

FIFTY-FIFTH DAY

Friday, April 11, 1986

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Marc Alexander of St. John Vianney's Church, after which the Roll was called showing all Senators present with the exception of Senator Kuroda who was excused.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

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

Senator Abercrombie introduced Professor Leon Edel as follows:

"Mr. President, I have the singular honor today, as well as a pleasure, of introducing an honoree in our floor of the Senate today, Professor Leon Edel. I'd like to read just briefly from the commendation that we have in our certificate to familiarize those members of the Senate who may not be aware of all of Professor Edel's achievements — just a couple of the 'Whereas' clauses.

"Whereas, Leon Edel's book, "Henry James' Life" has been named the best biography or autobiography in 1985 by the National Book Critics Circle; and

"Whereas, Professor Edel has been a distinguished author of numerous books and has been accorded the highest achievements in the field of literature for his writings, including a Pulitzer Prize in biography, National Book Award for nonfiction, the Medal of Literature from the National Arts Club, the Hawaii Writers Award, and election to the American Academy of Arts; and

"Whereas, he has made tremendous contributions in the field of literature as a journalist, professor of English and leader of various literary organizations, this state is fortunate and proud to have such a distinguished scholar and writer as a contributing member of our community and our faculty at the University of Hawaii."

"Mr. President, you know that from time to time I've had the opportunity and privilege of introducing people to this body and to people in the gallery (and I'm particularly pleased there are so many students in the gallery today), had the opportunity to introduce members of our faculty at the University of Hawaii so often

and all the arguments that take place about the university and its direction, we forget we have scholars who have international acclaim, teachers who are inspirational, people who have made real differences in the academic and intellectual life of this country and for people all around the world. Professor Leon Edel is just such a person.

"Those who are familiar with the work in my committee and in the Ways and Means Committee, and I'm particularly pleased to see that the chairman of the Ways and Means Committee is able to be here today because he has been instrumental in assisting us in getting an appropriation so that all of our senior citizen centers throughout the state may have the opportunity to have an essay by Professor Edel, called 'The Artist in Old Age' that was delivered recently at a meeting of the Gerontological Society in Hawaii.

"The burden of this essay, Mr. President, was so inspiring that I brought it back to us and, as we know, Senator Yamasaki is an artist in his own right when it comes to maneuvering the budget and I know that he is going to see to it after today's presentation that Professor Edel's work is made available to everybody throughout the state.

"I would like to read just a portion of that essay to you and I think when I'm finished you'll realize how inspirational it is and I know it will carry the Ways and Means Committee through to a successful conclusion. (Professor Edel, this is called 'lobbying in the raw.')

'It may not be scientific, but it can stand as a valid hypothesis, whether applied to artists or to less glamorous occupations in life. Creativity in the human individual is a primary impulse and when it remains central to our being it often syphons off stress, keeps our minds active, allows our emotions full play to the world around us.

'It also provides a sense in the dedicated human being of usefulness. It ministers to general emotional well-being and a sense of fulfillment, whether it happens to be gardening, or stamp collecting or great writing and great painting. It works up and down the scale of human endeavor.

'The American novelist Henry James whose life I have written in great fullness called this kind of constructive activity "the religion of doing." He wrote and I quote, "The whole conduct of life consists of things done which do other things in

turn." And went on to say that "our behavior is essentially one of continuous and persistent and unquenchable." "It is always doing," he says, "we can scarce ever have done. This idea of a life of action, rather than of passive existence, when physical being permits was Henry James' way of saying what Yeats wrote in his poetry on William Carlos Williams, 'In old age the mind casts off rebelliously the eagle from its crag.' I think too that the operative word in this flight of William Carlos Williams imaginative being at the end of his life is rebellious. It is a dynamic life-giving word, to do, to be active, is in a way to say no to stasis, no to inertia, to the idea that at the end of life we are utterly helpless. It is the human imagination that is most rebellious triumphant possession of our existence.'

"This is the kind of attitude, this is the kind of teaching, this is the kind of inspiration that Professor Edel has given the students and citizens throughout the State of Hawaii all his creative, active academic life. He is here with us today and I ask him now to stand that we may honor him, Professor Leon Edel.

"Mr. President, I ask also that you greet his wife Marjorie Sinclair Edel. I'm sure that many members remember that Marjorie, and Gregg Sinclair, of course, was the president of the University and Marjorie was his wife, so we have a continuity at the University of Hawaii in this happy marriage of Professor Edel and Marjorie Sinclair Edel right now."

The honoree rose to be recognized and was presented the congratulatory certificate by Senator Abercrombie and a lei by Senator A. Kobayashi. Mrs. Edel also rose to be recognized and was presented a lei by Senator Hee.

The Chair, at this time, introduced the students from Damien High School who were sitting in the gallery.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 592 to 635) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 592, returning Senate Concurrent Resolution No. 18, which was adopted by the House of Representatives on April 10, 1986, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 18, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE WEEK OF MAY 18, 1986, AS TOURISM WEEK IN HAWAII," was deferred until Monday, April 14, 1986.

Hse. Com. No. 593 to 635, informing the Senate that the Speaker on April 9, 1986, appointed managers on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

Hse. Com. No. 593 - S.B. No. 1773-86, S.D. 2 (H.D. 2): Representatives Levin and Kiyabu, co-chairmen, Cachola, Hagino, Onouye, Say, Shon, Tajiri, Anderson and Hemmings;

Hse. Com. No. 594 - S.B. No. 1780-86, S.D. 2 (H.D. 2): Representatives Levin, Yoshimura and Kiyabu, co-chairmen, Onouye, Oshiro, Shon, Souki, Hemmings and Isbell;

Hse. Com. No. 595 - S.B. No. 1831-86, S.D. 2 (H.D. 1): Representatives Tom, chairman, Blair, Hirono, Metcalf and Liu;

Hse. Com. No. 596 - S.B. No. 1837-86, S.D. 1 (H.D. 1): Representatives Bunda and Metcalf, co-chairmen, Andrews, Hashimoto, D. Ige, Kihano, Menor, Tungpalan, Jones and Liu;

Hse. Com. No. 597 - S.B. No. 1843-86, S.D. 2 (H.D. 2): Representatives Graulty, Metcalf and Kiyabu, co-chairmen, Andrews, Apo, Cachola, D. Ige, Kihano, Leong, Isbell and Jones;

Hse. Com. No. 598 - S.B. No. 1886-86, S.D. 2 (H.D. 2): Representatives Nakasato and Kiyabu, co-chairmen, Cachola, Crozier, Kihano, Manegdeg, Lardizabal, Leong, Nakata, Oshiro, Souki, Tajiri, Takamine, Isbell and Kamali'i;

Hse. Com. No. 599 - S.B. No. 1933-86, S.D. 1 (H.D. 2): Representatives Tom and Souki, co-chairmen, Blair, Crozier, Lardizabal, Metcalf, Tajiri, Tungpalan, Anderson and Medeiros;

Hse. Com. No. 600 - S.B. No. 1961-86, S.D. 1 (H.D. 2): Representatives Say, Andrews and Kiyabu, co-chairmen, Crozier, Nakata, Shon, Tajiri, Tam, Isbell and Kamali'i;

Hse. Com. No. 601 - S.B. No. 1965-86, S.D. 2 (H.D. 1): Representatives Kiyabu, chairman, Cachola, Crozier, Kihano, Lardizabal, Leong, Manegdeg, Nakata, Oshiro, Souki, Tajiri, Takamine, Anderson, Isbell and Kamali'i;

Hse. Com. No. 602 - S.B. No. 2048-86,

S.D. 1 (H.D. 1): Representatives Kiyabu, chairman, Cachola, Crozier, Kihano, Lardizabal, Leong, Manegdeg, Nakata, Oshiro, Souki, Tajiri, Takamine, Anderson, Isbell and Kamali'i;

Hse. Com. No. 603 - S.B. No. 1496-86, S.D. 2 (H.D. 1): Representatives Andrews and Say, co-chairmen, Metcalf, Tajiri, Tam and Pfeil;

Hse. Com. No. 604 - S.B. No. 1514-86, S.D. 1 (H.D. 1): Representatives Shito, chairman, Blair, Bunda, Hashimoto and Liu;

Hse. Com. No. 605 - S.B. No. 1550-86, S.D. 2 (H.D. 1): Representatives Shito, Bunda, Hirono, Taniguchi and Jones;

Hse. Com. No. 606 - S.B. No. 1551-86, S.D. 1 (H.D. 1): Representatives Shito, chairman, Apo, Hashimoto, Hirono, Metcalf and Medeiros;

Hse. Com. No. 607 - S.B. No. 1569-86, S.D.1 (H.D. 1): Representatives Shito, chairman, Andrews, Hirono, Metcalf, Taniguchi and Medeiros;

Hse. Com. No. 608 - S.B. No. 1570-86, S.D. 1 (H.D. 1): Representatives Shito, chairman, Andrews, Hirono, Metcalf, Taniguchi and Medeiros;

Hse. Com. No. 609 - S.B. No. 1595-86 (H.D. 1): Representatives Andrews and Say, co-chairmen, Metcalf, Tajiri, Tam and Pfeil;

Hse. Com. No. 610 - S.B. No. 1678-86 (H.D. 1): Representatives Andrews and Say, co-chairmen, Metcalf, Tajiri, Tam and Pfeil;

Hse. Com. No. 611 - S.B. No. 1727-86 (H.D. 1): Representatives Taniguchi and Shito, co-chairmen, Hirono and Medeiros;

Hse. Com. No. 612 - S.B. No. 1762-86, S.D. 1 (H.D. 2): Representatives Menor and Souki, co-chairmen, Blair, Crozier, Oshiro, Takamine, Anderson and Jones;

Hse. Com. No. 613 - S.B. No. 2310-86, S.D. 1 (H.D. 1): Representatives Shito, chairman, Apo, Bunda, Hirono and Liu;

Hse. Com. No. 614 - S.B. No. 2312-86, S.D. 1 (H.D. 1): Representatives Kiyabu, chairman, Cachola, Crozier, Kihano, Lardizabal, Leong, Manegdeg, Nakata, Oshiro, Souki, Tajiri, Takamine, Anderson, Isbell and Kamali'i;

Hse. Com. No. 615 - S.B. No. 2346-86, S.D. 1 (H.D. 1): Representatives Shito, chairman, Blair, Bunda, Taniguchi and Jones;

Hse. Com. No. 616 - S.B. No. 2474-86, S.D. 2 (H.D. 2): Representatives Gaulty and Kiyabu, co-chairmen, Cachola, D. Ige, Kihano, Leong, Levin, Jones and Kamali'i;

Hse. Com. No. 617 - S.B. No. 81, S.D. 1 (H.D. 2): Representatives Say and Souki, co-chairmen, Andrews, Crozier, Shon, Tajiri, Tam, Isbell and Kamali'i;

Hse. Com. No. 618 - S.B. No. 303, S.D. 1 (H.D. 1): Representatives Tom, chairman, Apo, Metcalf, Taniguchi and Medeiros;

Hse. Com. No. 619 - S.B. No. 310, S.D. 1 (H.D. 1): Representatives Oshiro and Nakasato, co-chairmen, Lardizabal and Hemmings;

Hse. Com. No. 620 - S.B. No. 383, S.D. 1 (H.D. 1): Representatives Lindsey and Souki, co-chairmen, D. Ige, Lardizabal, Levin, Oshiro, Tajiri, Anderson and Pfeil;

Hse. Com. No. 621 - S.B. No. 425, S.D. 2 (H.D. 2): Representatives Yoshimura and Kiyabu, co-chairmen, Manegdeg, Takamine and Anderson;

Hse. Com. No. 622 - S.B. No. 564, S.D. 2 (H.D. 2): Representatives Say and Kiyabu, co-chairmen, Andrews, Crozier, Lardizabal, Metcalf, Nakata, Oshiro, Kamali'i and Pfeil;

Hse. Com. No. 623 - S.B. No. 909, S.D. 1 (H.D. 1): Representatives Lindsey and Taniguchi, co-chairmen, D. Ige, Levin and Hemmings;

Hse. Com. No. 624 - S.B. No. 934, S. D. 2 (H.D. 2): Representatives Tom and Souki, co-chairmen, Blair, Cachola, Kihano, Manegdeg, Menor, Metcalf, Isbell and Liu;

Hse. Com. No. 625 - S.B. No. 1056, S.D. 2 (H.D. 1): Representatives Taniguchi and Shito, co-chairmen, Hirono and Medeiros;

Hse. Com. No. 626 - S.B. No. 1188 (H.D. 1): Representatives Bunda and Kiyabu, co-chairmen, Cachola, Gaulty, Hirono, Leong, Levin, Lindsey, Souki, Cavasso and Kamali'i;

Hse. Com. No. 627 - S.B. No. 2050-86 (H.D. 1): Representatives Yoshimura and Souki, co-chairmen, Lardizabal, Manegdeg and Anderson;

Hse. Com. No. 628 - S.B. No. 2057-86, S.D. 1 (H.D. 1): Representatives Shito, chairman, Blair, Hirono, Taniguchi and Liu;

Hse. Com. No. 629 - S.B. No. 2127-86, S.D. 1 (H.D. 1): Representatives Levin, Lindsey and Kiyabu, co-chairmen, Gaulty, Hagino, D. Ige, Onouye, Shon,

Souki, Tajiri, Isbell and Pfeil;

Hse. Com. No. 630 - S.B. No. 2131-86, S.D. 1 (H.D. 1): Representatives Bunda, chairman, Hashimoto, Metcalf, Taniguchi and Jones;

Hse. Com. No. 631 - S.B. No. 2190-86, S.D. 1 (H.D. 2): Representatives Hashimoto, Shito and Kiyabu, co-chairmen, Kihano, Leong and Liu;

Hse. Com. No. 632 - S.B. No. 2258-86, S.D. 1 (H.D. 1): Representatives Tom and Bunda, co-chairmen, Hashimoto, Hirono, Kiyabu, Metcalf, Shito, Taniguchi, Cavasso and Medeiros;

Hse. Com. No. 633 - S.B. No. 2266-86, S.D. 2 (H.D. 1): Representatives Tom, chairman, Blair, Metcalf, Tungpalan and Medeiros;

Hse. Com. No. 634 - S.B. No. 2308-86, S.D. 1 (H.D. 1): Representatives Kiyabu, chairman, Cachola, Crozier, Kihano, Lardizabal, Leong, Manegdeg, Nakata, Oshiro, Souki, Tajiri, Takamine, Anderson, Isbell and Kamali'i; and

Hse. Com. No. 635 - S.B. No. 2309-86, S.D. 1 (H.D. 2): Representatives Yoshimura and Shito, co-chairmen, Manegdeg, Taniguchi and Anderson,

were placed on file.

STANDING COMMITTEE REPORTS

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 887-86) recommending that Senate Resolution No. 65, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the report of the Committee was adopted and S.R. No. 65, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REPORT ON POSSIBLE STATE AND FEDERAL GOVERNMENTAL ACTIONS TO ACHIEVE AN EFFECTIVE MANAGEMENT ROLE FOR THE STATE OF HAWAII IN THE EXCLUSIVE ECONOMIC ZONE," was adopted.

Senators Aki and Holt, for the Committee on Economic Development and the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 888-86) recommending that Senate Resolution No. 18 be adopted.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the report of the Committee was adopted and S.R. No. 18, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY TO ESTABLISH A TECHNICAL INSTITUTE

FOR FILM INDUSTRY CAREERS," was adopted.

Senator Matsuura, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 889-86) recommending that Senate Concurrent Resolution No. 63 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. 63, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING CONTINUED EFFORTS TOWARD DEVELOPMENT OF GEOTHERMAL RESOURCES," was adopted.

Senator Matsuura, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 890-86) recommending that Senate Resolution No. 86 be adopted.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 86, entitled: "SENATE RESOLUTION ENCOURAGING CONTINUED EFFORTS TOWARD DEVELOPMENT OF GEOTHERMAL RESOURCES," was adopted.

Senator Matsuura, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 891-86) recommending that Senate Concurrent Resolution No. 22, 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. 22, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTENSIVE TECHNICAL PROGRAM OF STUDY BE DEVELOPED FOR STATE AND COUNTY AGENCY PERSONNEL DEALING WITH GEOTHERMAL ENERGY RESOURCE DEVELOPMENT," was adopted.

Senator Matsuura, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 892-86) recommending that Senate Resolution No. 44, 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. 44, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INTENSIVE TECHNICAL PROGRAM OF STUDY BE DEVELOPED FOR STATE AND COUNTY AGENCY PERSONNEL DEALING WITH GEOTHERMAL ENERGY RESOURCE DEVELOPMENT," was adopted.

Senators Aki and Kuroda, for the Committee on Economic Development and the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 893-86) recommending that Senate

Concurrent Resolution No. 13, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the report of the Committee was adopted and S.C.R. No. 13, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE MAIN STREET HAWAII PROGRAM AS A PROVEN PROGRAM OF ECONOMIC REVITALIZATION OF SMALL TOWNS AND EXPRESSING LEGISLATIVE SUPPORT FOR ITS EFFORTS," was adopted.

Senator Kuroda, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 894-86) recommending that Senate Concurrent Resolution No. 45, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ACQUIRE ADDITIONAL ONELOA BEACH (BIG BEACH) LANDS AT MAKENA, MAUI FOR STATE PARK PURPOSES," was adopted.

Senator Kuroda, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 895-86) recommending that Senate Concurrent Resolution No. 41 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A BLUE RIBBON COMMITTEE TO DETERMINE THE MOST APPROPRIATE SITE FOR THE KING KALAKAUA STATUE," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 896-86) recommending that the Senate advise and consent to the nominations of the following:

Walter A. Lichota, D.D.S., and Howard K. Miyamoto, D.D.S., to the Board of Dental Examiners, in accordance with Gov. Msg. No. 139;

Marion L. Hanlon, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 144;

Adele Mitchell, Dorothy Ann Park, Josephine Duvauchelle and Violet L. Nakamura to the State Board of Nursing, in accordance with Gov. Msg. No. 147;

Linda R. Conboy to the State Board of

Nursing, in accordance with Gov. Msg. No. 231;

Janet M. Hirata and Clifford E. Miller Jr. to the Board of Examiners of Nursing Home Administrators, in accordance with Gov. Msg. No. 148;

Verna Hanashiro to the Board of Examiners of Nursing Home Administrators, in accordance with Gov. Msg. No. 248;

Kalli S. Malley and Todd Kiyoshi Inafuku to the Board of Pharmacy, in accordance with Gov. Msg. No. 249; and

Albert H. Ornellas to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 251.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 896-86 and Gov. Msg. Nos. 139, 144, 147, 231, 148, 248, 249 and 251 was deferred until Monday, April 14, 1986.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 897-86) recommending that the Senate advise and consent to the nomination of Robert F. Maynard to the Board of Taxation Review, First Taxation District, Oahu, in accordance with Gov. Msg. No. 304.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 897-86 and Gov. Msg. No. 304 was deferred until Monday, April 14, 1986.

Senator Solomon, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 898-86) recommending that Senate Resolution No. 96 be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 96, entitled: "SENATE RESOLUTION REQUESTING A PLAN TO ALLOW QUALIFIED PERMITTEES AND LESSEES OF AGRICULTURAL LANDS TO REMAIN ON SUCH LANDS," was adopted.

ORDER OF THE DAY

MATTER DEFERRED FROM
THURSDAY, APRIL 10, 1986

THIRD READING

House Bill No. 1763-86, H.D. 1:

By unanimous consent, action on H.B. No. 1763-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL LOANS," was deferred until Monday, April 14, 1986.

THIRD READING

House Bill No. 2436-86:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2436-86, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Henderson and Kuroda).

MATTER DEFERRED FROM
THURSDAY, APRIL 10, 1986

Stand. Com. Rep. No. 880-86 (Gov. Msg. Nos. 103, 135, 143, 146, 150, 229 and 270):

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 880-86 and Gov. Msg. Nos. 103, 135, 143, 146, 150, 229 and 270 were recommitted to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 885-86 (Gov. Msg. Nos. 255, 256, 257, 278, 287, 288, 289 and 290):

Senator B. Kobayashi moved that Stand. Com. Rep. No. 885-86 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator B. Kobayashi then moved that the Senate advise and consent to the nominations of the following:

Ernest L. Bade, M.D., to the Board of Health, term to expire June 30, 1990;

Edward Stanley and Robert C. Palmer, M.D., to the Advisory Commission on Drug Abuse and Controlled Substances, terms to expire June 30, 1990;

Walter H. Muraoka to the Environmental Council, term to expire June 30, 1988;

Florence Tomita to the County Hospital Management Advisory Committee, Kauai County Hospital System, terms to expire June 30, 1990;

Christine S. Jackson, Walter C.K. Aona, Joyce Margaret O'Brien and Daniel B. Smith to the Waianae Coast Subarea Health Planning Council, terms to expire June 30, 1990;

Shirley H. Kodani to the Maui County Subarea Health Planning Council, term to expire June 30, 1990;

Charlotte Smith Kauai and Pauline D. Ventura to the Kauai County Subarea Health Planning Council, terms to expire June 30, 1990; and

Stanley G.H. Yim and Gerald A. Jensen to

the Board of Certification of Operating Personnel in Wastewater Treatment Plants, terms to expire June 30, 1990,

seconded by Senator Machida.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Henderson and Kuroda).

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 1837-86, S.D. 1, H.D. 1:

Senator B. Kobayashi moved that the Senate reconsider its action taken to disagree on S.B. No. 1837-86, S.D. 1, H.D. 1, seconded by Senator Machida and carried.

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1837-86, S.D. 1, and that S.B. No. 1837-86, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL USE OF BODIES," was placed on the calendar for Final Reading on Monday, April 14, 1986.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

Senate Bill No. 2359-86, S.D. 1, H.D. 1:

Senator Aki moved that the Senate reconsider its action taken on Final Reading of S.B. No. 2359-86, S.D. 1, H.D. 1, seconded by Senator Matsuura and carried.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

At this time, the Chair remarked:

"Members of the Senate, the Chair would like to clarify the motion just made to reconsider action on S.B. No. 2359-86, S.D. 1, H.D. 1.

"The reason for the reconsideration is because the bill contains a bond authorization and requires that the budget be passed before action can be taken on said bill. The bill has been recalled from the

governor."

By unanimous consent, action on S.B. No. 2359-86, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL DEVELOPMENT BONDS," was deferred until Thursday, April 17, 1986.

Senator Cayetano rose on a point of personal privilege and remarked:

"Mr. President, this is the 55th day of the session and this is my last year in this body. I was trying to make it to the 60th day without getting a little upset and without rising on a point of personal privilege but I've fallen five days short.

"Mr. President, I did not watch the evening news last night. I was in a much more interesting place. I was involved in a meeting with the pro-Marcos group and let me state that it was an experience that you all should share.

"After the meeting ended, the 6:00 o'clock news was already over, I was informed by someone to go and watch a tape of that 6:00 o'clock news. I watched the tape and it was a coverage of the Waiola Estates project, which has been, as you know, in the news for the last several days.

"Mr. President, as I watched the news I saw someone who looked like you and I asked, 'Is that my leader?' And listening to what this person had to say I thought maybe it was Andy Anderson's campaign manager and, so, I ran the tape back. I went up to the television set, about an inch away, put on my glasses, and sure enough, Mr. President, it was you.

"In all the years I've served with you I've never felt that you have lacked for political savvy, so then I must conclude that your remarks about the Waiola Estates project came in an unguarded moment. Be that as it may, Mr. President, let me state for the record my point.

"Mr. President, the Waiola Estates project proposes to build a 1500-unit affordable housing development in my district. It's right next to Kamehameha Highway, right across Waipio Gentry, adjacent to the proposed Waikele project, which would be another massive project.

"All of us, Mr. President, are for affordable housing. But what bothers me about this proposal, Mr. President, is that in looking at it, and I had not made any public comment about the proposal when it first hit the news because I wanted to assess it, I have to come to the conclusion that the way this project has been proposed comes from election year politics.

"I have here a copy of an advertisement

paid for, I suppose, by the City and County of Honolulu and the title says, 'A Home of Your Own at Waiola Estates' and it goes on to describe the project and then there's a section that says, 'Who is making it all happen?' and it goes on to describe in glowing terms the role of Mr. D.G. Andy Anderson, the managing director of the city, bringing this project about. Unfortunately, Mr. President, nowhere in this ad does it say that the project is subject to approval by the City Council. Nowhere in this ad does it say that there has been input by the City Council, by the state Department of Transportation, by the communities of Mililani, Waipio Gentry, Seaview, Crestview, Wahiawa, Waiialua. I suppose it's because they all have to travel that corridor. Instead, the ad talks about the selection of buyers, how to apply, and states, 'the actual date of the drawing will be announced as soon as possible and in no event will it be held before June 1, 1986.'

"Mr. President, in my view, to propose a project like this before meeting the requirements of the law is to skirt the process that we have enacted into law, and also to foist, in my view, a cruel political hoax on those who yearn for affordable housing. No one need tell anyone in this body that we have thousands of people out there in the different communities who are unable to afford their own homes. That is a problem that we know all too well. Because it is such a serious problem, we as public servants should be very sensitive to tossing this whole issue into the political arena. This is what has happened in this case.

"The project talks about a school site. Well, was there any input by the Department of Education?

"The project talks about widening or requires widening of Kamehameha Highway. Was there an input by the state Department of Transportation? None.

"This proposal was a surprise and it is part of the method that has been followed by Mr. Anderson and Mr. Fasi with the H-3 mass transit proposal.

"I suppose, Mr. President, that bad habits are hard to get rid of. D.G. Anderson has treated or handled this project the way he handled his fish and chowder restaurant in Waikiki. You remember that. Just as he's done here, he went ahead and built a structure which was in clear violation of the building code; he did not have a permit and he said the hell with the law, the hell with the building code, and he went ahead and built it.

"In the end, of course, he had to plead guilty for violating the building code. And he was pretty lucky you know because, if I was the judge, I would have thrown his

'okole' in jail but, instead, all he got was some community service which he performed.

"This project also involves a deal between Castle & Cooke and the city. And it seems to me, if a deal is going to be struck then at least, before the project is made public, the City Council should have been made privy to the deal.

"Now, from the news reports the deal, as I understand it, or the terms of the deal requires Castle & Cooke to sell to the city, at a reduced cost, these 269 acres of prime agricultural land. In return, Castle & Cooke will be given a credit against providing future low and moderate income housing in their various developments. While this goes against the grain of the theory of what we call 'peppering' or spreading low-cost housing throughout the different communities, are we then saying that this Waiola Estates project will be for people who cannot afford housing and we will lump them all in one community but when Castle & Cooke goes on to build other projects that the housing there will not include 10 percent for low-cost affordable housing but be solely for middle class and upper-middle class people? If that's the case, that goes against our housing policy.

"It is the stated policy of our state in terms of housing to distribute low income families among the different developments and the rationale is quite clear. We do that because all of the studies in our experience indicate that that's the way to avoid the creation of slums or low-cost developments which are looked upon as reservations by the rest of the community. Well, this deal would allow Castle & Cooke to do that because they will be getting a credit.

"This project also takes 269 acres of prime agriculture land in Central Oahu. Mr. President, Mr. Anderson has been around a long time. He knows, as well as I do and as well as most of us here do, that there are approximately 20 thousand acres of agriculture land out in the Leeward/Central area. Only about eight thousand or so of these acres are prime. We have tried in this Legislature over the past years to identify those marginal agriculture lands for use for projects such as housing and other kinds of public purposes.

"If they wanted to put a project out in Leeward-Central Oahu, why did they choose prime ag land? Why not marginal land? Why did they choose a project that is going to be located right next to the Waikele project and right across the street from Waipio Gentry?

"Those of us who represent the area or those of you who have friends out in the area or relatives or may be familiar with

the area know the traffic congestion is horrible. In order to get from Waipio Gentry to downtown Honolulu may take as long as an hour. If you are coming in from Wahiawa it may take as long as an hour and a half. If you are coming in from Millilani it will certainly take between an hour and an hour and a half.

"What considerations were given to traffic problems? Nothing.

"This project, Mr. President, kind of reminds me of another project which the Republicans used in another election year. Let me stretch your memory and go back to, I think it was the first election we had after statehood, remember, the Republicans won that election by, at the last minute, proposing something we now know as the 'Second Mahele.' This is a mini-version, I'll call this the 'Third Mahele.'

"Mr. President, this project now is so politicized that I doubt that it will ever be approved. I would hope if the city and Mr. Anderson, if they are really sincere in providing affordable housing for low and moderate income groups, for the next project they would seek input from the City Council and the residents in the area who will be affected by the developments which are being proposed.

"It's difficult not to get angry about this because it deals with a very sensitive issue and when you see politicians do things which, in my view, unrealistically raise the expectations of people who are crying for relief, and when you see politicians take actions which unfairly place a burden on members of the City Council or the state Legislature who want to do the right thing, then I think that some of us have to stand up and speak out.

"Thank you."

Senator Kawasaki then said:

"Mr. President, I rise on a point of inquiry.

"While listening to Senator Cayetano's concerns about this housing project that was proposed by the city administration, while we do not agree with all of his statements, I think we all are dying to find out what was the outcome of their meeting with this group of fawning sycophants that call themselves the pro-Marcos people ... what was the outcome of that meeting?"

The Chair posed the question to Senator Cayetano and he answered:

"Mr. President, as you know I am the only member of Filipino ancestry in the Senate. Next year you will have a different one. We met with the highest members and we reached an agreement, which is unusual for

Filipinos — we all decided to keep our mouths shut."

Senator Soares also rose on a point of personal privilege and stated:

"Mr. President, I too saw the TV program last night and I was very proud of you. It was a helluva idea. I saw you at the university and your response was quite clear and the answer was, 'I wish I could have thought about it myself.'

"Mr. President, I'd like to respond to my colleague who is giving us his farewell five-day address. I'm sure all of us are going to miss the daily, articulate speeches he's made along with my colleague to my left over here who has made some good speeches himself.

"I should add, Mr. President, that I am about to attend the pro-Marcos and the anti-Marcos hearings from now on because Hawaii Kai, Niu Valley, Aina Haina and Kuliouou are now feeling the effects of the traffic problems created by the ex-president of the Philippines. I was telling my colleague the other day that I think that a resolution is in order, even though the deadline has passed. My constituents are now calling me on the phone asking me when am I going to get rid of this guy who's caused the highways to be backed-up way beyond the Waialae Drive-In Theatre down into Kaimuki. I hope that when the pro and anti groups get together they'll find another district that he may be able to move to, like Kahoolawe or Mohukini or something.

"Mr. President, I have to say, as Republican Floor Leader that while others may have questions of integrity with regard to the announcement made by my good friend Senator Anderson, I feel it was and is a helluva idea. I do believe that his record of achievement in cleaning out our beaches, handling our street people, and many other things were done without having to go through all of the rigamarole that we find at City Hall with the City Council and the red-tape for various zoning requests and what have you. I do believe that a sincere effort has been made in trying to provide housing in an area that so badly needs it.

"I would have to say that the record of Senator Anderson here, as well as where he is now, will speak for itself. I do believe all of the requirements will be complied with. I do believe that the requirements for traffic and zoning will be complied with and I do want you to know that I have great confidence in Senator Anderson. The campaign is on, the politics are flying but I think that you're looking at a sincere effort and a real down to earth attempt to get housing in an area where it belongs and to get housing that's badly needed. I want to

close by saying that I agree with you, Mr. President, I wish I thought of it myself."

The Chair then interjected: "Any one else agreeing with the Chair?"

Senator Cayetano then added:

"Mr. President, I guess one of the issues that will arise in the campaign is whether the Republican philosophy will be to create projects which lump low and moderate income people all together ... in reservations.

"Just let me close by saying this, Mr. President, to the Minority Floor Leader, 'Buddy, you are a very good soldier, and that's more than I can say for the rest of us Democrats.'"

Senator Kawasaki then remarked:

"Mr. President, since you inquired as to whether there was anyone else here agreeing with you, I'd like to go on record by saying that I agree with you.

"First of all, I think for the city administration, notwithstanding they are of the opposition party, to have negotiated a deal where they can purchase prime ag land for \$40,000 an acre or less than \$1.00 a square foot, that's a helluva deal. I wish some of the people needing housing badly as individuals could get into this kind of arrangement where they could buy prime ag lands on this island in fee simple for less than \$1.00 a square foot. That's an outright bargain.

"What disturbs me as a Democrat is where one of the new Democratic councilman railing against this project, talking about the traffic congestion that is going to result. He says nothing of the fact that he supported the Waikele project which has a greater number of units in the adjacent area and that's also going to cause traffic congestion. Seems to me sometimes we Democrats get a little inconsistent in some of our public statements. So, that somewhat embarrasses me.

"The Waikele project that he espoused during the campaign for recall is going to have a greater number of units, creating a greater traffic congestion, if you will, so, sometimes I think we should as Democrats be a little more consistent."

Senator Cayetano responded:

"Mr. President, I'm going to defend Councilman Randy Iwase who I think has done a magnificent job in the short time that he has been on the council. I really don't see the logic in Senator Kawasaki's argument. After all, the Waikele project is one that has been planned and all of the

input that I talked about which is missing from the Waiola Estates project has been done with respect to the Waikele project.

"Now, we should do for Waiola Estates what we did to Waikele. I don't understand the logic of his argument."

Senator Kawasaki then said:

"One final response, Mr. President.

"The logic of my argument is that the Waikele project has greater number of units which will also congest the traffic corridor and so how do we handle that problem? Have we made arrangements to widen that traffic corridor to take care of the Waikele project with all the number of units that that project will entail?"

Senator Cayetano responded:

"Mr. President, may be the answer to that question then, since the Waikele project came first and was planned according to the regular process, is that the city administration should now recall or revert the permit for Waikele."

Senator Kawasaki answered: "That evokes a satisfied response from me."

APPOINTMENT OF CONFEREES

Senate Bill No. 1514-86, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1514-86, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, chairman, B. Kobayashi and Henderson as managers on the part of the Senate at such conference.

Senate Bill No. 2258-86, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2258-86, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, chairman, Cayetano, Cobb, Toguchi and A. Kobayashi as managers on the part of the Senate at such conference.

At 12:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:37 o'clock p.m.

At this time, Senator Abercrombie introduced to the members of the Senate Mr. Stan Mason, president of SIMCO, Inc. of Connecticut, his wife Charlotte, and Mrs. Becky Boom, wife of his chief assistant. Senator Abercrombie added that Mr. Mason is "someone who is contributing mightily by way of entrepreneurship to diversified agriculture in our state."

APPOINTMENT OF CONFEREES

House Bill No. 1692-86, S.D. 2 (H.D. 2):

The President appointed Senators Cayetano and Henderson as additional managers on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to H. B. No. 1692-86, S.D. 2.

ADJOURNMENT

At 12:40 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., Monday, April 14, 1986.