

THIRTY-EIGHTH DAY

Tuesday, March 22, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Gary Peterson of Kailua United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Aki and Hee who were excused.

The President announced that he had read and approved the Journal of the Thirty-Seventh Day.

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

Senator Solomon, on behalf of Senators Yamasaki, Reed, Herkes, Matsuura and herself, introduced 27 Upward Bound students from Maui and Hawaii who were accompanied by their chaperones, Ms. Cornelia Anguay, Mr. Guy Kimura, Ms. Betty Okuda, Ms. Charmaine Tavares and Mr. Brian McKinnon.

Senator Young, on behalf of the Senate President, introduced Mr. Peter M. George from England, director of Ladbrooke Group, PLC, accompanied by Mr. Louis J. Finamore, general manager of Kahala Hilton Hotel.

Senator Menor introduced University of Hawaii journalism students observing the legislative process who were accompanied by their teacher, Mrs. Beverly Keever.

At 11:42 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. 215 to 224) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 215, submitting for consideration and confirmation to the Advisory Committee on Agricultural Products, the nomination of Ryoji Namba, Ph.D., term to expire June 30, 1992, was referred to the Committee on Agriculture, Energy and Ocean Resources.

Gov. Msg. No. 216, submitting for consideration and confirmation to the Hawaii Fisheries Coordinating Council, the nominations of: Clarence (Maka) Hookala, term to expire June 30, 1991; and Ralph H. Takafuji, Warren E. Akiona, George M. Okuhara and Donald Scott Bowman III, terms to expire June 30, 1992, was referred to the Committee on Agriculture, Energy and Ocean Resources.

Gov. Msg. No. 217, submitting for consideration and confirmation to the Board of Barbers, the nominations of Elithe Kahn and Marion F. Oki, terms to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 218, submitting for consideration and confirmation to the Board of Psychology, the nominations of: Patti S. Magarifuji, Ph.D., term to expire June 30, 1991; and Thomas S. Merrill, Ph.D., term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 219, submitting for consideration and confirmation to the Pest Control Board, the nominations of Claude Y. Hebaru and Edward A. Tanaka Sr., terms to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 220, submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nomination of William J. Bonk, Ph.D., term to expire June 30, 1992, was referred to the Committee on Culture, Arts and Historic Preservation.

Gov. Msg. No. 221, submitting for consideration and confirmation to the Advisory Commission on Drug Abuse and Controlled Substances, the nominations of: Ramon K. Sy, M.D., term to expire June 30, 1989; and Libby Pulelehua Oshiyama, Martha Travers Torney and Jason T. Hashimoto, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 222, submitting for consideration and confirmation to the Board of Health, the nominations of April S. Apana, Bernard K. Punikaia and Sherman See Mun Hee, terms to expire June 30, 1992, was referred to the Committee on Health.

Gov. Msg. No. 223, submitting for consideration and confirmation to the Juvenile Justice Interagency Board, the nominations of Jon Ryoichi Ono, Clifford L. Nakea and Linda A. Santos, terms to expire June 30, 1991, was referred to the Committee on Judiciary.

Gov. Msg. No. 224, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nominations of Reuben Yoshida and Gabe K. Kilakalua Jr., terms to expire June 30, 1992, was referred to the Committee on Military and Civil Defense.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 414 to 419) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 414, transmitting House Concurrent Resolution No. 18, which was adopted by the House of Representatives on March 21, 1988, was placed on file.

By unanimous consent, H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR VOCATIONAL EDUCATION FOR HAWAII YOUTH CORRECTIONAL FACILITY," was referred jointly to the Committee on Corrections and the Committee on Education.

Hse. Com. No. 415, transmitting House Concurrent Resolution No. 19, H.D. 1, which was adopted by the House of Representatives on March 21, 1988, was placed on file.

By unanimous consent, H.C.R. No. 19, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ESTABLISH A VETERANS HOSPITAL IN HAWAII," was referred to the Committee on Military and Civil Defense.

Hse. Com. No. 416, transmitting House Concurrent Resolution No. 76, H.D. 1, which was adopted by the House of Representatives on March 21, 1988, was placed on file.

By unanimous consent, H.C.R. No. 76, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR EFFORTS TO IMPROVE THE PRESERVATION, RESTORATION, AND MAINTENANCE OF HISTORIC HAWAIIAN SITES ON THE NEIGHBOR ISLANDS," was referred to the Committee on Culture, Arts and Historic Preservation.

Hse. Com. No. 417, transmitting House Concurrent Resolution No. 78, H.D. 1, which was adopted by the House of Representatives on March 21, 1988, was placed on file.

By unanimous consent, H.C.R. No. 78, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE ALA KAHAKAI TRAIL SYSTEM," was referred to the Committee on Tourism and Recreation.

Hse. Com. No. 418, transmitting House Concurrent Resolution No. 84, H.D. 1, which was adopted by the House of Representatives on March 21, 1988, was placed on file.

By unanimous consent, H.C.R. No. 84, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A PUBLIC EDUCATION PROGRAM ABOUT THE SUGAR INDUSTRY," was referred to the Committee on Agriculture, Energy and Ocean Resources.

Hse. Com. No. 419, transmitting House Concurrent Resolution No. 86, H.D. 1, which was adopted by the House of Representatives on March 21, 1988, was placed on file.

By unanimous consent, H.C.R. No. 86, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MARKETING AND PRODUCTION OF ALTERNATIVE CROPS," was referred to the Committee on Agriculture, Energy and Ocean Resources.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 79 to 86) were read by the Clerk and were referred to committee:

Senate Concurrent Resolution

No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING REGULATION OF THE ADMINISTRATION OF ANESTHESIA."

Offered by: Senators Tungpalan, Aki, Chang, Fernandes Salling, Hee, Herkes, Ikeda, Kobayashi, A., Kobayashi, B., Matsuura, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Wong, J., Yamasaki.

Referred to: Committee on Health.

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO SET REASONABLE LIMITS UPON FOREIGN INVESTMENT."

Offered by: Senators Tungpalan, Cobb, Fernandes Salling, George, Herkes, Ikeda, Kobayashi, B., McMurdo, Menor, Nakasato, Reed.

Referred to: Committee on Government Operations.

No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO DETERMINE JURISDICTION OVER AND RESPONSIBILITY FOR STREAM MAINTENANCE AND EROSION CONTROL."

Offered by: Senators Kobayashi, A., Chang, Cobb, Fernandes Salling, George, Hagino, Herkes, Ikeda, Kobayashi, B., Matsuura, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Wong, J., Young.

Referred to: Committee on Government Operations.

No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE DEVELOPMENT OF LUALUALEI TUNNEL WATER FOR USE BY WAIANAE FARMERS."

Offered by: Senators Matsuura, Aki.

Referred to: Committee on Housing, Hawaiian Programs and Natural Resources.

No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR CONDUCT A STUDY OF THE UNIVERSITY OF HAWAII FACULTY SALARY AND TEACHING LOAD."

Offered by: Senators Solomon, Aki, Chang, Hagino, Hee, Herkes, Holt, Kobayashi, B., McMurdo, Menor, Nakasato, Reed, Tungpalan, Yamasaki.

Referred to: Committee on Higher Education.

No. 84 "SENATE CONCURRENT RESOLUTION URGING INCREASED COORDINATION AND COOPERATION BETWEEN THE UNIVERSITY OF HAWAII, THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII, AND STATE AND LOCAL TECHNOLOGY AND ECONOMIC DEVELOPMENT ORGANIZATIONS; AND REQUESTING THE UTILIZATION OF THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII AS THE PROPERTY MANAGER FOR ALL PUBLICLY SUPPORTED INCUBATOR FACILITIES AND RESEARCH AND TECHNOLOGY PARKS."

Offered by: Senators Solomon, Aki, Blair, Cobb, Herkes, Holt, McMurdo, Mizuguchi, Nakasato, Reed, Tungpalan, Wong, J., Yamasaki, Young.

Referred to: Committee on Higher Education.

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY ON THE CURRENT STATUS OF THE MILK CONTROL ACT."

Offered by: Senators Solomon, Fernandes Salling, George, Ikeda, Kobayashi, A., McMurdo, Tungpalan, Young.

Referred to: Committee on Agriculture, Energy and Ocean Resources.

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING CHILD CARE CENTERS THROUGHOUT THE UNIVERSITY OF HAWAII CAMPUSES."

Offered by: Senators Solomon, Fernandes Salling, George, Ikeda, Kobayashi, A., McMurdo, Tungpalan, Young.

Referred to: Committee on Higher Education.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 87 to 94) were read by the Clerk and were referred to committee:

Senate
Resolution

No. 87 "SENATE RESOLUTION REQUESTING REGULATION OF THE ADMINISTRATION OF ANESTHESIA."

Offered by: Senators Tungpalan, Aki, Chang, Fernandes Salling, Hee, Herkes, Ikeda, Kobayashi, A., Kobayashi, B., Matsuura, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Wong, J., Yamasaki.

Referred to: Committee on Health.

No. 88 "SENATE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO SET REASONABLE LIMITS UPON FOREIGN INVESTMENT."

Offered by: Senators Tungpalan, Cobb, Fernandes Salling, George, Herkes, Kobayashi, B., McMurdo, Menor, Nakasato, Reed.

Referred to: Committee on Government Operations.

No. 89 "SENATE RESOLUTION REQUESTING A TASK FORCE TO DETERMINE JURISDICTION OVER AND RESPONSIBILITY FOR STREAM MAINTENANCE AND EROSION CONTROL."

Offered by: Senators Kobayashi, A., Aki, Blair, Chang, Cobb, Fernandes Salling, George, Hagino, Hee, Herkes, Holt, Ikeda, Kobayashi, B., Matsuura, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Wong, J., Yamasaki, Young.

Referred to: Committee on Government Operations, then to the Committee on Legislative Management.

No. 90 "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE DEVELOPMENT OF LUALUALEI TUNNEL WATER FOR USE BY WAIANAE FARMERS."

Offered by: Senators Matsuura, Aki.

Referred to: Committee on Housing, Hawaiian Programs and Natural Resources.

No. 91 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY OF THE UNIVERSITY OF HAWAII FACULTY SALARY AND TEACHING LOAD."

Offered by: Senators Solomon, Aki, Chang, Hagino, Hee, Herkes, Holt, Kobayashi, B., McMurdo, Menor, Nakasato, Reed, Tungpalan, Yamasaki.

Referred to: Committee on Higher Education, then to the Committee on Legislative Management.

No. 92 "SENATE RESOLUTION URGING INCREASED COORDINATION AND COOPERATION BETWEEN THE UNIVERSITY OF HAWAII, THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII, AND STATE AND LOCAL TECHNOLOGY

AND ECONOMIC DEVELOPMENT ORGANIZATIONS; AND REQUESTING THE UTILIZATION OF THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII AS THE PROPERTY MANAGER FOR ALL PUBLICLY SUPPORTED INCUBATOR FACILITIES AND RESEARCH AND TECHNOLOGY PARKS."

Offered by: Senators Solomon, Aki, Blair, Cobb, Herkes, Holt, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Tungpalan, Wong, J., Yamasaki, Young.

Referred to: Committee on Higher Education.

No. 93 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY ON THE CURRENT STATUS OF THE MILK CONTROL ACT."

Offered by: Senators Solomon, Fernandes Salling, George, Ikeda, Kobayashi, A., McMurdo, Tungpalan, Young.

Referred to: Committee on Agriculture, Energy and Ocean Resources.

No. 94 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING CHILD CARE CENTERS THROUGHOUT THE UNIVERSITY OF HAWAII CAMPUSES."

Offered by: Senators Solomon, Fernandes Salling, George, Ikeda, Kobayashi, A., McMurdo, Tungpalan, Young.

Referred to: Committee on Higher Education.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2441) recommending that House Bill No. 1600, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2441 and H.B. No. 1600, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CARE PAYMENTS," was deferred until Thursday, March 24, 1988.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2442) recommending that House Bill No. 225, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2442 and H.B. No. 225, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A VETERANS CEMETERY," was deferred until Thursday, March 24, 1988.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2443) recommending that House Bill No. 501, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and H.B. No. 501, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 24, 1988.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2444)

recommending that House Bill No. 461, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2444 and H.B. No. 461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," was deferred until Thursday, March 24, 1988.

ORDER OF THE DAY

MATTERS DEFERRED FROM
MONDAY, MARCH 21, 1988

THIRD READING

House Bill No. 2253, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, H.B. No. 2253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VANDALISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki and Hee).

House Bill No. 3305, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3305, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICE ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki and Hee).

FINAL READING

Senate Bill No. 70:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 70, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki and Hee).

Senate Bill No. 21, S.D. 1, H.D. 1 (Hse. Com. No. 412):

On motion by Senator Cobb, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 21, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, chairman, Nakasato and Ikeda as managers on the part of the Senate at such conference.

RE-REFERRAL OF HOUSE BILL

The President re-referred H.B. No. 2355, H.D. 1, to the Committee on Ways and Means.

Senator Solomon then rose to speak on a point of personal privilege as follows:

"Mr. President, as you realize, the golf course legislation was one of the issues that was taken up by the Women's Caucus. At this time, I would like to make it

clear for the record, Mr. President, that in no way was it our intention to target the chairman.

"I was able to see the news last night and the Senate chairman of the Housing, Hawaiian Programs and Natural Resources Committee was on the news and it was unfortunate that during the rally they had for the Higas that constituents, I suppose from the Senator's district, were signing petitions for recall or impeachment. I would just like to make it clear for the record, Mr. President, that that was not the intention of the Women's Caucus. Our intention is to be able to negotiate this issue with the chairman and to come up with a reasonable position so that we can take care of the concerns of the farming community out there.

"Also, Mr. President, the concern of the Women's Caucus is to make sure and to express that the intention of that legislation was not to displace farmers that are already engaged in farming.

"I just would like to state that, Mr. President, for the record. Thank you."

At this time, Senator Chang, chairman of the Committee on Business Development and Pacific Relations, requested a waiver of the 48-hour Notice of a Public Hearing on S.C.R. No. 78, S.C.R. No. 18, S.R. No. 85 and S.R. No. 22, and the President granted the waiver.

Senator Holt then rose to speak on a point of personal privilege and said:

"Mr. President, I've just learned that the House has decided not to move SB 2458, S.D. 2.

"As most of you recall, this bill would have established a permanent mechanism to distribute a fair portion of the revenues from the transient accommodations tax to the various counties on an annual basis. The Senate in approving this measure did so in an attempt to be consistent with the intent and purpose of the original transient accommodations tax legislation.

"During the 1986 Session when the transient accommodations tax legislation was passed by the Legislature, it was my understanding as a member of the conference committee that a tax rate of two percent on hotel rentals was acceptable to the industry if the revenues were earmarked for the construction of a convention center. The final conference draft of the bill however provided for a rate of five percent. The reason for the increase was to provide funds not only for a convention center but for grants-in-aid to the counties for such items as infrastructure improvements, fire and police protection, and maintenance of parks.

"In testimony presented to the House on SB No. 2458, S.D. 2, by some of the Waikiki hotel industry organizations I was surprised and disturbed to learn that they were opposed to this bill merely because it did not include funding for a convention center. Perhaps they forgot, Mr. President, that the Senate during the 1987 Session took a position on a funding mechanism for a convention center and even selected a site.

"I would therefore like to state for the record, Mr. President, I think it is both unfair and unfortunate that the industry would choose to sacrifice urgent county needs which are a direct result of the growth of the industry for something like the convention center which will surely require additional resources on the part of the counties.

"Incidentally, Mr. President, I don't recall any of the counties coming forth to testify against any convention center bill during the last two sessions, most of which did not include any funds for county improvements except the Senate's Ala Wai bill.

"Thank you."

ADJOURNMENT

At 12:00 o'clock noon, on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 23, 1988.