

**THIRTY-EIGHTH DAY****Monday, March 25, 1991**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Clarence S. Higa, Shingon Mission, after which the Roll was called showing all Senators present with the exception of Senators Aki, Holt, McMurdo, Mizuguchi and Nakasato who were excused.

The President announced that he had read and approved the Journal of the Thirty-Seventh Day.

Senator Solomon introduced her young nephews from the Big Island, Alana Okalaa Covington and Mauloa Okalaa Covington, who were seated in the gallery.

Senator Reed introduced "a friend from 20 years in the distant past," Mr. Dick Frye of Washington State University and wife Marilyn, who were seated in the gallery, accompanied by their friends, Mr. Bert Harrison and wife Dee, and Mrs. Lois Castlebury and husband Paul. Senator Reed said that Dick Frye and his party are in Hawaii to attend the Rainbow Baseball Spring Tournament as fans of Washington State University.

Senator Chang then presented and introduced the following Hawaiian Sugar Technologists (HST), who were seated on the floor of the Senate, and said:

"Mr. President, the history of Hawaii's sugar industry can be traced back over 150 years when the first commercially successful sugar company was established in Koloa on the Island of Kauai in 1835. In succeeding years, the sugar industry was responsible for creating a thriving economy and for bringing together diverse cultures from around the world to Hawaii.

"The Hawaiian sugar technologists have played an integral part in the growth and success of the sugar industry. Through this association, scientists, technicians and other highly skilled sugar industry employees have been able to discuss and disseminate vital information to make Hawaii the most efficient and productive sugar producer in the world.

"With us today are five technologists to receive the commendation and congratulations of the Senate for 50 years of dedicated service to Hawaii's sugar industry. We have with us:

Mr. Yoshiaki Tanabe, 1991 president of HST. He is a production manager at Waialua Sugar Company;

Mr. Bill Keenlside, 1991 general program chairman for HST, and the department head of the sugar technology department at HSPA;

Mr. Ken Kunimitsu, 1991 chairman of the HST board of governors, and crop control superintendent at Waialua Sugar;

Mr. Rick Klemm, 1991 chairman of public relations for HST, and the public relations representative for HSPA; and

Mr. Jack Kong, secretary-treasurer of HST.

"May we welcome our visitors."

The honorees rose to be recognized and were presented the congratulatory Senate certificate and leis.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 254 to 256) were read by the Clerk and were disposed of as follows:

Msg. No. 254, submitting for consideration and consent to the Circuit Court of the First Circuit, the nomination of Herbert K. Shimabukuro for Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 255, advising the Senate of the withdrawal of the nomination of Brian J.J. Choy for Director of Environmental Quality Control, under Gov. Msg. No. 218, dated March 8, 1991, was placed on file.

In compliance with Gov. Msg. No. 255, the nomination listed under Gov. Msg. No. 218 was returned.

Gov. Msg. No. 256, submitting for consideration and confirmation as Director of Environmental Quality Control, the nomination of Brian J.J. Choy, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

**DEPARTMENTAL COMMUNICATION**

Dept. Com. No. 37, from the State Planning Council on Developmental Disabilities dated March 20, 1991, transmitting the 1990 Annual Executive Report, "The Vision Unfolds," was read by the Clerk and was placed on file.

**STANDING COMMITTEE REPORTS**

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 994) recommending that S.C.R. No. 4, as amended in S.D. 1, be adopted.

On motion by Senator Levin, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.C.R. No. 4, S.D. 1, entitled: "A BILL FOR AN ACT REQUESTING THE LEGISLATIVE AUDITOR TO STUDY AND REPORT ON THE COORDINATION OF MENTAL HEALTH NEEDS OF CHILDREN AND ADOLESCENTS BETWEEN STATE AGENCIES," was adopted.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 995) recommending that S.C.R. No. 11 be adopted.

On motion by Senator Levin, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.C.R. No. 11, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE ONE WEEK EACH YEAR TO CALL ATTENTION TO THE PROBLEM OF SUBSTANCE ABUSE IN HAWAII," was adopted.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 996) recommending that S.R. No. 14 be adopted.

On motion by Senator Levin, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.R. No. 14, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE ONE WEEK EACH YEAR TO CALL ATTENTION TO THE PROBLEM OF SUBSTANCE ABUSE IN HAWAII," was adopted.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 997) recommending that S.C.R. No. 20 be adopted.

On motion by Senator Levin, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO UNDERTAKE THE NECESSARY PROCEDURES TO SECURE A FEDERAL GRANT FROM THE UNITED STATES COMMISSION ON NATIONAL SERVICE TO ESTABLISH A NATIONAL SERVICE PILOT PROGRAM IN HAWAII," was adopted.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 998) recommending that S.R. No. 21 be adopted.

On motion by Senator Levin, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.R. No. 21, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO UNDERTAKE THE NECESSARY PROCEDURES TO SECURE A FEDERAL GRANT FROM THE UNITED STATES COMMISSION ON NATIONAL SERVICE TO ESTABLISH A NATIONAL SERVICE PILOT PROGRAM IN HAWAII," was adopted.

## ORDER OF THE DAY

### THIRD READING

H.B. No. 363, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 363, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

H.B. No. 364:

By unanimous consent, action on H.B. No. 364, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," was deferred until Wednesday, March 27, 1991.

H.B. No. 600, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 600, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

H.B. No. 934, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 934, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

H.B. No. 1008, H.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 1008, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

H.B. No. 1163, S.D. 1:

By unanimous consent, action on H.B. No. 1163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DEFINITIONS," was deferred until Wednesday, March 27, 1991.

H.B. No. 1166, H.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 1166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CONTESTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

H.B. No. 1571, H.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 1571, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

H.B. No. 1168:

On motion by Senator Blair, seconded by Senator Cobb and carried, H.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

Stand. Com. Rep. No. 867 (H.B. No. 1453, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, Stand. Com. Rep. No. 867 was adopted and H.B. No. 1453, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Holt, McMurdo, Mizuguchi, Nakasato).

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

At this time, Senator Tungpalan introduced to the members of the Senate representatives of the championship Pearl City High School girls soccer team as follows:

"Mr. President, today, we have with us members of the Pearl City High School girls soccer team and their coach Archie Chung; their captains, Leilani Keopuhiwa and Kris Ann Tanimoto.

"Archie Chung is really remarkable. He's been able to bring the Pearl City High School girls soccer team to the state championship tournament and to win it two consecutive years. Through dedication, perseverance and hard work, Archie has motivated our soccer team to receive the status it now claims as first in our state."

Mr. Chung, Leilani and Kris Ann rose to be recognized and were presented the congratulatory Senate certificate and leis.

Senator Tungpalan also recognized and introduced the members of the championship Pearl City High School girls soccer team who were seated in the gallery.

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 p.m.

Senator Crozier then introduced Tomohide Saito, a student of Moanalua High School, and said, "Tomo has chosen to volunteer in my office on spring break. He is the star soccer player at Moanalua High School. He is originally from Japan and is interested to learn about the process of government in America."

Senator McCartney, on behalf of Senators Solomon, Levin and Matsuura, introduced Mrs. Kunitake who was seated in the gallery and said, "Mrs. Kunitake is a good friend of mine, a long-time community advocate, and a lady I admire very, very much."

#### ADJOURNMENT

At 12:18 o'clock p.m., on motion by Senator Hagino, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 27, 1991.