

FIFTY-FIFTH DAY

Monday, April 17, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:40 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Franklin Ishida, Prince of Peace Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senators Cobb and Holt who were excused.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

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

Senator George introduced Dr. Marvin J. Anderson as follows:

"This morning, I ask my colleagues to join me in celebrating Marvin J. Anderson Day at Hawaii Loa College. Today we note the achievements of the third president of this 23-year-old liberal arts college on the slopes of the Koolaus.

"We honor the third anniversary of Dr. Anderson's term as president and express our gratitude to a distinguished attorney and educator for his lifelong dedication to learning and for his special contributions to higher education in Hawaii.

"When the University of Hawaii needed an accredited law school, Dr. Anderson took a leave of absence from Hastings College of Law to provide expert guidance as its dean. Under his direction, the William S. Richardson School of Law built a new classroom and library complex and received full accreditation.

"When the University of Hawaii needed a new chancellor, Dr. Anderson was asked to serve. Major organizational changes were made under his guidance and the way was paved for a new administration. Having reached mandatory retirement age, Dr. Anderson proved that what was mandatory was NOT retirement. Yet another institution called him to serve; this time, the East-West Center, where he was special counsel to the president, Dr. Victor Hao Li.

"In 1986, Hawaii Loa College was faced with a financial crisis that threatened its very existence. Despite its outstanding academic quality, its committed faculty and staff and loyal student body, Hawaii Loa's funding was at dangerously low level and the college carried a large debt. Enter Dr. Anderson, who assumed the presidency. Under his leadership Hawaii Loa survived ... accreditation was restored and its major debts have been retired. Today, thanks to the outstanding leadership of Dr. Anderson and a dedicated Board of Trustees, the future of Hawaii Loa looks bright indeed.

"Now, Mr. President, I'd like to introduce our distinguished guests: President of Hawaii Loa College Dr. Marvin J. Anderson; Mrs. Eda Anderson, his wife; Mr. Laurence Vogel, chairman of the board, Hawaii Loa College; Dr. John Fleckles, dean of faculty, Hawaii Loa College; Dr. Adele Mitchell, director of nursing, Hawaii Loa College; Dr. Randall Furushima, dean of students, Hawaii Loa College; and Mr. Dana Marcos, president of Hawaii Loa Student Association."

Dr. Anderson rose to be recognized and was presented the congratulatory Senate certificate and lei; other distinguished guests, also present on the floor of the Senate, rose to be recognized and were presented leis.

Senator George then introduced students (15), faculty (8) and staff (21) who were seated in the gallery with the following trustees of Hawaii Loa College: Mr. Thomas Adams, Mr. Frank C. Atherton II, Mrs. Darline Bjerke, Dr. Frank Butterworth, Mrs. Claire Engle, Mr. Michael Haig, Mr. Robert Hughes, Dr. Teruo Ihara, Mr. Kent Keith, Dr. Seiji Naya, Reverend Taylor Potter, Mr. Myron B. Thompson, Mr. Mikiya Yajima and Mr. August Yee; and recognized Mrs. Claire Engle and Ms. Carol Kotzen, coordinators of the event.

Senator Koki added his remarks as follows:

"Mr. President, I would also like to add to Senator George's comments by mentioning how fortunate the Windward District, as residents, has been to be graced with a notable and accredited four-year liberal arts college. This establishment of 23 years has played a vital role in the development of several Windward residents by allowing them to further pursue their educational goals and benefit from its diverse academic program. Congratulations, Dr. Anderson, for your most outstanding leadership."

Senator McCartney also added his remarks as follows:

"Mr. President, as an alumnus of Hawaii Loa College I would like to offer my congratulations to the college and I would like to thank them for turning my life around. Some of you may have known me in high school; I wasn't doing too well in high school and Hawaii Loa was a place that really taught me how to study and start to work hard. I really appreciate all the hard work of many of the faculty who are sitting up there to get me on the right track in life. Thank you very much; I appreciate it."

Senator McMurdo also added her congratulations to Dr. Anderson and said, "I had two children and one in-law child who graduated from Hawaii Loa College so I have a very warm spot in my heart for Hawaii Loa."

Senator McMurdo then made the following introduction:

"Mr. President, as this time, I would like to honor some people who a year ago came to me at the Legislature to tell me about something they wanted to put in my district. They came with the idea of starting what they called the Hawaii Mental Health Clinic which would offer services to the gap group ... the people that we are concerned about ... because these people sometimes need someone to go to for guidance and they cannot afford the services although they have too much money for the state or the federal government to pay for it. I thought this sounded like a wonderful idea - this really amounts to pro-bono medicine - and we are honoring them this morning because they have now been open for one year.

"I will not read the whole certificate except to say that I think that they are performing an invaluable service. The center functions as an intake and referral service, matching low-income patients seeking mental health services with licensed mental health professionals who volunteer their time. They provide individual psychotherapy, group marital and family treatment.

"The Hawaii Mental Health Center Board of Directors is served by Thomas Merrill, Ph.D., Gary Farkas, Ph.D.,

Hillard Kappenberg, Ph.D., Craig Robinson, Ph.D., Terri Needels, Ph.D., William Tsushima, Ph.D., Jack Annon, Ph.D., Byron Eliashof, M.D., Ronaele Whittington, DWS, and Executive Director Linda Carlson.

"The Hawaii Mental Health Center Board of Directors is represented on the floor of the Senate by Dr. Tom Merrill, Dr. Craig Robinson, Dr. Jack Annon and Ms. Linda Carlson, executive director."

The honorees rose to be recognized and were presented the congratulatory Senate certificate and leis.

Seated in the gallery were two members of Dr. Annon's staff, Val Yoshikane and Connie Brinton, who also rose to be recognized.

Senator B. Kobayashi then introduced Dr. Setsu Furuno as follows:

"Today, we have with us on the floor Dr. Setsu Furuno, an educator and a clinical psychologist, sort of encompassing some of the aspects of the previous presentations.

"Dr. Setsu Furuno was born in Hawaii, educated in Hawaii, went to the University of Hawaii, earned a masters degree in health education from the Columbia University School of Public Health and a doctorate in clinical psychology from New York University.

"Upon returning home from the mainland Dr. Furuno entered the newly-developing field at that time of early intervention services and her leadership in projects such as the federally-funded infant enrichment program for handicapped infants soon placed Hawaii in the vanguard of innovation in this area.

"She has also done work assisting the early childhood Headstart Program, the Kamehameha Schools Early Education Center, the Parent and Child Center; she's authored many seminal works in early intervention and participated in many national and international conferences as well as served as a projects and grants evaluator for the federal government.

"Although she is now retired, Dr. Furuno is currently busy working in several aspects for the State of Hawaii. She is currently the chairman of the Hawaii Early Intervention Coordinating Council appointed by Governor John Waihee in July 1987. She does volunteer work for the Neighborhood Justice Center, the American Civil Liberties Union and is active with the State Planning Council for Developmental Disabilities.

"Hawaii is fortunate to have Dr. Furuno serve its needs for these many years. Her energies, experience, innovation and compassion has been an example to us all.

"Ladies and gentlemen, I would like to introduce our honoree Dr. Setsu Furuno."

Dr. Furuno rose to be recognized and was presented the congratulatory Senate certificate and lei.

Senator B. Kobayashi also introduced Ms. Jean Stewart, director of the State Early Intervention Coordinating Council, who accompanied Dr. Furuno, and recognized a group of friends, admirers and people involved in the developmentally disabled and the early intervention council who were seated in the gallery.

Senator Crozier, on behalf of Senators George, Koki and McCartney, introduced Mr. Al Minn who was seated in the gallery and said, "This is a man who has dedicated

his life to the youth of Hawaii and who is now the athletic director at Hawaii Loa College. He was the athletic director at Kailua High School when I met him in the age group program in swimming. I spent five years there and Al spent twenty-five years. If it wasn't for Al Minn many of our children would not have had the opportunity to try for the Olympics ... would not have been able to reach that level. Many of our children learned good discipline habits from swimming and a lot of that should be credited to Al Minn."

Senator Matsuura then rose to add his remarks:

"Mr. President, I'm not one to compliment people but when I heard the Senator from Kaneohe giving credit to Hawaii Loa College for influencing him and turning his life around I want the faculty of Hawaii Loa College to know that they have done an admirable service for the State of Hawaii because as a freshmen legislator I have never seen anybody as well equipped in terms of personality, intelligence and all that. I think you have indeed developed an individual that is going to make a major contribution to the State of Hawaii in the near future, so, thank you very much."

Senator B. Kobayashi also added his comments:

"Mr. President, I'd like to state that Mr. Albert Minn, formerly from Kaimuki High School, was my physical education teacher approximately 30 years ago."

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

The Senate reconvened at 12:04 o'clock p.m. with President Wong in the Chair.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 305 to 307) were read by the Clerk and were placed on file.

Gov. Msg. No. 305, informing the Senate that on April 7, 1989, he signed the following bills into law:

Senate Bill No. 1792 as Act 3, entitled: "RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS";

House Bill No. 152 as Act 4, entitled: "RELATING TO COSTS OF COURT"; and

House Bill No. 1556 as Act 5, entitled: "RELATING TO OHANA ZONING."

Gov. Msg. No. 306, informing the Senate that on April 11, 1989, he signed the following bills into law:

Senate Bill No. 677 as Act 6, entitled: "RELATING TO THE GENERAL EXCISE TAX FEES";

Senate Bill No. 679 as Act 7, entitled: "RELATING TO THE CAPITAL GOODS EXCISE TAX CREDIT";

Senate Bill No. 686 as Act 8, entitled: "RELATING TO THE GENERAL EXCISE TAX";

Senate Bill No. 1568 as Act 9, entitled: "RELATING TO AGRICULTURE";

Senate Bill No. 1815 as Act 10, entitled: "RELATING TO HAWAII PUBLIC BROADCASTING AUTHORITY CONTRACTS";

Senate Bill No. 1844 as Act 11, entitled: "RELATING TO THE INCOME TAXATION OF CERTAIN INCOME";

Senate Bill No. 1875 as Act 12, entitled: "RELATING TO PROGRAM REQUIREMENTS OF THE GENERAL ASSISTANCE PROGRAM";

Senate Bill No. 1899 as Act 13, entitled: "RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE"; and

Senate Bill No. 1900 as Act 14, entitled: "RELATING TO THE ADMINISTRATION OF TAXES."

Gov. Msg. No. 307, informing the Senate that on April 12, 1989, he signed into law Senate Bill No. 1861 as Act 15, entitled: "RELATING TO STATE BONDS."

ORDER OF THE DAY

ADVISE AND CONSENT

Stand Com. Rep. No. 1460 (Gov. Msg. 199):

Senator McMurdo moved that Stand. Com. Rep. No. 1460 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator McMurdo then moved that the Senate advise and consent to the nominations of Ruby L. Hargrave, Jan Dapitan and Lawrence Manliguis to the Advisory Council for Community Services, terms to expire June 30, 1993, seconded by Senator Yamasaki.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

Stand. Com. Rep. No. 1685 (Gov. Msg. No. 248):

Senator Ikeda moved that Stand. Com. Rep. No. 1685 be received and placed on file, seconded by Senator Aki and carried.

Senator Ikeda then moved that the Senate advise and consent to the nominations to the Tourism Training Council of the following:

Latricia Camara, Chuck Y. Gee and Clement M.K. Judd Jr., terms to expire June 30, 1993;

Gary L. Hotchkin, Elwood K. Mott Jr. and Joyce S. Tsunoda, Ph.D., terms to expire June 30, 1992;

Paul K. Findeisen, Barbara F. Mills and Earl Pa Mai Tenn, terms to expire June 30, 1991; and

Lucy M. Gay, Marian M. Rickard and Winona Whitman, terms to expire June 30, 1990,

seconded by Senator Aki.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

THIRD READING

Stand. Com. Rep. No. 1198 (H.B. No. 1851, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, Stand. Com. Rep. No. 1198 was adopted and H.B. No. 1851, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

Stand. Com. Rep. No. 1205 (H.B. No. 1872, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, Stand. Com. Rep. No. 1205 was adopted and H.B. No. 1872, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PERFORMANCE CONTRACTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

Stand. Com. Rep. No. 1214 (H.B. No. 919, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1214 and H.B. No. 919, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," was deferred until Wednesday, April 19, 1989.

H.B. No. 1015, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, H.B. No. 1015, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Cobb, Holt, Kobayashi, B.)

H.B. No. 1859:

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, H.B. No. 1859, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE AND EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

H.B. No. 404, H.D. 1:

On motion by Senator Menor, seconded by Senator Levin and carried, H.B. No. 404, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

H.B. No. 1133:

On motion by Senator Menor, seconded by Senator Levin and carried, H.B. No. 1133, entitled: "A BILL FOR AN ACT RELATING TO RENTAL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

H.B. No. 658, H.D. 1:

On motion by Senator Menor, seconded by Senator Levin and carried, H.B. No. 658, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WEAPONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

Stand. Com. Rep. No. 1290 (H.B. No. 405):

By unanimous consent, action on Stand. Com. Rep. No. 1290 and H.B. No. 405, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," was deferred until Wednesday, April 19, 1989.

Stand. Com. Rep. No. 1301 (H.B. No. 401):

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, Stand. Com. Rep. No. 1301 was adopted and H.B. No. 401, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

Stand. Com. Rep. No. 1312 (H.B. No. 1717):

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, Stand. Com. Rep. No. 1312 was adopted and H.B. No. 1717, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

H.B. No. 172, H.D. 1:

On motion by Senator Matsuura, seconded by Senator Solomon and carried, H.B. No. 172, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINER HOLDING DEVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Cobb, Holt).

RECONSIDERATION OF ACTION TAKEN

S.B. No. 1382, S.D. 1, H.D. 1:

Senator B. Kobayashi moved that the Senate reconsider its action taken on April 6, 1989, seconded by Senator McCartney and carried.

On motion by Senator B. Kobayashi, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1382, S.D. 1, and that S.B. No. 1382, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL AIR CONDITIONING," was placed on the calendar for Final Reading on Tuesday, April 18, 1989.

The Chair then made the following announcement:

"Members of the Senate, I am very encouraged by the progress being made by the conferees concerning the budget. The Chair is always eternally hopeful that perhaps we can go home on Friday, if the conferees can get together by Wednesday. That's always been my hope and it may be the first time in 22 years but I look forward to the conferees making an extra effort and earnest attempt to try to get us out of here by Friday."

ADJOURNMENT

At 12:12 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, April 18, 1989.