

TWENTY-FIFTH DAY

Wednesday, February 25, 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 Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Ted Robinson of Central Union Church, after which the Roll was called showing all Senators present with the exception of Senators Aki and Fernandes Salling who were excused.

The Chair announced that she had read and approved the Journal of the Twenty-Fourth Day.

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

Senator Nakasato introduced a group of 60 seniors from the Hawaiian Mission Academy, among whom was his nephew Mark Shiroma, and their teacher, Mr. Tetsu Hirayama.

Senator Menor introduced a group of students from Wheeler Intermediate School and their principal, Mr. Paul Misaka, and teachers, Mrs. Kathleen Tanaka and Mrs. Sue Ann Chun, and read from the Senate Certificate recognizing the students for their participation in the Wheeler Intermediate School Senate Legislative Observer Program.

Senator Ikeda introduced Gale Kiyabu and Noah Ward, 8th grade students of Niu Valley Intermediate School, participating in the social studies program, "A Day at the Legislature."

Senator Kuroda then made the following introductions:

Mark Inouye of Wheeler Intermediate School, assigned to the Senate President's Office as a participant of the Legislative Observer Program, and present on the Senate floor;

Michio Katakura, a second year student from the University of Chiba, Japan, who was accompanied by his uncle Reverend Teruhisa Takeda of the Church of World Messianity Hawaii;

Captain Shoichi Yamamoto, present on the Senate floor, was presented with a lei by Senator A. Kobayashi. Senator Kuroda said, "Captain Yamamoto is the skipper of the vessel 'Hokusei Maru.' The 'Hokusei Maru' consists of the captain and his crew and students from Hokkaido University. This crew has been coming out to the Hawaiian waters for three years now and

this year, February, terminates the three-year research program, working in cooperation with Dr. Jed Hirota of the University of Hawaii, Department of Oceanography. The Hokkaido University College of Fisheries has been in a joint research activity watching over the 'ika shibi,' a squid which abounds around the Hawaiian Islands, and ahi food organisms research ... the ika or the squid is studied for bait purpose."

Mrs. Atsuko Nonaka, who accompanied Captain Yamamoto, "has been very active in accompanying the scientists and dignitaries who have been visiting from Japan for various purposes." Mrs. Nonaka was presented with a lei by Senator B. Kobayashi.

Mr. Goro Nonaka, husband of Mrs. Atsuko Nonaka, accompanied by Mr. Fumihiro Kawano, visitor from Fukuoka, Japan; and

Mr. Shigeo Yoshinaga, president of the United Japanese Society, and past president Mr. Kaoru Yonezawa, hosts of Captain Yamamoto.

Senator McMurdo then introduced Philippine Consul General Tomas Gomez III, Mrs. Tomas Gomez III, Consul Linda Pineda, Consul Leoncio R. Cardenas Jr., Information Officer Horacio Paredes, who were present on the Senate floor, and Professor Dean Alegado of the University of Hawaii who was sitting in the gallery, and remarked as follows:

"Madam Vice President, it is my great honor today to present a certificate honoring a woman who has changed the history not only of the Philippine Islands but of the world. Today is the anniversary in the Philippines of President Corazon Aquino and I would like to read the certificate at this time and say that one of the great pleasures is that it is such a wonderful feeling to know that a woman was able to do this in the Philippines and as a woman Senator I'm sure that the other women Senators here probably feel the same way I do. (Senator McMurdo then read the Senate Certificate in its entirety.)

Consul General Gomez and his party rose to be recognized and were presented with the Senate Certificate and leis by Senators McMurdo, Cobb, Hee, A. Kobayashi and George.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 3, transmitting House Concurrent Resolution No. 33 which was adopted by the House of Representatives on February 24, 1987, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 33, entitled: "HOUSE 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 referred to the Committee on Housing, Hawaiian Programs and Natural Resources.

SENATE CONCURRENT RESOLUTION

S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES UNION, LOCAL 5, AND THE COUNCIL OF HAWAII HOTELS TO REACH AN AGREEMENT IN THEIR CONTRACT DISPUTE," was offered by Senators Nakasato, Holt, Yamasaki, Chang, Matsuura, Hee, Kuroda, B. Kobayashi, Hagino, J. Wong, Young, Mizuguchi, Henderson, A. Kobayashi, George, Blair, Menor, McMurdo, Solomon and R. Wong.

On motion by Senator Nakasato, seconded by Senator Holt and carried, S.C.R. No. 22 was adopted.

SENATE RESOLUTION

S.R. No. 26, entitled: "SENATE RESOLUTION URGING THE HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES UNION, LOCAL 5, AND THE COUNCIL OF HAWAII HOTELS TO REACH AN AGREEMENT IN THEIR CONTRACT DISPUTE," was offered by Senators Nakasato, Holt, Yamasaki, Chang, Matsuura, McMurdo, Hee, Kuroda, B. Kobayashi, Hagino, Young, J. Wong, Mizuguchi, Henderson, A. Kobayashi, George, Blair, Menor, Solomon and R. Wong.

On motion by Senator Nakasato, seconded by Senator Holt and carried, S.R. No. 26 was adopted.

STANDING COMMITTEE REPORTS

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 13) recommending that Senate Bill No. 77 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by

Senator Blair and carried, the report of the majority of the Committee was adopted and S.B. No. 77, entitled: "A BILL FOR AN ACT RELATING TO BOXING CONTESTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 27, 1987.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 14) recommending that Senate Bill No. 1627, as amended in S.D. 1, pass First Reading and be recommended 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. 1627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was recommended to the Committee on Ways and Means.

ORDER OF THE DAY

Senate Bill No. 376:

On motion by Senator Matsuura, seconded by Senator Blair and carried, S.B. No. 376, entitled: "A BILL FOR AN ACT RELATING TO ACT 145, SESSION LAWS OF HAWAII 1984," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Fernandes Salling and Henderson).

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

MATTERS DEFERRED FROM TUESDAY, FEBRUARY 24, 1987

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

"Members of the Senate, with regard to S.R. No. 20 and S.C.R. No. 15, the attorney general has indicated that he will file a notice to appeal. The resolutions will be recommended to the Committee on Housing, Hawaiian Programs and Natural Resources."

Stand. Com. Rep. No. 11 (S.R. No. 20):

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 recommended to the Committee on Housing, Hawaiian Programs and Natural Resources.

Stand. Com. Rep. No. 12 (S.C.R. No. 15):

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 recommitted to the Committee on Housing, Hawaiian Programs and Natural Resources.

Senator Matsuura then introduced to the members of the Senate Miss Susan Kobayashi, daughter of Senator Ann Kobayashi, who earned her degree in electrical engineering from Brown University in Providence, Rhode Island, and recently completed graduate studies at Keio University, Japan.

Senator Hee rose on a point of personal privilege as follows:

"Madam Vice President, this morning the Judiciary Committee, as in the past ten days, has been convening at 9:00 a.m. and subsequently at 4:00 p.m. and in some cases adjourning at 11:30 and at midnight.

"This morning, we dealt with several bills dealing with judges, justices, confirmation, compensation, removal, nomination, retention, election, salary commission, retirement, disqualification, establishing a new circuit court in Kona, jurisdiction, and even establishing a Waikiki night court.

"The thrust of the discussion, Madam Vice President, is that the judiciary itself failed to appear, and with the exception of four or five bills, the sum testimony went something like this. It was written by Janice Wolf in three paragraphs of which two of the three paragraphs are of one sentence. One sentence statements.

"On Senate Bill 168, it was written in two paragraphs and the last paragraph consisted of two sentences. The last sentence said, 'Thank you for the opportunity to testify.'

"I call the attention of the members to this matter because it highlights the thoughtlessness of the chief justice (CJ). There was no House Judiciary Committee hearing at 9:00 a.m. so they could not have been there. There was no Ways and Means Committee meeting so they could not have been there. The question was, where were they? Where has the CJ been?

"While some may argue that he should not be here, that's okay. I can buy some of the merits of that argument. Nonetheless, where is Janice Wolf?

"The vast amount of criticism in the judiciary has been focused on the hind side of Mr. Tom Okuda but I wonder if the target should be where it really belongs. Mr. Okuda has been expressly told in no uncertain terms never to show up at the Legislature. On the other hand, where do you find Ms. Wolf? She's certainly not at the Legislature. What we had, instead, was an individual who has been on the payroll of the judiciary for less than six months, perhaps less than six weeks. Certainly, someone who, as far as the chairman of the Judiciary Committee is concerned, is not only unqualified but has no business representing the judiciary.

"It would behoove the judiciary, inasmuch as apparently the 48-hour agenda notices are not enough time, that they at least call me at extension 4276. And if they need the help of the committee which is already overworked, then we would make that opportunity available to the judiciary branch of government.

"In the future, if the chief justice feels, in his infinite wisdom, that his appearance, or those people who come before the committee to represent him, feels that this is all that is necessary, let me state emphatically that we will not hear bills on the judiciary if they so take the attitude that this is what is necessary in the body of the Senate.

"It will behoove the chief justice of this state to get off the stick and get moving because the criticism of the Senate has been that we do not take care of the important business.

"It has been the policy of the Judiciary Committee to hear as many bills as possible. I repeat that, as many bills as possible. Over 600 bills have been referred to the committee and we will make that bona fide effort to hear, if not all, most of those bills, and by the same token, I want to congratulate the Bar Association for coming forward and testifying on behalf of the judges. I want to congratulate and make mention of a former member of the Judiciary Selection Commission who came forward on a hearing notice.

"I also want to take this opportunity to point out that one of the problems we have in the judiciary, Madam Vice President, is that we are uncovering information like this which shows, as a result of one of the hearings, that our per diem judges, some of whom have absolutely no qualification that are standardized by the Selection Commission or any other body, have served the equivalent of 15 — 15 full-time district judges, 15 district judges — 3,511.45 days. The CJ has no response to this.

"Let me make this clear to everyone here that if the CJ apparently feels that this is not worth responding to, then, let no one criticize the Senate when it takes the action which will be reflected in the budget. Thank you."

Senator Yamasaki, chairman of the Committee on Ways and Means, then requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Ways and Means Committee's hearing notice for Friday, February 27, 1987, and the Chair granted the waiver.

Senator Chang, for the chairman of the Committee on Transportation, requested a waiver of the 48-hour Notice of a Public Hearing on S.B. No. 1120, and the Chair granted the waiver.

Senator Kuroda then rose on an introduction and remarked:

"Madam Vice President, I rise to re-introduce a person. I am going to re-introduce Mark Inouye who is from Wheeler Intermediate School.

"It's really unfortunate that his classmates were not able to remain in the gallery to listen to the chairman of the Senate Judiciary Committee pronounce his

frustrations in receiving testimony because this is the type of information that is of greater value to students. The students only had the opportunity to witness the Senate introduce people and I think it's Mark's responsibility to share with his fellow students the matter of what the Senate Judiciary Committee Chairman has stated. (Mark, CJ stands for chief justice. That's part of your homework.) Thank you."

Senator Cobb, chairman of the Committee on Consumer Protection and Commerce then requested a waiver of the 48-hour Notice of a Public Hearing as follows:

"Madam Vice President, there may be some short form bills coming out for recommittal back after First Reading for the purpose of hearing with your Committee on Consumer Protection and Commerce. I would simply like to ask the Chair for a waiver, if that happens."

and the Chair granted the waiver.

ADJOURNMENT

At 12:17 o'clock p.m., on motion by Senator Blair, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 26, 1987.