

FIFTY-SEVENTH DAY

Wednesday, April 20, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 11:44 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Dr. Bill Godwin of First Baptist Church of Ewa Beach, after which the Roll was called showing all Senators present.

The Chair announced that she had read and approved the Journal of the Fifty-Sixth Day.

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

Senator Solomon introduced Mr. Sonny Merck, a friend from the Hamakua Coast, Hawaii.

Senator Solomon also introduced Mrs. Aolani Fish Ahmad, the 1988 Secretary of the Year of the Professional Secretaries International, Oahu Chapter. Mrs. Ahmad is an executive secretary in the sales department of the Sheraton Hotels in Hawaii.

Mrs. Ahmad, present on the Senate floor, rose to be recognized and was presented the Senate certificate of recognition by Senator Solomon and a lei by Senator Hee.

Senator Tungpalan introduced Leanna Ching, the 1988 Hawaii State Spelling Bee Champion, who is an eighth grade student from Highlands Intermediate School in Pearl City. Leanna will represent the State of Hawaii at the Scripps Howard National Spelling Bee next month in Washington, D.C. Accompanying Leanna on the Senate floor were her parents, Leroy and Sharleen Ching, principal of Highlands Intermediate School, Ms. Rhoda Hirokawa, and her spelling coach, Mrs. Leona Yamatsuka who is an educational assistant and volunteer.

The group rose to be recognized and were presented with leis by various Senators.

Senator Tungpalan also introduced Leanna's two sisters, Christina and Jennifer, and Mrs. Yamatsuka's husband, Mr. Walter Yamatsuka, and children, Kendall, Kylie and Kimie, all of whom were seated in the gallery. Not present but recognized was Mrs. Vivian Kaneko, Leanna's English teacher who also coached her.

Senator A. Kobayashi introduced 32 students in grades 3 to 6 from the Montessori Elementary School in Manoa who are members of their Steel Drum Band, the only one in the state. The students were accompanied by: Mr. Frank Leto, musical director; Ms. Karen Bartholomew, head teacher, class 9-12; Mr. Jerry Mueller, head teacher, class 6-9; Ms. Lynn Haia, assistant teacher, class 9-12; Ms. Susan Siebert, school director; and Ms. Sara Proctor, special projects coordinator. The band will perform today in the Capitol rotunda.

Senator Cobb, as an honorary member of the Women's Caucus, introduced the 1988 YWCA of Oahu Outstanding Achievement Award winners: Arts and Professions - Ms. Kathryn Lucktenberg, Honolulu Symphony Concertmaster; Communication - Ms. Linda Coble, former longtime KGMB anchor/reporter/producer; Business and Labor - Ms. Ruth Ono, vice president, Queen's Medical Center; Community Service - Ms. Jane Smith, vice president, Charitable Funds Department, Hawaiian Trust Co., Ltd., represented by Ms. Janice Rushman; and Advocacy - Ms. Judy Sobin, child care advocate. They were accompanied

by Dr. Donnis Thompson, chairman, Steering Committee; Ms. Lynn Johnson, past chairman, YWCA Board; Ms. Bette Tatum, publicity chairman, YWCA Leader Luncheon XI; and Ms. Christina Kemmer, fund development director.

The honorees, present on the Senate floor, rose to be recognized and were presented the Senate certificate of recognition and leis by various Senators.

Senator A. Kobayashi also introduced Mr. Al Ono, husband of Ruth Ono, one of the YWCA award recipients.

Senator Hagino introduced Mr. C. Y. Tai and said, "Mr. Tai is special consultant to the China National Complete Plant Export Corporation, Shanghai branch, an organization that oversees the exports of entire manufacturing and processing plants and foreign aid to third-world countries such as Zaire, Tanzania and other countries. Mr. Tai also serves as chairman of the Foreign Trade Department of Shanghai Federation of Industry and Commerce, an organization in China which has the same goals as the Chamber of Commerce of Hawaii, namely, to stimulate trade and commerce and to bridge the gap between foreign businessmen and China."

Mr. Tai, present on the Senate floor, stood to be recognized and was presented with a lei.

Senator Hagino also introduced Mr. Hin Chiu Lau, a Honolulu businessman, and Mr. Duke Yoon, who recently entered into a joint venture to process agricultural products in Shanghai, who accompanied Mr. Tai and were seated in the gallery.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 308 to 311) were read by the Clerk and were placed on file:

Gov. Msg. No. 308, transmitting the "Main Street Hawai'i, Chinatown Assessment Report, 1988," prepared by the Historic Hawai'i Foundation, pursuant to Act 216, Sec. 8, SLH 1987.

Gov. Msg. No. 309, transmitting the "Comprehensive Master Plan for the Elderly: Update 1988," prepared by the Executive Office on Aging, pursuant to HRS, Sec. 349-6 (3) and (4).

Gov. Msg. No. 310, transmitting a report prepared by the University of Hawaii in response to H.R. No. 188 and H.C.R. No. 110 (1987), requesting the University of Hawaii to develop and implement an educational assessment plan.

Gov. Msg. No. 311, transmitting a report, "Private Sector Training Needs in New and Emerging Fields," prepared for the Commission on Employment and Human Resources, Department of Labor and Industrial Relations, pursuant to Act 260, SLH 1986.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1135 to 1137) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1135, returning Senate Concurrent Resolution No. 16, S.D. 1, which was adopted by the House of Representatives on April 19, 1988, was placed on file.

Hse. Com. No. 1136, returning Senate Concurrent Resolution No. 30, S.D. 1, which was adopted by the House of Representatives on April 19, 1988, was placed on file.

Hse. Com. No. 1137, transmitting House Concurrent Resolution No. 381, which was adopted by the House of Representatives on April 15, 1988, was placed on file.

By unanimous consent, H.C.R. No. 381, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSING A STUDY TO DETERMINE AN EQUITABLE FORMULA TO BE USED TO DETERMINE THE USE OF REVENUES FROM THE TRANSIENT ACCOMMODATIONS TAX," was referred to the Committee on Tourism and Recreation, then to the Committee on Legislative Management.

CONFERENCE COMMITTEE REPORT

Conf. Com. Rep. No. 126 (H.B. No. 2268, S.D. 1, C.D. 1):

Senator B. Kobayashi moved that Conf. Com. Rep. No. 126 and H.B. No. 2268, S.D. 1, C.D. 1, be recommitted to the Committee on Conference, seconded by Senator Matsuura.

Senator B. Kobayashi then rose and said:

"Madam Vice President, I'd like to recommit House Bill 2268. There's a drafting error pointed out by the Minority and we'll take that back and correct that drafting error."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 126 and H.B. No. 2268, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were recommitted to the Committee on Conference.

STANDING COMMITTEE REPORTS

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2909) recommending that Senate Resolution No. 148 be referred to the Committee on Legislative Management.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the report of the Committee was adopted and S.R. No. 148, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY THE IMPACT OF THE REORGANIZATION OF THE COLLEGE OF ARTS & SCIENCES OF THE UNIVERSITY OF HAWAII," was referred to the Committee on Legislative Management.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2910) recommending that Senate Resolution No. 171 be adopted.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the report of the Committee was adopted and S.R. No. 171, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE

FEASIBILITY OF ESTABLISHING A PACIFIC RIM AEROSPACE TECHNOLOGICAL EDUCATION CENTER (SPACE ACADEMY) AND SPACE EDUCATION SYSTEM," was adopted.

Senators Menor and Hee, for the Committee on Corrections and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2911) recommending that Senate Resolution No. 79 be referred to the Committee on Legislative Management.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the joint report of the Committees was adopted and S.R. No. 79, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE ORGANIZATIONAL PLACEMENT OF THE OFFICE OF THE SHERIFF," was referred to the Committee on Legislative Management.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2912) recommending that House Bill No. 2527, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the report of the Committee was adopted and H.B. No. 2527, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1988.

ORDER OF THE DAY

FINAL READING

Senate Bill No. 1712, S.D. 3, H.D. 2:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1712, S.D. 3, and S.B. No. 1712, S.D. 3, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, McMurdo, Wong, R.).

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Senate Bill No. 3042, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 3042, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DEMONSTRATION SHRIMP PROJECT WITH THE SUGAR INDUSTRY," was deferred until final passage of the state budget.

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

"Madam Vice President, earlier this week there was a letter to the editor of the Star-Bulletin from which I'd like to quote briefly.

"The writer identified this week as National Library Week and suggested that 'to celebrate it in a meaningful way, all library users should take cookies, fudge or flowers to their local branch library or their favorite librarian.'"

"In lieu of cookies, fudge or flowers, the Women's Coalition would like to take note of National Library Week by bringing to an appropriate conclusion its inquiry into the matter of the appointment of the deputy librarian.

"As you will remember, the Coalition's concern about this appointment first surfaced when a number of women who are library professionals called in to question the appointee's qualifications for the position. They brought to our attention the appointee's lack of formal library credentials, including the master's degree called for in the initial notice of the vacant position.

"Among the more than fifty persons who applied after the post was advertised, there were a number of women who satisfied all of the criteria specified in the notice. The Women's Coalition was therefore disturbed to learn that the librarian, as a selection committee of one, had leapfrogged over the heads of these well-qualified women professionals to select as his deputy a man who did not meet the specified criteria for the position.

"The Coalition felt that this selection would be erosive of morale among the career professionals in the library system and that it would be particularly difficult for the women in the system to accept. We were concerned that these women would sense a ceiling beyond which they could not climb, no matter how superior their qualifications, their dedication to their profession, or their skill in performing their library functions.

"We hasten to point out that our concerns and the recommendation we now wish to make are not directed toward disturbing the position of the deputy, not displacing the effective and popular person who succeeded him on the Board of Education.

"The first shadow which we wish to see dispelled is the nature of the deputy's position. It seems clear that all state positions are covered by civil service, unless they are specifically exempted.

"We believe the deputy occupies a civil service position, as we have been unable to locate any action taken for its exemption. The libraries have not been set apart in a separate department but are a part of the Department of Education, so the librarian's deputy does not fall under the exemption from civil service given to the deputies of department heads. We have not identified any action taken by the Board of Education to place this position in one of the twenty exempt slots made available through HRS 76-16-(11). (Nor are we sure that any vacancies exist among these.)

"We have been unable to locate any provision in any budget document or worksheet identifying the deputy librarian's position as either appointive or exempt. This is in spite of the librarian's statement to the Board of Education on July 23, 1987, that 'while it is unclear in the budget document, the position appears to be an appointed, exempt position.'

"We submit that it is not too late to remedy the irregularities presented by this appointment. If it is indeed, as we have concluded, a civil service position and the selection was made as if it were an exempt position, then the Legislature has the option of redesignation which it can accomplish through the still incomplete budget process. The Board of Education has the option available to it of identifying the deputy as occupying one of the twenty exempt slots we referred to earlier. We perceive retention of the civil service designation for the position as the least desirable of available alternatives -- going back to square one and advertising, interviewing and

hiring all over again would neither improve morale nor strengthen library services.

"In concluding its attention to this unfortunate episode, the Women's Coalition would like to be reassured that job specifications will not again be revamped to permit the selection of male applicants over better qualified women. And we hope there will be no repetition in the library system or anywhere else in the family of the state of sending a signal that women are less effective, less qualified, or less worthy of advancement than are the men employed in the state's service."

The Chair then rose to remark on the previous speaker's comments and said:

"I would like to commend the women Senators for the diligent dedication and indepth research on this matter. Thank you very much, Senators."

Senator Solomon then rose to speak in support of Senator George's comments and said:

"Madam Vice President, I just would like to speak in support of the previous speaker, as part of the Women's Coalition. And if I may, Madam Vice President, I would like to deviate from that and speak on another subject matter that is of equal importance to the Women's Coalition.

"It concerns, Madam Vice President, a Senate Resolution requesting a study to be done on the problem of milk control in the State of Hawaii. The reason why, Madam Vice President, I bring this up to the attention of my fellow colleagues is because, as you know, we had a bill concerning milk that was co-sponsored by the Women's Coalition.

"The Women's Coalition met with the dairy industry as well as the Milk Commission to come up with a compromise solution. We agreed, Madam Vice President, on this resolution that would study the issue and come back with some recommendations.

"At this time, Madam Vice President, I would like to ask the Minority Floor Leader if she would yield to a question. Being that the Minority Floor Leader is part of the Women's Coalition, I would like to ask if she had contacted the Milk Commissioner to come in and discuss the matter with us so that we can put them on notice that the Women's Coalition for the next session is very much interested in pursuing this subject matter."

The Chair then asked the Minority Floor Leader if she would yield to the question and Senator A. Kobayashi, having answered in the affirmative, responded:

"A meeting has been set up with the Milk Commissioner for Thursday at 11:00 o'clock in the Vice President's office. They have not called to cancel the meeting so I assume that the meeting is set for Thursday morning at 11:00 o'clock. We will be pursuing this matter.

"And may I say that I feel we did a fine job on the deputy librarian's investigation and although the session will end on April 25, the Women's Coalition will continue to pursue matters that are of concern to us and we will be meeting occasionally and looking into different issues that we are concerned about -- child care, and will continue on the milk issue, family violence, etc., and be preparing legislation for the next session. Thank you."

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 3291, S.D. 1, H.D. 1:

Senator Hee moved that the Senate reconsider its action taken on April 7, 1988 on S.B. No. 3291, S.D. 1, H.D. 1, seconded by Senator Chang.

Senator Hee then stated as follows:

"The changes are technical and have been made to reflect the gender neutral in the bill, and out of fear of having reprisals made against the male species on the floor."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Hee, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3291, S.D. 1, and that S.B. No. 3291, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," was placed on the calendar for Final Reading on Thursday, April 21, 1988.

Senate Bill No. 1170, S.D. 2, H.D. 2:

Senator Blair moved that the Senate reconsider its action taken on April 7, 1988 on S.B. No. 1170, S.D. 2, H.D. 2, seconded by Senator Cobb.

Senator Blair then stated as follows:

"Madam Vice President, very briefly, we sent it over a year past; they sent it back and during that year some things have changed and those changes are reflected in the bill. Thank you."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Blair, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1170, S.D. 2, and that S.B. No. 1170, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RISK MANAGEMENT AND INSURANCE ADMINISTRATION," was placed on the calendar for Final Reading on Thursday, April 21, 1988.

Senator Aki, chairman of the Committee on Housing, Hawaiian Programs and Natural Resources, then requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Housing, Hawaiian Programs and Natural Resources Committee's hearing notice for Thursday, April 21, 1988, and the Chair granted the waiver.

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

At 12:31 o'clock p.m., on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate stood in recess until 5:00 o'clock p.m.

AFTERNOON SESSION

The Senate reconvened at 5:12 o'clock p.m., with the President in the Chair.

CONFERENCE COMMITTEE REPORT

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 3464, H.D. 1, presented a report (Conf. Com. Rep. No. 127) recommending that H.B. No. 3464, H.D. 1, S.D. 1, C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 127 and H.B. No. 3464, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2913) recommending that Senate Resolution No. 64, as amended in S.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the report of the Committee was adopted and S.R. No. 64, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ASSIST THE CITY AND COUNTY OF HONOLULU IN A STUDY OF THE AUTOMOBILE SCRAP RECYCLING INDUSTRY," was adopted.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2914) recommending that Senate Resolution No. 121 be adopted.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the report of the Committee was adopted and S.R. No. 121, entitled: "SENATE RESOLUTION URGING CONGRESS TO SUPPORT THE CODIFICATION OF THE FAIRNESS DOCTRINE," was adopted.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2915) recommending that the Senate advise and consent to the nominations of Masaru Yokouchi, Rowena K. Keaka and Ricardo D. Trimillos, Ph.D., to the State Foundation on Culture and the Arts, in accordance with Gov. Msg. No. 300.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 2915 and Gov. Msg. No. 300, was deferred until Thursday, April 21, 1988.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2916) recommending that the Senate advise and consent to the nominations of Anne K. Kaapana, Tomi Downey Chong, J. Kahea Beckley, Shirley K. Fung, Frederick K. Chang, Joyce P. Mah and Jean Amorin to the King Kamehameha Celebration Commission, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 2916 and Gov. Msg. No. 278, was deferred until Thursday, April 21, 1988.

Senator Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2917) recommending that the Senate advise and consent to the nominations of the following:

Galen K. Onouye, James H. Koshi, Ph.D., Veronica L. K. Medeiros and Kay K. Nagaishi to the Library

Advisory Commission, City and County of Honolulu, in accordance with Gov. Msg. No. 250;

Nancy L. Fushikoshi, Lynn Carter, Elaine K. Hauanio, Beatrice L. Lau, Helen K. Tayamen and Karen Y. Wakata to the Library Advisory Commission, County of Hawaii, in accordance with Gov. Msg. No. 251;

Lilah L. Cabellero, Katharine T. Cannon Eger, Sheldeen M. Takeo and Sandra M. Wada to the Library Advisory Commission, County of Maui, in accordance with Gov. Msg. No. 252; and

Peggy T. Cha, Juanita O. Relacion, Sadie S. Doi, Catherine Lo and Michael Machado to the Library Advisory Commission, County of Kauai, in accordance with Gov. Msg. No. 253.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 2917 and Gov. Msg. Nos. 250, 251, 252 and 253 was deferred until Thursday, April 21, 1988.

Senators Holt, Aki and Fernandes Salling, for the Committee on Tourism and Recreation and the Committee on Housing, Hawaiian Programs and Natural Resources and the Committee on Transportation, presented a joint report (Stand. Com. Rep. No. 2918) recommending that House Concurrent Resolution No. 386, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the joint report of the Committees was adopted and H.C.R. No. 386, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH A PRIVATE DEVELOPER CERTAIN FAST, TIDAL, AND SUBMERGED LANDS AT KE'EHĪ LAGOON, HONOLULU, OAHU, HAWAII FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, RESEARCH, AND LIGHT INDUSTRIAL PURPOSES," was adopted.

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

"Mr. President, this is a point of personal privilege. Just to clarify a point that I had made in this morning's session in reference to the milk legislation, I was informed that the bill was passed out of the House and it was sent to the governor for signature. Thank you."

At 5:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:14 o'clock p.m.

The President then made the following announcement:

"Members of the Senate, before adjourning, all committee chairmen are reminded that, in accordance with Senate Rule 33 (1), all committee reports on advice and consent should be decked by Friday, April 22. The actual vote on the nominees will take place on Monday. Again, let me repeat, all committee reports on advice and consent should be decked by Friday, April 22. The voting will take place on the following Monday."

ADJOURNMENT

At 5:15 o'clock p.m., on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 21, 1988.