

THIRTIETH DAY

Thursday, March 10, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 11:38 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Major Tom Elliot of The Salvation Army, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

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

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

Senator Tungpalan introduced 77 eighth grade students from Pearl City Highlands Intermediate School who were accompanied by their teachers, Mr. Gregg Yamate and Mrs. Janet Shibuya, and chaperones, Mrs. Dorene Niibu, Mrs. Melba Stewart and Mrs. Jean Childress.

Senator Ikeda, on behalf of the Senate, introduced the group of participants of the Family Community Leadership Organization Day at the Legislature who were "shadows" of the legislators.

Senator A. Kobayashi introduced Ms. Joyce Richards, executive director of the Girl Scout Council of the Pacific, who was to be presented the Senate certificate of recognition in honor of Girl Scout Week, March 6-12, 1988. Ms. Richards was accompanied by members of the Brownies and Girl Scouts: Daisy - Trisha Tomokiyo, Troop #809; Brownies - Tara Ellington, Chezlani Casar and leader, Cassandra Ellington, Troop #370; Junior - Sarah Korthals, Troop #160; Cadette - Latasha Stringer, Troop #34; and Seniors - Rebecca Russell, Troop #158, Cecily Tatibouet and Tisha Tanaka, Troop #495.

Senator Hagino introduced Ms. Cecelia Wong from the National Association of Bank Women.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 186 to 197) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 186, submitting for consideration and confirmation to the Drug Product Selection Board, the nominations of Nadine C. Bruce, M.D., Anelia Reyes Jacang, M.D., and Henry Don Lindley, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 187, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of: Nancy E. Smith and Nona Wilson, terms to expire June 30, 1989; and Richard Paul Bettini, Janice M. Campbell, Katherine Grace Takehiro and Norman K. Oshiro, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 188, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of: Gladys Ella Kuapu Hulu, Elizabeth L. A. K. Takao, William R. Flanders and Nathan K. H. Mau, terms to expire June 30, 1991; and Tomoe Komata, Kathleen K. Yoshitomi, Winifred H. Ishimoto, Scott Nomura, Rix Maurer III, Judy Ramseyer, M.D., and Elizabeth Giesting, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 189, submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nominations of: Rose Marie M. May, term to expire June 30, 1989; Sue Carpenter Quinn and Alvin Fuse, M.D., terms to expire June 30, 1991; and Chiseno Eleanor Miyasaki, Dennis F. Tamashiro, Ronald H. Takata, Ph.D., David Edward Gire and Gary I. Tokunaga, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 190, submitting for consideration and confirmation to the Waianae Coast Subarea Health Planning Council, the nominations of: Rose Marie Purdy, term to expire June 30, 1989; Florene D. Pell, term to expire June 30, 1991; and Andrea De Serres, Shirley Kealoha and Mary Ojerio, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 191, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: Edward C. McCrea, Loretta T. Schuler, Allen L. Novak and Colleen Saiki Singleton, terms to expire June 30, 1991; and Barbara Cool and Natalie Oda, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 192, submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nominations of Katherine Grace Takehiro, Lily Kong, Robert M. Kawakone, Donna Rodgers, Beatrice T. Cabral and Mark Onaka, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 193, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: Earl L. Waiwaiole, term to expire June 30, 1990; Peter M. Kim, M.D., term to expire June 30, 1991; and Araceli Geroso Gushiken, Sally S. Britton, Richard K. Nii, Keith Horinouchi, D.H. Sc., and Phil Palmer, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 194, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of: Jonathan Preza, term to expire June 30, 1991; and Norman K. Oshiro, Gary Robert and Carol O'Malley, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 195, submitting for consideration and confirmation to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, the nominations of Sharon E. Ogawa, Cliff K. Cisco and Elizabeth Anne Taga, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 196, submitting for consideration and confirmation to the State Council on Mental Health and Substance Abuse, the nominations of Majken Blomkvist, Rosalyn Hester Baker, Tina L. Dameron, Connie C. Chun and Walter Nunokawa, Ph.D., terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 197, transmitting the 1987 Annual Report of the Five State Loan Programs, prepared by the Department of Business and Economic Development, pursuant to the following:

Sec. 210-8, Chapter 210, HRS - The Hawaii Capital Loan Program;

Sec. 189-26, Part II, Chapter 189, HRS - Hawaii Large Fishing Vessel Purchase, Construction, Renovation, Maintenance and Repair Loan Program;

Sec. 189-46, Part IV, Chapter 189, HRS - Hawaii Small Fishing Vessel Loan Program;

Sec. 209-5, Part III, Chapter 209, HRS - Disaster Commercial and Personal Loan Program; and

Chapter 211E, HRS - Hawaii Innovation Development Program,

was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 37 from the Department of Business and Economic Development, transmitting the 1987 State of Hawaii Data Book, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

Hse. Com. Nos. 406 to 408, transmitting the following House bills which passed Third Reading in the House of Representatives on March 9, 1988, were placed on file and, on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, said House bills passed First Reading by title and were referred to committees:

Hse. Com. No. 406 - H.B. No. 2081, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was referred to the Committee on Ways and Means;

Hse. Com. No. 407 - H.B. No. 2483, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was referred to the Committee on Judiciary, then to the Committee on Ways and Means; and

Hse. Com. No. 408 - H.B. No. 3102, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Housing, Hawaiian Programs and Natural Resources, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 53) was read by the Clerk and was placed on the calendar for further consideration on Friday, March 11, 1988:

Senate
Concurrent
Resolution

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES FARMERS HOME ADMINISTRATION TO INCREASE THE COUNTY SUPERVISORS' LOAN APPROVAL CEILING FOR ITS SECTION 502 HOUSING PROGRAM FROM \$65,000 TO \$75,000."

Offered by: Senators Matsuura, Kobayashi, A.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 61 and 62) were read by the Clerk and were placed on the calendar for further consideration on Friday, March 11, 1988:

Senate
Resolution

No. 61 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO OPEN SCHOOL LIBRARIES DURING THE SUMMER."

Offered by: Senators Mizuguchi, Aki, Blair, Chang, Fernandes Salling, George, Hagino, Herkes, Ikeda, Kobayashi, B., Matsuura, Nakasato, Solomon, Tungpalan, Wong, J., Young.

No. 62 "SENATE RESOLUTION REQUESTING THE UNITED STATES FARMERS HOME ADMINISTRATION TO INCREASE THE COUNTY SUPERVISORS' LOAN APPROVAL CEILING FOR ITS SECTION 502 HOUSING PROGRAM FROM \$65,000 TO \$75,000."

Offered by: Senators Matsuura, Kobayashi, A.

ORDER OF THE DAY

REFERRAL OF RESOLUTIONS

The Chair made the following committee assignments of concurrent resolutions and resolutions that were offered on Wednesday, March 9, 1988:

Senate
Concurrent
Resolutions

Referred to:

No. 49 Committee on Military and Civil Defense

No. 50 Committee on Tourism and Recreation

No. 51 Committee on Health

No. 52 Committee on Government Operations

Senate
Resolutions

Referred to:

No. 55 Committee on Military and Civil Defense, then to the Committee on Legislative Management

No. 56 Committee on Tourism and Recreation

No. 57 Committee on Health

No. 58 Committee on Government Operations

No. 59 Committee on Housing, Hawaiian Programs and Natural Resources

No. 60 Committee on Housing, Hawaiian Programs and Natural Resources

Senator McMurdo, chairman of the Committee on Human Services, then requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Human Services Committee's hearing notice for Friday, March 11, 1988, and the Chair granted the waiver.

At 11:45 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.

Senator Solomon, on behalf of the Senate, then rose to honor Mr. James Correa who was to be later presented the Senate certificate of recognition for his outstanding contributions to amateur sports and named the United

States Baseball Federation Volunteer Amateur Coach of the Year.

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

"Madam Vice President, maybe this isn't the right thing to say during the current transition in the House organization but I cannot help myself, Madam Vice President, but to express my extreme disappointment with regards to our Senate 'right to sue' bill that is now still waiting in conference committee in the House.

"I've made an inquiry of the chairman of the Judiciary Committee as to the status of the bill and he has informed me that the bill is in conference. We are waiting to hear from the House as to whether or not they are willing to consider this piece of legislation.

"I do not have to inform you, Madam Vice President, nor this honorable body, as to the fact that the Hawaiian nation has been waiting since annexation and the overthrow of Queen Liliuokalani to address this problem -- as to whether or not Hawaiians have civil rights in this state. I think this is a serious issue. I would like to congratulate my fellow Senators for passing out the bill which was later passed by the House and the Senate and sent to Governor Ariyoshi who vetoed the bill.

"The bill has been reintroduced. I'm the introducer of that piece of legislation because there's little doubt in my mind that this is an issue of great importance and has to be resolved. I feel, Madam Vice President, that we owe it not only to the Hawaiian nation, but also to the people of this state to make a determination once and for all as to whether or not Hawaiians as beneficiaries of trusts, primarily DHHL, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs, as to whether they have the prerogative to sue as a beneficiary.

"I feel that the Hawaiians are entitled to an answer, either it's 'yes' or 'no.' We as legislators have been waiting for six years for some kind of resolution.

"At this time, I would like to state for the record, after conferring with the Judiciary chairman, that we are willing and waiting for the members of the House to see their way clear so as to bring this matter to conference and we can discuss and come up with our decision. Thank you."

Senator Hee then rose to comment on the previous speaker's remarks and said:

"Madam Vice President, the conferees on the 'right to sue' bill are ready. We have been for a year. At such time that the House should accept and agree to go to the conference table, we are ready. That is in addition to the fact that we are ready as well to meet with the House on the drug paraphernalia bill. We have been for a month now. So to set the record straight with the members of the Senate, the Senate has been ready for both of these bills."

Senator J. Wong then introduced two "shadows," Ms. Willette Bush from First Interstate Bank and Ms. Joyce Yuen from Liberty Bank.

ADJOURNMENT

At 11:57 o'clock a.m., on motion by Senator Cobb, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 11, 1988.