

THIRTY-FOURTH DAY

Tuesday, March 19, 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 James C. Butt, Chaplain, Naval Reserve, after which the Roll was called showing all Senators present with the exception of Senators Chang, Cobb and Holt who were excused.

The Chair announced that he had read and approved the Journal of the Thirty-Third Day.

The following introductions were then made to the members of the Senate:

Senator Tungpalan, on behalf of Senators Iwase, Crozier and herself, introduced Mr. Cal Kawamoto of the Waipahu Cultural Garden who was seated in the gallery.

Senator McCartney, on behalf of Senators George, Koki and himself, introduced a group of students and faculty members from the Windward Community College who were also seated in the gallery. Senator McCartney added that the group was here to lobby for funding for the college.

Senator Crozier then welcomed and introduced Joann Felman, a good friend from Hickam Air Force Base and her friends: Judy Majkowski, Roberta Mogilewicz, Brenda Cheney, Donna Fuqua, Dorothy Sicklesteele, Timeri Noren and Nancy Beckwith.

Senator Crozier also introduced his special guests from the State of North Dakota: Mayor Florence Bjornsen of Fargo who also was a former legislator; Mrs. Jean Jenkins, whose husband was a former legislator; Ms. Katherine Burgum, former dean of the state university; and Ms. Adell Shulz. They were accompanied by their hosts, Gary and Marian Shimabukuro.

Senator Crozier also introduced a group of students from Maukalan School, located in his neighborhood, and their teacher Mrs. Oshiro who are on a tour of the Capitol and Iolani Palace. Senator Crozier singled out his neighbor Donna and his nephew Kahea who were among the group.

Senator Mizuguchi then introduced Dr. and Mrs. Philip Phibbs of Puget Sound, Washington, as follows:

"Mr. President, it is my honor and privilege to extend greetings and warm aloha to the president of the University of Puget Sound and his associates. They are sitting on the floor today. We had a short discussion about higher education and I'm glad the students of Windward Community College are here today lobbying the Legislature for funds for their particular school.

"Mr. President, as you are aware, the University of Puget Sound enjoys a tremendous academic reputation as being one of the leading higher educational institutions in the West. Today, it is my honor and privilege to introduce to this body the president of the University of Puget Sound. He is Dr. Philip Phibbs who for 17 years has been president of the University of Puget Sound and he's an outstanding educator as well as an administrator.

"There is a strong tie between the University of Puget Sound and the State of Hawaii. Dr. Phibbs and his associates have recruited some of our best and our

brightest students to the wonderful State of Washington. He is here along with his associates to recruit young graduates of our state high schools and also here for some fund raising activities.

"At this time, I'd like to introduce Dr. Philip Phibbs, president of the University of Puget Sound.

"Behind every great man is a great woman and I'd like to introduce at this time Mrs. Gwen Phibbs, wife of the president. Accompanying Dr. and Mrs. Phibbs is Caroline Dunn who is the director of alumni relations.

"Also accompanying Dr. Phibbs is Bill Kaneko, an alumnus of Puget Sound. Bill is an outstanding state planner and is a tremendous advocate for civil rights for all minorities. Last but not least is Scott Higashi, an outstanding student of the University of Puget Sound.

"At the appropriate time, Mr. President, may I have Senator Solomon, our floor leader and former chairperson of the Committee on Higher Education, present a lei to Dr. Phibbs, and Senator McCartney, who's presently the chairman of our Education Committee, present a lei to Mrs. Phibbs."

Dr. and Mrs. Phibbs and associates rose to be recognized.

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

The Senate reconvened at 11:53 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 248, dated March 11, 1991, transmitting the "The Research Corporation of the University of Hawaii Annual Report 1990," as mandated by Section 307-6, HRS, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 35 and 36) were read by the Clerk and were placed on file:

Dept. Com. No. 35, from the Executive Office on Aging, Office of the Governor, dated March 1, 1991, transmitting the report "Case Management for Hawaii's Older Adults."

Dept. Com. No. 36, from the Department of Agriculture dated March 13, 1991, transmitting the "1991 Export Directory & Buyer's Guide, Hawaii's Agricultural Food Products."

HOUSE COMMUNICATIONS

The following communications (Hse. Com. Nos. 397 and 398) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 397, transmitting H.C.R. No. 158, which was adopted by the House of Representatives on March 14, 1991, was placed on file.

By unanimous consent, H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING AND CONGRATULATING THE COURAGEOUS SONS AND DAUGHTERS OF HAWAII WHO RETURNED FROM THE MIDDLE EAST AFTER SUCCESSFULLY PARTICIPATING IN OPERATION

DESERT STORM," was referred to the Committee on Employment and Public Institutions.

Hse. Com. No. 398, transmitting H.C.R. No. 359, which was adopted by the House of Representatives on March 15, 1991, was placed on file.

By unanimous consent, H.C.R. No. 359, entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING ALLIED COMMANDER GENERAL H. NORMAN SCHWARZKOPF FOR HIS VICTORY OVER IRAQ IN THE PERSIAN GULF," was referred to the Committee on Employment and Public Institutions.

ORDER OF THE DAY

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 531 Committee on Consumer Protection and Business Regulation

No. 1881, H.D. 1 Jointly to the Committee on Education and the Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following concurrent resolutions that were offered:

Senate
Concurrent
Resolution Referred to:

No. 95 Jointly to the Committee on Employment and Public Institutions and the Committee on Agriculture and Environmental Protection

No. 149 Committee on Culture, Arts and Historic Preservation

No. 184 Committee on Housing and Hawaiian Programs

No. 185 Committee on Housing and Hawaiian Programs

No. 186 Committee on Housing and Hawaiian Programs

RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following resolutions that were offered:

Senate
Resolution Referred to:

No. 77 Jointly to the Committee on Employment and Public Institutions and the Committee on Agriculture and Environmental Protection

No. 127 Committee on Culture, Arts and Historic Preservation

No. 163 Committee on Housing and Hawaiian Programs

No. 164 Committee on Housing and Hawaiian Programs, then to the Committee on Legislative Management

No. 165 Committee on Housing and Hawaiian Programs

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

"Mr. President, I was watching the news on Channel 4 yesterday afternoon and I was astonished to hear that according to the director of the Department of Health, Dr. John Lewin, the superfund bill which we passed last year is so flawed that it would be virtually impossible to enforce. Oil spills, in particular, were cited in that report.

"Dr. Lewin was commenting on the pre-enforcement provision in the law which mandates that clean-ups begin and be completed prior to any court action being allowed. This provision, as you know, was the major disagreement between the department and those potentially affected by the law. And it was Dr. Lewin who strenuously argued to not weaken this provision. His insistence was the primary reason that the negotiations ended up in an impasse, and also the reason why, as chair of the committee, I then moved to agree to the House draft of the bill and then moved for its passage.

"Now it appears that the administration has had a major change of heart and feels that this provision can be compromised without jeopardizing their ability to enforce any environmental clean-up. That's fine. I don't know what brought this about. However, I don't think that it is fair to justify this compromise by denigrating the actions taken previously by this Legislature in establishing superfund legislation.

"I find this to be totally unbelievable after all of the negotiations and work that was done last year, and I certainly question Dr. Lewin's integrity at this point.

"Thank you."

ADJOURNMENT

At 11:57 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, March 20, 1991.