

THIRTY-SIXTY DAY

Wednesday, March 21, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:37 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Khalil Fong, Baha'i Faith, after which the Roll was called showing all Senators present with the exception of Senators Mizuguchi and Nakasato who were excused.

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

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

Senator McCartney introduced his infant son Bricen Zenkichi Olakoa McCartney, who was carried by Senator Crozier on the floor of the Senate.

Senator McCartney also introduced his wife Darlene and mother-in-law Mrs. Myrtle Yoshioka who were seated in the gallery.

Senator B. Kobayashi introduced participants of the American-Arab Affairs Council as follows:

"Mr. President, we have with us today two individuals who are participating in a major conference being held here in Honolulu this Friday. They are participants in a conference sponsored by the American-Arab Affairs Council and the University of Hawaii with cooperation from the Pacific-Asian Affairs Council.

"The conference entitled 'Middle East Peace, Economic and Political Opportunities for the United States, the Arab World and Japan,' has a number of illustrious participants. Participants will include two former U.S. Senators, Adlai Stevenson Jr. and George McGovern. There was to have been participation from Frank Carlucci, former U.S. Secretary of Defense. Unfortunately, Mr. Carlucci has been ill quite recently. In addition to that there are participants from Japan and the Middle East.

"On the floor today, we have one of the participants and speakers at that conference, the president of the American-Arab Council, Mr. George Maife. With him is another participant who is well known to us, Professor Yasuo Kuroda of the Political Science Department, U.H. Manoa."

The gentlemen rose to be recognized.

Senator A. Kobayashi then recognized and introduced Mr. Dennis Toyomura as follows:

"Mr. President, it's a great honor for me today to introduce to this body Dennis Toyomura. Mr. Toyomura is the first president of the Hawaii Council of the American Institute of Architects. He's a Honolulu-born architect and principal partner in a firm for over 25 years. He has also been vested as a Fellow in the College of the American Institute of Architects, becoming the tenth active AIA Fellow in Hawaii.

"Mr. Toyomura has been a member of the State Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects, the National Council of Architectural Registration Board, the National Council of Engineering Examiners and the Hawaii Society of the American Institute of Architects. Mr. Toyomura has also

served as: director of the Research Corporation of the University of Hawaii; commissioner on the Hawaii State Foundation on Culture and the Arts; member of the Governor's Committee on Economic Future; trustee of the First Presbyterian Church of Honolulu; director of the Construction Industry Legislative Organization; and director of the Lyon Arboretum Association.

"At this time, may I present Dennis Toyomura. Thank you very much for all your achievements."

Mr. Toyomura rose to be recognized and was presented the congratulatory Senate certificate and lei by Senator A. Kobayashi.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 195 and 196) were read by the Clerk and were placed on file:

Gov. Msg. No. 195, transmitting the report, "Immigrant Services in the State of Hawaii," prepared by the Office of Community Services, Department of Labor and Industrial Relations, in response to H.C.R. No. 307 (1989) and H.R. No. 331 (1989).

Gov. Msg. No. 196, transmitting an Interim Report dated February 1990 on "A Study on the Effect of Liability Risks and Other Factors Affecting the Growth of Adult Day Care Facilities and Programs in the State of Hawaii," prepared by the Executive Office on Aging, Office of the Governor.

STANDING COMMITTEE REPORTS

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 2678) recommending that H.B. No. 2489, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2489, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 2679) recommending that H.B. No. 2789, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2789, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 2680) recommending that H.B. No. 2884, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2884, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 2681) recommending that H.B. No. 2889, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2889, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 2682) recommending that H.B. No. 2929, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2929, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPRICING CIVIL SERVICE SECRETARY, PRIVATE SECRETARY AND SCHOOL ADMINISTRATIVE SERVICES ASSISTANT CLASSES IN THE STATE EXECUTIVE BRANCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 2683) recommending that H.B. No. 2932, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2932, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPRICING CIVIL SERVICE ADULT CORRECTIONS OFFICER, YOUTH CORRECTIONS OFFICER, REGISTERED PROFESSIONAL NURSE AND ANESTHETIST CLASSES IN THE STATE EXECUTIVE BRANCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2684) recommending that H.B. No. 2208, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2685) recommending that H.B. No. 2962, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2962, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2686) recommending that H.B. No. 2413, 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. 2413, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 23, 1990.

Senator Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 2687) recommending that the Senate advise and consent to the nominations of the following:

Deborah Merritt to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 127;

Todd Kiyoshi Inafuku and Robert La Madrid to the Board of Pharmacy, in accordance with Gov. Msg. No. 128;

Eileen C. Phillips and Patrick H. Okawaki to the Board of Public Accountancy, in accordance with Gov. Msg. No. 162;

Susan Tamura Sato and Ted S. Watanabe, D.C., L.Ac., to the Board of Acupuncture, in accordance with Gov. Msg. No. 163;

Benny C. Rodrigues to the Boxing Commission, in accordance with Gov. Msg. No. 164;

Lucrecia Anne Whitehurst and Milton Y. Migita to the Board of Cosmetology, in accordance with Gov. Msg. No. 165;

Buster M. Komori and Charles C. Denman to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 167;

Charles C. Denman to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 168;

Alexander K. Cho and Howard Tagomori to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 169; and

Jean Adair-Leland, Ph.D., and Ken T. Kuniyuki to the Board of Psychology, in accordance with Gov. Msg. No. 170.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 2687 and Gov. Msg. Nos. 127, 128, 162, 163, 164, 165, 167, 168, 169, and 170 was deferred until Thursday, March 22, 1990.

ORDER OF THE DAY

THIRD READING

H.B. No. 2362, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Hagino and carried, H.B. No. 2362, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Cobb, Menor, Mizuguchi, Nakasato).

Senator Ikeda rose to speak on a point of personal privilege as follows:

"Mr. President, yesterday's Star Bulletin has an article with a by-line stating 'State officials are wavering on relaxing the quarantine rules,' and it quotes the Director of Health Dr. John Lewin as saying, 'the World Health Organization is worried about a possible relaxation of Hawaii's animal quarantine law, which, Lewin said, is already the most liberal among rabies-free areas.'

"I'd like to set the record straight, Mr. President. Hawaii does not have the most liberal quarantine regulations in rabies-free areas. There are many other counties that have a similar four-month quarantine, including Sweden, and there are others that have longer quarantine periods, as well.

"It goes on to say that 'People who have no interest in the blind -- such as pet owners and commercial animal breeders -- could use the new law as a wedge to further open Hawaii's quarantine system, Lewin said.' That, Mr. President, is debatable.

"Your Senate Committee took great precaution in spelling out in the findings and purpose clause of the bill which we sent over to the House exactly why resident guide and signal dogs are an exception and should be excepted. And people who would like to prevent this legislation from going through because of the fact that they feel that it will open a greater wedge are continuing to use this 'red herring' as a means of trying to scuttle the bill.

"The article goes on to say that 'In gaining the freedom to travel to the mainland, the blind may lose their right to travel to Australia, New Zealand, England and other rabies-free areas, he added.' This is totally untrue.

"At the present time, with the exception of Sweden, our guide dogs are currently subject to quarantine whenever they enter any of these specified rabies-free countries. So we are not jeopardizing something that we already have.

"Mr. President, I hope that the members of the House Committees hearing this bill this evening will not be swayed by this misinformation and the confusion it has caused. And I hope that the resulting confusion and misinformation does not result in these people losing their right to travel to the U.S. mainland with their guide dogs. Thank you."

ADJOURNMENT

At 11:54 o'clock a.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 22, 1990.