

## TWENTY-SIXTH DAY

Wednesday, March 6, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:38 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend David Lehmberg, First United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Holt, Koki and McMurdo who were excused.

The Chair announced that he had read and approved the Journal of the Twenty-Fifth Day.

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

Senator Solomon introduced a group of Big Islanders - Mr. Joe Garcia, Ms. Freida Davis, Ms. Marge King and Mr. and Mrs. Malcolm Foster, who are here to lobby for legislation on senior citizens.

Senator Ikeda introduced Mildred Nacion and Michelle Nishi, her student "shadows" from Niu Valley Intermediate School.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 188 to 199) were read by the Clerk and were placed on file:

Gov. Msg. No. 188, dated January 25, 1991, transmitting the "Directory of Health Care Providers with Bilingual Support," prepared by the Office of Refugee and Immigrant Health, Department of Health.

Gov. Msg. No. 189, dated February 11, 1991, transmitting the "Hawaii Production Directory 1991," prepared by the Film Industry Branch, Department of Business, Economic Development and Tourism.

Gov. Msg. No. 190, dated January 22, 1991, transmitting the annual report on the Homes Revolving Fund administered by the Housing Finance and Development Corporation, pursuant to Section 201E-40, HRS, prepared by Ernst & Young.

Gov. Msg. No. 191, dated February 13, 1991, transmitting the "Annual Report of Deposits and Investments of the State of Hawaii, Fiscal Year Ending June 30, 1990," prepared by the Department of Budget and Finance.

Gov. Msg. No. 192, dated February 8, 1991, transmitting the "Report to the Legislature on Small Business Innovation Research (SBIR) Activity in Hawaii During Calendar Year 1990," prepared by the High Technology Development Corporation in response to Act 196, SLH 1989.

Gov. Msg. No. 193, dated February 8, 1991, transmitting the 1990 Annual Report of the High Technology Development Corporation pursuant to Chapter 206M, HRS.

Gov. Msg. No. 194, dated February 26, 1991, transmitting the 1989-1990 annual report of the Department of Land and Natural Resources.

Gov. Msg. No. 195, dated January 31, 1991, transmitting a report prepared by the University of

Hawaii in response to Act 333, SLH 1990, relating to University of Hawaii minority students: Hawaii Opportunity Program in Education (HOPE).

Gov. Msg. No. 196, dated February 15, 1991, transmitting the report, "The Health State 1990," prepared by the Department of Health.

Gov. Msg. No. 197, dated February 25, 1991, transmitting the "Hawaii Ocean Resources Management Plan," January 1991, prepared by the Department of Business Economic Development and Tourism in response to Chapter 228, HRS.

Gov. Msg. No. 198, letter to Senate President Wong dated March 1, 1991, recommending, in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii, the immediate passage of S.B. No. 1403, S.D. 1, which makes an appropriation of \$6,000,000 for a special marketing campaign to promote Hawaii's visitor industry in the United States and Japan.

Gov. Msg. No. 199, letter to Senate President Richard Wong dated March 1, 1991, recommending, in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii, the immediate passage of S.B. No. 1410, which makes an emergency appropriation of \$15,000,000 for the operating expenses for community hospitals for fiscal year 1990-1991.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 29 and 30) were read by the Clerk and were placed on file:

Dept. Com. No. 29, from the Department of Agriculture dated February 28, 1991, transmitting the Deloitte & Touche monthly (October 1-31, 1990) audit of the milk processing plants in the Honolulu and the Hawaii milk sheds, pursuant to Act 25, SLH 1988.

Dept. Com. No. 30, from the Hawaii Labor Relations Board dated February 28, 1991, transmitting HLRB Informational Bulletin No. 28, providing, by employing jurisdictions, the number of public employees in each of the 13 collective bargaining units established by Section 89-6(a), HRS.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 6 to 25) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 6, transmitting H.B. No. 137, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 137, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 7, transmitting H.B. No. 174, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO COURT PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 8, transmitting H.B. No. 359, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 359, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 9, transmitting H.B. No. 364, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 364, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 10, transmitting H.B. No. 400, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 400, 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," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 11, transmitting H.B. No. 1012, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1012, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 12, transmitting H.B. No. 1019, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1019, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 13, transmitting H.B. No. 1163, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1163, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DEFINITIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 1164, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1164, entitled: "A BILL FOR AN ACT RELATING TO VOTER LISTS," passed First

Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 1168, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, transmitting H.B. No. 1313, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1313, entitled: "A BILL FOR AN ACT RELATING TO ARCHIVES," passed First Reading by title and was referred to the Committee on Employment and Public Institutions.

Hse. Com. No. 17, transmitting H.B. No. 1326, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1326, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DEFENDERS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 1712, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1712, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 19, transmitting H.B. No. 1714, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1714, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 20, transmitting H.B. No. 1918, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1918, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 21, transmitting H.B. No. 1926, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 22, transmitting H.B. No. 1930, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1930, entitled: "A BILL FOR AN ACT RELATING TO POWER OF ATTORNEY," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 23, transmitting H.B. No. 2004, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2004, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 24, transmitting H.B. No. 2015, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2015, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS," passed First Reading by title and was referred to the Committee on Tourism and Recreation, then to the Committee on Judiciary.

Hse. Com. No. 25, transmitting H.B. No. 2223, which passed Third Reading in the House of Representatives on February 26, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2223, entitled: "A BILL FOR AN ACT RELATING TO THE STATUTE OF LIMITATIONS," passed First Reading by title and was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 31 to 46) were read by the Clerk and were referred to committees:

Senate  
Concurrent  
Resolution

No. 31 "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO PREPARE A PROPOSAL TO INTRODUCE BACCALAUREATE DEGREES IN THE MARINE SCIENCES."

Offered by: Senators Matsuura, McCartney.

Referred to: Committee on Education

No. 32 "SENATE CONCURRENT RESOLUTION CALLING FOR A CONSTITUTIONAL CONVENTION TO DISCUSS ISSUES RELATING TO HAWAIIANS."

Offered by: Senator Crozier.

Referred to: Committee on Housing and Hawaiian Programs, then to the Committee on Judiciary

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROMULGATE MEASURES PROVIDING OCCUPANCY OF PUBLIC HOUSING UNITS BY MORE THAN ONE FAMILY."

Offered by: Senator Crozier.

Referred to: Committee on Housing and Hawaiian Programs

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN AFFAIRS TO PROMULGATE MEASURES PROVIDING FOR THE PURCHASE OF A SINGLE PUBLIC HOUSING UNIT BY MORE THAN ONE LOWER INCOME FAMILY."

Offered by: Senator Crozier.

Referred to: Committee on Housing and Hawaiian Programs

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE RELEASE OF CHLOROFLUOROCARBONS INTO THE ATMOSPHERE."

Offered by: Senators Fernandes Salling, McMurdo.

Referred to: Committee on Agriculture and Environmental Protection

No. 36 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE FEDERAL AVIATION ADMINISTRATION TO ADOPT RULES TO REQUIRE FAA PART 135 CERTIFICATES FOR ALL TOUR AIRCRAFT."

Offered by: Senator Fernandes Salling.

Referred to: Committee on Transportation and Intergovernmental Relations

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES AND THE DEPARTMENT OF TRANSPORTATION TO DEVELOP TRANSPORTATION SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS AS WELL AS COORDINATE EFFORTS THROUGHOUT THE STATE OF HAWAII."

Offered by: Senator Fernandes Salling.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Relations and the Committee on Health and Human Services

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO STUDY AND REPORT ON THE FLOOD CONTROL PROBLEM ALONG KAMEHAMEHA HIGHWAY, KAAWA, OAHU, AND TO ENCOURAGE THE PARTICIPATION OF THE ARMY CORPS OF ENGINEERS IN THIS EFFORT."

Offered by: Senator Fernandes Salling.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Relations and the Committee on Planning, Land and Water Use Management

No. 39 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF CERTAIN GOVERNMENT WATER RIGHTS FOR THE PURPOSE OF CONSTRUCTING HYDROELECTRIC POWER FACILITIES ON THE ISLAND OF HAWAII."

Offered by: Senators Matsuura, Solomon, Levin.

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

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING STRICTER ENFORCEMENT OF EXISTING STATE AND FEDERAL LAWS APPLICABLE TO THE REGULATION OF HELICOPTERS IN HAWAII."

Offered by: Senator Levin.

Referred to: Committee on Transportation and Intergovernmental Relations

No. 41 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROVIDE TAX CREDITS TO MOTORISTS TO ENCOURAGE THE CONVERSION OF AUTOMOBILES FROM GASOLINE TO LIQUEFIED PETROLEUM GAS."

Offered by: Senator Matsuura.

Referred to: Committee on Science, Technology and Economic Development

No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION AND LICENSING OF PROCESS SERVERS."

Offered by: Senators Blair, Ikeda.

Referred to: Committee on Judiciary

No. 43 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO RESTORE VARIOUS WELL SITES IN THE STATE OF HAWAII TO THE SUPERFUND NATIONAL PRIORITIES LIST."

Offered by: Senators Iwase, Chang, Crozier, Kobayashi, A., Matsuura, McCartney, Mizuguchi, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY TO ASSESS THE FEASIBILITY OF ESTABLISHING A STATE TRAVEL AGENCY."

Offered by: Senator Yamasaki.

Referred to: Committee on Employment and Public Institutions

No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO EXAMINE THE POSSIBILITY OF SETTING ASIDE LANDS ADJACENT TO THE KEAHOLE AGRICULTURAL PARK FOR THE CONSTRUCTION OF RENTAL HOUSING FOR LABORERS."

Offered by: Senators Levin, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

No. 46 "SENATE CONCURRENT RESOLUTION ENCOURAGING SUPERMARKET CHAINS IN THE

STATE TO PROVIDE 'ISLAND FRESH' MILK FROM LOCAL PROCESSORS TO HAWAII CONSUMERS."

Offered by: Senators Iwase, Chang, Cobb, George, Kobayashi, A., Kobayashi, B., Koki, Levin, Matsuura, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

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**TO ENCOURAGE THE PARTICIPATION OF THE ARMY CORPS OF ENGINEERS IN THIS EFFORT."**

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Referred to: Committee on Agriculture and Environmental Protection

**No. 40 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO EXAMINE THE POSSIBILITY OF SETTING ASIDE LANDS ADJACENT TO THE KEAHOLE AGRICULTURAL PARK FOR THE CONSTRUCTION OF RENTAL HOUSING FOR LABORERS."**

Offered by: Senators Levin, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

**No. 41 "SENATE RESOLUTION ENCOURAGING SUPERMARKET CHAINS IN THE STATE TO PROVIDE 'ISLAND FRESH' MILK FROM LOCAL PROCESSORS TO HAWAII CONSUMERS."**

Offered by: Senators Iwase, Chang, Cobb, George, Kobayashi, A., Kobayashi, B., Koki, Levin, Matsuura, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

**STANDING COMMITTEE REPORTS**

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 434) recommending that S.B. No. 1221 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CHECKOFFS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 435) recommending that S.B. No. 1230 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 436) recommending that S.B. No. 1253 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1253, entitled: "A BILL FOR AN ACT RELATING TO GRANT, SUBSIDY, AND PURCHASE OF SERVICE CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 437) recommending that S.B. No. 669 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 669, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 438) recommending that S.B. No. 1535, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 439) recommending that S.B. No. 569, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 569, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL ASSISTANCE PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 440) recommending that S.B. No. 330, as amended in S.D. 1, pass Second

Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 330, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCEAN AND MARINE RESOURCES COUNCIL," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 441) recommending that S.B. No. 1394 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1394, entitled: "A BILL FOR AN ACT RELATING TO THE ENERGY RESOURCES COORDINATOR," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Matsuura, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 442) recommending that S.B. No. 1401 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1401, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 443) recommending that S.B. No. 18 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 18, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO RECREATIONAL AREAS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 444) recommending that S.B. No. 1850, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1850, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONCESSIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 445) recommending that S.B. No. 399, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTION OF

SMOKELESS TOBACCO PRODUCTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 446) recommending that S.B. No. 602, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 602, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 447) recommending that S.B. No. 767, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 767, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 448) recommending that S.B. No. 1121, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 449) recommending that S.B. No. 1368, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1368, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 450) recommending that S.B. No. 24 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 24, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 451) recommending that S.B. No. 564, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 564, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 452) recommending that S.B. No. 1084 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1084, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 453) recommending that S.B. No. 1086, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 454) recommending that S.B. No. 1088, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 455) recommending that S.B. No. 1151 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO INTRAGOVERNMENTAL TRANSFERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 456) recommending that S.B. No. 1290, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 457) recommending that S.B. No. 1451 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1451, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE CENTERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

Senator Mizuguchi, for the Committee on Employment and Public Institutions, presented a report (Stand. Com. Rep. No. 458) recommending that S.B. No. 1704, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 8, 1991.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 433 (Gov. Msg. No. 58 ):

Senator A. Kobayashi moved that Stand. Com. Rep. No. 433 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of Warren Price III for Attorney General, term to expire December 5, 1994, seconded by Senator Hagino.

Senator A. Kobayashi rose to speak in support of the nomination as follows:

"Mr. President, I rise to speak in support of the confirmation of Warren Price III for Attorney General.

"Your Leadership Committee on Executive Appointments held a confirmation hearing and there were pages and pages of testimony in support of Warren Price. There was testimony that the attorney general's office is now run like a private law firm -- very efficiently with excellent work -- and his training program is what makes this 'supposedly' private law firm such an excellent one.

"The attorneys who came forward were sometimes on the opposite side of the attorney general on certain issues, yet, they came forward to show their respect and support for Warren Price.

"In the near future, there will be a conference for attorney generals from all over the nation and Hawaii can be very proud to send Warren Price as our attorney general. I feel, he will be there as the best attorney general in the nation.

"I urge all of your support. Thank you."

Senator Matsuura also supported the nomination and said:

"Mr. President, when Warren Price was confirmed four years ago, I made a comment that he was one individual who really deserved to have his salary doubled. I can

assure you that having seen what he has done in the past four years as attorney general for the State of Hawaii, I can confidently say that we should now triple his salary.

"Thank you very much."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Cobb, Holt, Koki, McMurdo).

At this time, Senator A. Kobayashi recognized and introduced to the members of the Senate Attorney General Warren Price III who was seated in the gallery, accompanied by his wife Sharon and sister-in-law Sandy.

### THIRD READING

S.B. No. 1799, S.D. 1:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1799, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH AND HEARING IMPAIRED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Cobb, Holt, Koki, McMurdo).

S.B. No. 1240:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1240, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Koki, McMurdo).

S.B. No. 1228:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1228, entitled: "A BILL FOR AN ACT RELATING TO NET OPERATING LOSSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Koki, McMurdo).

S.B. No. 1225:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Cobb, George, Reed). Excused, 3 (Holt, Koki, McMurdo).

S.B. No. 1220:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO ESTIMATED TAX PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Koki, McMurdo).

S.B. No. 1215, S.D. 1:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Koki, McMurdo).

S.B. No. 1146:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Koki, McMurdo).

S.B. No. 1756, S.D. 1:

On motion by Senator Solomon, seconded by Senator Reed and carried, S.B. No. 1756, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Koki, McMurdo).

### RE-REFERRAL OF SENATE BILLS

The Chair made the following re-referral of Senate bills that were introduced:

Senate Bill	Referred to:
No. 151	Committee on Ways and Means
No. 159, S.D. 1	Committee on Judiciary
No. 422	Committee on Ways and Means
No. 511	Committee on Ways and Means
No. 540	Committee on Ways and Means
No. 784	Committee on Ways and Means
No. 1102	Committee on Ways and Means
No. 1157	Committee on Ways and Means
No. 1177	Committee on Ways and Means
No. 1180	Committee on Ways and Means
No. 1356	Committee on Judiciary
No. 1405	Committee on Ways and Means
No. 1407	Committee on Ways and Means
No. 1465	Committee on Ways and Means
No. 1485	Committee on Ways and Means
No. 1500	Committee on Ways and Means
No. 1501	Committee on Ways and Means



No. 1502	Committee on Ways and Means
No. 1564	Committee on Ways and Means
No. 1570	Committee on Ways and Means
No. 1585	Committee on Ways and Means
No. 1589	Committee on Ways and Means
No. 1703	Committee on Ways and Means
No. 1769	Committee on Ways and Means
No. 1804	Committee on Ways and Means
No. 1906	Committee on Ways and Means
No. 1947	Committee on Ways and Means
No. 1967	Committee on Ways and Means
No. 2069	Committee on Ways and Means
No. 2092	Committee on Ways and Means

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

Senator Matsuura rose to speak on a point of personal privilege as follows:

"Mr. President, the Senator from Nuuanu just came over and he wanted to inform me that the 'unagi' bill had died and he wanted to depict its death by showing me his tie -- picture of a 'unagi' that has the teeth of a moray eel. I just want this body to know that his tie does not reflect in any way what the 'unagi' really is.

"On a more serious note, Mr. President. One of my objections, and I hate to criticize the news media, but for some reason I always get misquoted ... this article on LESA came out in the Sunday paper.

"One of the things that is bad about reporting inaccurately is that after the public reads an article like this, they'll call and ask, 'Why are you putting golf courses on agricultural land?'

"After the first article came out, I called the supervisor of the writer and I went into great detail explaining the LESA bill. I informed him that both the administration bill and the bill that I had worked on do not, repeat, do not allow golf courses on agricultural land, if the LESA bill passed. I explained in detail the differences between the administration bill and the Senate bill. However, both the administration and the Senate bills are the same when it came to golf courses. There is NOT a permitted use of agricultural land in both bills. He said he would correct it.

"This morning, there was an editorial on this issue. I thought they had corrected the error as an editorial with my picture in it and I thought this was great. But, as I kept reading it, I was shocked. The editorial said the Senate bill will allow golf courses on agricultural land with a special use permit. I want the public to know that that is incorrect!

"I don't know how to correct these inaccuracies in the newspaper, but I think that it's their responsibility to correct the error. I don't consider myself a writer, but as a writer of children's books I create the story. News reporters are not supposed to be my kind of a writer.

They are not supposed to create stories. They have to report the story as it happens; it's not their job to create stories. What the public reads, especially when I'm quoted, they have to be accurate because it's hard to change people's perception once they read it in the newspaper, especially twice.

"So I just want to make my concern known to the news media. Thank you very much."

The Chair then interjected:

"Senator Matsuura, for your information, I want you to know you're not the only one that is misquoted. In fact, there is an article in this month's 'Honolulu Magazine' which says that I was the introducer of a bill to allow golf courses on ag land, and nothing could be further from the truth. I want to assure you that you're not the only one that has this kind of a problem."

### ADJOURNMENT

At 11:55 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, March 7, 1991.