

## SIXTY-FIRST DAY

Monday, April 21, 1986

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 10:20 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Honorable Malama Solomon, Senator, State of Hawaii, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixtieth Day.

## ORDER OF THE DAY

## FINAL READING

## CONFERENCE COMMITTEE REPORTS

By unanimous consent, action on the following conference committee reports and bills was deferred until Tuesday, April 22, 1986:

Conf. Com. Rep. No. 22-86 and S.B. No. 1550-86, S.D. 2, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 23-86 and H.B. No. 2117-86, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 24-86 and H.B. No. 2468-86, H.D. 1, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 25-86 and H.B. No. 2282-86, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 26-86 and H.B. No. 2246-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 27-86 and H.B. No. 326, H.D. 1, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 29-86 and H.B. No. 1691-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 30-86 and H.B. No. 2373-86, H.D. 1, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 31-86 and H.B. No. 1740-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 32-86 and H.B. No. 26, H.D. 1, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 33-86 and H.B. No. 122, H.D. 1, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 34-86 and H.B. No. 1998-86, H.D. 1, S.D. 1, C.D. 2;

Conf. Com. Rep. No. 35-86 and S.B. No. 303, S.D. 1, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 36-86 and S.B. No. 592, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 37-86 and S.B. No. 2290-86, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 39-86 and H.B. No. 1388, H.D. 1, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 40-86 and S.B. No. 909, S.D. 1, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 41-86 and H.B. No. 1665-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 42-86 and H.B. No. 2608-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 43-86 and H.B. No. 2495-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 44-86 and H.B. No. 393, H.D. 1, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 45-86 and H.B. No. 1663-86, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 46-86 and H.B. No. 1666-86, H.D. 2, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 47-86 and S.B. No. 2190-86, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 48-86 and S.B. No. 425, S.D. 2, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 49-86 and S.B. No. 1762-86, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 51-86 and H.B. No. 100, H.D. 1, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 52-86 and H.B. No. 2561-86, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 53-86 and S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 54-86 and S.B. No. 2266-86, S.D. 2, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 55-86 and H.B. No. 1680-86, H.D. 1, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 56-86 and H.B. No. 2348-86, H.D. 1, S.D. 1, C.D. 2;

Conf. Com. Rep. No. 57-86 and H.B. No. 2549-86, H.D. 2, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 58-86 and H.B. No. 1857-86, H.D. 2, S.D. 1, C.D. 2; and

Conf. Com. Rep. No. 59-86 and S.B. No. 1843-86, S.D. 2, H.D. 2, C.D. 1.

By unanimous consent, action on the following conference committee reports and bills was deferred until Wednesday, April 23,

1986.	S.B. No. 2478-86, S.D. 2, H.D. 2;
Conf. Com. Rep. No. 60-86 and H.B. No. 1741-86, H.D. 1, S.D. 1, C.D. 1;	Conf. Com. Rep. No. 19-86 and H.B. No. 2221-86, H.D. 2, S.D. 2, C.D. 1;
Conf. Com. Rep. No. 61-86 and S.B. No. 2048-86, S.D. 1, H.D. 1, C.D. 1;	Conf. Com. Rep. No. 28-86 and H.B. No. 381, H.D. 1, S.D. 1, C.D. 1;
Conf. Com. Rep. No. 62-86 and H.B. No. 1856-86, S.D. 1, C.D. 1;	Stand. Com. Rep. No. 1090-86 and H.B. No. 2204-86;
Conf. Com. Rep. No. 63-86 and H.B. No. 1961-86, H.D. 2, S.D. 2, C.D. 1;	Stand. Com. Rep. No. 1091-86 and H.B. No. 2574-86, H.D. 1;
Conf. Com. Rep. No. 64-86 and H.B. No. 2122-86, H.D. 1, S.D. 2, C.D. 1;	Stand. Com. Rep. No. 1092-86 and H.B. No. 2446-86, H.D. 1;
Conf. Com. Rep. No. 65-86 and H.B. No. 2595-86, H.D. 1, S.D. 1, C.D. 1;	Stand. Com. Rep. No. 1094-86 and H.B. No. 2199-86, H.D. 2;
Conf. Com. Rep. No. 66-86 and H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1;	Stand. Com. Rep. No. 1095-86 and H.B. No. 1927-86, H.D. 2;
Conf. Com. Rep. No. 67-86 and H.B. No. 1990-86, H.D. 2, S.D. 2, C.D. 1;	Stand. Com. Rep. No. 1096-86 and H.B. No. 2430-86, H.D. 1;
Conf. Com. Rep. No. 68-86 and H.B. No. 1764-86, H.D. 2, S.D. 2, C.D. 1;	Stand. Com. Rep. No. 1097-86 and H.B. No. 2429-86, H.D. 1;
Conf. Com. Rep. No. 69-86 and H.B. No. 1697-86, H.D. 2, S.D. 2, C.D. 1;	Stand. Com. Rep. No. 1098-86 and H.B. No. 2428-86, H.D. 1;
Conf. Com. Rep. No. 70-86 and S.B. No. 2308-86, S.D. 1, H.D. 1, C.D. 1;	Stand. Com. Rep. No. 1100-86 and H.B. No. 2209-86, H.D. 2;
Conf. Com. Rep. No. 71-86 and H.B. No. 2580-86, H.D. 1, S.D. 2, C.D. 1;	Stand. Com. Rep. No. 1101-86 and H.B. No. 1891-86, H.D. 1;
Conf. Com. Rep. No. 72-86 and S.B. No. 1496-86, S.D. 2, H.D. 1, C.D. 1;	Stand. Com. Rep. No. 1102-86 and H.B. No. 2536-86, H.D. 1;
Conf. Com. Rep. No. 73-86 and S.B. No. 1933-86, S.D. 1, H.D. 2, C.D. 2; and	H.B. No. 1708-86, H.D. 2; and
Conf. Com. Rep. No. 74-86 and S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1.	Stand. Com. Rep. No. 1105-86 and H.B. No. 2506-86, H.D. 2.

## FINAL READING

By unanimous consent, action on the following conference committee reports, standing committee reports and bills was deferred until Tuesday, April 22, 1986:

- S.B. No. 934, S.D. 2, H.D. 2;
- S.B. No. 1718-86, H.D. 1;
- S.B. No. 1960-86, H.D. 1;
- S.B. No. 1961-86, S.D. 1, H.D. 2;
- S.B. No. 2166-86, H.D. 2;
- S.B. No. 2303-86, S.D. 2, H.D. 2;
- S.B. No. 2359-86, S.D. 1, H.D. 1;
- S.B. No. 2474-86, S.D. 2, H.D. 2;

At 10:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:47 o'clock a.m.

MATTERS DEFERRED FROM  
FRIDAY, APRIL 18, 1986

Stand. Com. Rep. No. 1116-86 (Gov. Msg. Nos. 298, 299, 300, 301, 310, 311, 312, 322, 323, 324, 338 and 339):

Senator Cobb moved that Stand. Com. Rep. No. 1116-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Toshio Nishioka to the State Planning Council on Developmental Disabilities, term to expire June 30, 1987;

Patricia M. Henderson, Lani Lynn Bartholomew and Lois H. Love to the State Planning Council on Developmental Disabilities, terms to expire June 30, 1990;

Catherine L. Cotton and Gwen S. Naguwa, M.D., to the State Emergency Medical Services Advisory Committee, terms to expire June 30, 1990;

Millicent L.K. Rogers to the Commission on the Handicapped, term to expire June 30, 1987;

Richard N. Westover to the Commission on the Handicapped, term to expire June 30, 1989;

Gladys C. Baisa to the Commission on the Handicapped, term to expire June 30, 1990;

Harry A. Whitten to the Technical Advisory Committee on Pesticides, term to expire June 30, 1988;

Barbara Z. Siegel, Ph.D., to the Technical Advisory Committee on Pesticides, term to expire June 30, 1990;

Jane Fukunaga and Nancy K.Y. Yuen to the State Council on Mental Health and Substance Abuse, terms to expire June 30, 1987;

Walter Nunokawa, Ph.D., to the State Council on Mental Health and Substance Abuse, term to expire June 30, 1988;

Marion P. Dunning and Janice M. Campbell to the Windward Oahu Subarea Health Planning Council, terms to expire June 30, 1990;

Carol Ann Kalaau to the Hawaii County Subarea Health Planning Council, term to expire June 30, 1987;

Gregg K. Nakamura to the Hawaii County Subarea Health Planning Council, term to expire June 30, 1988;

Leonard P. Paresa Jr. to the Honolulu Subarea Health Planning Council, term to expire June 30, 1990;

Donna R. Ching, Ph.D., to the State Emergency Medical Services Advisory Committee, term to expire June 30, 1990;

Miyono Kunioka to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, term to expire June 30, 1990;

Joseph Blevins to the County Hospital Management Advisory Committee, Kauai County Hospital System, term to expire June 30, 1988; and

Dennis F. Tamashiro to the Central Oahu

Subarea Health Planning Council, term to expire June 30, 1988;

Doris Ahana and Karen Oshiro to the Central Oahu Subarea Health Planning Council, terms to expire June 30, 1990; and

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1128-86 (Gov. Msg. No. 329):

Senator Cobb moved that Stand. Com. Rep. No. 1128-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations or J.W.A. Buyers, Eddie Lapa and Ray B. Milici to the Stadium Authority, terms to expire June 30, 1990, seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1131-86 (Gov. Msg. Nos. 325, 326, 340 and 341):

Senator Cobb moved that Stand. Com. Rep. No. 1131-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

James J.M. Misajon to the Advisory Council for Children and Youth, term to expire June 30, 1990;

James A. Torres, Chhany Sak-Humphry, Amefil Agbayani and Fred Soriano to the Advisory Council for Community Services, terms to expire June 30, 1987;

Roy T. Nishida, George K. Ikeda, Douglas Dan Watanabe and Grace C. Oness to the Advisory Council for Community Services, terms to expire June 30, 1988;

George Yokoyama, Ruby L. Hargrave and G. Riki Hokama to the Advisory Council for Community Services, terms to expire June 30, 1989;

Eduardo E. Malapit to the Advisory Council for Community Services, term to expire June 30, 1990; and

Naomi Reeves "Sister" Correa to the Criminal Injuries Compensation Commission, term to expire June 30, 1990,

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

At 10:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:49 o'clock a.m.

Stand. Com. Rep. No. 1132-86 (Gov. Msg. No. 109):

Senator Cobb moved that Stand. Com. Rep. No. 1132-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations to the Criminal Injuries Compensation Commission of the following:

Thomas Blondin, term to expire January 30, 1989; and

Nobuki Kamida, term to expire June 30, 1987,

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1145-86 (Gov. Msg. No. 263):

Senator Cobb moved that Stand. Com. Rep. No. 1145-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of Lynette Paglinawan, Edith K. McKinzie, Gerald T. Takano, Yosihiko Sinoto, D.Sc. and Kiyoshi Ikeda, Ph.D., to the Hawaii Historic Places Review Board, terms to expire June 30, 1990, seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1146-86 (Gov. Msg. No. 315):

Senator Cobb moved that Stand. Com. Rep. No. 1146-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of

Rodney Allan Maile and Betty Ann Rocha, to the Defender Council, terms to expire June 30, 1990, seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1147-86 (Gov. Msg. No. 335):

Senator Cobb moved that Stand. Com. Rep. No. 1147-86 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Herbert Y. Arata, to the Board of Land and Natural Resources, term to expire June 30, 1990, seconded by Senator Soares.

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

Ayes, 24. Noes, 1 (Solomon).

Stand. Com. Rep. No. 1161-86 (Gov. Msg. No. 355):

By unanimous consent, action on Stand. Com. Rep. No. 1161-86 and Gov. Msg. No. 355 was deferred until Tuesday, April 22, 1986.

At 10:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:03 o'clock a.m.

#### MATTERS DEFERRED FROM FRIDAY, APRIL 18, 1986

#### STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 1153-86 (S.C.R. No. 121, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 121, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A COMMITTEE TO STUDY ALTERNATIVE METHODS OF ADDRESSING THE NEED FOR INFORMED CONSENT TO MAJOR MEDICAL INTERVENTIONS BY PATIENTS WHO ARE INCOMPETENT AND THE APPLICABLE STANDARDS UPON WHICH A CONSENT MAY BE GIVEN OR WITHHELD," was adopted.

Stand. Com. Rep. No. 1154-86 (S.R. No. 154, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of

the Committee was adopted and S.R. No. 154, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF A COMMITTEE TO STUDY ALTERNATIVE METHODS OF ADDRESSING THE NEED FOR INFORMED CONSENT TO MAJOR MEDICAL INTERVENTIONS BY PATIENTS WHO ARE INCOMPETENT AND THE APPLICABLE STANDARDS UPON WHICH A CONSENT MAY BE GIVEN OR WITHHELD," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1155-86 (S.R. No. 124):

Senator Cobb moved that Stand. Com. Rep. No. 1155-86 be adopted and S.R. No. 124, be adopted, seconded by Senator Soares.

Senator Hee spoke in support of the resolution and remarked:

"Mr. President, I thank the committee chairman for holding the hearings and passing this resolution out. I regret that when I introduced this resolution that I didn't put in an S.C.R. of it, specifically because I didn't anticipate we were going to entertain an extension and, regrettably, there is no S.C.R. attached to it.

"I urge the adoption of this resolution and look forward to requesting the Board of Regents next year in urging them to divest, as other universities have done. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1155-86 was adopted and S.R. No. 124, entitled: "SENATE RESOLUTION REQUESTING INFORMATION ON INVESTMENTS BY THE UNIVERSITY OF HAWAII AND THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF HAWAII (ASUH) IN SOUTH AFRICA," was adopted.

Stand. Com. Rep. No. 1156-86 (H.C.R. No. 59, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 59, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION REQUIRING THE FEDERAL AVIATION ADMINISTRATION (FAA) TO REGULATE HELICOPTER FLIGHT PATTERNS AND TO CLARIFY EXISTING FEDERAL LAWS RELATING TO NOISE," was adopted.

Stand. Com. Rep. No. 1157-86 (S.R. No. 70, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No.

70, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION REQUIRING THE FEDERAL AVIATION ADMINISTRATION (FAA) TO REGULATE HELICOPTER FLIGHT PATTERNS AND TO CLARIFY EXISTING FEDERAL LAWS RELATING TO NOISE," was adopted.

Stand. Com. Rep. No. 1158-86 (S.R. No. 56):

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 56, entitled: "SENATE RESOLUTION REQUESTING THAT ALL AIRCRAFT CEASE LOW-FLYING PATTERNS OVER POPULATED AREAS," was adopted.

Stand. Com. Rep. No. 1159-86 (S.C.R. No. 119):

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 119, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING GUIDELINES IN DETERMINING THE BEST INTERESTS OF THE CHILD IN VISITATION MATTERS," was adopted.

Stand. Com. Rep. No. 1160-86 (S.R. No. 152):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.R. No. 152, entitled: "SENATE RESOLUTION REQUESTING GUIDELINES IN DETERMINING THE BEST INTERESTS OF THE CHILD IN VISITATION MATTERS," was adopted.

MATTERS DEFERRED FROM  
FRIDAY, APRIL 18, 1986

#### HOUSE COMMUNICATIONS

Hse. Com. No. 696 (S.C.R. No. 26, H.D. 1):

Hse. Com. No. 696, returning Senate Concurrent Resolution No. 26, which was adopted by the House of Representatives on April 17, 1986, in an amended form, was placed on file.

By unanimous consent, S.C.R. No. 26, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITIES OF USING STATE-OWNED LANDS, OR ACQUIRING LANDS, FOR A STATE VETERANS CEMETERY," was placed on file.

Hse. Com. No. 697 (H.C.R. No. 89):

Hse. Com. No. 697, returning House Concurrent Resolution No. 89, which was

adopted by the House of Representatives on April 18, 1986, was placed on file.

By unanimous consent, H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY CONCERNING THE FEASIBILITY OF ESTABLISHMENT OF A POINT OF ENTRY FACILITY FOR THE ACCEPTANCE OF INTERNATIONAL FLIGHTS ON THE BIG ISLAND OF HAWAII," was referred to the Committee on Transportation.

Hse. Com. No. 698 (H.C.R. No. 106, H.D. 1):

By unanimous consent, H.C.R. No. 106, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORMULATE AN OCEAN RECREATIONAL MOTORCRAFT MANAGEMENT PLAN TO REDUCE CONFLICTS WITH OTHER OCEAN USERS," was referred to the Committee on Transportation.

Hse. Com. No. 699 (H.C.R. No. 116, H.D. 1):

By unanimous consent, H.C.R. No. 116, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE, BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A SHIPYARD FACILITY," was referred to the Committee on Transportation.

Hse. Com. Nos. 700, 701, 702, 703, 704, 705, 706 and 707:

By unanimous consent, action on the following House communications and concurrent resolutions was deferred until Tuesday, April 22, 1986:

Hse. Com. No. 700 - H.C.R. No. 133;

Hse. Com. No. 701 - H.C.R. No. 154, H.D. 1;

Hse. Com. No. 702 - H.C.R. No. 165;

Hse. Com. No. 703 - H.C.R. No. 167;

Hse. Com. No. 704 - H.C.R. No. 184, H.D. 1;

Hse. Com. No. 705 - H.C.R. No. 201, H.D. 1;

Hse. Com. No. 706 - H.C.R. No. 206; and

Hse. Com. No. 707 - H.C.R. No. 211, H.D. 1.

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

The Senate reconvened at 11:19 o'clock a.m.

MATTERS DEFERRED FROM  
MONDAY, APRIL 18, 1986

FINAL READING

Conf. Com. Rep. No. 17-86 (H.B. No. 1688-86, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chang, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 17-86 was adopted and H.B. No. 1688-86, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Soares). Excused, 1 (Matsuura).

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 997-86 (S.C.R. No. 107):

Senator Cobb moved that Stand. Com. Rep. No. 997-86 be adopted and S.C.R. No. 107 be adopted, seconded by Senator Soares.

Senator Abercrombie rose to speak against S.C.R. No. 107 and the related resolution, S.R. No. 136, as follows:

"I wish to speak against the adoption of these resolutions, Mr. President.

"Mr. President, in a lighthearted way I have a conflict of interest because I have used the facilities at the Armed Services YMCA for about 12 years. I say lighthearted because that's really not germane to the discussion. The reason I bring it up is that I am intimately familiar with the building and the property as the result of getting to know people there and using those facilities.

"The Armed Services YMCA has tremendous historic value and even though this is a resolution, and it's always interesting, Mr. President, when we really want something to pass and don't want people to take too good a look at it we always say, 'Ah, that's just a resolution.' We always seem, at the end of every session, to spend, in some people's minds, inordinate amounts of time arguing these resolutions because they do have impact. They set directions and they can be utilized for good or ill, depending, and that's why I'm speaking against it.

"The historical nature is very, very important here because the building has certain requirements which must be met in order to do any kind of renovation work. I was at two separate hearings where this resolution was taken up and in both of these hearings the Department of Accounting and

General Services gave testimony that very frankly, Mr. President, in other circumstances would have ended any further consideration with respect to the purchase of this property because the amount of money that is involved in this is so outrageous in relation to the possible benefit that might accrue to the state that there is no justification whatsoever for moving on with it.

"There is tremendous justification for the YMCA selling the property to an institution such as Hawaii Pacific College. I personally favor that. I'm not going to try and kid you or anybody about that. They've made a more than fair offer or at least were willing to discuss, I should say, a more than fair offer for the property. I'm familiar with it because as a member of the athletic club there we've had to deal with the management both here and in Chicago. I think I'm as familiar, by the way, with the situation here as anybody on this floor as to the history of the negotiations with respect to sale of this property, and I hope that anybody that defends the opposite position will at least have done that kind of homework before they speak on it.

"The Armed Services YMCA does not serve the same purposes as it did back in World War II and in subsequent conflicts, but particularly in World War II. I just happened to be reminded of its role, having just finished the biography of the author James Jones who, as a matter of fact, used to work out at the Armed Services YMCA and the Armed Services YMCA was the place that most of the soldiers in World War II came to before heading into Waikiki or heading down the Hotel Street area or Aala Park area.

"It served a purpose then, in other words, of being a place where people could come for an opportunity to have the Armed Services and that's why it's titled the Armed Services YMCA. Anybody there came to it for all the services that might otherwise exist with the U.S.O., with the Red Cross for R&R, etc. Most of these things have been taken up in the professionalization of the Armed Services now on bases themselves or in other context. So in other words, the YMCA people in Chicago ... and this is where this whole thing about the sale is coming from ... Chicago, they decided that the property as such does not serve the same purposes for which it was originally intended and, therefore, in order to get the benefit of the value of the land, wants to sell it at several million dollars, probably between six and eight million dollars.

"Now, very, very, simply, the reason that this building hasn't been sold to an entity such as Hawaii Pacific College, which could make very good use of it and I think any of us who have been following the situation

feel that Hawaii Pacific College has really come up literally from nowhere and developed a tremendous program, academically and athletically, and this would be ideal for them. For the state to come in now and say, well, we have some higher purpose involved, is nonsense. It's simply not true.

"What you would have to do if you go over there ... and I urge anybody before you vote 'yes' on this, and I don't think it's fair for anybody to vote 'yes' on this unless they've actually gone over that building and actually sat at the hearing and actually heard what the Department of Accounting and General Services has had to say so casually.

"First of all, they're going to jack the price up at least \$2 million more than the place is worth and the reason they are holding out is they feel the state will put the money up. In other words, the taxpayers of the state, through its Legislature, are suckers enough to pay more for that property than what it's really worth. So they're holding out.

"Next, the Department of Accounting and General Services said they would have to rip the guts out of this building. Renovations are going to cost more than the purchase of the building and the land. The land is going to cost about \$10 million, minimum; the renovations alone, depending on what you do with it, are going to cost probably between \$12 - \$15 million. It's \$27 million right there before you put in the parking. That's another \$3 million or \$4 million, they say, so we're talking about possibly \$30 million. To do what? House prisoners? Thirty million dollars, you might as well pay them and not put them in jail; just pay them not to get arrested again. Twenty-five or thirty or fifty thousand, pay them what you're going to pay the governor ... we passed the pay bill ... pay them what you pay judges ... just not to get arrested, then you'd be further ahead.

"Now, I'm not exaggerating one bit. This is all in the testimony.

"What is the efficacy involved in that as opposed to some place like Hawaii Pacific College getting that building as is for a reasonable price and being able to utilize those facilities for its students and others who would take advantage of the location.

"They have renovated the building considerably. It's a beautiful building and to think that ... by the way the Department of Accounting and General Services does not have a clue as to what is to go in there. It's just, 'oh, let's get it.'

"Now, this is not land banking; this is not the same idea at all where we know where the beaches are and where the land is and

the access and all the rest of it. So, you're taking a building and you have no idea what you want to do with it; who's going in there, other than perhaps holding prisoners. And I asked the Department of Accounting and General Services people twice now at the two hearings, under any other circumstances you'd make such a recommendation like this and they said, 'no,' because they don't have any idea what it is they would put in there.

"So when you talk about a feasibility study to investigate the moving of certain state agencies, you can make up anything you want. The bottom line is, this is going to cost between \$25 million and \$30 million. We're having enormous arguments right now about housing. We have 1200 people on the waiting list for elderly and handicapped housing right now, today, and \$30 million to see whether we should move state agencies around to the Armed Services YMCA to me is utterly reprehensible. There's no way that the integrity of that building could be maintained. How it would be done is completely unknown and what would go in there is completely unknown. The only thing we know is that it's going to cost the taxpayers that kind of money. Whereas, if something ... an institution such as the Hawaii Pacific College was able to get the building, they could use it virtually as is right now, and we'll be providing a great public service in the process.

"I do not think that it is right for government to come in, compete with entities in the nonprofit private sector, and on the basis that you can take the taxpayers for more than you can take anybody else, come in and keep those people from being able to accomplish something. I don't see how anybody could stand up and defend such a proposition on a moral basis.

"Government is not here to try and defeat the public. Government is here to try and enhance the capacity of the public purpose to be served. There is no public purpose to be served whatever in passing this resolution and even less to be served in wasting \$25 to \$30 million of taxpayers' money on the dubious presumption that somehow moving unnamed and vaguely referenced state agencies into that building is somehow justified. So this resolution is important and passing it casually simply because it's on the desk before us is not the way to handle things at all.

"The feasibility study implies and will encourage, if we pass this resolution, those people in Chicago are going to be encouraged to think that they are going to be able to hit the State of Hawaii for \$2 million or \$3 million more than that place is actually worth, and the capacity for other people to actually use it, who could make good use of it in the community right now, will be diminished because the YMCA

national directors will be waiting to see whether or not they can squeeze the State of Hawaii for the money. That's why this should be defeated, and unless somebody in this body can stand up and make an argument that refutes what I have said, I do not see why this resolution should be passed. If it's just a matter of counting the votes and ramming it through, that's one thing, but you have nothing to be proud of if you do that. I think this is an important issue; it involves tens of millions of dollars; and unless someone is prepared to stand up and refute what I said, I don't think it's fair to have the thing voted through.

"Thank you."

Senator Kawasaki spoke in support of the resolutions and said:

"Mr. President, the committee report emanated from my committee and in view of the fact that the administration, through you, is quite interested in having some kind of study ... I don't suppose this will be a monumental cost to have a feasibility study of this kind to exactly pinpoint the estimated cost, I think is at this point perhaps needed. In any case, inasmuch as the administration and you personally were interested in this, shall I take over the rostrum and you take the floor so you can argue your point on this one?"

The Chair responded:

"I don't think I have to argue the point. I think just to say that I disagree with Senator Abercrombie on some of the issues ...."

Senator Kawasaki interjected:

"Fine.

"I really see no harm in having this feasibility study made by DAGS and it might just prove out some of the statistics articulated by Senator Abercrombie. That being the case, the Legislature may just decide that the cost of state agencies taking over that building is just too exorbitant and it's not feasible, but until some kind of feasibility study is made and as I said I would emphasize to the Department of Accounting and General Services that we do not expect them to spend a lot of money on this feasibility study; I think they have in-house staff to do at least an informal study to come back with some information to us. As a consequence, I don't think there's much harm done with a feasibility study.

"I can fully understand Senator Abercrombie's desire to keep the building the way it is. I too have used the weight-lifting facilities, the swimming pool. I think it's a very convenient location for people in downtown to have the YMCA



building remain the way it is. But I again repeat, an informal feasibility study, hopefully, involving very little cost, if anything at all, is not harmful in any way, I think. And for that reason, I urge the passing of this particular resolution."

Senator Abercrombie then responded:

"Mr. President, by way of rebuttal, I appreciate Senator Kawasaki's good soldier efforts in this respect, as tepid as they were.

"The fact of the matter is, is that this kind of investment ... I think we have even lower cost involved because the Department of Accounting and General Services have already come into two hearings and given its estimates. That's about as low cost as you can get. It's already been done. The minimum estimates, and they had two hearings now with some time passing in between, the minimum estimates for that building to be brought into any kind of capacity to handle the Attorney General's Office, Department of Budget and Finance, all legislative support agencies, etc., Office of the Legislative Auditor, the kind of things that are suggested is \$25 million to \$30 million.

"If I'm not mistaken, there are buildings within a block or two right here that are essentially for sale right now for a heck of a lot less than that and they are already in effect office spaces. Why not buy that? Because when you take, and this is the reason for not passing it ... I understand your interest, Mr. President, not just personally, but as a responsible officer of this body, in trying to consolidate properties, where appropriate, with respect to governmental functions. I'm not disputing that. I just think that this particular emphasis is misplaced.

"Let me explain, just in conclusion, why.

"If you take some of the buildings that, as I say, are here within a block or two of the Capitol that are specifically built as office buildings and that's what's recommended here in this feasibility study, its infinitely more appropriate than taking a building that has a completely different purpose. It was never organized and the internal structure of the building is not organized around the kind of functions that are listed here in the feasibility study. It is a matter of the extension of one's common sense to realize that you would simply take the facade and have to literally gut the building and reconstruct the entire building from the inside in order to accomplish the purposes of the resolution. That will take between \$12 million and \$15 million, at least, on top of the purchase of the property. That doesn't make any sense; whereas, the way the building is constructed right now ... and by the way, I'm not on the board of regents of

Hawaii Pacific College or something like that ... I'm just trying to think of what's sensible to do. I realize that that's a shock a lot of times to people trying to have government do something sensible, but in this particular instance, that building is perfect for a university or a college that would like to have the facilities that the Senator mentions that has a student lounge area, spaces for administrative work, teaching of classes, all kinds of things that could go on as it is right at the present time.

"I just think that when you have an institution like Hawaii Pacific College that has made these tremendous strides to have the opportunity for them then to make a fair offer, if they are able to raise it, I, for one, will be happy to help them. I've called the president of Hawaii Pacific College and talked to members of the board about it, and they have told me that they are most anxious to be able to make a bona fide offer on that property but feel that the state obviously can outbid them, if the state wants to do it. There's no question about that.

"I just think it's fundamentally unfair for us to go on record when these folks are out there struggling to make that college work and are perfectly willing to make a fair and equitable offer, which, by the way, would have been accepted, by the numbers that were used. Would have been accepted by the YMCA until the idea that the state was going to get in and buy it came up and they said, 'By the way, we can make a couple of million bucks more than the thing is actually worth.' That's why I'm so adamant about voting this thing down. I don't want to put us in a position where those people are encouraged to think that they're going to be able to get more out of the taxpayers than that place is really worth, and that the good and sensible use of it for a place like Hawaii Pacific College will be obviated by the state taking it over and involving itself in the expenditure of untold millions of dollars that are simply not worth it."

Senator Fernandes Salling spoke in support of the resolutions and remarked:

"Mr. President, I rise to speak in favor of this resolution.

"I was present at the hearing on both resolutions. In fact, I happened to be chairing the hearing on the resolution when it came up for a second hearing and I must agree with Senator Kawasaki that I don't feel that it would hurt us to have a feasibility study before us before making any sort of decisions on whether or not to purchase or to lease the YMCA building.

"For further clarification, though, I did inquire of the Department of Accounting

and General Services just what this study would state and would cover, and they informed me and if I might take a few minutes to read this communication from them.

'This is to follow up on the April 10, 1986 hearing before the Senate Committee on Government Operations concerning the subject resolution. Based on the discussion at that hearing, it is our understanding that the study DAGS has requested to undertake for the resolutions include the following: (1) Comparison of leasing or purchasing various private office buildings, including the Armed Services YMCA; (2) Cost of moving state or legislative agencies into the Armed Services YMCA or other private buildings.'

"The concerns were raised whether or not it would be economically feasible or of cost benefit to us to look at purchasing this building; therefore, the Department of Accounting and General Services did state that within this feasibility study these comparisons will be provided. And I think with this in mind, it does give some sort of notice to those people who are holding out for a higher price that perhaps we are taking a more serious look at whether or not to lease or to purchase, but, nevertheless, this study will encompass all of the things that I have mentioned as set forth in the letter from the Department of Accounting and General Services."

Senator Hee also spoke against the resolution and said:

"Mr. President, I'm rising to speak against this. I was going to support this resolution until the previous speaker read the DAGS response.

"It doesn't take the brains of a flea to go to the YMCA and understand that there's no office space available to lease. One will need to construct office space. Also, to move, one will need to fill in the pool and then build office space; re-do the roof because it leaks, and all other kinds of activities which would be related to converting that building into a state agency.

"As I said, I was going to support the resolution, but I think clearly DAGS doesn't know what they're going to do with that building. Thank you."

Senator Kawasaki then continued:

"Mr. President, I trust that we would spend just as much time discussing some of the more important bills coming on the floor in the next two days, including the pay raise bill that some of us have very strong feelings against, and the need for tort reform and the 'deep pocket' situation, but Senator Abercrombie's fervent plea against

passage of this resolution, I respect.

"I, perhaps, in his judgment, made a tepid presentation in behalf of the resolution. That's because I feel very tepid about it, but I would think, again, to reiterate what we have stated, there's no harm in having this feasibility study and the feasibility study just might show that he's entirely correct. So, for that reason I support this resolution.

"As an aside, I would hope that Senator Abercrombie would speak just as fervently for a proposition when it hits the floor — this is the no sanctuary for Marcos resolution that might come on the floor."

Senator Abercrombie responded:

"Mr. President, well may be if Mr. Marcos will divert some of the money he has to the purchase of the building and donate it to the state, perhaps ... (Chair: No way will it come.) ... but inasmuch as I'm afraid that the taxpayers will end up bearing the burden, I think that the outcome would be quite different.

"Just one last comment. Mr. President, I think it's misleading. I wish that Senator Fernandes Salling had shared that with me a bit earlier other than on the floor today because I would have pointed out there's no possibility whatsoever of the building being leased. That's not what they are interested in. Talk about leasing that building is in effect to talk about nothing at all. They want to sell that building and they want to sell the land under it, and leasing is the last thing in the world. If that's what the feasibility study is moving toward, then you surely do not need to include the Armed Services YMCA building so maybe this resolution is misplaced. That's another reason for voting against it, not voting for it."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 997-86 was adopted and S.C.R. No. 107, entitled: SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY TO INVESTIGATE THE MOVING OF CERTAIN STATE AGENCIES TO THE SITE OF THE ARMED SERVICES Y.M.C.A.," was adopted on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Abercrombie, Hee and McMurdo). Excused, 1 (B. Kobayashi).

Stand. Com. Rep. No. 998-86 (S.R. No. 136):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 998-86 was adopted and S.R. No. 136, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY TO INVESTIGATE THE MOVING OF CERTAIN STATE AGENCIES TO THE SITE OF THE ARMED SERVICES Y.M.C.A.," was adopted

on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Abercrombie, Hee and McMurdo). Excused, 1 (Kawasaki).

Stand. Com. Rep. No. 1004-86 (S.C.R. No. 141):

By unanimous consent, action on Stand. Com. Rep. No. 1004-86 and S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES AND THE SOVIET UNION TO SUPPORT PEACEFUL USES OF SPACE AND TO AVOID THE USE OF SPACE FOR WARFARE," was deferred until Tuesday, April 22, 1986.

Stand. Com. Rep. No. 1005-86 (S.R. No. 173):

By unanimous consent, action on Stand. Com. Rep. No. 1005-86 and S.R. No. 173, entitled: "SENATE RESOLUTION URGING THE UNITED STATES AND THE SOVIET UNION TO SUPPORT PEACEFUL USES OF SPACE AND TO AVOID THE USE OF SPACE FOR WARFARE," was deferred until Tuesday, April 22, 1986.

Stand. Com. Rep. No. 1126-86 (S.C.R. No. 129):

By unanimous consent, action on Stand. Com. Rep. No. 1126-86 and S.C.R. No. 129, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF EXCHANGING STATE LAND FOR FORT DERUSSY," was deferred until Tuesday, April 22, 1986.

Stand. Com. Rep. No. 1127-86 (S.R. No. 162):

By unanimous consent, action on Stand. Com. Rep. No. 1127-86 and S.R. No. 162, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF EXCHANGING STATE LAND FOR FORT DERUSSY," was deferred until Tuesday, April 22, 1986.

MATTERS DEFERRED FROM  
FRIDAY, APRIL 18, 1986

#### HOUSE CONCURRENT RESOLUTIONS

H.C.R. No. 109, H.D. 1 (Hse. Com. No. 672):

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 109, H.D. 1, entitled: "HOUSE CONCURRENT URGING CONGRESS TO IMMEDIATELY ADDRESS THE REINSURANCE MARKET CRISIS," was adopted.

H.C.R. No. 212, H.D. 1 (Hse. Com. No. 691):

By unanimous consent, action on H.C.R. No. 212, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COORDINATE A STUDY OF AND REPORT TO THE STATE LEGISLATURE ON STATE HISTORIC PRESERVATION STANDARDS," was deferred until Tuesday, April 22, 1986.

H.C.R. No. 192 (Hse. Com. No. 692):

By unanimous consent, action on H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN IN-HOUSE MANAGEMENT STUDY OF THE BEACH AREAS FROM ST. THERESA'S CHURCH TO THE SECOND DITCH IN KEKAHA, KAUAI," was deferred until Tuesday, April 22, 1986.

H.C.R. No. 113 (Hse. Com. No. 693):

By unanimous consent, action on H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY," was deferred until Tuesday, April 22, 1986.

H.C.R. No. 114 (Hse. Com. No. 694):

By unanimous consent, action on H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY," was deferred until Tuesday, April 22, 1986.

H.C.R. No. 117 (Hse. Com. No. 695):

By unanimous consent, action on H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY," was deferred until Tuesday, April 22, 1986.

At this time, the following proclamation was read by the Clerk and was placed on file:

#### "PROCLAMATION

We, Richard S.H. Wong, President of the Senate, and Henry Haalilio Peters, Speaker of the House of Representatives, of the Thirteenth Legislature of the State of Hawaii, pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of

the members to which each house is entitled, do hereby extend the Regular Session of 1986 of the Thirteenth Legislature of the State of Hawaii for a period of Two Days beyond the Sixty-first day of the 1986 Regular Session, excluding Saturdays, Sundays, and holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard S.H. Wong  
RICHARD S. H. WONG  
President of the Senate

/s/ Henry H. Peters  
HENRY HAALILIO PETERS  
Speaker of the House of  
Representatives,"

was placed on file.

Senator Hee then rose to speak on a point of personal and remarked:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I want to set the record that I was not party to that petition and did not sign it. I don't think we're doing justice to the taxpayers by extending the session. The Senate is being mishandled by the administration. My own view is that any kind of extension beyond Monday should be called in a special session by the governor, and that's where the responsibility should lay. The Senate has done its work.

"For whatever games were played on Friday night, I don't believe the Senate was a part of that. I don't think it's fair to the Senate and, I will repeat, any extension beyond today should lay with the administrator on the fifth floor. I think it speaks for his administration. Thank you."

Senator Soares rose to inquire:

"Mr. President, going back to the comments made by my colleague on my left earlier this morning on the resolution that came back, that was supposed to have been filed by the House, are you going to address that now before we ...?"

The Chair interjected:

"Yes.

Senator Soares then rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege. I'd like to make a comment on the previous speaker's position.

"Mr. President, it's not customary for the Republican Minority to accept any kind of extension, but under the circumstances,

while I don't agree with the previous Speaker, I think that the policies, the timetables, the schedules that we set for ourselves will continue to cause us this last minute deluge of bills. This last minute jockeying of positions, and last minute agreements which require tired people to make tired decisions. Until we change our rules, until we change our modus operandi in this body, we're going to have the same situation.

"In my 20 years here, the last three or four years have been the same. I think it's important that we begin to reflect a more industrious effort early in the session so we can get down to the business that has to be done much, much earlier. However, as I indicated to some of the Senators, we've gotten down to the one yard line and I think it's important that we be constructive, finish our work, and make sure that it is done properly and right for the people of this state."

Senator Hee then responded:

"Mr. President, with all due respect to the previous speaker, because we had a conversation earlier this morning and I understand his concern for the Senate doing its work, I reiterate, as far as I'm concerned, we've done our work. We have the budget decked; we had the budget in conference, and to that degree our legislative internal timetable was set earlier this year. Passage of lateral moves between houses and between committees was specifically put up earlier so we would avoid this kind of last minute rush which we are going into presently.

"I'm not convinced, Mr. President, that we're here to entertain the supplementary budget. The biennium budget is in place. If my memory serves me correct, the press was very good in reporting that as of late Friday the House position and the governor's position was that as far as they were concerned we could go home without a budget. Well, if that was good, Friday, then as far as I'm concerned, it's good, Monday.

"This state will not fold because there is no budget this year. The biennium budget was passed last year. It's in place. Life will go on.

"This state will not fold if there's no tourist tax this year. Life will go on. And for that matter, the tourist tax — unless it's vetoed by the Governor — was to take place in January of '87. We'll be here in January of '87 and to that degree any tourist tax proposed and passed by the 1987 Legislature can be retroactive as I understand the governor's pay raise will be. Maybe we're here because of the pay raise, Mr. President.

"But, again, as far as I'm concerned,

we've done our work; we are again being put in a waiting game by the other side and upstairs and for those reasons I did not sign the petition and want to state for the record that I'm not in favor of an extension.

"Thank you."

The Chair then said:

"Members of the Senate, the responsibility for the extension lies with the Chair. The Chair made the decision on the extension and requested Senators to support the Chair's position for an extension beyond Friday. The Chair takes full responsibility for the extension, both publicly and politically. The petition has been filed with the House; it has been filed with the Senate. We are here until Wednesday and, hopefully, by Wednesday we can conclude our business. Each of us can then go on with our own lives and hope that the people will be satisfied that what we did here was fair and just.

"I want to repeat again, the responsibility for the extension lies with both presiding officers of the House and the Senate. We have called ourselves back into extension which I think is our responsibility. No other words need be spoken. I wish to thank the members of the Senate for their patience and for their support. I know that some of the Senators feel strongly on this issue but the issue has already been decided. We are in extension and that responsibility lies with the Chair."

At 11:54 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.

#### RECONSIDERATION OF ACTION TAKEN

S.C.R. No. 26, H.D. 1:

Senator Abercrombie moved that the Senate reconsider its action taken earlier on the calendar on S.C.R. No. 26, H.D. 1, seconded by Senator Yamasaki and carried.

Senator Abercrombie remarked:

"Mr. President, I would like to move to disagree with the amendments to the title and substance of S.C.R. No. 26 by the House Committee on Water, Land Use Development and Hawaiian Affairs."

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 26 and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Abercrombie chairman, Hee and A. Kobayashi as managers on the part of the Senate at such conference.

Senator Abercrombie, at this time, asked to make a comment on S.C.R. 26, H.D. 1, and the Chair allowed him to proceed.

Senator Abercrombie then remarked:

"Mr. President, it's because I'm not sure we're ever going to conference on this, inasmuch as the chairman of the committee on the other side didn't have the courtesy to let anybody know what he had in mind, provided that he had anything in mind.

"Mr. President, the Veterans Advisory Council of the state put in a tremendous amount of effort and work into what ended up being the resolution coming from the Senate. And I'm quite serious about this matter.

"To casually change the title, change the entire substance and indicate that it is not the intent to have a veterans cemetery be maintained by the state or the City and County of Honolulu is in effect to state that those who are veterans who would like to be buried in a veterans cemetery will have to go to Riverside, California, to the nearest location to be able to do that. The House committee even admits that that would be the case and understands that to be the case.

"They also apparently can read enough of the law to understand that unless the state joins in the matching grant system and, subsequently, in the maintenance of such a cemetery, that it is unlikely as that it could ever take place. I think it's a cruel hoax to pass a resolution like that. It is playing fast and loose with the good faith of all of the veterans organizations and their supporters that came forward on this. It is as cynical an attempt to mask one's true intentions as I've seen in this Legislature. If they do not want to have such a cemetery, then say so. They are under no obligation to pass the S.C.R., just kill it. But to alter in this manner and send it back here in an obvious attempt to try to disguise what it was that was the true intention is just reprehensible.

"I'll certainly meet in conference on this if it's possible and I'll contact the chairman to see if he's willing to do it but I'm very dubious that something as disgraceful as this coming over that the chairman would want to have it come out in light of day and especially go face to face in a conference and have to answer for himself. I think he's going to have to answer to the veterans of the state."

The Chair then stated:

"Just as a comment to you, Senator

Abercrombie, you know that the responsibility lies with you, as it is a Senate Concurrent Resolution, to contact the House for a conference."

Senator Abercrombie answered:

"Yes, I'll be very happy to contact the chairman. I'll be more than happy to show him the courtesy he did not extend to me or to any of the people that testified in favor of this resolution and, perhaps, he can explain himself in public."

At 12:05 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.

#### RECONSIDERATION OF ACTION TAKEN

House Concurrent Resolution No. 107, H.D. 1:

Senator Cayetano moved that H.C.R. No. 107, H.D. 1, be recalled from the House of Representatives, seconded by Senator Toguchi.

Senator Cayetano then explained:

"Mr. President, H.C.R. 107 is the concurrent resolution which deals with the naming of Keahole Airport for Lt. Colonel Ellison Onizuka.

"Last week I received a request from one of the groups which is behind this proposition, bringing to my attention that the H.C.R. did not have Lt. Colonel Onizuka's full name. We did not have the time to make the correction last week. Since we have extended the session to Wednesday, I am requesting that we recall the resolution from the House and make the appropriate correction."

The motion to recall H.C.R. No. 107, H.D. 1, from the House of Representatives was put by the Chair and carried.

Senator Cayetano then moved to reconsider action taken by the Senate on H.C.R. 107, H.D. 1, seconded by Senator Toguchi and carried.

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, H.C.R. 107, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RENAME KEAHOLE AIRPORT AS 'KEAHOLE AIRPORT — LIEUTENANT COLONEL ONIZUKA FIELD,'" was recommitted to the Committee on Transportation.

#### RECONSIDERATION OF ACTION TAKEN

Senate Bill No. 1496-86, S.D. 2, H.D. 1:

Senator Matsuura then moved that the Senate reconsider its action taken to agree on S.B. No. 1496, S.D. 2, H.D. 1, seconded by Senator Aki and carried.

Senator Matsuura explained:

"Mr. President, the reason for the motion is because we have a conference draft on the bill and the House was holding on to the conference draft until the last minute. I thought that they were going to withhold it permanently so I made the earlier motion to accept the House amendments. The conference draft was brought over at the eleventh hour. I think this was done primarily to put some leverage on the water code. Thank you."

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

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

The Senate Clerk, on S.B. No. 1496-86, S.D. 2, H.D. 1, then announced:

"Mr. President, on page 6 of the Order of the Day, with regard to Conference Committee Report 72-86 on Senate Bill 1496-86, S.D. 2, H.D. 1, C.D. 1, and with respect to Senator Matsuura's motion to reconsider on Friday, April 18, 1986, that motion to agree was never transmitted to the House of Representatives by my office. Senate Bill 1496-86, S.D. 2, H.D. 1, never left the Senate."

The Chair then added: "Therefore, the proper bill before this body is Conference Committee Report 72-86 on S.B. No. 1496-86, S.D. 2, H.D. 1, C.D. 1."

The Clerk answered: "That is correct, Mr. President."

The agreement to the amendments made by the House to S.B. No. 1496-86, S.D. 2, having been withdrawn, Conf. Com. Rep. No. 72-86 and S.B. No. 1496-86, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL DEVELOPMENT," was placed on the calendar for Final Reading on Tuesday, April 22, 1986.

At this time, Senator Cobb rose to state as follows:

"Very briefly, Mr. President, in light of the earlier discussion, I was looking forward to moving to adjourn sine die today but since there has been an extension, I would just like to comment that when we have

deadlines and those deadlines are not met repeatedly then the deadlines become nothing more than guidelines. I'm sad to say that's been the situation that's happened so far.

"I hoped that we will be out of here on Monday and that was one of the reasons I would not sign an extension beyond Monday. I appreciate your comments, your acceptance of responsibility but I think the fault goes much more to the other body.

"Thank you."

Senator Kawasaki then added:

"Mr. President, I fully concur with the statements made by Senators Cobb and Hee and, for the record, I'd like their statements to be my sentiments on this particular issue.

"I rise on a point of inquiry at this point.

"What is exactly the status of the pay raise bill? Is it going to printed for scrutiny instead of what happens periodically where the pay raise bills are concerned, it comes in at the last minute, not giving us enough time to examine it critically? Could someone answer me as to what is the exact status of the pay raise bill, when is it going to be printed, for our examination?"

The Chair responded:

"The pay raise bill should have been printed and it should already be in your office or on your desk for scrutiny. The 48 hours has already commenced as of 8:00 a.m. this morning. The pay bill was supposed to have been in your office on Saturday evening in its printed form. However, since the session has been extended, you will have the time, up until Wednesday, to scrutinize the bill."

Senator Kawasaki thanked the Chair and continued:

"Mr. President, on a point of personal privilege, I'd like to express some concerns that I have.

"On today's agenda were three resolutions very important to this Senate body simply because what was intended in those resolutions which was to fill three hundred acres of what is water right now, waterways, to be filled up for industrial development ... appears to me that this resolution being this important to this body, members of the Senate, that there may have been some negligence on the part of staff on those three resolutions not being referred to the appropriate committees, in this case, the Committee on Economic Development or the Committee on Transportation. It was only through someone's alertness here that our attention was called to the fact that we

may be just voting on this bill very shortly without much discussion. I would hope that this kind of action would not happen in the future. It demeans the processes involved with Senate business here. I understand at this point, inasmuch as you appropriately referred them to the Committee on Transportation, all consideration of those three resolutions are dead for the session, is that correct?"

The Chair answered:

"No. Those resolutions that you refer to were initially referred to the Committee on Transportation. However, the Chair has deferred these matters one day to see if there are other committees which are involved. It doesn't only touch on the transportation area but also tourism, which deals with marina and recreational type facilities. The Chair will have to take a look at it and re-refer them, if need be, to two committees instead of one. Right now the action is pending further study of the matter. We will properly refer them tomorrow."

Senator Kawasaki continued:

"My point here is that these resolutions are substantive resolutions and there were strenuous objections voiced on the resolutions in the past, proposing to fill up three hundred acres of what I say is waterways today to be made into an industrial subdivision. This is the old Hadley-Pruyn proposition and involves big money, some three-quarters to one-and-a-half-billion-dollar project, and members of the Senate had opposed that on very legitimate grounds and we hope that ample discussion can take place on such a proposition ever being presented to the Legislature."

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate authorized the Senate Clerk to receive conference committee reports prior to midnight. In consequence thereof, subsequent to its recessing at 12:31 o'clock p.m., and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the following conference committee reports and bills were placed on the calendar for Final Reading on Wednesday, April 23, 1986:

Conf. Com. Rep. No. 75-86 and Senate Bill No. 471, S.D. 2, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR," and

Conf. Com. Rep. No. 76-86 and Senate

Bill No. 1831-86, S.D. 2, H.D. 1, C.D. 1,  
entitled: "A BILL FOR AN ACT  
RELATING TO MENTAL HEALTH."

At 12:00 o'clock midnight, the Senate  
adjourned until 11:30 o'clock a.m., Tuesday,  
April 22, 1986.

ADJOURNMENT