

FORTY-THIRD DAY

Tuesday, March 27, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Allan Fisher of Waiakeola Congregational Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Forty-Second Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 232 to 267) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 232), submitting for consideration and confirmation to the Board of Barbers, the nomination of Marion F. Oki, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 233), submitting for consideration and confirmation to the Board of Chiropractic Examiners, the nomination of Harvey T. Sato, D.C., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 234), submitting for consideration and confirmation to the Board of Cosmetology, the nomination of Rick Hoo, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 235), submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of Warren M. La France, term to expire December 31, 1984, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 236), submitting for consideration and confirmation to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, the nominations of Thomas P. Papandrew and Rodney M. Kawamura,

terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 237), submitting for consideration and confirmation to the Board of Hearing Aid Dealers and Fitters, the nominations of the following:

Howard K. Tamashiro, term to expire December 31, 1987;

George Kimata, M.D., term to expire December 31, 1984; and

Carolyn U. Canubida, term to expire December 31, 1986,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 238), submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of William Neil Rapozo, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 239), submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nominations of Adrian P. Awai and Will E. Miyake, terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 240), submitting for consideration and confirmation to the State Board of Nursing, the nominations of Tomi S. Haehnlen and Robert B. Desuacido, terms to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 241), submitting for consideration and confirmation to the Board of Pharmacy, the nomination of Sylvia Karen Shimonishi, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 242), submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of Nelson K. Moku, Jr., term to expire December 31, 1987, was referred to the Committee on

Consumer Protection and Commerce.

December 31, 1989,

A message from the Governor (Gov. Msg. No. 243), submitting for consideration and confirmation to the Real Estate Commission, the nominations of Peter N. Yanagawa and Douglas R. Soretani, terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

was referred to the Committee on Education

A message from the Governor (Gov. Msg. No. 250), submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of Gabe K. Kilakalua, Jr., term to expire December 31, 1987, was referred to the Committee on Government Operations and County Relations.

A message from the Governor (Gov. Msg. No. 244), submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of Roger M. Kondo, D.V.M., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 251), submitting for consideration and confirmation to the Advisory Commission on Drug Abuse and Controlled Substances, the nominations of John P. O'Brien and Theodore I. Sakai, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 245), submitting for consideration and confirmation to the Hawaii Fisheries Coordinating Council, the nomination of Warren E. Akiona, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 252), submitting for consideration and confirmation to the State Emergency Medical Services Advisory Committee, the nominations of Mark Sperry, Joseph A. Grote, M.D., Eleanor L. Nelson and Theodore T. Inouye, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 246), submitting for consideration and confirmation to the Land Use Commission, the nomination of Toru Suzuki, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 253), submitting for consideration and confirmation to the Commission on the Handicapped, the nominations of Jack Tadashi Matsui, Lydia Sumiko Ranger and Sidney Jane Berg, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 247), submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nominations of Fred I. Kamemoto and James A. Brock, D.V.M., terms to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 254), submitting for consideration and confirmation to the East Honolulu Subarea Health Planning Council, the nominations of Tomoe Komata, Rix Maurer, III, and Dean M. Matsushima, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 248), submitting for consideration and confirmation to the Library Advisory Commission, County of Maui, the nomination of Katharine T. Cannon Eger, term to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 255), submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nominations of Bonnie-Jay Sanchez, Merlyn E. Raco, William Thomas Takaba, Katherine Grace Takehiro and Robert M. Kawakone, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 249), submitting for consideration and confirmation to the Board of Public Broadcasting, the nominations of the following:

Rochelle Lee Gregson, term to expire December 31, 1984;

Al Harrington, term to expire December 31, 1989; and

Teruo Ihara, Ph.D., term to expire

A message from the Governor (Gov. Msg. No. 256), submitting for consideration and confirmation to the Hawaii

County Subarea Health Planning Council, the nomination of Mark Onaka, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 257), submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of Sally Britton, Stanley L. Solmonson, Claire Ueno and Richard K. Nii, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 258), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, the nomination of Rizalino R. Vicente, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 259), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Hawaii County Hospital System, the nominations of the following:

Fred J. Koehnen, term to expire December 31, 1987; and

Viola M. Watson, term to expire December 31, 1986,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 260), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Maui County Hospital System, the nomination of Joseph Pontanilla, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 261), submitting for consideration and confirmation to the Advisory Council for Housing and Construction Industry, the nomination of Walter S.S. Zane, term to expire December 31, 1986, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 262), submitting for consideration and confirmation to the Advisory Council for Children and Youth, the nomination of David M. Nakada, term to expire December 31, 1987, was referred to the Committee

on Human Resources.

A message from the Governor (Gov. Msg. No. 263), submitting for consideration and confirmation to the Advisory Commission on Manpower and Full Employment, the nominations of the following:

Glenn T. Minami, term to expire June 30, 1987;

John Roger Campbell, term to expire June 30, 1987;

Robert M. Monden, term to expire June 30, 1987;

Jean H. Miyahira, term to expire June 30, 1987;

Patricia K. Osgood, term to expire June 30, 1987; and

Roy K. Fujimoto, term to expire June 30, 1986,

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 264), submitting for consideration and confirmation to the Commission on Transportation, the nomination of George K. Sano, term to expire December 31, 1987, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 265), submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District, the nomination of Roy K. Amemiya, Jr, term to expire December 31, 1987, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 266), submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District, the nominations of Hideo Matsushita and Joseph A. Frye, terms to expire December 31, 1987, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 267), submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District, the nomination of Antone De Morales, term to expire December 31, 1987, was referred to the Committee on Ways and Means.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 321 and

322) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 321), transmitting House Concurrent Resolution No. 11, H.D. 1, which was adopted by the House of Representatives on March 23, 1984, was placed on file.

By unanimous consent, H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A BAN ON THE DISPOSAL OF NUCLEAR WASTE MATERIALS IN THE PACIFIC BASIN," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 322), transmitting House Concurrent Resolution No. 74, H.D. 1, which was adopted by the House of Representatives on March 23, 1984, was placed on file.

By unanimous consent, H.C.R. No. 74, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE ESTABLISHMENT OF A NATIONAL MARINE SANCTUARY FOR HUMPBACK WHALES IN HAWAIIAN WATERS," was referred to the Committee on Economic Development.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 62 to 70) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 62), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY OF THE PUBLIC AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 62 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 63), entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROMPTLY NEGOTIATE THE RETURN OF HAWAIIAN HOME LANDS AT LUALUALEI, ISLAND OF OAHU, STATE OF HAWAII, TO THE JURISDICTION OF THE HAWAIIAN HOMES COMMISSION," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 63 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 64), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY INTO THE FEASIBILITY OF PROVIDING ALTERNATIVE MEANS OF FINANCING THE CONSTRUCTION OF DWELLINGS AND OTHER IMPROVEMENTS ON HAWAIIAN HOME LANDS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 64 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 65), entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' INTENT TO EXPAND THE USE OF CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 65 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 66), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF THE PUNA SUGAR COMPANY," was offered by Senators Solomon, Henderson, Soares, Carpenter, Toguchi, Aki, Ajifu, Cobb, Machida, Cayetano, Kuroda, Young, Hagino and B. Kobayashi.

By unanimous consent, S.C.R. No. 66 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 67), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM," was offered by Senators Solomon, Carpenter, Aki, Cayetano, Kuroda, Hagino, Machida, Ajifu, Young, Mizuguchi, Toguchi and Kawasaki.

By unanimous consent, S.C.R. No. 67 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 68), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO

DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES," was offered by Senators Aki, Yamasaki, Kuroda, Fernandes Salling, Ajifu and Machida.

By unanimous consent, S.C.R. No. 68 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 69), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AMOUNT GUARANTEED TO THE DEPOSITORS OF MANOA FINANCE COMPANY AND GREAT HAWAIIAN FINANCIAL CORPORATION BE PAID FORTHWITH," was offered by Senators Abercrombie, Uwaine, A. Kobayashi, Carpenter, Aki, Fernandes Salling and Cayetano.

By unanimous consent, S.C.R. No. 69 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 70), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was offered by Senators Kuroda, Cayetano, Yamasaki, Chang, B. Kobayashi, Mizuguchi, George, Wong, Soares, Hagino, Uwaine, A. Kobayashi, Henderson, Cobb, Holt, Kawasaki, Toguchi, Ajifu and Solomon.

By unanimous consent, S.C.R. No. 70 was referred to the Committee on Tourism.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 73 to 77) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 73), entitled: "SENATE RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF THE PUNA SUGAR COMPANY," was offered by Senators Solomon, Henderson, Soares, Carpenter, Toguchi, Young, Aki, Cobb, Machida, Cayetano, Kuroda, Hagino, Ajifu and B. Kobayashi.

By unanimous consent, S.R. No. 73 was referred to the Committee on

Human Resources.

A resolution (S.R. No. 74), entitled: "SENATE RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM," was offered by Senators Solomon, Carpenter, Cayetano, Kuroda, Hagino, Machida, Ajifu, Young, Mizuguchi, Toguchi and Kawasaki.

By unanimous consent, S.R. No. 74 was referred to the Committee on Agriculture.

A resolution (S.R. No. 75), entitled: "SENATE RESOLUTION REQUESTING EFFORTS TO ESTABLISH THE BEEKEEPING INDUSTRY IN SOUTH KOHALA," was offered by Senators Solomon, Soares, Aki, Carpenter, Cayetano, Kuroda, Hagino, Machida, Ajifu, Young, B. Kobayashi, Mizuguchi, Toguchi and Kawasaki.

By unanimous consent, S.R. No. 75 was referred jointly to the Committee on Economic Development and the Committee on Agriculture.

A resolution (S.R. No. 76), entitled: "SENATE RESOLUTION REQUESTING THE AMOUNT GUARANTEED TO THE DEPOSITORS OF MANOA FINANCE COMPANY AND GREAT HAWAIIAN FINANCIAL CORPORATION BE PAID FORTHWITH," was offered by Senators Abercrombie, Carpenter, Young, Uwaine, A. Kobayashi, Aki, Fernandes Salling and Cayetano.

By unanimous consent, S.R. No. 76 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 77), entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was offered by Senators Kuroda, Cayetano, Yamasaki, Chang, B. Kobayashi, Mizuguchi, George, Wong, Soares, Hagino, Uwaine, A. Kobayashi, Henderson, Cobb, Holt, Kawasaki, Toguchi, Ajifu and Solomon.

By unanimous consent, S.R. No. 77 was referred to the Committee on Tourism.

STANDING COMMITTEE REPORTS

Senator Kuroda, for the Committee on Tourism, presented a report

(Stand. Com. Rep. No. 469-84) recommending that Senate Resolution No. 50, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 50, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CONVENING OF A STATE TRAVEL INDUSTRY CONGRESS TO REVIEW AND ESTABLISH A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 470-84) recommending that Senate Concurrent Resolution No. 43, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A STATE TRAVEL INDUSTRY CONGRESS TO REVIEW AND ESTABLISH A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY," was adopted.

ORDER OF THE DAY

THIRD READING

House Bill No. 212, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 212, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Uwayne rose to request a conflict of interest ruling by the Chair because he is employed by a public employees union.

The Chair ruled that Senator Uwayne was not in conflict.

The motion was put by the Chair and carried, and H.B. No. 212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Carpenter, Cayetano, Chang, Hagino, Henderson and Toguchi).

At 11:45 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.

House Bill No. 223, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 223, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Henderson and Toguchi).

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.

At this time, Senator Kawasaki rose on a point of information as follows:

"Mr. President, in this particular case, I am going to provide the information.

"Mr. President, you recall last week when the controversial corporation bill was in discussion, both in caucus and on the floor, people had some reservations, specifically Senator Abercrombie and I, had reservations about the constitutionality of the title being broad enough to include the corporate bill along with the bank corporation takeover bill. I requested an attorney general's opinion on the particular bill and have it in writing.

"To not consume too much time, I just want to say that the Attorney General had ruled that the title of that bill as it emanated from the House was not broad enough for us to consider the corporation bill. As a consequence, I think, and along with ... I would suspect the demerits of the proposal, the bill was ... any mention of the corporate section of the bill was deleted by the chairman of the Consumer Protection Committee.

"I thought this would be of interest to the members of this body."

The Chair responded: "I think the issue of the bill is moot. The committee in its wisdom has decided to delete the corporation section of the

bill, therefore, this matter is not really before Senate to discuss."

Senator Cobb then remarked: "Very briefly, Mr. President, next year we'll have a bill with the title relating to shark repellent."

Senator Abercrombie also rose on a point of information as follows:

"Mr. President, I too shall provide some prefaces for the benefit of the Ways and Means chairman who indicated there were several bills that he was going to hear. I would like to know what a quantity of bills would be rather than several if I understand what the pile ... I think he could fracture his foot if he dropped it ... so I would say rather than several bills being heard there are plethora of bills being heard.

"Lest you think that plethora is not the correct word, I would like to give you its definition ... a condition

characterized by an excess of blood marked by turgescence and a florid complexion.

"Thank you."

Senator Cobb then stated: "Mr. President, in reference to the prior remarks of the Senator from the 14th District, I would like to take this opportunity to express my thanks to him publicly for sharing the attorney general's opinion even though it did not arrive until after the hearing. As I understand it, he didn't receive it either until after the hearing but the courtesy is very much appreciated."

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 28, 1984.