

## TWENTY-THIRD DAY

**Wednesday, February 19, 1992**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Strickland, Unity Church of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Koki and Matsuura who were excused.

The President announced that he had read and approved the Journal of the Twenty-Second Day.

Senator B. Kobayashi introduced Miss Dori Takata, Miss Carole Ann Kennedy and Miss Sarah Lee, seated on the floor of the Senate, as follows:

"Mr. President, today, it gives me great deal of pleasure and privilege to introduce the 1992 winners of Hawaii's Young Woman of the Year Scholarship Program. As you know, this program was formerly called the Junior Miss Program and it salutes young women of accomplishment, scholarship, character and achievement and this year we have three such young women.

"The winner for 1992's Hawaii Young Woman of the Year will be representing Hawaii in Mobile, Alabama, on June 27, 1992. She is Miss Dori Kiyomi Takata.

"Dori is an exceptionally bright and talented young lady, a straight 'A' student at Iolani High School where she is also senior class president. Upon graduation she plans to attend Harvard University. We are proud to have Dori represent Hawaii in this year's Young Woman of the Year Program in Mobile, Alabama."

Miss Takata rose to be recognized and was presented the congratulatory Senate certificate by Senator B. Kobayashi.

Senator B. Kobayashi continued:

"Mr. President, we also have with us first runner-up Miss Carole Ann Kennedy. Carole Ann is a senior at Punahou School and was also named Top Scholar of the Year. She is the daughter of Joel and Ann Kennedy (many of us know Joel Kennedy from his many years of experience at the Legislature). We extend to Carole Ann our congratulations."

Miss Kennedy rose to be recognized and was presented the congratulatory Senate certificate by Senator B. Kobayashi.

Senator B. Kobayashi continued:

"Mr. President, our third young woman is second runner-up Sarah Kimiko Lee. Sarah is also a senior at Punahou School and won preliminary awards in Fitness and Presence/Composure and is the daughter of Abel and Sally Lee."

Miss Lee rose to be recognized and was presented the congratulatory Senate certificate by Senator B. Kobayashi.

Senator B. Kobayashi also introduced Mrs. Sally Lee, mother of Sarah Lee, Mrs. Carol Chun and Mrs. Corlis Chang, co-chairs of the 1992 Hawaii's Young Woman of the Year Scholarship Program, all of whom were seated in the audience.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 165, informing the Senate that on February 19, 1992, he signed into law Senate Bill No. 2884 as Act 2, entitled: "MAKING AN APPROPRIATION FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM," was read by the Clerk and was placed on file.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 29, from the Department of Agriculture dated February 11, 1992, transmitting the monthly independent audit of the milk processing plants in the Honolulu and the Hawaii milk sheds: Meadow Gold (Oahu) - September, October and November; Excelsior - October; Foremost - September, October and November; prepared by Deloitte & Touche, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 39 to 45) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 39, transmitting H.B. No. 2563, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2563, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE FISCAL AND BUDGET ANALYSIS," passed First Reading by title and was referred to the Committee on Legislative Management, then to the Committee on Ways and Means.

Hse. Com. No. 40, transmitting H.B. No. 3152, which passed Third Reading in the House of Representatives on February 18, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3152, 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. 41, transmitting H.B. No. 3155, which passed Third Reading in the House of Representatives on February 18, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3155, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF FOREIGN MANUFACTURERS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 42, transmitting H.B. No. 3158, which passed Third Reading in the House of Representatives on February 18, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3158, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 43, transmitting H.B. No. 3159, which passed Third Reading in the House of Representatives on February 18, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3159, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LIMITATION PERIODS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 44, transmitting H.B. No. 3274, H.D. 1, which passed Third Reading in the House of Representatives on February 18, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3274, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 45, transmitting H.C.R. No. 102, which was adopted by the House of Representatives on February 19, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.C.R. No. 102, relating to the dates of the mandatory recess and other recesses of the Regular Session of 1992, pursuant to Article III, Section 10 of the Constitution of the State of Hawaii, was adopted.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 45) was read by the Clerk and was referred to committee:

No. 45 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO IMPOSE STIFF TRADE SANCTIONS AGAINST ANY NATION WHOSE CITIZENS CONTINUE TO USE DRIFT GILL NETS FOR FISHING."

Offered by: Senators Yamasaki, Aki, George, Hagino, Ikeda, Iwase, Kobayashi, A., Kobayashi, B., Koki, Levin, Mizuguchi, Reed, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

#### SENATE RESOLUTION

The following resolution (S.R. No. 36) was read by the Clerk and was referred to committee:

No. 36 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO IMPOSE STIFF TRADE SANCTIONS AGAINST ANY NATION WHOSE CITIZENS CONTINUE TO USE DRIFT GILL NETS FOR FISHING."

Offered by: Senators Yamasaki, Aki, George, Hagino, Ikeda, Iwase, Kobayashi, A., Kobayashi, B., Koki, Levin, Mizuguchi, Reed, Solomon.

Referred to: Committee on Agriculture and Environmental Protection

#### STANDING COMMITTEE REPORT

Senator Ikeda, for the Committee on Consumer Protection and Business Regulation, presented a report (Stand. Com. Rep. No. 1916) recommending that S.B. No. 2361, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Consumer Protection and Business Regulation.

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the report of the Committee was adopted and S.B. No. 2361, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," passed Second Reading and was recommitted to the Committee on Consumer Protection and Business Regulation.

#### MATTERS DEFERRED FROM TUESDAY, FEBRUARY 18, 1992

##### THIRD READING

S.B. No. 2229, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 2229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Koki, Matsuura).

Stand. Com. Rep. No. 1788 (S.B. No. 1843, S.D. 2):

Senator Blair moved that Stand. Com. Rep. No. 1788 be adopted and S.B. No. 1843, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Holt.

At this time, Senator Solomon rose to state:

"Mr. President, I would like to pose a question to the chairman."

The Chair asked if the chairman of the Judiciary Committee would yield to a question and Senator Blair having answered in the affirmative, Senator Solomon asked:

"Mr. President, in terms of this bill, being that I do represent a large contingency of hunting clubs throughout my Third Senatorial District, how would this bill affect their hunting rifles?"

Senator Blair, chair of the Judiciary Committee, replied:

"Mr. President, it would depend on the particular rifle that was being used. If they were, for example, using a rifle with a 30-round clip it would affect them in that they would have to get rid of the clip. Going beyond the clip to the actual rifle, there are certain rifles and carbines that would become unavailable for purchase and which people may now be hunting with. They would continue to be allowed to hunt with those rifles. They would not, however, be able to purchase, sell or transfer those rifles. The proposition of being able to hunt with existing weapons is not affected. The committee was aware that a number of people hunt, not merely for sport, although that's important for some people, but even for the family's meals. Existing weapons are not banned and among weapons not covered there's a range of weapons that are suited for hunting. The list of weapons in the bill is a tiny percentage of the weapons available for hunting, sport shooting and self-defense.

"For the most part, people will not be affected, even those few who are currently using these weapons for hunting purposes."

Senator Solomon then said:

"Thank you, Mr. President. In that case, I will be in support of this bill."

Senator Holt, in support of the measure, said:

"Mr. President, speaking in favor of the bill with reservations.

"Very briefly, I don't believe that the bill will stop the illegal importation of guns that are coming into the state and that there are a lot of law-abiding citizens out there who own guns and we hope that it doesn't affect them too much. Thank you."

Senator Crozier rose to speak in favor of the bill and stated:

"Mr. President, I rise to say that after last year's experience, as we moved the bill through the process, many of us took a lot of heat and then in the final moments the bill was pulled back. At this time, I will be voting 'yes' for this bill but as it moves through the process, I still reserve the right to change my mind. Thank you."

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m. with the Vice President in the Chair.

At this time, Senator Wong rose to inquire:

"Mr. President, will the chairman of the Judiciary Committee yield to a question?"

The Chair posed the question to the chairman of the Judiciary Committee and Senator Blair having answered in the affirmative, Senator Wong asked:

"Mr. Chairman, am I to understand that under this bill the existing statutes pertaining to sawed-off shotguns, Saturday-night specials, blackjacks, switchblade knives and electric guns will still remain in effect? This bill will not affect those statutes presently on the books?"

Senator Blair answered:

"That is my understanding. There is a strong constitutional presumption of validity attached to anything the Legislature enacts. This bill does not amend any of the statutes that you referenced in your question. It would not affect the presumption of constitutionality which will continue to attach with full vigor to all statutes previously enacted."

Senator Wong then said:

"Mr. Chairman, thank you for the response.

"Mr. President, I am going to vote in favor of the bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1788 was adopted and S.B. No. 1843, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Reed). Excused, 3 (Chang, Koki, Matsuura).

#### RE-REFERRAL OF SENATE BILL

The President re-referred the following Senate bill that was introduced:

Senate Bill                      Referred to:

No. 3237

Committee on Ways and Means

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

The Senate reconvened at 12:13 o'clock p.m. with the President in the Chair.

Senator A. Kobayashi rose to speak on a point of personal privilege as follows:

"Mr. President, I would like to recognize today, February 19, 1992, as a day of remembrance. It marks the 50th anniversary of the signing of Executive Order 9066 which authorized the relocation and internment of Americans and resident aliens of Japanese ancestry by the United States government.

"We all signed a Senate certificate which is being presented today. I would like to read the last 'be it resolved' of that certificate: 'That this 50th anniversary be an occasion of renewed vigilance, ensuring that the wrongs of the past not be repeated; that the State of Hawaii be a model of justice for all its citizens so that genuine tolerance can blossom and a richly diverse community grow, both spiritually and materially.'

"Thank you, Mr. President."

#### STANDING COMMITTEE REPORTS

On motion by Senator Solomon, seconded by Senator Reed and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that Senate bills pass Second Reading and be placed on the calendar for Third Reading or be recommitted to committee. The Clerk was further authorized to receive standing committee reports recommending that Senate bills be placed on the calendar for Third Reading. In consequence thereof and subsequent to its recessing at 12:15 o'clock p.m., the Senate took the following actions on the following bills and standing committee reports:

Senator Holt, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1917) recommending that S.B. No. 995, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Planning, Land and Water Use Management.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 995, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND," passed Second Reading and was recommitted to the Committee on Planning, Land and Water Use Management.

Senator McCartney, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1918) recommending that S.B. No. 2706 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1918 and S.B. No. 2706, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL," was deferred until Thursday, February 27, 1992.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1919) recommending that S.B. No. 2241 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. 2241, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second

Reading and was placed on the calendar for Third Reading on Thursday, February 27, 1992.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1920) recommending that S.B. No. 1028, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1028, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was recommitted to the Committee on Ways and Means.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1921) recommending that S.B. No. 3237, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII," passed Second Reading and was recommitted to the Committee on Ways and Means.

#### **ADJOURNMENT**

At 4:30 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Thursday, February 27, 1992.