

THIRTY-NINTH DAY

Wednesday, March 22, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 12:10 o'clock p.m. with the Vice President in the Chair.

The Divine Blessing was invoked by President Donald L. Hallstrom, Church of Jesus Christ of Latter-Day Saints, after which the Roll was called showing all Senators present with the exception of Senators Cobb and Mizuguchi who were excused.

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

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

Senator Hagino introduced his guests as follows:

"Mr. President and fellow Senators, very frequently problems that arise in our society become so deeply entrenched that they appear insurmountable. It becomes easy to resign ourselves to living with such problems and maintain an apathetic stance. Such is the growing problem of drugs in our nation and our state. However, out of deep concern and a strong social conscience, an extraordinary weapon against the war on drugs in Hawaii evolved in Waialua, Oahu. A student organization called the Waialua Drugbusters Club has uniquely blended resources in the school and business community and has set a precedence of establishing a school and community-based anti-drug program which has been recognized as a role model throughout the state, using counseling skills gained through contact with such groups as the Coalition for a Drug Free Hawaii and the Hawaii Criminal Justice Commission. These students reach out to fellow classmates via positive peer pressure, and example, encouraging a drug free lifestyle.

"With advice and guidance from the North Shore Business Association, school counsellors, and parent-teacher associations, the members of this organization continue to inspire the recruitment of others. Their primary objective is to ultimately effect a positive influence on the community as a whole to abstain from the use of all mood-altering chemicals.

"The Waialua High and Intermediate School Drugbusters are to be commended all year round but especially during drug free week, April 2 - 8, this year. They are certainly youngsters we can be proud of and I am particularly happy that they reside in the 7th Senatorial District.

"Mr. President and fellow Senators, on behalf of Senator Menor and myself, may I present the Waialua High and Intermediate School Drugbusters Club who are represented on the Senate floor today by their president Darlene Menor, Ms. Josie Abuan and Mr. Ron Valenciana, advisors, and Mr. Ray Minami, principal."

The honorees stood to be recognized.

Senator Hagino also introduced members of the Waialua High and Intermediate School Drugbusters Club who were seated in the gallery, together with students and advisors representing drugbusters clubs of the following schools:

Pearl City High School with Mrs. Joanne Ing;

Ilima Intermediate School with Mr. Yamauchi;

Roosevelt High School with Mr. Pang;

Castle High School students; and

the Coalition for a Drug Free Hawaii represented by Ms. Celeste Oshiro and Ms. Sandra Lacar, and the Maui County Youth Services represented by Mr. Charlie Silva.

Senator Matsuura then said, "Mr. President, as a graduate of this very famous Waialua High School, I want the comments of the previous speaker noted as my own."

Senator Menor added: "Mr. President, I want to inform this body that Darlene is a relative of mine. We are very proud of her work as well as the work of the students and supporters involved in the drugbusters program."

Senator Crozier then introduced Mr. George Freitas and said, "This gentleman has dedicated a lot of his energy to also fighting drugs and spent many, many hours working with the Lions Club."

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 210 to 219) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 210, transmitting a report, "The Felony Offender and the Criminal Justice System, Case Processing," prepared by the Hawaii Criminal Justice Data Center, Department of the Attorney General, was placed on file.

Gov. Msg. No. 211, transmitting the 1988 Annual Report of the Department of Corrections, in response to Sec. 353, HRS, as amended, was placed on file.

Gov. Msg. No. 212, transmitting a report, "Qualitative Perceptions of Papaya Among Hotels, Restaurants, Wholesalers and Retailers," prepared by Pacific Management and Consulting Inc., in response to H.C.R. No. 369 (1988), requesting the development of an action plan to assist the Moloaa papaya farmers, was placed on file.

Gov. Msg. No. 213, submitting for consideration and confirmation to the Animal Species Advisory Commission, the nominations of John R. Henderson and Clifford W. Smith, Ph.D., terms to expire June 30, 1993, was referred to the Committee on Agriculture.

Gov. Msg. No. 214, submitting for consideration and confirmation to the Board of Acupuncture, the nominations of: Henry H. Chan, William Malik Cotter and Kam Sang Chun, terms to expire June 30, 1991; and Ted S. Watanabe, D.C., term to expire June 30, 1990, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 215, submitting for consideration and confirmation to the Board of Hearing Aid Dealers and Fitters, the nominations of Dalton G. Fujii, Walter K.W. Young, M.D., and Joso Uyetake, terms to expire June 30, 1993, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 216, submitting for consideration and confirmation to the Board of Massage, the nomination of Charlotte A. Carter-Yamauchi, term to expire June 30, 1993, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 217, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nominations of Calvin C. Fujita and Fred T. Young, terms to expire June 30, 1993, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 218, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of Kathleen H. Campbell, Douglas Kaya, Faye Kazue Yamauchi and Maile Tanaka Singson, terms 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 Board of Radiologic Technologists, the nominations of Steven H. Hosaka, Paul A. De Mare, M.D., Carol Paul-Watanabe and Lester M. Uyeda, terms to expire June 30, 1993, was referred to the Committee on Health.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 82 to 96) were read by the Clerk and were referred to committee:

Senate
Concurrent
Resolution

No. 82 "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF REGENTS, UNIVERSITY OF HAWAII, TO SUPPORT AND IMPLEMENT A CENTER ON THE FAMILY AT THE UNIVERSITY OF HAWAII AT MANOA."

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

Referred to: Committee on Higher Education

No. 83 "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ESTABLISH A WOMEN'S CENTER AT THE HILO AND MANOA CAMPUSES."

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

Referred to: Committee on Higher Education

No. 84 "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION ON THE FEASIBILITY OF A VOTING SYSTEM FOR HAWAII."

Offered by: Senators Menor, Aki, Blair, Fernandes Salling, George, Holt, Kobayashi, A., Kobayashi, B., Matsuura, McCartney, McMurdo, Mizuguchi, Reed, Yamasaki.

Referred to: Committee on Judiciary

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY WHETHER THE LICENSE ENFORCEMENT FUNCTIONS OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS SHOULD BE SEPARATED FROM ITS AUJUDICATORY FUNCTIONS BY

TRANSFERRING ITS ATTORNEYS TO THE DEPARTMENT OF THE ATTORNEY GENERAL."

Offered by: Senators Solomon, George, Holt, Kobayashi, A., Kobayashi, B., Koki, Matsuura, McCartney, McMurdo, Mizuguchi, Reed, Yamasaki.

Referred to: Committee on Consumer Protection and Commerce

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES INSTITUTE OF PEACE TO GIVE AN INSTITUTIONAL GRANT TO THE UNIVERSITY OF HAWAII INSTITUTE FOR PEACE."

Offered by: Senators Solomon, Aki, Blair, Fernandes Salling, Hagino, Holt, Ikeda, Kobayashi, A., Kobayashi, B., Levin, Matsuura, McCartney, McMurdo, Menor, Yamasaki.

Referred to: Committee on Higher Education

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF FINANCE TO CLARIFY THE APPLICATION OF CHAPTER 42 AS IT RELATES TO CHAPTER 103, HAWAII REVISED STATUTES, WITH RESPECT TO PURCHASES OF SERVICE."

Offered by: Senators Solomon, Aki, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, Matsuura, McCartney, McMurdo, Mizuguchi, Reed, Yamasaki.

Referred to: Committee on Government Operations

No. 88 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES TO CONDUCT A STUDY AND FORMULATE PLANS FOR OUTREACH, ECONOMIC DEVELOPMENT AND LIFELONG LEARNING IN THE COMMUNITY COLLEGES."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Levin, McCartney, Mizuguchi, Reed, Yamasaki.

Referred to: Committee on Higher Education

No. 89 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF ESTABLISHING HAWAIIAN LANGUAGE CENTERS AT MAUI AND KAUAI COMMUNITY COLLEGES."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Levin, McCartney, Mizuguchi, Reed, Yamasaki.

Referred to: Committee on Higher Education

No. 90 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII TO SUBMIT EDUCATIONAL ASSESSMENT AND COORDINATION PLANS FOR THEIR RESPECTIVE EDUCATIONAL PROGRAMS."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, McCartney, Mizuguchi, Reed, Yamasaki.

Referred to: Jointly to the Committee on Education and the Committee on Higher Education

No. 91 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO DEVELOP AN APPROPRIATE BUDGET PROPOSAL AND PLAN OF ACTION WITH THE COLLEGE OF EDUCATION TO ENABLE THE COLLEGE TO PURSUE AND ACHIEVE NATIONAL ACCREDITATION AS SOON AS POSSIBLE."

Offered by: Senators Solomon, Kobayashi, B., Aki, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, Matsuura, McCartney, McMurdo, Mizuguchi, Reed, Yamasaki.

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No. 92 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO IMPROVE ITS MANAGEMENT OF ENERGY CONSUMPTION AT THE UNIVERSITY."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, Matsuura, McCartney, Mizuguchi, Reed, Yamasaki.

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No. 93 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII ADMINISTRATION TO UPGRADE ITS AUDIOVISUAL SERVICES BY PROVIDING THE NECESSARY FUNDING AND SUPPORT."

Offered by: Senators Solomon, Blair, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, McCartney, McMurdo, Reed, Yamasaki.

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No. 94 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVIEW AND REPRICE THE PROVOSTS CLASSES WITHIN THE UNIVERSITY OF HAWAII EXECUTIVE/MANAGERIAL COMPENSATION PLAN."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, McCartney, Mizuguchi, Reed, Yamasaki.

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No. 95 "SENATE CONCURRENT RESOLUTION REQUESTING THAT FUNDING FOR THE HAMILTON LIBRARY BUILDING BE MADE A HIGH PRIORITY BY THE BOARD OF REGENTS."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Levin, McCartney, Mizuguchi, Reed, Yamasaki.

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No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING THE PACIFIC INTERNATIONAL CENTER FOR HIGH TECHNOLOGY RESEARCH TO ASSIST IN APPLIED HEALTH RESEARCH AND THE TRANSFER OF MEDICAL TECHNOLOGY TO THE PACIFIC ISLAND TERRITORIES AND DEVELOPING NATIONS."

Offered by: Senators Solomon, Blair, Fernandes Salling, George, Hagino, Ikeda, Kobayashi, A., Koki, Levin, Matsuura, McCartney, McMurdo, Mizuguchi, Reed, Yamasaki.

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ORDER OF THE DAY

THIRD READING

H.B. No. 1556:

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 1556, entitled: "A BILL FOR AN ACT RELATING TO OHANA ZONING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Mizuguchi, Wong, R., Koki, Chang).

H.B. No. 1205, S.D. 1:

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 1205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHICKEN EGGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Mizuguchi, Wong, R., Koki, Chang).

H.B. No. 54, H.D. 2, S.D. 1:

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 54, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Mizuguchi, Wong, R., Koki, Chang).

H.B. No. 152:

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 152, entitled: "A BILL FOR AN ACT RELATING TO COSTS OF COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Cobb, Mizuguchi, Wong, R., Koki, Chang).

RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 35, H.D. 2 Committee on Ways and Means

No. 1133 Committee on Judiciary

No. 1838, H.D. 2 Committee on Transportation

Senator Crozier then rose on a point of personal and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I feel like that cartoon character in 'Lil Abner that always walked around with a cloud over his head. Yesterday, I made an impassioned plea to the Advertiser to conduct themselves in a manner that they pride themselves in doing - treating their news articles as fair and as accurate as they possibly can. I believe that they could do that. I seriously believe it. I couched my words in such a way so that I did not offend them, to give them the latitude to resolve the problem.

"Mr. President, they put in a retraction to their article dealing with 'right-of-first-refusal' in this morning's paper. If you take a look at the size of the retraction or as they call, 'Getting It Straight,'-- what is this, about two-inch by four-inch column, saying they made a mistake on page 4. Now, I thought that was a heck of a gesture for them to come out and admit they made a mistake. But what they were really doing was just winking at me. 'Say, pal, we take care of you. Here, here's the bone we're going to throw you. There it is.' But they laughingly said remember the old adage, 'A picture is worth a thousand words.' We've got something like at the most 60 words here. See the size (displays newspaper page).

"The same paper, the same page actually ... I had to cut out this page. Look, it's in the same paper. One side says Mike Crozier did not say these things. But in the same paper -- when I say paper, I mean same page, you know -- they have a cartoon. Compare the size of the cartoon with the size of the retraction. And if they say a picture is worth a thousand words, in comparison, this must be a million words in the amount of impact it has out in the public.

"This one continues, continues, and let me change the word from inaccuracy to lie. They know full well they're printing a lie and they continue to do that.

"Mr. President, I stand here and I cry out for justice. I cry out to have my name cleared by the paper that admits they're doing something wrong. But no, they continue to push the agenda. All I can feel ... I feel remorse ... I feel lonely ... I feel abandoned ... I feel I want to do something, and I'm doing something ... I'm striking out against the mighty Advertiser newspaper. I'm telling them they're wrong. I'm telling them they should conduct themselves accordingly.

"But you know what I feel like, Mr. President. At the beginning of World War II when Haile Selassie of Ethiopia took arms against the great British Empire and declared war -- the Advertiser's attitude to me is the same attitude the great Winston Churchill had when he responded to the reporters when they asked him, 'What do you think about Ethiopia?' ... tiny Ethiopia, guys running around with only barefeet and no shoes who were going to fight against tanks and planes with spears and arrows. You know what his response was. (I have to paraphrase this.) It was, Ethiopia's declaration of war or Mike Crozier's asking for justice 'is like a gnat's fart in a hurricane.'

"Mr. President, nobody is going to hear me. Thank you."

The Chair responded:

"Senator Crozier, the Chair sympathizes with your point. We'd like to reassure you that all of us Senators love you dearly."

Senator Blair also responded to the previous speaker's remarks as follows:

"Mr. President, I would like to add a few remarks.

"I too feel it was a very grievous breach of generally accepted standards of fair play, on the part of the Advertiser, to print a small retraction and, in the very same paper, print a cartoon which perpetrates the error. Speaking on behalf of most of us members of the Senate, we concur with the remarks previously made by Senator Crozier and ask that the Advertiser, in particular, and the media generally be sensitive to their responsibility as well as to their power and privilege."

ADJOURNMENT

At 12:34 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., Thursday, March 23, 1989.