

TWENTY-SEVENTH DAY

Thursday, March 7, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:43 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Bruce Edwards, Director of Missions, Oahu Baptist Association, after which the Roll was called showing all Senators present with the exception of Senators Iwase, McMurdo and Wong who were excused.

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

Senator McCartney then introduced to the members of the Senate Jesse Amatore, Maile Watta and Peter Cole, his student "shadows" from Kahuku High School, seated in the gallery accompanied by Justin Hurd of his staff.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 200 to 202) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 200, letter to Senate President R. Wong dated March 1, 1991, recommending, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, immediate consideration of Senate Bill No. 1287, which amends Section 219, General Appropriations Act of 1989 to provide the Governor with the authority to transfer funds between existing programs of the State government for the purpose of paying claims against the State as required by the Workers' Compensation Law, Chapter 386, HRS., was placed on file.

Gov. Msg. No. 201, submitting for consideration and confirmation for State Administrator, State Health Planning and Development Agency, the nomination of Kina'u Boyd Kamali'i, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 202, submitting for consideration and confirmation for Director of Environmental Quality Control, the nomination of Brian J.J. Choy, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 31, from the Department of Defense dated March 4, 1991, transmitting a pamphlet, "Economic Contributions of the Hawaii National Guard, Fiscal Year 1990," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 26 to 64) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 26, transmitting H.B. No. 7, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 7, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," passed First Reading by title and was referred to the

Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 27, transmitting H.B. No. 73, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 73, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 28, transmitting H.B. No. 83, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 83, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 29, transmitting H.B. No. 148, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 148, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 30, transmitting H.B. No. 358, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 358, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 31, transmitting H.B. No. 437, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 437, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TAMPERING," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 32, transmitting H.B. No. 596, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 596, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 33, transmitting H.B. No. 599, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 599, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 34, transmitting H.B. No. 600, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 600, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 35, transmitting H.B. No. 611, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR DISPUTE RESOLUTION," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 36, transmitting H.B. No. 621, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 621, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 37, transmitting H.B. No. 734, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 734, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SERVICES EXCISE TAX CREDIT," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 38, transmitting H.B. No. 797, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 797, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 39, transmitting H.B. No. 799, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 799, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INTEREST ON TAXES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 40, transmitting H.B. No. 801, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 801, entitled: "A BILL FOR AN ACT RELATING TO THE STATUTE OF LIMITATIONS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 41, transmitting H.B. No. 802, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 802, entitled: "A BILL FOR AN ACT RELATING TO ESTIMATED TAX PAYMENTS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 42, transmitting H.B. No. 811, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 811, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF 'PERSON' FOR THE GENERAL EXCISE TAX," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 43, transmitting H.B. No. 831, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 831, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIMS CONCILIATION PANEL," passed First Reading by title and was referred to the Committee on Consumer Protection and Business Regulation.

Hse. Com. No. 44, transmitting H.B. No. 844, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 844, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVING THE STATEWIDE RAINFALL AND FLOOD INFORMATION SYSTEM," passed First Reading by title and was referred to the Committee on Employment and Public Institutions, then to the Committee on Ways and Means.

Hse. Com. No. 45, transmitting H.B. No. 934, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 934, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 46, transmitting H.B. No. 1008, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1008, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 47, transmitting H.B. No. 1043, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1043, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 48, transmitting H.B. No. 1116, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1116, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO REVIEW THE LAWS RELATING TO FINANCIAL INSTITUTIONS," passed First Reading by title and was referred to the Committee on Consumer Protection and Business Regulation, then to the Committee on Ways and Means.

Hse. Com. No. 49, transmitting H.B. No. 1166, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CONTESTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 50, transmitting H.B. No. 1202, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1202, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL IMPROVEMENTS ACT OF 1990," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 51, transmitting H.B. No. 1208, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1208, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 52, transmitting H.B. No. 1229, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1229, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed First Reading by title and was referred to the Committee on Housing and Hawaiian Programs.

Hse. Com. No. 53, transmitting H.B. No. 1237, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1237, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 54, transmitting H.B. No. 1304, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1304, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOITERING FOR PROSTITUTION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 55, transmitting H.B. No. 1317, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1317, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 56, transmitting H.B. No. 1558, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 57, transmitting H.B. No. 1571, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1571, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 58, transmitting H.B. No. 1604, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 59, transmitting H.B. No. 1682, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1682, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS," passed First Reading by title and was referred to the Committee on Employment and Public Institutions.

Hse. Com. No. 60, transmitting H.B. No. 1855, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1855, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 61, transmitting H.B. No. 1899, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 1899, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 62, transmitting H.B. No. 2014, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2014, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 63, transmitting H.B. No. 2039, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2039, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WATER POLLUTION CONTROL," passed First Reading by title and was referred to the Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

Hse. Com. No. 64, transmitting H.B. No. 2139, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1991, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed First Reading by title and was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 459) recommending that S.B. No. 765 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. 765, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator McCartney for the Committee on Education, presented a report (Stand. Com. Rep. No. 460) recommending that S.B. No. 941, 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. 941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 461) recommending that S.B. No. 771, 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. 771, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR LITTERING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 462) recommending that S.B. No. 1303, 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. 1303, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 463) recommending that S.B. No. 1307 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. 1307, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 464) recommending that S.B. No. 1308 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. 1308, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 465) recommending that S.B. No. 1309 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. 1309, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRANSPORTATION PLANNING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 466) recommending that S.B. No. 1310, 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. 1310, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAYS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 467) recommending that S.B. No. 1312 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. 1312, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 468) recommending that S.B. No. 1332, 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. 1332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Fernandes Salling, for the Committee on Transportation and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 469) recommending that S.B. No. 1630, 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. 1630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 470) recommending that S.B. No. 34, 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. 34, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 471) recommending that S.B. No. 121, 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. 121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 472) recommending that S.B. No. 130 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. 130, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 473) recommending that S.B. No. 148, 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. 148, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO TRAFFIC OFFENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 474) recommending that S.B. No. 193 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. 193, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF VICTIMS OF CRIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 475) recommending that S.B. No. 595, 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. 595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 476) recommending that S.B. No. 597, 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. 597, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 477) recommending that S.B. No. 603, 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. 603, 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 Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 478) recommending that S.B. No. 750, 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. 750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 479) recommending that S.B. No. 800, 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. 800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORD DISCLOSURES OF FINANCIAL INTERESTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 480) recommending that S.B. No. 801 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. 801, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF FINANCIAL INTERESTS AMOUNTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 481) recommending that S.B. No. 802 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. 802, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIONS ON POST-EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 482) recommending that S.B. No. 803 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. 803, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 483) recommending that S.B. No. 804 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. 804, entitled: "A BILL FOR AN ACT RELATING TO CONFIDENTIALITY OF CHARGES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 484) recommending that S.B. No. 806 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. 806, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS LAW EXEMPTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 485) recommending that S.B. No. 1259, 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. 1259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 486) recommending that S.B. No. 1417, 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. 1417, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRIMARY ELECTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 487) recommending that S.B. No. 1529 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. 1529, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 488) recommending that S.B. No. 1539, 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. 1539, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICES AND PROCEDURES OF THE HAWAII CIVIL RIGHTS COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 489) recommending that S.B. No. 1624, 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. 1624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 490) recommending that S.B. No. 1837, 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. 1837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTOMATIC FINGERPRINT IDENTIFICATION SYSTEM," passed

Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 491) recommending that S.B. No. 1852, 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 majority of the Committee was adopted and S.B. No. 1852, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND SEIZURE IN PUBLIC SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 492) recommending that S.B. No. 2145, 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. 2145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 12, 1991.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILL

The Chair re-referred S.B. No. 1613 to the Committee on Ways and Means.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

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

"Mr. President, your Committee on Ways and Means held a hearing to discuss the \$6 million appropriation that was requested by the visitors' industry and during that committee hearing we were presented with some information titled 'Strategic Benefits of Hawaii Tourism Advertising on National Network Television.' According to that information:

'At the end of 1989 there were 92.1 million U.S. households with television sets. That means that 98 percent of all homes in America has at least one TV set.

'These TV households represent 235 million people, 77 percent of whom are 18 years old and older.

'The average number of TV usage hours has remained steady over the last several years.' (I'm quoting this, Mr. President, from the information that was presented to the Ways and Means Committee.) In 1988-89 the figures were 7 hours and 2 minutes.

'Contrary to popular belief, all income levels are heavy users of television. Households of income of \$40,000 or more view television 48 hours a week. Upper income households of \$60,000 or more view

television only 2 hours or less a week. The target audience for the \$6 million expenditure would be visitors in households with income of \$45,000 or more.

'There is no advertising medium available that can reach as many people in Hawaii's target as television.'

"And of course, they go on to give us the numbers which are quite impressive:

'These efforts pale when they are compared to the reach of television,' (and they are comparing now, newspaper advertising, magazine advertising with television advertising and says) 'the average network spot reaches 14 percent of all Americans or about 35 million people.'

"The reason I bring this to the attention of my colleagues is because I was very, very disappointed with the script that was attached to this Strategic Plan that we are asking the citizens of Hawaii to fund. I would like to go over this script with you which says:

'TELEVISION
AS PRODUCED SCRIPT 11.
HAWAII VISITORS BUREAU

"ROUTINE BEHAVIOR" :30
(JOB 3030-473-TV)

THE NEIGHBORS - Fun is not part of their vocabulary.

THE KIDS - Actually, they're pretty straight.

THE BOSS - Work, Work, Work.

THE MOTHER-IN-LAW - They make me look like a party animal.

DR. MARIE JONES, Ph.D., BEHAVIORAL PSYCHOLOGY - Routine behavior can lead to severe anxiety and often depression.

THE NEIGHBORS - They went where?

(HAWAII MONTAGE) - Bob & Ellen bicycling, kayaking, running toward the beach, dancing and laughing at a luau, Bob chasing Ellen with a toy shark on beach.

(PSYCHOLOGIST FALL OVER)

ANNOUNCER - This year, come to life in Hawaii. (Bob & Ellen dancing on top of a reef in the sunset.)

THE MOTHER-IN-LAW - I hope they bring me back a grass hula skirt and a coconut bra.'

"Now, I find this quite offensive. I find it offensive, Mr. President, to the point where I called the Ethnic Studies Department of the University of Hawaii. I asked them to give me a simple definition of what is meant by 'ethnic stereotyping.' And this was the response: 'A stereotype is the over-simplified opinion, usually referring to an ethnic/racial group, issues or events. Or for a race "exaggerated generalization" usually of ethnic/racial/gender groups.'

"Mr. President, I'm urging my colleagues, when we do consider this budget item, that we seriously reconsider that portion of the script: 'I hope they bring me back a grass hula skirt and a coconut bra.' I feel that the native Hawaiian culture is much more sophisticated than this stereotype oversimplification.

"I'm hoping, Mr. President, that we have evolved, in terms of our image, which is projected to the world.

"I was hoping that perhaps we could become more creative and try to emphasize the positive aspects of our tourist industry such as the promotion of cross-culture communication, i.e., communication across cultural boundaries which could be international among different ethnic/cultural groups within a nation.

"Mr. President, I'm hoping that as we deliberate on these appropriations that perhaps your Committee on Tourism as well as your Committee on Ways and Means could possibly meet with the industry to discuss the kind of image they are selling to the rest of the world. I really feel that we deserve better representation.

"Thank you very much."

At this time, Senator Tungpalan made the following introductions to the members of the Senate:

Senator Tungpalan introduced to the members of the Senate Mrs. Kate Bowdish, Ms. Sharon Warner, Ms. Mary Ferguson, Ms. Alice Kamaiopili, Ms. Kathy Wayne, Ms. Elmira Smith, Ms. Edna Haun, Mrs. Margeen Kawasaki and son Daniel, of the Pearl City Kai Adventure Tour who were accompanied by Mr. Cirio Tungpalan, her husband.

Senator Tungpalan said: "I'm really happy to have these women here, especially since many of them come from the peninsula area and several of them have spouses serving in the armed forces. One of them is Kate Bowdish. Kate's husband is serving our country in Saudi Arabia. I know that all of the Senators here join me in congratulating her for being such a wonderful and supportive wife in keeping the home fires glowing and bright as her husband serves our country so ably together with all the others."

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

Senator Tungpalan then recognized the Pearl City High School Band as follows:

"Mr. President and honored colleagues, this morning, on behalf of Senators Mizuguchi and Iwase, it gives me a great deal of pleasure to present to you the world class band of Pearl City High School who are seated in the gallery.

"And seated with us here in the Senate chamber are: Ms. Susan Tsunoda, president of the Pearl City Band; Mr. Mike Nakasone and Mr. Thomas Kamisato, bandmasters, who have put together a band that rivals no other; and at the helm of our school and doing a very good job is school principal Gerald Suyama.

"These young ladies and gentlemen have served Hawaii well throughout the United States and Japan as ambassadors of our country as well as our state. They have marched their way into the hearts of spectators at the Rose Bowl and Macy's Thanksgiving Day parade. Most recently, they represented us at the Midwestern International Band and Orchestra Clinic where they were given the most prestigious time slot of the concert.

"They were, I am told, given something like five standing ovations on their last number. I don't think there was a person sleeping in the audience because of the thunderous applause after each presentation. The audience, I understand, had never listened to an equal to

these young men and women, and that really makes me so very proud. I can't say enough about them, especially because I have known so many of them since their childhood. It's just amazing how they've grown up to be so wonderful and so very talented. I do wish you all the very best and that you continue in your careers and your endeavors.

"On behalf of the Senate, we want you to know you have really made us very proud.

"Thank you, Mr. President."

All of the honorees rose to be recognized. Senator Tungpalan presented the congratulatory Senate certificate and a lei to Mr. Suyama; leis were also presented to the honorees seated on the chamber floor.

Senator Mizuguchi then added:

"Mr. President, like the previous speaker, I would like to welcome the Pearl City High School Band. We are proud of their accomplishments over the years. Pearl City High School has produced a number of outstanding musicians. We thank them for honoring our community. We thank them for performing this morning. And I thank them for the lovely lei. Thank you very much."

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:12 o'clock p.m.

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 8, 1991.