

## TWENTY-FOURTH DAY

Tuesday, March 1, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Anthony B. Robinson, Pastor of the Church of the Crossroads, after which the Roll was called showing all Senators present.

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

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

Senator Young introduced 40 fifth grade students from Kaimiloa Elementary School in Ewa Beach, accompanied by their teachers, Mrs. Yamada and Mrs. Miller.

Senator Cobb then introduced 56 fifth grade students from Kahala Elementary School, accompanied by their teachers, Ms. Sharon Inamine and Ms. Carol Miyahara.

Senator Holt then introduced 56 fifth grade students from Maemae School, including Senate President Wong's youngest daughter, Christine; accompanied by their teachers, Mrs. Mugiishi and Miss Nakasone, and parents, Mrs. Kadoyama and Mrs. Yano.

Senator Kuroda then introduced the Government Affairs Director of the Miller Brewery, Mrs. Sunny Jones.

Senator Kuroda then stated:

"Mr. President, members of the Senate, with us on the floor today we have Mr. and Mrs. Thomas Boyle from San Bernardino, California. Mr. Boyle is the Western Regional Director for Little League Baseball.

"Hawaii Little League Baseball considers Mr. Boyle as an unofficial goodwill ambassador for Hawaii. He has hosted Hawaii Little League champions at San Bernardino for many years and he has also sponsored several Little League Baseball umpire clinics in Hawaii. He has also been to Hawaii as a judge of the Miss Hawaii USA pageant.

"Mr. President, at this time I would like to introduce Mr. and Mrs.

Thomas Boyle of San Bernardino, California."

Senator Cayetano then rose and stated:

"Mr. President, the honoree that I'm going to introduce today needs no introduction. Before introducing him, however, let me make a few remarks.

"Four years ago, Mr. President, the honoree's name was before this Senate for the Senate's advice and consent on his nomination as Director of the Department of Planning and Economic Development.

"As a freshman Senator at that time, with the information available to me, I was prepared to vote against his nomination. Four years have passed and I've had the opportunity to know him as a human being, as a friend, and as one of the state's more capable directors, and in particular, his work as the Director of Planning and Economic Development.

"I think it's just and fitting that as he closes out his career, the Senate commends him for the work that he has done and that we acknowledge that we are very, very grateful for his dedication to public service.

"Having said that, Mr. President, I'd like to introduce the honoree at this time, Mr. Hideto Kono.

"With him this morning, is his lovely wife and a very gracious person, Mrs. Fannie Kono.

"Mr. President, during the recess, I'd like to ask Senator Fernandes Salling to present a red carnation lei to Mr. Kono, (I think the red carnation has some historical significance, but I won't go into it at this particular time,) and Senator Abercrombie, who is the only man who voted against Mr. Kono, to present Mrs. Kono with the same kind of lei.

"Thank you very much."

Senator Abercrombie then rose and stated:

"Mr. President, I've had the dubious distinction of casting all kinds of single votes in the Legislature in the eight years that I've been a member, and, as Senator Cayetano indicated, four years ago, under circumstances

much less felicitous, shall I say, for goodwill, than those prevailing today, Mr. Kono's nomination came before the Senate. At the time, there was a great deal...I should say, Mr. President, probably less in the way of controversy rather than confrontation.

"I don't think that Mr. Kono's good character and his capabilities were ever in question. The problem that existed at that time was one of direction and policy and attitude with respect to where the Senate thought it might like to go and what the Governor would like to have accomplished. And, as it so often happens in these abstract circumstances of argument of philosophy and ideology, the human dimension causes consternation and pain, agony and anxiety.

"In those circumstances, I did indeed cast a negative vote for that nomination, and it was obviously something that any Senator does with a great deal of trepidation--certainly, with concern.

"What occurred at that time was an example of the character and class of Mr. Kono who assured me, upon his confirmation, that he looked forward to working with me as well as the other Senators and in a manner which he felt would exemplify the qualities that he possesses, the kinds of activities that he could bring to bear in the State of Hawaii would be in the public interest. He assured me that at the end of whatever period of time that he would be serving this state that he felt confident that not only would we be good friends, and not only would I have a good opinion of his work, but that his work would stand on its merits, and that the public would be well served.

"I want to say to you, Mr. President, and also to you, Mr. and Mrs. Kono, that seldom in my life have I had an opportunity to experience a prediction from someone come so true.

"Not only has he served this state well, not only has he always been a gracious and forthcoming individual, not only has he carried through on the policies of the Executive in a manner which was dignified and informative with respect to those policies and their implementation, but I think that it can be said without question that in his personal relationships, not only with the Senators but in respect to formulation of State Plans, he was continually helpful, always available, and I can say from my own personal experience, that

every single project that I thought might be useful to the state which I had the opportunity to discuss with him, he always gave it the fullest attention. As a matter of fact, I think we found ourselves agreeing much more often than not, almost 100% of the time that the various projects and cooperation necessary between the Senate and the Department of Planning and Economic Development with something that could be accomplished. I can think of numerous instances from the aquarium to the fashion industry to various sundry projects of a minor and major nature.

"My remarks have been somewhat extended because I think the accomplishments of Mr. Kono in this area have been extensive, and it is my pleasure today to say that everything that he indicated to me four years ago has come true. I wish him well and I only hope that I can, in my days of public service to this state, meet the measure and standards which he has set for this state.

"Mr. Kono, my congratulations; we all owe you a debt of thanks.

"Thank you, Mr. President."

Senator Ajifu then rose and stated:

"Mr. President, I'd just like to say a few words.

"Mr. President, I've had the opportunity to travel with Mr. Kono and during that time, I have gotten to know him. In my travels with him... on two separate occasions...where we travelled for a little over twenty days living out of suitcases, I think that is the best time to really get to know an individual, and in the course of those trips, I've gotten to know him very well. I've found this man to be a very friendly, and very compassionate person, very modest in his ways and very capable.

"I think in the course of the travel, in translating some of the missions that we had, he took the lead role in translating our missions and has done an outstanding job. And, I think, as mentioned by the previous speaker, and without elaborating, the record will speak for itself through his capability and performance.

"So, Mr. President, I too would like to congratulate Mr. Kono as he leaves the Department at the end of the session and that we want to wish him well in his private life and any new endeavors that he may undertake.

"Mr. Kono, Congratulations!"

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 152 to 158) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 152), transmitting a report prepared by the 1984 Hawaii Statehood Silver Jubilee Committee, entitled: "Report to the Governor and Legislature of the 1984 Hawaii Statehood Silver Jubilee Committee - January 1983," submitted pursuant to Act 4, SSLH, 1981, was referred to the Committee on Culture and Arts.

A message from the Governor (Gov. Msg. No. 153), transmitting a report prepared by the Department of Land and Natural Resources, in response to House Resolution No. 297 (1982), requesting a study on the acquisition of real property in Kailua, Oahu, for agricultural park and watershed purposes, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 154), transmitting a report prepared by the Department of Social Services and Housing, Research and Statistics Office, entitled: "Adequacy of Welfare Allowances," January 1983, submitted pursuant to Section 346, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 155), submitting for consideration and confirmation as Director of Planning and Economic Development, the nomination of Kent Keith, term to expire December 1, 1986, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 156), submitting for consideration and confirmation as Adjutant General, the nomination of Alexis T. Lum, term to expire December 1, 1986, was referred to the Committee on Federal Relations.

A message from the Governor (Gov. Msg. No. 157), submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, the nomination of Eduardo E.

Malapit, term to expire December 31, 1986, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 158), submitting for consideration and confirmation as Director of Personnel Services, the nomination of James H. Takushi, term to expire December 1, 1986, was referred to the Committee on Human Resources.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 26 to 28) were read by the Clerk and were disposed of as follows:

A communication from the Office of Children and Youth (Dept. Com. No. 26) transmitting copies of a report entitled: "Hawaii Basic Data and Information Book on Youth: Twelve to Eighteen Years," January 1983, was referred to the Committee on Youth and Elderly Affairs.

A communication from the Department of Social Services and Housing (Dept. Com. No. 27) transmitting copies of a report published by the Commonwealth Fund entitled: "What's Being Done About Medicaid?", was referred to the Committee on Human Resources.

A communication from the Hawaii Public Employment Relations Board (Dept. Com. No. 28) transmitting copies of HPERB Informational Bulletin No. 20, dated February 17, 1983, was referred to the Committee on Human Resources.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 26 and 27) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 26), entitled: "SENATE CONCURRENT RESOLUTION IN RECOGNITION OF THE 'INTERNATIONAL HUMANITARIAN LAW AND ARMED CONFLICT' CONFERENCE HELD IN HONOLULU ON FEBRUARY 16 - 19, 1983," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 26 was referred to the Committee on Federal Relations.

A concurrent resolution (S.C.R. No. 27), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE STATUS OF

AGRICULTURAL PARKS," was offered by Senators Uwaine and Ajifu.

By unanimous consent, S.C.R. No. 27 was referred to the Committee on Agriculture.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 35 to 39) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 35), entitled: "SENATE RESOLUTION REQUESTING THE ADMINISTRATION AND CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO RECONSIDER THEIR OPPOSITION TO A FIXED-GUIDEWAY MASS TRANSIT SYSTEM," was offered by Senators Kuroda, Fernandes Salling, Toguchi, Ajifu, George, Soares, Abercrombie, Solomon, Henderson, A. Kobayashi, Carpenter, Machida, Young, Holt and Aki.

By unanimous consent, S.R. No. 35 was referred to the Committee on Transportation.

A resolution (S.R. No. 36), entitled: "SENATE RESOLUTION IN RECOGNITION OF THE 'INTERNATIONAL HUMANITARIAN LAW AND ARMED CONFLICT' CONFERENCE HELD IN HONOLULU ON FEBRUARY 16 - 19, 1983," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 36 was referred to the Committee on Federal Relations.

A resolution (S.R. No. 37), entitled: "SENATE RESOLUTION REQUESTING AN UPDATE OF THE STATUS OF AGRICULTURAL PARKS," was offered by Senators Uwaine and Ajifu.

By unanimous consent, S.R. No. 37 was referred to the Committee on Agriculture.

A resolution (S.R. No. 38), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO PROCEED EXPEDITIOUSLY WITH THE PLANNING, DESIGN, LAND ACQUISITION, AND CONSTRUCTION OF THE WAIPAHA CIVIC CENTER ON THE SITE SELECTED BY THE COMMUNITY," was offered by Senators Kuroda, Young, Cayetano, Aki, Yamasaki, Henderson, Ajifu, Carpenter, Hagino, Soares, Holt, Fernandes Salling, George, Chang, Solomon, Machida, Uwaine, Mizuguchi

and Toguchi.

By unanimous consent, S.R. No. 38 was referred to the Committee on Government Operations and County Relations.

A resolution (S.R. No. 39), entitled: "SENATE RESOLUTION RELATING TO THE COORDINATION OF SERVICES TO NATIVE HAWAIIANS," was offered by Senators Fernandes Salling, Cayetano, Aki, Toguchi, Machida, Soares, A. Kobayashi, Ajifu, Uwaine, Kawasaki, Kuroda and B. Kobayashi.

By unanimous consent, S.R. No. 39 was referred to the Committee on Hawaiian Programs.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 22) informing the Senate that Governor's Message Nos. 155 to 158, Senate Concurrent Resolution Nos. 26 and 27, Senate Resolution Nos. 35 to 39, and Standing Committee Report Nos. 23 to 28 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 23) recommending that Senate Bill No. 22 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and S.B. No. 22, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 24) recommending that Senate Bill No. 13, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and S.B. No. 13, S.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF PROPERTY INSURANCE RATES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 25) recommending that Senate Bill No. 30, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and S.B. No. 30, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 26) recommending that Senate Bill No. 32, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and S.B. No. 32, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATEWIDE TIE-LINE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 27) recommending that S.B. No. 416, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the majority of the Committee was adopted and S.B. No. 416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF RELATED CORPORATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 28) recommending that Senate Bill No. 556, as amended in S.D. 1, pass Second Reading and be

referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and S.B. No. 556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

#### ORDER OF THE DAY

#### RE-REFERRAL OF SENATE BILLS

The President made the following re-referrals of bills that were introduced on Tuesday, February 15, 1983:

Senate Bills Referred to:

No. 1003 Jointly to the Committee on Consumer Protection and Commerce and the Committee on Housing and Urban Development

No. 1136 Committee on Ways and Means

No. 1396 Committee on Education, then to the Committee on Ways and Means

No. 1424 Committee on Human Resources, then to the Committee on Ways and Means

At this time, Senator Mizuguchi, Chairman of the Committee on Human Resources, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

Senate Bill No. 1118, entitled: "A BILL FOR AN ACT RELATING TO EXCLUSIONS FROM APPROPRIATE BARGAINING UNITS;" and

Senate Bill No. 1123, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM BARGAINING UNITS,"

and the President granted the waiver.

At this time Senator Abercrombie rose and stated:

"Mr. President, a point of personal

privilege and maybe an inquiry of the Chair.

"Mr. President, as you know, I don't rely on the newspapers for my information. I just need to have a source of amusement.

"After an arduous day and evening in the Legislature, I sometimes glance at them and I notice in the newspapers that there's some indication ...probably stirred up by reporters with nothing better to do than to try and cause problems in the Senate ...but, one of the amusing indications was that at least one chairman or two in the Senate might be considering advancing the budget to the Ways and Means Committee outside the boundaries of the financial constrictions which Ways and Means has indicated to all chairmen.

"I'm amused by that because I know that if any chairman put forward a budget which was in a percentage of 5, 10, 15, 20 or even 25% over that which was allotted by Ways and Means, that Ways and Means would of course grant the Education Committee the same privilege, would it not?"

The Chair then replied:

"I would assume they would."

Senator Abercrombie then concluded his remarks stating:

"Thank you very much, Mr. President."

Senator Soares then rose and stated:

"Mr. President, I'd like to rise on a point of personal privilege, and also to proceed to a point of inquiry, if I might.

"I have on my desk here, the 1983 Legislative Action Yellow Pages, and I'd like to ask Senator Abercrombie if he would yield to a question?"

Senator Abercrombie having answered in the affirmative, Senator Soares continued:

"Mr. President, under Senator Abercrombie's community involvement, I'd like to read one of them, and I'd like to have an answer from him as to what it means -- 'Advisory Council, National Committee on the Treatment of Intractable Pain.' Senator Abercrombie, what does that mean?"

Senator Abercrombie then replied:

"What that means, Mr. President, is that I have been the cause of so much grief in this body that I thought that I, at the very least, ought to join a committee for an opportunity to relieve it."

Senator Soares then concluded his remarks stating:

"I thought it was the budget problem that he was having pain with, Mr. President."

Senator Abercrombie then stated:

"As a matter of fact, Mr. President, this is an opportunity to make a statement on behalf of that committee that I'm very proud to belong to, and I hope we will succeed soon.

"The principal activity of the committee, and incidentally, I am a member of its national committee, is to see to it that the courageous action of the ex-Health Chairman, Senator Carpenter, now our Judiciary Chairman, in moving forward a resolution on the medicinal use of heroin for terminal cancer pain.

"People do not fully understand the terrifying and horrifying conditions under which people exist, especially in the last ten days to two weeks of their life with cancer, in which no drug of choice now available will offer any relief.

"We are in hopes that we can get national legislation, which I'm very happy to say Senator Inouye is the principal sponsor, as a result of our actions here, enacted so that people may be relieved of their agony in their final moments.

"I do hope that it will pass soon and I do indicate to Senator Soares in addition of such pain as I am now feeling over the budget is only too close to my heart and I know that our good Republican minority members here are going to do everything in their power to see to it that I am relieved of mine."

The President then stated:

"The Chair would like to make a few reminders. First, Thursday is the deadline for movement of Senate bills to the final committee, and second, if the committee reports can possibly be submitted to the Clerk tomorrow by 4:30 p.m.

"Again, I repeat, standing committee reports for final movement

of bills to the Clerk's office by 4:30 p.m. tomorrow. If you have any standing committee reports now, we would like to have you submit them to the Clerk as soon as possible to avoid the inevitable logjams that we have on the final movement of bills."

## ADJOURNMENT

At 12:10 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 2, 1983.