand. Com. Rep. No. 45 and S.B. No. 976, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," were recommitted to the Committee on Housing and Hawaiian Programs.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 46) recommending that S.B. No. 978, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

By unanimous consent, Stand. Com. Rep. No. 46 and S.B. No. 978, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," were recommitted to the Committee on Housing and Hawaiian Programs.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 47) recommending that S.B. No. 592, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation and Intergovernmental Relations.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 592, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was recommitted to the Committee on Transportation and Intergovernmental Relations.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 48) recommending that S.B. No. 1022, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation and Intergovernmental Relations.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1022, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was recommitted to the Committee on Transportation and Intergovernmental Relations.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 713:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 713, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Blair, Cobb, Nakasato).

#### **RE-REFERRAL OF SENATE BILLS**

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

Senate Bill	Referred to:
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No. 925	Committee on Planning, Land and Water Use Management
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No. 963	Committee on Health and Human Services, then to the Committee on Ways and Means
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No. 1002	Committee on Ways and Means
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No. 1091	Committee on Ways and Means
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No. 1022	Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means
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#### **MISCELLANEOUS COMMUNICATION**

Misc. Com. No. 5, from the Hawaii County Council dated February 13, 1991, in response to S.C.R. No. 41 (1990), requesting the counties to provide information on the revenue impact of exempting tracts of Hawaii Home Lands leased by native Hawaiians from real property taxes and their views on the merits and demerits of the proposal, was read by the Clerk and was placed on file.

#### **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., Wednesday, February 20, 1991.