

TWENTY-FOURTH DAY

Tuesday, February 24, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:41 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Richard Matsushita of the Aiea United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators George and Holt who were excused.

The President announced that he had read and approved the Journal of the Twenty-Third Day.

Senator Solomon then introduced to the members of the Senate Mr. Frank Hodsoll, who was present on the Senate floor, as follows:

"Mr. President and members of the Senate, I am very honored this morning to introduce Mr. Frank Hodsoll, chairman of the National Endowment for the Arts, the nation's federal arts agency established by Congress 21 years ago, and which has a federal budget of over \$165 million.

"Mr. Hodsoll has done an admirable job in the cause of supporting the principles of accessibility to the arts for all and encouraging the highest quality of artistic creation, performance and development.

"The State of Hawaii in FY 85-86 received \$837,000 in direct support from the National Endowment for the Arts.

"During his six-year tenure as the chairman, he has visited every state in the union to become acquainted with the arts community and the vital arts and cultural activities throughout the nation. He is making his visit to the last state, Hawaii, as part of an extended Pacific tour which includes visits to Guam, American Samoa, and the Northern Mariana Islands, as well as to Japan.

"He will be here until February 27 and will have occasion to visit a wide variety of Hawaii's art organizations, artists, legislators, state officials, and businessmen and women, as well as visiting the neighbor islands.

"Last night he was honored at a large poi supper at Atherton Halau of the Bishop Museum.

"Accompanying him is Mrs. Sarah Richards who is our director of the State Foundation on Culture and the Arts."

At this time, Mr. Hodsoll rose to be recognized and was presented a lei by

Senator Young.

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

The Senate reconvened at 11:51 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 122 to 128) were read by the Clerk and were placed on file:

Gov. Msg. No. 122, transmitting the Student Achievement Report: Low Achievers, prepared by the Department of Education, pursuant to Sec. 296-11, HRS.

Gov. Msg. No. 123, transmitting a report prepared by the Department of Land and Natural Resources in response to S.C.R. No. 14 (1986), requesting a plan to allow qualified permittees and lessees of agricultural lands to remain on such lands.

Gov. Msg. No. 124, transmitting the following reports prepared by the Department of Land and Natural Resources, pursuant to Sec. 171-29, HRS:

Land Disposition;

Subleases Approved by the Board of Land and Natural Resources;

Executive Orders;

Dispositions to Public Utilities; and

Quitclaims.

Gov. Msg. No. 125, transmitting a report prepared by the Department of Health in response to H.C.R. No. 33 and H.R. No. 60 (1986), requesting the State of Hawaii to implement a continuum of services in the community for persons with mental retardation and for persons who are developmentally disabled.

Gov. Msg. No. 126, transmitting the Annual Report for FY 1985-1986 of the Hawaii Housing Authority, pursuant to Chapter 356, HRS.

Gov. Msg. No. 127, transmitting the "Report on State Positions Assigned to Ranges SC-1, SC-2 and SC-3," prepared by the Department of Personnel Services, pursuant to Sec. 77-13(d), as amended, HRS.

Gov. Msg. No. 128, transmitting the survey report "Pay Rates in Hawaii," August 1986, prepared by the Hawaii Employers Council, and the "Compensation Plans for the State of Hawaii," July 1, 1986, prepared

by the Department of Personnel Services.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 20 and 21) were read by the Clerk and were disposed of as follows:

S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PREPARE AND SUBMIT A CONSTITUTIONAL AMENDMENT REQUIRING A BALANCING OF THE FEDERAL BUDGET, OR TO CALL A CONSTITUTIONAL CONVENTION TO PROPOSE SUCH CONSTITUTIONAL AMENDMENT," was offered by Senator B. Kobayashi, by request.

By unanimous consent, S.C.R. No. 20 was referred to the Committee on Government Operations, then to the Committee on Ways and Means.

S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII ASSOCIATION OF REALTORS AMEND THEIR STANDARD FORM D.R.O.A. TO PROVIDE NOTICE OF THE TERMS OF ANY REVERSIONARY OR SURRENDER CLAUSE," was offered by Senators Cobb, Blair, Ikeda, Aki, Nakasato, Matsuura, Kuroda, Fernandes Salling, B. Kobayashi, A. Kobayashi and Chang.

By unanimous consent, S.C.R. No. 21 was referred to the Committee on Consumer Protection and Commerce.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 24 and 25) were read by the Clerk and were disposed of as follows:

S.R. No. 24, entitled: "SENATE RESOLUTION CONGRATULATING STARS & STRIPES ON WINNING THE AMERICA'S CUP AND SUPPORTING EFFORTS TO HOST THE 1990-91 AMERICA'S CUP CHALLENGE," was offered by Senator Chang.

By unanimous consent, S.R. No. 24 was referred to the Committee on Tourism and Recreation.

S.R. No. 25, entitled: "SENATE RESOLUTION REQUESTING THAT THE HAWAII ASSOCIATION OF REALTORS AMEND THEIR STANDARD FORM D.R.O.A. TO PROVIDE NOTICE OF THE TERMS OF ANY REVERSIONARY OR SURRENDER CLAUSE," was offered by Senators Cobb, Blair, Ikeda, Aki, Nakasato, Matsuura, Kuroda, Fernandes Salling, B. Kobayashi, A. Kobayashi and Chang.

By unanimous consent, S.R. No. 25 was referred to the Committee on Consumer Protection and Commerce.

STANDING COMMITTEE REPORTS

Senator Blair, for the majority of the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 7) recommending that Senate Bill No. 251, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Young and carried, the report of the majority of the Committee was adopted and S.B. No. 251, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HOLIDAYS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 26, 1987.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 8) recommending that Senate Bill No. 320, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.B. No. 320, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was recommitted to the Committee on Ways and Means.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 9) recommending that Senate Bill No. 455, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.B. No. 455, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," passed First Reading and was recommitted to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 10) recommending that Senate Bill No. 321, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Health.

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, the report of the Committee was adopted and S.B. No. 321, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed First Reading and was recommitted to the Committee on Health.

Senator Aki, for the Committee on

Housing, Hawaiian Programs and Natural Resources, presented a report (Stand. Com. Rep. No. 11) recommending that Senate Resolution No. 20 be adopted.

Senator Aki then moved that the report of the Committee be adopted and S.R. No. 20 be adopted, seconded by Senator Solomon.

Senator Blair then rose to speak against the resolution (and S.C.R. No. 15) as follows:

"Mr. President, I'd like to note an objection. If we appeal and lose, we will not only be paying for the attorney general's time but the other attorney's time as well. On the basis that we don't apparently have a good appeal or there would be no need to force the attorney general to appeal, I think we should save the money. Thank you."

Senator Hee then rose to inquire if the chairman of the Committee would yield to a question. The Chair posed the question and Senator Aki having answered in the affirmative, Senator Hee asked:

"The question is, Mr. President, did the attorney general come to testify on behalf of these resolutions?"

Senator Aki answered:

"Mr. President, we did not receive any testimony from the Attorney General's Office."

Senator Hee further inquired:

"Mr. President, will you ask the chairman if he has had any contact with the Attorney General's Office, vis-a-vis any decision regarding an appeal and the success of an appeal?"

Senator Aki answered:

"Mr. President, we have not had any contact with the attorney general. This resolution asks the governor to direct the attorney general to look into the matter."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

The Chair, at this time, made the following observation:

"Members of the Senate, after much consultation with all interested parties regarding S.R. No. 20 and S.C.R. No. 15,

said resolutions will be deferred one day."

By unanimous consent, action on Stand. Com. Rep. No. 11 and S.R. No. 20, entitled: "SENATE RESOLUTION URGING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO APPEAL THE COURT'S DECISION IN PALILA V. HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Wednesday, February 25, 1987.

Senator Aki, for the Committee on Housing, Hawaiian Programs and Natural Resources, presented a report (Stand. Com. Rep. No. 12) recommending that Senate Concurrent Resolution No. 15 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 12 and S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO APPEAL THE COURT'S DECISION IN PALILA V. HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Wednesday, February 25, 1987.

ORDER OF THE DAY

MATTER DEFERRED FROM
MONDAY, FEBRUARY 23, 1987

Stand. Com. Rep. No. 4 (Gov. Msg. No. 89):

By unanimous consent, action on Stand. Com. Rep. No. 4 and Gov. Msg. No. 89 was deferred until Tuesday, March 3, 1987.

RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of bills that were introduced:

Senate Bills	Referred to:
No. 1328 and Means	Committee on Ways
No. 1464 and Means	Committee on Ways
No. 1731	Committee on Planning
and Environment,	then to the Committee on
Judiciary	

ADJOURNMENT

At 12:08 o'clock p.m., on motion by Senator Blair, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 25, 1987.