

FIFTY-SIXTH DAY

Monday, April 15, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:10 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Donna Faith Eldridge, Christ Church Uniting Presbyterians and Disciples, after which the Roll was called showing all Senators present with the exception of Senators Holt and Machida who were excused.

The Chair announced that he had read and approved the Journal of the Fifty-Fifth Day.

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

Senator Chang made the following introduction:

"Mr. President, in this year of the centennial celebration of the arrival of the 'kanyaku imin' (government contract immigrants), it is indeed a prosperous year to celebrate Japanese culture, and I would like to inform you that once again, the Japanese Junior Chamber of Commerce selected beautiful women of Japanese ancestry in the 33rd annual Cherry Blossom Festival Queen Pageant. These women represent the beauty, poise and personality of the Japanese Cherry Blossom Festival.

"Members of the Senate, I would like to introduce to you the 1985 Cherry Blossom Festival Queen and court. Please rise and be recognized as your name is called: Miss Congeniality Velvet Michiko Agena, attendant Jill Naomi Ishibashi, attendant Carleen Taeko Yamagata, attendant Mari Yoshimura, Princess Alva Satsuki Watanabe and Miss Popularity and Queen Joanne Yuriko Hirano."

At this time, Senate Certificates and leis were presented to the Cherry Blossom Queen and court by Senators Cobb, Toguchi, Mizuguchi, A. Kobayashi, Kuroda and Hagino.

Senator A. Kobayashi introduced a group of senior class students from a government class at Our Redeemer Lutheran School, accompanied by their teacher Mrs. Lee Barton.

Senator Toguchi, on behalf of Senator Hee and himself, introduced ten students from Windward Community College who are in the ecology and science class, accompanied by their instructor, Mrs. Margo Saul.

Senator Yamasaki, on behalf of Senators Machida, Solomon and himself, introduced Mr. Dan Shigeta of the Maui office of the

Tropical Agriculture Cooperative Extension Service.

At 11:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:23 o'clock a.m.

The Chair, at this time, invited the 1985 Cherry Blossom Queen to say a few words to the members of the Senate, and Queen Joanne Hirano addressed the members of the Senate as follows:

"Good morning, ladies and gentlemen.

"I'd just like to say thank you for inviting us to appear over here. We are very honored to have this privilege. Thank you."

At 11:25 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:26 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 304 to 306) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 304, submitting for consideration and confirmation to the Board of Directors, Research Corporation, University of Hawaii, the nomination of Thomas S. Yagi, term to expire December 31, 1988, was referred to the Committee on Higher Education.

Gov. Msg. No. 305, submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, the nomination of Carol Yamamoto, term to expire December 31, 1994, was referred to the Committee on Labor and Employment.

Gov. Msg. No. 306, transmitting the report, "The Utilization of Nurses in Small Intermediate Care Homes," prepared by the Department of Social Services and Housing and the Department of Health, in response to S.R. No. 102 (1984), was referred jointly to the Committee on Health and the Committee on Human Services.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 539 to 541) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 539, transmitting House Concurrent Resolution No. 92, H.D. 1, which

was adopted by the House of Representatives on April 12, 1985, was placed on file.

By unanimous consent, action on H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE NEED FOR AND SUPPORT OF THE SERVICES OF THE U.S. SOIL CONSERVATION SERVICE," was deferred until Tuesday, April 16, 1985.

Hse. Com. No. 540, transmitting House Concurrent Resolution No. 103, H.D. 1, which was adopted by the House of Representatives on April 12, 1985, was placed on file.

By unanimous consent, action on H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO RETURN OR SELL, FOR NOMINAL CONSIDERATION, THE PROPERTY IN THE FORT DERUSSY AREA TO THE STATE OF HAWAII," was deferred until Tuesday, April 16, 1985.

Hse. Com. No. 541, informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 463, H.D. 2, and the request for a conference on the subject matter of said amendments, on April 12, 1985, the Speaker appointed Representatives Tungpalan, Shito and Kiyabu, co-chairmen, and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

STANDING COMMITTEE REPORTS

Senator Holt for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 985) recommending that Senate Resolution No. 74 be adopted.

On motion by Senator Holt, seconded by Senator Chang and carried, the report of the Committee was adopted and S.R. No. 74, entitled: "SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO APPROVE PERMANENT STATUS FOR THE HAWAIIAN STUDIES PROGRAM," was adopted.

Senator Holt for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 986) recommending that Senate Concurrent Resolution No. 59 be adopted.

On motion by Senator Holt, seconded by Senator Chang and carried, the report of the Committee was adopted and S.C.R. No. 59, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO APPROVE PERMANENT STATUS FOR THE HAWAIIAN STUDIES

PROGRAM," was adopted.

Senator Matsuura for the Committee on Energy, presented a report (Stand. Com. Rep. No. 987) recommending that Senate Resolution No. 89, as amended in S.D. 1, be adopted.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE EXTENSION OF FEDERAL ENERGY TAX CREDITS," was adopted.

Senator Matsuura for the Committee on Energy, presented a report (Stand. Com. Rep. No. 988) recommending that Senate Concurrent Resolution No. 69, as amended in S.D. 1, be adopted.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 69, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EXTENSION OF FEDERAL ENERGY TAX CREDITS," was adopted.

Senator Matsuura for the Committee on Energy, presented a report (Stand. Com. Rep. No. 989) recommending that Senate Resolution No. 93, as amended in S.D. 1, be adopted.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 93, S.D. 1, entitled: "SENATE RESOLUTION ENCOURAGING THE RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF ELECTRIC VEHICLES IN HAWAII," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 990) recommending that House Concurrent Resolution No. 37, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and H.C.R. No. 37, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator B. Kobayashi for the Committee on Health, presented a report (Stand. Com. Rep. No. 991) recommending that Senate Concurrent Resolution No. 70 be adopted.

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, the report of the Committee was adopted and S.C.R. No. 70, entitled: "SENATE

CONCURRENT RESOLUTION
REQUESTING THE FEDERAL
GOVERNMENT TO TAKE CERTAIN
ACTIONS TO ASSIST SCHIZOPHRENICS,"
was adopted.

Senator B. Kobayashi for the Committee on Health, presented a report (Stand. Com. Rep. No. 992) recommending that Senate Concurrent Resolution No. 71, as amended in S.D. 1, be adopted.

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, the report of the Committee was adopted and S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SERVICES FOR SCHIZOPHRENICS PROVIDED BY THE MENTAL HEALTH DIVISION," was adopted.

Senator B. Kobayashi for the Committee on Health, presented a report (Stand. Com. Rep. No. 993) recommending that Senate Concurrent Resolution No. 63 be adopted.

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, the report of the Committee was adopted and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO VETO ANY FURTHER USE OF DBCP ON MAUI PINEAPPLE FIELDS," was adopted.

Senator B. Kobayashi for the Committee on Health, presented a report (Stand. Com. Rep. No. 994) recommending that Senate Resolution No. 82 be adopted.

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, the report of the Committee was adopted and S.R. No. 82, entitled: "SENATE RESOLUTION REQUESTING THE STATE TO VETO ANY FURTHER USE OF DBCP ON MAUI PINEAPPLE FIELDS," was adopted.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 995) recommending that the Senate advise and consent to the nominations of the following:

Jane Iwalani Han to the Advisory Council for Children and Youth, in accordance with Gov. Msg. No. 88;

Rene M. Mansho and Betty Ona to the Advisory Council for Children and Youth, in accordance with Gov. Msg. No. 138; and

Roberta W.S. Chang, Karen K. Horita, Marlene B. Maneha and Maria V. Bunye to the Advisory Council for Children and Youth, in accordance with Gov. Msg. No. 226.

In accordance with Senate Rule 33, action

on Stand. Com. Rep. No. 995 and Gov. Msg. Nos. 88, 138 and 226 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 996) recommending that the Senate advise and consent to the nominations of the following:

Karen A. Taketa to the Board of Vocational Rehabilitation, in accordance with Gov. Msg. No. 137; and

Lawrence Pang and Ronald I. Nakatsu to the Board of Vocational Rehabilitation, in accordance with Gov. Msg. No. 227.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 996 and Gov. Msg. Nos. 137 and 227 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 997) recommending that the Senate advise and consent to the nominations of Ruby L. Hargrave and Ben B. Mayes to the Progressive Neighborhoods Task Force, in accordance with Gov. Msg. No. 141.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 997 and Gov. Msg. No. 141 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 998) recommending that the Senate advise and consent to the nominations of the following:

Roy Lee Roberts and Colette V. Browne to the Policy Advisory Board for Elderly Affairs, in accordance with Gov. Msg. No. 139; and

Mary I. Ventura, Tony Tomoso, Shintaro R. Higa, Pedro E. Racelis, Jr., and Jiro Wakumoto to the Policy Advisory Board for Elderly Affairs, in accordance with Gov. Msg. No. 207.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 998 and Gov. Msg. Nos. 139 and 207 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 999) recommending that the Senate advise and consent to the nomination of Susan P. Walker to the Criminal Injuries Compensation Commission, in accordance with Gov. Msg. No. 89.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 999 and Gov. Msg. No. 89 was deferred until Tuesday, April 16,

1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1000) recommending that the Senate advise and consent to the nominations of Kristin C. Mills, Eloise A. Wetherall and Frederick W. Hoogs to the Commission on the Handicapped, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 1000 and Gov. Msg. No. 274 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1001) recommending that the Senate advise and consent to the nominations of Juliette T. Sarmiento, Linda M. Colburn, Andrea L. Simpson, Rosie Chang, Sharon S. Narimatsu, Walette G. Pellegrino and Sharon N. Chiba to the Commission on the Status of Women, in accordance with Gov. Msg. No. 285.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 1001 and Gov. Msg. No. 285 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1002) recommending that the Senate advise and consent to the nominations of the following:

Richard M. Iga to the Board of Social Services and Housing, in accordance with Gov. Msg. No. 136;

Toby Bailin Pontius and Barbara Dart to the Board of Social Services and Housing, in accordance with Gov. Msg. No. 225.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 1002 and Gov. Msg. Nos. 136 and 225 was deferred until Tuesday, April 16, 1985.

Senator Abercrombie, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1003) recommending that the Senate advise and consent to the nominations of Frances D. Riggs, M.D., Sumiko Akena, Genevieve T. Okinaga, Beverly Ing Lee, Gail Breakey, Patti J. Lyons and Calvin S.J. Sia, M.D., to the Child Abuse and Neglect Secondary Prevention Advisory Committee, in accordance with Gov. Msg. No. 140.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 1003 and Gov. Msg. No. 140 was deferred until Tuesday, April 16, 1985.

ORDER OF THE DAY

MATTERS DEFERRED FROM FRIDAY, APRIL 12, 1985

THIRD READING

House Bill No. 1060:

By unanimous consent, action on House Bill No. 1060, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, April 16, 1985.

House Bill 1063, H.D. 1:

By unanimous consent, action on House Bill No. 1063, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred until Tuesday, April 16, 1985.

FINAL READING

Senate Bill No. 1404, H.D. 1:

By unanimous consent, action on S.B. No. 1404, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT TRANSFERS," was deferred until Tuesday, April 16, 1985.

At 11:28 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:33 o'clock a.m.

At this time, Senator Aki, chairman of the Committee on Economic Development, requested a waiver of the 48-hour notice of a Public Hearing on the following:

H.C.R. No. 37, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN,"

and the President granted the waiver.

RECONSIDERATION OF ACTION TAKEN

Senate Bill No. 83, S.D. 2, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 83, S.D. 2, H.D. 1, seconded by Senator Mizuguchi.

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 83, S.D. 2, and S.B. No. 83, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," was placed on the calendar for Final Reading on Tuesday, April 16, 1985.

Senate Bill No. 1157, S.D. 1, H.D. 1:

Senator Chang moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 1157, S.D. 1, H.D. 1, seconded by Senator Cayetano.

Senator Chang stated as follows:

"Mr. President, the bill had proposed a policy statement with respect to the Hawaii Youth Correctional Facility. Your committee had chosen to go with a very brief statement. The House wanted to expand this statement. Upon fuller consideration, we feel that the full and complete description of the policy with respect to the youth facility is proper."

The motion to reconsider the action was

put by the Chair and carried.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1157, S.D. 1, and S.B. No. 1157, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY," was placed on the calendar for Final Reading on Tuesday, April 16, 1985.

ADJOURNMENT

At 11:37 o'clock a.m., on motion by the Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 3:00 o'clock p.m., Tuesday, April 16, 1985.