

THIRTY-EIGHT DAY

Tuesday, March 21, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:44 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Zabine Linkens of the Koolopoko Baha'i Community, after which the Roll was called showing all Senators present with the exception of Senators Cobb and Nakasato who were excused.

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

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

Senator Crozier introduced Toru Suzuki, "a longtime Democratic Party campaigner and worker who's also been with the ILWU as a high official and is presently a member of the Land Use Commission."

Senator Chang, on behalf of Senator Aki and himself, introduced Herb Tamura, "an outstanding citizen of the Waianae Coast," along with a "familiar face to all of us," Mr. Dick Botti.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 204 to 209) were read by the Clerk and were placed on file:

Gov. Msg. No. 204, transmitting a report prepared by the University of Hawaii in response to Sec. 179, Act 216, 1987, requesting the University of Hawaii to submit a report of minority student programs to the Legislature.

Gov. Msg. No. 205, transmitting a report prepared by the University of Hawaii in response to Sec. 185A, Act 390, 1988, requesting a report on the expenditure of funds for University of Hawaii at Hilo-West Hawaii program for nonrecurring equipment expenditures.

Gov. Msg. No. 206, transmitting the State Plan Policy Council Biennial Review and Report, 1987-1988, prepared by the Office of State Planning in response to Chapter 226, HRS, as amended.

Gov. Msg. No. 207, transmitting the Program Report to the Legislature for Fiscal Year 1989 of the Office of Community Services, prepared by the Department of Labor and Industrial Relations.

Gov. Msg. No. 208, transmitting the 1987-1988 Annual Report of the Housing Finance and Development Corporation, in response to Chapter 201E, HRS, as amended.

Gov. Msg. No. 209, transmitting the Annual Report of the Foreign-Trade Zone No. 9, October 1, 1987 - September 30, 1988, prepared by the Department of Business and Economic Development.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. No. 74 to 81) were read by the Clerk and were referred to committee:

Senate
Concurrent
Resolution

No. 74 "SENATE CONCURRENT RESOLUTION REVIEWING THE ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON THE EXCHANGE OF A PARTIAL INTEREST IN PUBLIC LAND FOR PRIVATE LAND."

Offered by: Senator Blair.

Referred to: Committee on Energy and Natural Resources

No. 75 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ASSESS THE MERITS OF MANDATORY ACCEPTANCE BY PHYSICIANS OF MEDICARE ALLOWANCES."

Offered by: Senator Levin, by request.

Referred to: Committee on Human Services

No. 76 "SENATE CONCURRENT RESOLUTION REQUESTING THE PROGRAM ON ALTERNATIVE DISPUTE RESOLUTION OF THE JUDICIARY TO CONVENE A ROUNDTABLE DISCUSSION FOR THE PURPOSE OF MAKING RECOMMENDATIONS FOR IMPROVING THE ROLE OF HAWAII'S INVOLUNTARY CIVIL COMMITMENT LAWS IN ACCESSING MENTAL HEALTH TREATMENT AND SERVICES FOR PEOPLE WITH SERIOUS MENTAL ILLNESSES."

Offered by: Senator Levin.

Referred to: Committee on Judiciary

No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A COMMITTEE OF REPRESENTATIVES FROM THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF EDUCATION, AND THE COMMUNITY TO STUDY THE FEASIBILITY OF EXPANDING CANDY STRIPER PROGRAMS TO INCORPORATE NEW ACTIVITIES AND THE PARTICIPATION OF YOUNGER STUDENTS."

Offered by: Senator Levin.

Referred to: Committee on Health

No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO CONTRACT WITH AN INDEPENDENT EXPERT IN THE FIELD OF GEOTHERMAL DEVELOPMENT TO ASSIST AND ADVISE THE STATE IN ITS ENCOURAGEMENT AND CONTROL OF GEOTHERMAL DEVELOPMENT."

Offered by: Senator Levin.

Referred to: Committee on Energy and Natural Resources

No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF STATE PLANNING TO ESTABLISH A KA'U DEVELOPMENT PLAN PROJECT."

Offered by: Senator Levin.

Referred to: Committee on Tourism, Recreation and Planning

No. 80 "SENATE CONCURRENT RESOLUTION CONCERNING THE USE OF A MOTOR FUEL TAX INCREASE AS A MEANS TO REDUCE THE FEDERAL BUDGET DEFICIT"

Offered by: Senators Fernandes Salling, Chang, Ikeda, Mizuguchi, Nakasato.

Referred to: Committee on Transportation

No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT OF THE RECENT FRANCHISE AGREEMENT BETWEEN OCEANIC CABLEVISION AND THE STATE AND REQUESTING THE STATE TO REQUEST A WAIVER FROM THE FEDERAL COMMUNICATIONS COMMISSION TO ALLOW HAWAII TO REGULATE CABLE RATES."

Offered by: Senators Blair, Aki, Chang, Fernandes Salling, Hagino, Ikeda, Koki, Levin, McCartney, McMurdo, Menor, Mizuguchi, Nakasato, Solomon, Yamasaki.

Referred to: Committee on Consumer Protection and Commerce

SENATE RESOLUTIONS

The following resolutions (S.R. No. 75 to 81) were read by the Clerk and were referred to committee:

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Offered by: Senators Blair, Aki, Chang, Fernandes Salling, Hagino, Ikeda, Koki, Levin, McCartney, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Yamasaki.

Referred to: Committee on Consumer Protection and Commerce

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 956 (Gov. Msg. No. 140):

By unanimous consent, action on Stand. Com. Rep. No. 956 and Gov. Msg. No. 140 was deferred until Thursday, March 23, 1989.

RE-REFERRAL OF HOUSE BILL

The President re-referred the following House bill:

House Bill Referred to:

No. 742, H.D. 1 Committee on Consumer Protection and Commerce

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

Senator Mizuguchi, on behalf of Senator Wong and himself, introduced the 1989 Basketball State Champions, the Radford High School Rams who won with a 19 and 0 record. Seated on the Senate floor were: Troy McCoy, the OIA player of the year and MVP; and teammates,

Lamont Davis, Marcus Smith, T.J. McMillian, Michael Cooper, and Calvin Parham; coach Jimmy Alegre, and principal, Mr. Harry Ono.

The honorees rose to be recognized and were presented with leis by Senators Fernandes Salling, George, Ikeda, A. Kobayashi, Solomon and Tungpalan.

Seated in the gallery were other members and boosters of the team who rose to be recognized.

Senator Chang, on behalf of Senator Wong and himself, introduced four visitors from Thailand: Mr. Prapan Cholwerawong, District Officer of Klaeng District, Rayong Province; Mr. Prayoon Meetongkam, District Officer of Muang District, Chiang Mai Province; Mr. Borworn Ratanaprsidhi, District Officer of Band Sai District, Ayuthaya Province; and Mr. Viriya Leartvanangkul, District Officer of Pak Phli District, Nakhon Nayok Province. They are accompanied by their escort officer, Mr. Jakkrit Srivali.

Senator Chang noted that the gentlemen "have taken some time from their busy schedule to view a part of the legislative process and some of the social life that the legislators participate in as part of their ceremonial duties in the State of Hawaii. These four district officers are local government officials and as such are responsible for the administration of the districts in which they serve. As a group they represent diverse regions of Thailand with their emphasis on community development as their link."

Senator Reed then introduced the chief liquor inspector, Randy Yoshida.

At 12:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

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

"Mr. President, yesterday the Senator from the Waikiki area complimented Mr. Jerry Burris of the Advertiser for writing a well thought-out column. I don't know how much she complimented the Advertiser, but since he works for them, they also share in the accolades.

"You know, when you deal with life you get high points and you get low points. But overall, in the end it averages out. For journalism, yesterday was a high point -- not too high, but it was a little high. But we have got to get back to the average, you know ... not we, the Advertiser has to get back to the average, and if they are high the only way to get back to the average is to go low. Today they found their point back to the average by dropping to a lower standard of journalism. My good colleague from Kalihi is always raising the newspaper and saying, 'See what they said; see what they said.' I've learned from him. I'm doing the same thing. See what they wrote. They said, here in the headlines ... 'End good faith negotiations rule, Crozier proposes' In other words, Mike Crozier is going to try and deny lessees the right to negotiate when there's a 'first-right-of-refusal' issue. They're saying there's a law right now, right now in the books, that anytime there's a right-to-first-refusal, there should be negotiations.

"Mr. President, there is no law right now. There is a proposal from the House to put that into the language. There is no law. When you have a piece of lumber lying on the ground, it does not mean that lumber is a building. It may eventually evolve into being part of a building, but it's not a building. Just like that proposal

coming from the House. It may become part of the law, but at this point it is not.

"So why am I grumbling? My point is, this session we've been going round and round over leasehold issues, back and forth, name-calling, what have you. The lessees, sometimes they like me; most times, they're upset with me. The lessors, most times they like me; once in a while they don't like me. It's because of the issues, the merits and demerits of the issues. And I can understand and appreciate that. Their own editorial staff . . . I'm not sure how it works, but when the reporter here sends an article over to the staff down at the newspaper, and then the staff cuts a line here, cuts a line there, and puts in a completely different statement that causes grief for me, Crozier (they use my name), that takes away from the Senate; they make us look embarrassing. It even impacts on the reporter. The poor reporter is walking with his head bowed today and it's not his fault. The editors down there, they don't care. They don't care that this man's credibility has been damaged. They should. He now has made me look like I'm a bad person. And Mr. President, I know you're the first to agree that I'm not a bad person. (You want to agree or not?) (Laughter).

"Anyway, what I am grumbling about is I'm taking a lot of unnecessary heat for the shortcomings of the Advertiser. When I say Advertiser in general it's because I don't know the very individual that made these changes. I'm sure, tomorrow, they're going to put a little column somewhere buried way back in some page where it says 'Corrections' -- Crozier did not say this; he meant this. And that's the end of that. But the perception is out there. I would like for them to apologize to Mr. Stu Glauberman, their writer, who has now been impacted by their sloppy journalism. I feel hurt by that. His credibility is hurt by that. They should step forward and say, 'Hey, we made a mistake' and correct it.

"Thank you, Mr. President."

ADJOURNMENT

At 12:41 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., Wednesday, March 22, 1989.