

## THIRTY-SECOND DAY

Monday, March 13, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:39 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Richard DuFresne of the Community Church of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Solomon who was excused.

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

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

Senator A. Kobayashi, on behalf of the Senate, in recognition of Girl Scouts Week, March 12th to 18th, introduced the following: Mr. Walter Ida, Ms. Shirley Lee and Ms. Jean Kamanaka of the Girl Scouts Council of the Pacific; and Crystal Koga, Angel Thompson, Mabelle Alexander, Michelle Martin, Jo Ellen Fulgate and Jennifer Takeuchi, representing the Girl Scouts. The group, seated in the gallery, rose to be recognized. A Senate certificate honoring Girl Scouts Week had been presented to them earlier.

Senator Crozier, on behalf of Senator Aki and himself, presented to the family of the late Mrs. Louisa Noa a Senate certificate "paying tribute to the memory of one of Waianae's outstanding and respected citizens ... rendering valuable service to the Waianae Coast ... who inspired many to take an active interest in the affairs of her beloved community ...." Mrs. Pearl Noa Chai and Ms. Lydia Noa who were seated on the floor of the Senate, representing the family, rose to be recognized and accepted the Senate certificate honoring their mother, the late Mrs. Louisa Noa. Senators Holt and Levin presented them with leis.

Senator Blair, on behalf of Senator Aki and himself, introduced representatives of the Military Assistance to Safety and Transportation Program of the 68th Medical Detachment, 124th Transportation Battalion, 45th Support group, U.S. Army, as follows: Major Kelly Robertson, commanding officer, Staff Sergeant Anthony B. Minter and Specialist 4 Carl Newton.

Senator Blair noted that "... since 1974 and during that period of time they have conducted over 3,000 operations involving 4,000 patients ... at least hundreds, if not thousands of our constituents' lives have been saved by this program."

The honorees stood to be recognized and were presented the Senate certificate of recognition and leis.

Senator Matsuura introduced Mrs. Amy Fukuda, a relative of Senator A. Kobayashi.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m., with the President in the Chair.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 184, transmitting a report, "Boat Launch Facilities for the District of North Kohala, Island of Hawaii," prepared by the Harbors Division,

Department of Transportation, in response to S.R. No. 181 (1988), was read by the Clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 522, transmitting H.C.R. No. 16, H.D. 1, which was adopted by the House of Representatives on March 10, 1989, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 16, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE ECONOMIC FEASIBILITY OF IMPROVEMENTS TO THE ENTRANCE CHANNEL OF THE BARBERS POINT DEEP DRAFT HARBOR TO ACCOMMODATE LARGE CONTAINER CARGO VESSELS," was referred to the Committee on Transportation.

## SENATE CONCURRENT RESOLUTIONS

The following Senate concurrent resolutions (S.C.R. Nos. 39 to 42) were read by the Clerk and were referred to committee:

Senate  
Concurrent  
Resolution

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PREPARE AND SUBMIT A CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED FEDERAL BUDGET, OR TO CALL A CONSTITUTIONAL CONVENTION TO PROPOSE SUCH A CONSTITUTIONAL AMENDMENT."

Offered by: Senators George, Aki, Blair, Cobb, Fernandes Salling, Holt, Kobayashi, A., Kobayashi, B., Koki, McCartney, Nakasato, Reed, Solomon, Tungpalan.

Referred to: Committee on Government Operations

No. 40 "SENATE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY TO END THE LEASEHOLD PROPERTY SYSTEM FOR CONDOMINIUMS AND COOPERATIVE APARTMENTS."

Offered by: Senators Cobb, George, Ikeda, Kobayashi, B., Koki, Levin, McCartney, Solomon, Yamasaki.

Referred to: Committee on Housing and Hawaiian Programs

No. 41 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW CONCERNING THE DELAYS IN INSURANCE PAYMENTS TO MEDICAL CARE PROVIDERS."

Offered by: Senators Cobb, Fernandes Salling, Ikeda, Kobayashi, A., Kobayashi, B., Koki, Levin, Matsuura, McCartney, Tungpalan, Yamasaki.

Referred to: Committee on Housing and Hawaiian Programs

No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING LANDOWNERS TO PROVIDE LESSEES

APPLYING FOR LOANS WITH TIMELY INFORMATION."

Offered by: Senators Cobb, Aki, Chang, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Matsuura, McMurdo, Mizuguchi, Solomon.

Referred to: Committee on Housing and Hawaiian Programs

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 43 to 45) were read by the Clerk and were referred to committee:

Senate Resolution

No. 43 "SENATE RESOLUTION ESTABLISHING A STATE POLICY TO END THE LEASEHOLD PROPERTY SYSTEM FOR CONDOMINIUMS AND COOPERATIVE APARTMENTS."

Offered by: Senators Cobb, Aki, George, Ikeda, Kobayashi, B., Koki, Levin, McCartney, Solomon, Yamasaki.

Referred to: Committee on Housing and Hawaiian Programs

No. 44 "SENATE RESOLUTION REQUESTING A REVIEW CONCERNING THE DELAYS IN INSURANCE PAYMENTS TO MEDICAL CARE PROVIDERS."

Offered by: Senators Cobb, Aki, Fernandes Salling, Ikeda, Kobayashi, A., Kobayashi, B., Koki, Levin, Matsuura, McCartney, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Housing and Hawaiian Programs

No. 45 "SENATE RESOLUTION REQUESTING LANDOWNERS TO PROVIDE LESSEES APPLYING FOR LOANS WITH TIMELY INFORMATION."

Offered by: Senators Cobb, Aki, Chang, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Matsuura, McMurdo, Mizuguchi, Solomon.

Referred to: Committee on Housing and Hawaiian Programs

ORDER OF THE DAY

RE-REFERRAL OF HOUSE BILLS

The President re-referred the following House bills that were received:

House Bill Referred to:

No. 44, H.D. 1 Jointly to the Committee on Judiciary and the Committee on Transportation

No. 142, H.D. 2 Committee on Government Operations

No. 232, H.D. 1 Committee on Judiciary

No. 436, H.D. 1 Committee on Human Services, then to the Committee on Ways and Means

No. 1575 Committee on Energy and Natural Resources, then to the Committee on Ways and Means

No. 1848 Committee on Health

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 5, letter from Senator Steve Cobb, 12th Senatorial District, dated March 13, 1989, regarding a public apology to the members of the Senate, Fifteenth Legislature of the State of Hawaii, was read by the Clerk.

On motion by Senator Blair, seconded by Senator Reed and carried, Misc. Com. No. 5 was accepted and placed on file.

Senator Blair then rose on a point of personal privilege and stated:

"Mr. President, I just wanted to say that -- maybe I'm speaking only for myself, but I sense that I may be speaking for others -- that this is a matter which is properly being handled in the courts and that there's no reason for anyone here to change their relationship with an esteemed colleague as a result of what has happened."

Senator Crozier also rose on a point of personal privilege and said:

"Mr. President, I'd just like to make a short comment in support of Senator Cobb.

"Mr. President, not many of us have been asked to go to war and not many of us have been in a wartime situation to show our valor. Many of us watched TV programs and read the press. We can only imagine what strife and struggle an individual has to go through while he's in war; and more so, when he has to put his life on the line. Senator Cobb did that. He showed his courage.

"I would like to show my support of Senator Cobb. I can only imagine what the gentleman has gone through over this past weekend. I pass on my support to you, Senator Cobb. Aloha."

The Chair then made the following remarks:

"Members of the Senate, I would like to explain for the record the significance of the action just taken by the Senate.

"The incident involving Senator Cobb's arrest last Thursday evening is a matter of concern to the Senate. Statutorily, the violation he committed was a relatively minor one, ranking below a petty misdemeanor. Thus, consequently, it is the ruling of the Chair that it does not warrant the application of Rule 69 of the Senate Rules governing punishment of its members.

"However, while the violation is technically a minor one in the eyes of the law, the Senate does recognize its significance in terms of the standards of conduct the people (of this state) expect from their elected public officials.

"Senator Cobb in submitting his letter of apology, and the Senate in accepting it, demonstrates that all of us realize that there has been misbehavior on his part, and that his misbehavior is not condoned by the Senate.

"The Senate in accepting Senator Cobb's letter of apology has, I believe, been moved by his feelings of remorse and by his willingness to take responsibility for his actions. The Senate is prepared to accept Senator Cobb back into its ranks in the spirit of understanding and forgiveness.

"If I may, I would like to speak now, not in my capacity as Senate president, but on a personal basis.

"I have been deeply saddened by Senator Cobb's difficulties. He has been a good personal friend as well as a valued colleague. I sincerely hope that he can put this unfortunate incident behind him, straighten out his life and move forward. My prayers are with you, Steve."

Senator Matsuura, chairman of the Committee Energy and Natural Resources, requested a waiver of the 48-hour Notice of a Public Hearing on S.B. Nos. 1611 and 1675, and the President granted the waiver.

#### ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 14, 1989.