

THIRTEENTH DAY

Friday, February 6, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Father Thomas Gross of Saints Peter and Paul Catholic Church, after which the Roll was called showing all Senators present.

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

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

Senator B. Kobayashi introduced the following and remarked:

"Mr. President and members of the Senate, I would like to introduce two members of a school in my district and relate to you that 75 years ago Liliuokalani Elementary School was dedicated. This year, to mark that 75th anniversary, there will be a rededication ceremony, including the laying of a cornerstone to re-enact the original founding of the school in April 1912 in a ceremony which was attended by the former Queen Liliuokalani. The school was the first school on the eastern side of Honolulu and, as such, it was the forerunner for schools that have since populated everywhere from Hawaii Kai to a little past McCully.

"Today, we have on the floor two individuals who are members of the faculty of the Liliuokalani Elementary School and it is my privilege to introduce to this honorable body the principal of the school, Mr. Arthur Wong, and one of the teachers of the school, Mrs. Marian Yuen."

The honorees rose to be recognized and were presented the Senate Certificate by Senator B. Kobayashi and leis by Senators Young and Mizuguchi.

Senator Nakasato then introduced a group of 45 students from Kalihi-Uka Elementary School, his former school, and their teachers, Mrs. Alice Takata and Mrs. Wendy Nakanishi, and Mrs. Mitsue Yokota, mother of Mrs. Nakanishi, who were sitting in the gallery.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the

Governor (Gov. Msg. Nos. 101 to 105) were read by the Clerk and were placed on file:

Gov. Msg. No. 101, transmitting the Annual Report of the Department of Transportation, FY ending June 30, 1986.

Gov. Msg. No. 102, transmitting reports prepared by the Department of Health in response to the following:

S.R. No. 191 (1986) - Requesting Information and Action from the Director of Health on Environmental Protection Matters;

Act 127, SLH 1985 - Pesticides and Environmental Quality; and

Act 127, SLH 1985 - A Technical Reference Document which Supports the Report - Pesticides and Environmental Quality.

Gov. Msg. No. 103, transmitting the Annual Report of the Public Utilities Commission for Fiscal Year 1985-1986.

Gov. Msg. No. 104, transmitting a report, "A Back-Up System to Ensure a Continuous Supply of the Deep Seawater Resource to the Natural Energy Laboratory of Hawaii and the Hawaii Ocean Science and Technology Park at Keahole Point, Kailua-Kona, Hawaii, prepared by the Natural Energy Laboratory of Hawaii in response to S.R. No. 78 (1986) and S.C.R. No. 55 (1986).

A message from the Governor (Gov. Msg. No. 105), letter dated February 3, 1987, in response to Sec. 346-59, HRS, requesting the Department of Social Services and Housing to submit a report before January 1st to the Legislature indicating an estimate of the amount of money required to be appropriated to pay individual providers of health care services at the maximum rates permitted by federal and state rules in the upcoming fiscal year.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 23 from the Office of the Legislative Auditor, transmitting the "Financial Audit of the Judiciary," (Report No. 87-9), was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 4 to 8) were read by the Clerk and were disposed of as follows:

S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION

REQUESTING THE COUNTIES TO STOP EXPANDING THEIR ROLES IN HUMAN SERVICES AND TO CONSOLIDATE THEIR EXISTING HUMAN SERVICES PROGRAMS," was offered by Senator Blair.

By unanimous consent, S.C.R. No. 4 was referred to the Committee on Human Services, then to the Committee on Government Operations.

S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MERGER OF APPLICANT LISTS FOR THE SECTION 8 EXISTING RENTAL ASSISTANCE PROGRAM," was offered by Senator Blair.

By unanimous consent, S.C.R. No. 5 was referred to the Committee on Housing, Hawaiian Programs and Natural Resources, then to the Committee on Government Operations.

S.C.R. No. 6, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COMPLETION OF THE TRANSFER OF CERTAIN PARKS BETWEEN THE STATE AND THE CITY AND COUNTY OF HONOLULU, AND THE INITIATION OF SIMILAR TRANSFERS OF PARKS IN OTHER COUNTIES," was offered by Senator Blair.

By unanimous consent, S.C.R. No. 6 was referred to the Committee on Tourism and Recreation, then to the Committee on Government Operations.

S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF TRANSFERRING ALL STATE HIGHWAYS TO THE COUNTIES," was offered by Senator Blair.

By unanimous consent, S.C.R. No. 7 was referred to the Committee on Transportation, then to the Committee on Government Operations.

S.C.R. No. 8, entitled: "SENATE CONCURRENT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO THE COMPENSATION OF MEMBERS OF THE UNITED STATES CONGRESS AND WHEN ANY VARIATIONS THEREIN SHALL TAKE EFFECT," was offered by Senators Henderson, A. Kobayashi, George, Reed, J. Wong, Fernandes Salling, Young, Aki and Menor.

By unanimous consent, S.C.R. No. 8 was referred to the Committee on Government Operations.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 8 to

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

S.R. No. 8, entitled: "SENATE RESOLUTION REQUESTING THE COUNTIES TO STOP EXPANDING THEIR ROLES IN HUMAN SERVICES AND TO CONSOLIDATE THEIR EXISTING HUMAN SERVICES PROGRAMS," was offered by Senator Blair.

By unanimous consent, S.R. No. 8 was referred to the Committee on Human Services, then to the Committee on Government Operations.

S.R. No. 9, entitled: "SENATE RESOLUTION REQUESTING THE MERGER OF APPLICANT LISTS FOR THE SECTION 8 EXISTING RENTAL ASSISTANCE PROGRAM," was offered by Senator Blair.

By unanimous consent, S.R. No. 9 was referred to the Committee on Housing, Hawaiian Programs and Natural Resources, then to the Committee on Government Operations.

S.R. No. 10, entitled: "SENATE RESOLUTION REQUESTING THE COMPLETION OF THE TRANSFER OF CERTAIN PARKS BETWEEN THE STATE AND THE CITY AND COUNTY OF HONOLULU, AND THE INITIATION OF SIMILAR TRANSFERS OF PARKS IN OTHER COUNTIES," was offered by Senator Blair.

By unanimous consent, S.R. No. 10 was referred to the Committee on Tourism and Recreation, then to the Committee on Government Operations.

S.R. No. 11, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF TRANSFERRING ALL STATE HIGHWAYS TO THE COUNTIES," was offered by Senator Blair.

By unanimous consent, S.R. No. 11 was referred to the Committee on Transportation, then to the Committee on Government Operations.

S.R. No. 12, entitled: "SENATE RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO THE COMPENSATION OF MEMBERS OF THE UNITED STATES CONGRESS AND WHEN ANY VARIATIONS THEREIN SHALL TAKE EFFECT," was offered by Senators Henderson, A. Kobayashi, George, Reed, J. Wong, Fernandes Salling, Young, Aki and Menor.

By unanimous consent, S.R. No. 12 was referred to the Committee on Government Operations.

INTRODUCTION OF SENATE BILLS

On motion by Senator Blair, seconded by Senator George and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Monday, February 9, 1987:

Senate Bills

No. 459 "A BILL FOR AN ACT RELATING TO ESTABLISHING A GENERAL EXCISE TAX RATE FOR A GOVERNMENT SERVICE COMPANY."

Introduced by: Senator Blair.

No. 460 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senator Blair.

No. 461 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Blair.

No. 462 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Blair.

No. 463 "A BILL FOR AN ACT RELATING TO JUDGES."

Introduced by: Senator Hee.

No. 464 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION, TO REQUIRE SENATE CONFIRMATION OF DISTRICT COURT JUDGES."

Introduced by: Senator Hee.

No. 465 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REDUCE THE NUMBER OF NOMINEES FOR JUDICIAL VACANCIES SENT BY THE JUDICIAL SELECTION COMMISSION TO THE GOVERNOR AND TO THE CHIEF JUSTICE OF THE SUPREME COURT."

Introduced by: Senator Hee.

No. 466 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO REQUIRE SENATE CONFIRMATION ON THE APPOINTMENT AND REAPPOINTMENT OF JUSTICES AND JUDGES."

Introduced by: Senator Hee.

No. 467 "A BILL FOR AN ACT RELATING TO HOLIDAYS."

Introduced by: Senators Mizuguchi, Blair, Fernandes Salling, Holt, Young and Chang.

No. 468 "A BILL FOR AN ACT RELATING TO PENALTIES."

Introduced by: Senators A. Kobayashi, Matsuura, Chang, Ikeda, Aki, J. Wong, Nakasato, Menor and Hee.

No. 469 "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES."

Introduced by: Senators A. Kobayashi, Matsuura, Cobb, Ikeda, Aki, J. Wong, Menor, Hee, Chang and Nakasato.

No. 470 "A BILL FOR AN ACT RELATING TO LEASEHOLDS."

Introduced by: Senators A. Kobayashi, Matsuura, Blair and Ikeda.

No. 471 "A BILL FOR AN ACT RELATING TO STATE-OWNED CEMETERIES AND MAKING APPROPRIATIONS THEREFOR."

Introduced by: Senators Blair, Holt and Mizuguchi.

No. 472 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE APPOINTMENT OF PER DIEM DISTRICT COURT JUDGES FROM A LIST OF THREE NOMINEES PREPARED BY THE JUDICIAL SELECTION COMMISSION."

Introduced by: Senators George, Ikeda, A. Kobayashi, Reed, Henderson, Aki, Blair, J. Wong, Matsuura, Menor, Cobb, Nakasato, Solomon, B. Kobayashi and Chang.

No. 473 "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICES TAX CREDIT PILOT PROGRAM."

Introduced by: Senators George, A. Kobayashi, Reed, Henderson, Ikeda, Aki, Blair, Hagino, J. Wong, Menor, Cobb, Nakasato, Solomon, Yamasaki, B. Kobayashi and Chang.

No. 474 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators George, Ikeda, A. Kobayashi, Reed, Henderson, Aki, Blair, J. Wong, Menor, Yamasaki and Chang.

No. 475 "A BILL FOR AN ACT
RELATING TO CRIMINAL INJURIES
COMPENSATION."

Introduced by: Senators George, Ikeda,
A. Kobayashi, Reed, Aki, J. Wong,
Nakasato and Yamasaki.

No. 476 "A BILL FOR AN ACT
RELATING TO REAL PROPERTY LEASES."

Introduced by: Senator Cobb, by
request.

No. 477 "A BILL FOR AN ACT
RELATING TO THE BUDGET."

Introduced by: Senators Menor, Reed,
Cobb, Aki, McMurdo, Holt, Young and
Chang.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following
committee assignments of bills that were
introduced on Thursday, February 5, 1987:

Senate Bills Referred to:

No. 394 Committee on
Consumer Protection and Commerce

No. 395 Committee on
Government Operations, then to the
Committee on Ways and Means

No. 396 Committee on Tourism
and Recreation, then to the Committee on
Ways and Means

No. 397 Committee on
Education, then to the Committee on
Judiciary

No. 398 Jointly to the
Committee on Agriculture, Energy and
Ocean Resources and the Committee on
Housing, Hawaiian Programs, and Natural
Resources, then to the Committee on Ways
and Means

No. 399 Jointly to the
Committee on Agriculture, Energy and
Ocean Resources and the Committee on
Housing, Hawaiian Programs and Natural
Resources, then to the Committee on Ways
and Means

No. 400 Committee on
Education, then to the Committee on Ways
and Means

No. 401 Committee on
Consumer Protection and Commerce

No. 402 Committee on Planning
and Environment

No. 403 Committee on
Consumer Protection and Commerce, then
to the Committee on Ways and Means

No. 404 Committee on
Judiciary, then to the Committee on Ways
and Means

No. 405 Committee on Labor
and Employment, then to the Committee on
Ways and Means

No. 406 Committee on Human
Services, then to the Committee on Ways
and Means

No. 407 Committee on Judiciary

No. 408 Committee on Health,
then to the Committee on Ways and Means

No. 409 Committee on
Judiciary, then to the Committee on Ways
and Means

No. 410 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 411 Committee on Culture,
Arts and Historic Preservation

No. 412 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 413 Jointly to the
Committee on Housing, Hawaiian Programs
and Natural Resources and the Committee
on Education, then to the Committee on
Ways and Means

No. 414 Committee on Housing,
Hawaiian Programs and Natural Resources,
then to the Committee on Ways and Means

No. 415 Committee on Judiciary

No. 416 Committee on
Transportation

No. 417 Committee on Human
Services

No. 418 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 419 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 420 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 421 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 422 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 423 Committee on Housing,
Hawaiian Programs and Natural Resources

No. 424	Committee on Housing, Hawaiian Programs and Natural Resources	No. 448	Committee on Consumer Protection and Commerce
No. 425	Committee on Housing, Hawaiian Programs and Natural Resources	No. 449	Committee on Consumer Protection and Commerce
No. 426	Committee on Housing, Hawaiian Programs and Natural Resources	No. 450	Committee on Consumer Protection and Commerce
No. 427	Committee on Housing, Hawaiian Programs and Natural Resources	No. 451	Committee on Consumer Protection and Commerce
No. 428	Committee on Housing, Hawaiian Programs and Natural Resources	No. 452	Committee on Consumer Protection and Commerce
No. 429	Committee on Housing, Hawaiian Programs and Natural Resources	No. 453	Committee on Consumer Protection and Commerce
No. 430	Committee on Judiciary	No. 454	Committee on Corrections
No. 431	Committee on Judiciary	No. 455	Committee on Ways and Means
No. 432	Committee on Labor and Employment, then to the Committee on Ways and Means	No. 456	Committee on Tourism and Recreation
No. 433	Committee on Judiciary	No. 457	Committee on Transportation
No. 434	Committee on Agriculture, Energy and Ocean Resources	No. 458	Committee on Consumer Protection and Commerce
No. 435	Committee on Agriculture, Energy and Ocean Resources	RE-REFERRAL OF RESOLUTIONS	
No. 436	Committee on Judiciary	The President made the following re-referral of resolutions that were offered:	
No. 437	Committee on Labor and Employment, then to the Committee on Ways and Means	Senate Concurrent Resolution	Referred to:
No. 438	Committee on Agriculture, Energy and Ocean Resources	No. 3	Committee on Military and Civil Defense, then to the Committee on Ways and Means
No. 439	Committee on Housing, Hawaiian Programs and Natural Resources	Senate Resolution	Referred to:
No. 440	Committee on Labor and Employment	No. 6	Committee on Military and Civil Defense, then to the Committee on Ways and Means
No. 441	Committee on Consumer Protection and Commerce	RE-REFERRAL OF SENATE BILLS	
No. 442	Committee on Consumer Protection and Commerce	The President made the following re-referral of Senate bills that were introduced:	
No. 443	Committee on Consumer Protection and Commerce	Senate Bills	Referred to:
No. 444	Committee on Consumer Protection and Commerce	No. 6	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
No. 445	Committee on Consumer Protection and Commerce	No. 376	Committee on Agriculture, Energy and Ocean Resources
No. 446	Committee on Consumer Protection and Commerce		
No. 447	Committee on Consumer Protection and Commerce		

No. 383 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

At this time, Senator Solomon rose on a point of personal privilege and said:

"Mr. President, your Committee on Higher Education had a hearing yesterday on all of the community colleges. There was a question that was posed by the Chair to President Simone in regard to the West Hawaii College on the kinds of educational programs that will be offered. The president replied that we needed a feasibility study because no such study was done and he had requested of the committee if we could perhaps look at an appropriation for the study.

"This morning, I was informed by my staff members that there was a study done way back in the 1960's during the Governor Burns' administration by Shelley Mark who was the director of the planning and economic department and who is now with the College of Tropical Agriculture. I'm sure Senator Yamasaki and Senator Henderson ... the senators with a long political history and yourself, Mr. President, and maybe Senator Young, would remember that there was, in fact, a plan that was submitted for consideration, and this was before Hilo became a four-year college, recommending that the college be built in West Hawaii, as opposed to Hilo.

"So, Mr. President, at this time, I would like to advise my colleagues that providing educational services to West Hawaii was not a new idea. This has been an ongoing struggle and an ongoing concern for us here at the Legislature and, of course, if we're going from the '60's to the '80's we're looking at over 26 years of discussions. So I would advise President Simone that before he makes erroneous remarks and erroneous testimony to the Committee on Higher Education that there was no feasibility study done in regards to providing educational services to West Hawaii, he should do his homework regarding the history of the university.

"Thank you very much."

Senator Holt also rose on a point of personal privilege and remarked:

"Mr. President, last evening, in the Honolulu Star-Bulletin, there was a big article on 'Signs of the Tourism Slowdown Detected.' In reading the article, I was

following closely to find out what the basis was for this article to come about and I found there was a lot of truths and misstatements that were made. There was one particular area that I was quite concerned about, Mr. President, and as a former quarterback I know how it is to be a 'Sunday morning quarterback' and what it is to have people be 'Sunday morning quarterbacks' after the game's already finished. But, last year, we had a lot of deliberation and discussion on the transient accommodations tax and there was a lot of heated discussion. We had the hotel association and the visitor industry representatives getting down here in the pits, on the second floor in Senator Yamasaki's and Senator Kuroda's committees, to fight hard to have their voices heard in this process over here. I mean these people were willing to stand up and be counted to come forward to testify.

"In the article, yesterday, there was a quote from a Chicago-based Hawaii market manager of United Airlines and he said, 'This year, I am a little concerned.' This person's name is Tony Bacci. And he goes on to say that air fares are still not bad but they are not heading downward. Then it goes on to say, 'The hotel room tax, no one likes, Bacci said. I think it has affected some of the incentive, convention markets.'

"Mr. President, I think it is unfair and irresponsible on the part of someone to use one month's experience of the hotel room tax to make these statements. If this year's figures are firm, and the committee has just taken a look at what January looks like for passenger arrivals, Westbound, for the month of January which represents approximately 75 percent of the arrivals in Hawaii, we are already ahead of last year's level and last year, 1986, we had 319,000 visitor-arrivals which was a downturn from the previous year, 1985, when we had 363,000 visitor-arrivals in January. If we use last year's figures to tell us what kind of year we're going to have this year, 1987, if we use the figures for the first month of 1987, will be an even better year than 1986 despite the 5 percent hotel room tax.

"Thank you, Mr. President."

ADJOURNMENT

At 12:00 o'clock noon, on motion by Senator Blair, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 9, 1987.