

FORTY-THIRD DAY

Thursday, March 30, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:38 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Chaplain James Rockenstein, Lt. Colonel, USAF, Wheeler Air Force Base, after which the Roll was called showing all Senators present with the exception of Senators Cobb, Matsuura and McMurdo who were excused.

The President announced that he had read and approved the Journal of the Forty-Second Day.

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

Senator McCartney introduced Mrs. Gladys Inada, principal, Ms. Grace Ing, Ms. Margaret Sokoeki, Ms. Maxine Haun, and Ms. Mae Kishimoto, teachers, of Ahuimanu Elementary School, participants of the Master-In-Learning Project, and said: "Ahuimanu Elementary School is in my district and I am very proud of the school and very proud to represent them. As you know, we have been talking about school-based management and how we need to have shared decision-making at the school level. Ahuimanu School is a pioneer in shared decision-making at the school level and has a very progressive program."

Senator Koki, on behalf of Senators George, McCartney and himself, introduced a group of ten Cub Scouts from Cub Pack 214, accompanied by their leaders, Don and Estrelita Myers, Linda Kim and Richard Kuniyoshi. Senator Koki noted that "the boys are here today to fulfill their requirements for the Citizenship Award enabling them to earn their Arrow of Light badge which they will receive in May."

Senator Chang introduced Ms. Nam Snow who was also sitting in the gallery.

Senator Crozier introduced a group of Boy Scouts from Iroquois Point, Ewa Beach, accompanied by Mike Brown, Carol Lorenz, Joe Gay, Clara Pike, Mr. and Mrs. Watkins, Mario Bautista and "a very special lady," Regina Mass, with Mrs. Lynn Crozier, wife of Senator Crozier.

Senator Crozier said: "... what is so special about these young men is that most of them will not be making Hawaii their long term residence. They are here from the Navy for a few years and will be moving on to other parts of the world. Hopefully, when they leave they will take with them fond memories of Hawaii ... our beautiful islands and people."

Senator Solomon, on behalf of Senators Levin, Matsuura and herself, introduced Councilwoman Helen Hale of the Hawaii County Council.

Senator Fernandes Salling then made the following introduction:

"Mr. President, I'd like to introduce to this body Mr. Walter Lappert who is sitting with us on the floor of the Senate this morning and to congratulate him for being selected as 'Hawaii's Exporter of the Year.'

"Mr. Lappert, founder and owner of Lappert's Inc., internationally renowned producer of gourmet ice creams

and fine sorbet, was recently selected as Hawaii's Exporter of the Year for 1988.

"Walter has built a reputation of epicurean and entrepreneurial excellence through his network of over 75 ice cream outlets and dozens of restaurants that carry his premium ice cream. By his example, he encourages business people, young and old, to excel in their chosen field of business in Hawaii.

"I'd like the Senate of the Fifteenth Legislature to join me in welcoming and congratulating Mr. Walter Lappert."

Mr. Lappert rose to be recognized and was presented the congratulatory Senate certificate by Senator Fernandes Salling and lei by Senator A. Kobayashi. He was accompanied by his wife and children, Michael and Jessica, who also rose to be recognized and were presented leis by various Senators.

Senator Holt introduced friends from Nanakuli, Mrs. Joyce Allosada and Mr. Llewellyn Lopes, accompanied by Daynin Allosada, a member of Senator Holt's staff.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 227 to 230) were read by the Clerk and were placed on file:

Gov. Msg. No. 227, transmitting the State Energy Resources Coordinator's Annual Report, Fiscal Year 1987-1988, in response to Sec. 196-4(11), HRS.

Gov. Msg. No. 228, transmitting the Annual Report of the Office of Environmental Quality Control, July 1, 1987 to June 30, 1988, prepared by the Department of Health.

Gov. Msg. No. 229, transmitting a report prepared by the Department of Health in response to H.C.R. No. 330 (1988) and H.R. No. 140 (1988), requesting the Department of Health to work with private industry to utilize cost efficient laboratory testing services and determine procedures to confirm positive pesticide results.

Gov. Msg. No. 230, transmitting the CIP Status Report, 1988, Construction Summary, prepared by the Department of Budget and Finance.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 553 and 554) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 553, returning S.B. No. 1568, S.D. 2, which passed Third Reading in the House of Representatives on March 29, 1989, was placed on file.

Hse. Com. No. 554, returning S.B. No. 1815, which passed Third Reading in the House of Representatives on March 29, 1989, was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. No. 116 to 120) were read by the Clerk and were referred to committee:

Senate
Concurrent
Resolution

No. 116 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY MAKING EDUCATIONAL ACTIVITIES INVOLVING THE DISSECTION OF ANIMALS VOLUNTARY AND REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT WHICH ALTERNATIVE TEACHING METHODS CONSTITUTE SATISFACTORY SUBSTITUTES TO DISSECTION."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 117 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INSTITUTE HELICOPTER AMBULANCE SERVICE ON THE ISLAND OF HAWAII."

Offered by: Senator Levin.

Referred to: Committee on Health

No. 118 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO INVESTIGATE THE FEASIBILITY OF DIVIDING THE THIRD CIRCUIT JURY POOL ON THE BASIS OF GEOGRAPHY."

Offered by: Senator Levin.

Referred to: Committee on Judiciary

No. 119 "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF AND REPORT ON THE NATIONAL DEBATE CONCERNING SEAT BELTS IN SCHOOL BUSES."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 120 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN FOR AEROMEDICAL TRANSPORT SYSTEMS FOR THE ISLANDS OF HAWAII, MAUI, MOLOKAI, LANAI, AND KAUAI."

Offered by: Senator Levin.

Referred to: Committee on Health

SENATE RESOLUTIONS

The following resolutions (S.R. No. 112 to 116) were read by the Clerk and were referred to committee:

Senate
Resolution

No. 112 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY MAKING EDUCATIONAL ACTIVITIES INVOLVING THE DISSECTION OF ANIMALS VOLUNTARY AND REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT WHICH ALTERNATIVE TEACHING METHODS CONSTITUTE SATISFACTORY SUBSTITUTES TO DISSECTION."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 113 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INSTITUTE HELICOPTER AMBULANCE SERVICE ON THE ISLAND OF HAWAII."

Offered by: Senator Levin.

Referred to: Committee on Health

No. 114 "SENATE RESOLUTION REQUESTING THE JUDICIARY TO INVESTIGATE THE FEASIBILITY OF DIVIDING THE THIRD CIRCUIT JURY POOL ON THE BASIS OF GEOGRAPHY."

Offered by: Senator Levin.

Referred to: Committee on Judiciary

No. 115 "SENATE RESOLUTION REQUESTING AN EXAMINATION OF AND REPORT ON THE NATIONAL DEBATE CONCERNING SEAT BELTS IN SCHOOL BUSES."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 116 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN FOR AEROMEDICAL TRANSPORT SYSTEMS FOR THE ISLANDS OF HAWAII, MAUI, MOLOKAI, LANAI, AND KAUAI."

Offered by: Senator Levin.

Referred to: Committee on Health

STANDING COMMITTEE REPORTS

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1124) recommending that H.B. No. 886, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 886, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1125) recommending that H.B. No. 1276, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1276, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OHANA ZONING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1126) recommending that H.B. No. 1198, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1198, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OR ERADICATION PROGRAMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1127) recommending that H.B. No. 1637, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1128) recommending that H.B. No. 942, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 942, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1129) recommending that H.B. No. 188, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 188, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SERVICES ORGANIZATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1130) recommending that H.B. No. 941, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 941, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Mizuguchi, for the Committee on Corrections, presented a report (Stand. Com. Rep. No. 1131) recommending that H.B. No. 410 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 410, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Mizuguchi, for the Committee on Corrections, presented a report (Stand. Com. Rep. No. 1132)

recommending that H.B. No. 411 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 411, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF INMATES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Mizuguchi, for the Committee on Corrections, presented a report (Stand. Com. Rep. No. 1133) recommending that H.B. No. 666, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 666, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1134) recommending that H.B. No. 811 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 811, entitled: "A BILL FOR AN ACT RELATING TO THE AQUARIUM AND MARINE LABORATORY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1135) recommending that H.B. No. 741, 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 Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 741, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF RESIDENCY FOR TUITION PURPOSES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 1989.

ORDER OF THE DAY

MATTERS DEFERRED FROM WEDNESDAY, MARCH 29, 1989

S.B. No. 633, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 633, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 634, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 634, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 635, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 635, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 636, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 636, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 637, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 637, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 638, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 638, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 639, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 639, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 640, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 640, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 641, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 641, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 642, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 642, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 643, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 643, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 644, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 644, S.D. 1, and requested a conference on the subject matter thereof.

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

S.B. No. 645, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 645, S.D. 1, and requested a conference on the subject matter thereof.

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

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

S.B. No. 1854, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1854, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATION OF CONTRACT BY CONTRACTING AGENCY," was deferred until Friday, March 31, 1989.

S.B. No. 1861, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1861, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until Friday, March 31, 1989.

At this time, Senator Holt rose on a point of personal privilege as follows:

"Mr. President, I am in receipt of a correspondence from a journalist through a travel agent in Germany who is pretty aware of what the state is doing in promoting Hawaii over there and this letter speaks of a brochure that was produced by HVB, some 30,000 copies of it, with state dollars, obviously.

"This letter is dated February 24th and this person indicates (the brochures) had not been distributed. The brochure was produced last year and the calendar of events which promotes Hawaii starts in September of 1988 and here we are in February and the brochure was still just sitting in a warehouse in Germany. Apparently, the information had gotten to a journalist in Germany that the brochure was still sitting in a warehouse. This travel agent got to our people in HVB and told them about the brochure still sitting there and the HVB marketing director said he talked to our DBED people and they said it was just doing well and how well they were using it. What happened was that the journalist wrote this article, I asked for it, and I want to share it with you. It is written in German and I cannot translate it so I sent it up to the University of Hawaii at Manoa and Dr. Niklaus Schweizer, professor of German, did the translation for me.

"The title of the article was, basically, Hawaii's best hidden secret and the article is titled, 'He Kukini' is Stewing in the Warehouse.' It reads:

'The travel agencies would lick their fingers, for the brochure of the Hawaii Visitors' Bureau written in the German language contains fabulous information which would be splendid in order to advise people by computer. Using the format of a newspaper, the Hawaiians, having recognized the importance of the German market for their archipelago, immediately in the wake of the ITB have produced a publication in German. Twelve colorful pages of the dimensions of a newspaper offer information on the individual islands, history, suggestions concerning clothing and souvenirs, and a comprehensive calendar of events taking place from April until September. The edition of 31,000 copies is stewing in the warehouse of the USTTA agency, however, and nobody has heard anything about it. Too bad.'

"I just wanted to share that information with you as our Ways and Means Committee proceeds with budget negotiations."

ADJOURNMENT

At 12:05 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., Friday, March 31, 1989.