

FIFTEENTH DAY

Thursday, February 6, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 10:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lieutenant Frank Severs, The Salvation Army, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fourteenth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 135 to 143) were read by the Clerk and were placed on file:

Gov. Msg. No. 135, dated January 13, 1992, transmitting a "Report to the Legislature Relating to Determination of Death, Chapter 327C-1, Hawaii Revised Statutes."

Gov. Msg. No. 136, dated January 10, 1992, transmitting the 1991 Annual Report of the Department of Agriculture for fiscal year ending June 30, 1991.

Gov. Msg. No. 137, dated January 13, 1992, transmitting a report prepared by the Department of Health in response to H.C.R. No. 224 (1991), requesting review and recommendations from the Director of Health on the Bilingual Health Education Aide Program.

Gov. Msg. No. 138, dated January 13, 1992, transmitting the 1991 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, prepared by the Department of Commerce and Consumer Affairs in response to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 139, dated January 13, 1992, transmitting the Annual Report of the Radiologic Technology Board for fiscal year 1990-1991, in response to Chapter 466J, HRS.

Gov. Msg. No. 140, dated January 13, 1992, transmitting a report prepared by the Department of Health in response to S.C.R. No. 126 (1991), requesting review and recommendations from the Director of Health on the findings and recommendations from the Hawaii State Council on Chemical Dependency & Pregnancy and the problem of drug-exposed infants.

Gov. Msg. No. 141, dated January 17, 1992, transmitting a report from the Governor's Task Force on Administrative Adjudication, Department of Commerce and Consumer Affairs, in response to S.C.R. No. 200, S.R. No. 176, H.C.R. No. 331 and H.R. No. 350 (1991), pertaining to those issues and concerns discussed in the "Study of Administrative Adjudication in Hawaii," prepared by the Office of Legislative Auditor.

Gov. Msg. No. 142, dated January 23, 1992, transmitting the 1991 Annual Report of the Regulated Industries Complaints Office, Department of Commerce and Consumer Affairs, in response to Section 26-9(m), HRS.

Gov. Msg. No. 143, dated January 25, 1992, transmitting a report prepared by the Department of Health in response to H.C.R. No. 326 (1991), requesting

the Department of Health to evaluate the costs and benefits of establishing a self-sufficiency trust fund.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 22, from the Office of the Lieutenant Governor dated January 31, 1992, transmitting the "Status Report on the Acquisition of a Direct Recording Electronic Voting System," was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1617) recommending that S.B. No. 2243 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nakasato, seconded by Senator Solomon and carried, the report of the Committee was adopted and S.B. No. 2243, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RECREATIONAL DEVELOPMENT AT KEEHI LAGOON," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1618) recommending that S.B. No. 2245 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nakasato, seconded by Senator Solomon and carried, the report of the Committee was adopted and S.B. No. 2245, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A 1992 PACIFIC BASIN TOURISM CONFERENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1619) recommending that S.B. No. 2443 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nakasato, seconded by Senator Solomon and carried, the report of the Committee was adopted and S.B. No. 2443, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A SKATEBOARD FACILITY IN KAIKA STATE RECREATION AREA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1620) recommending that S.B. No. 2444 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nakasato, seconded by Senator Solomon and carried, the report of the Committee was adopted and S.B. No. 2444, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE VISITOR INDUSTRY EDUCATION COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1621) recommending that S.B. No. 2445 pass Second

Reading and be referred to the Committee on Ways and Means.

On motion by Senator Nakasato, seconded by Senator Solomon and carried, the report of the Committee was adopted and S.B. No. 2445, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE FESTIVAL OF THE PACIFIC," passed Second Reading and was referred to the Committee on Ways and Means.

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

"Mr. President, in this morning's Advertiser there is a cartoon caricature of me. I don't mind the cartoon and the issue but I wish the cartoonist had made sure, before he drew the caricature, to have taken a better look at me because I swear the character really was Senator Dennis Nakasato." (Laughter.)

Senator Nakasato responded:

"Mr. President, that calls for a challenge. I challenge him to losing weight." (Laughter.)

Senator Solomon also rose on a point of personal privilege and stated:

"Mr. President, just some brief remarks on a point of personal privilege.

"Although we agreed not to carry on any lengthy points of personal privilege messages, I cannot help but express the disappointment upon receiving notice from our governor in Washington, via the media, of the negative reaction by the Interior Department on the question of whether the U.S. government has a trust relationship with native Hawaiians and thus be obligated to help develop Hawaiian home lands. I will be preparing a lengthy point of personal privilege message on this issue.

"I think it's ironic, as we go upstairs to meet in joint session for the purpose of enjoying and listening to the remarks of Nobel Peace Laureate Archbishop Desmond Tutu, our federal government cannot see their way clear, Mr. President, see their way clear to allow this bill to be introduced and become law so these issues can be settled in court. The Hawaiian community has been asking for this opportunity since the overthrow of Queen Liliuokalani.

"For the Hawaiian community, today, this is a very solemn occasion. As I have said to the media, we will continue to fight, Mr. President. Other alternatives will be explored and we are going to exhaust every possibility before we concede to the federal government on this issue of trust relationship. Thank you."

Senator Tungpalan also rose to speak on a point of personal privilege and stated:

"Mr. President, I would like the remarks of the previous speaker entered into the Journal as though they were my own. Thank you."

At 10:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with H.C.R. No. 70, to welcome The Most Reverend Desmond M. Tutu, Anglican Archbishop of Cape Town, South Africa.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Sixteenth Legislature was called to

order at 11:02 o'clock a.m. by the Honorable Daniel K. Kihano, Speaker of the House of Representatives.

Speaker Kihano then stated:

"Members of the Legislature, the purpose of this Joint Session is to honor the 1984 Nobel Peace Laureate, The Most Reverend Desmond M. Tutu, the Anglican Archbishop of Cape Town."

At this time, the House Clerk was directed to read the special certificate of the Sixteenth Legislature honoring and commending Archbishop Desmond Tutu.

Speaker Kihano then presented The Most Reverend Desmond M. Tutu to the members of the Sixteenth Legislature of the State of Hawaii as follows:

"On behalf of the members of the Sixteenth Legislature of the State of Hawaii, I would like to present The Most Reverend Desmond M. Tutu, Anglican Archbishop of Cape Town. To express greetings in his own language: 'Sau-bon-ah baba Tutu nin-jani.' My friends, I present to you, Archbishop Tutu."

Senator Fernandes Salling and Representative Young then presented Archbishop Tutu with leis, on behalf of the Senate and the House of Representatives.

The Most Reverend Desmond Tutu addressed the members of the Sixteenth Legislature as follows:

"Mr. Speaker, Mr. President, thank you very much indeed for this distinct honor of addressing a joint session of the Sixteenth Legislature of the State of Hawaii -- a truly momentous occasion! And I learned it was arranged that you would move out of your normal Capitol building so that it would be easy for me to walk across from the Cathedral to come here.

"It is one of those oddities that I can have the privilege of addressing such an august body in a foreign country. It cannot happen even now in my own country. And just in case I ended up falling ... ahead, it is always good for me to remember some of the things that have happened to me. Recently, we went to West Point, the military academy, and at the end of our visit the cadets said they wanted to present me with a cap. The cap which they gave me did not fit me. Now, a nice wife would have said, 'Well, the cap is too small.' My wife, just to keep me in order, said, 'His head is too big.'

"But seriously, I know that this honor has been bestowed on us not for any personal achievement -- it is something that has been given to me in a representative capacity. It is to honor all of the very many stalwarts of our struggle for justice, for peace, for reconciliation, for togetherness in our country. And one of the great privileges that I have had has been to come to gatherings and say, I know that in this one instance, I know I can speak without sounding presumptuous. I can speak knowing that I speak without fear of contradiction; that I speak on behalf of millions. I speak on behalf of millions in one instance of saying thank you. Thank you to all those who have supported our struggle. Thank you for your love. Thank you for your prayers. Thank you for those of you who have, in the anti-apartheid movement, supported the imposition of sanctions because I want to assure you that especially those economic sanctions have helped us to come to the point we have reached in our country.

"Namibia has become an independent country because of the effectiveness of sanctions that stopped South Africa from continuing to fight in Angola. Sanctions have been effective. Nelson Mandela and others are out of jail

today because of the effectiveness of sanctions many of you have supported to be imposed on the government of our country.

"Our political organizations at home are now free to operate legally because of sanctions and we are at the threshold of exhilarating developments. Yes, there are many hiccups. The hiccups of the violence happening in our country. But I want to say to you that the victory for the forces of good, of justice, of honesty, of love, of freedom -- that victory is your victory as well. You have a substantial part in the freedom that is coming to South Africa and, so, Mr. Speaker, Mr. President, very, very distinguished ladies and gentlemen, members of the Sixteenth Legislature of the State of Hawaii, I want to issue an invitation to you. When we celebrate our freedom in South Africa, a freedom when black and white will be able to live together as God intends us to live, we want to invite you to come to South Africa and we will be able to say to you when you arrive -- Aloha!

"Thank you very much."

The Speaker then introduced the following distinguished guests, accompanying Archbishop Tutu: Mrs. Leah Nomalizo Tutu, wife of Archbishop Tutu; Mr. John Allen, aide to Archbishop Tutu; The Very Reverend H.T. Knight, Dean of St. Andrew's Cathedral; and The Right Reverend Donald P. Hart, Episcopal Bishop of Hawaii. Leis were presented to them by Senators McMurdo and Solomon, Representatives Hagino and Isbell.

The Speaker then said:

"The Most Reverend Desmond M. Tutu is in Hawaii under the auspices of The Peggy Kai Memorial Speaker Fund of St. Andrew's Cathedral.

"I would like to say that it is really an honor for us to have Archbishop Tutu with us here this morning. We feel honored that he had made some time to visit us here this morning."

Senate President Wong then stated:

"Archbishop Tutu, Mrs. Tutu, it is indeed a pleasure and honor to have the opportunity to meet you and hear from you. In great anticipation of your visit by all members of the Legislature, particularly the Senate -- I must pass this on to you, Archbishop Tutu -- this morning we finished our Senate business in record time, five minutes, because nobody wanted to miss the opportunity of meeting you in person.

"At this time, the Speaker and I would like to present you with certificates of recognition from the Senate and from the House of Representatives, Sixteenth Legislature of the State of Hawaii."

The certificates were then presented to Archbishop Tutu by President Wong and Speaker Kihano.

President Wong then said:

"Archbishop Tutu, thank you very much for allowing us the opportunity to meet you."

At 11:21 o'clock a.m., President Wong called a recess, subject to the call of the Chair.

The Joint Session reconvened at 11:33 o'clock a.m.

President Wong then continued:

"At this time, on behalf of the Senate, Mr. Speaker, I would like to thank you and the members of the House, in

particular Representative David Hagino, for allowing the Senate to be a part of this truly memorable occasion. We appreciate this opportunity to share the very deep feeling we have for Reverend Tutu here in the Senate, along with the whole world.

"Again, Mr. Speaker, Representative Hagino, on behalf of the Senate, thank you very much for having us be a part of this event. Mahalo!

"If there be no further business, I hereby declare this Joint Session adjourned.

"Thank you very much."

At 11:35 o'clock a.m., the President declared the Joint Session adjourned.

ADJOURNMENT

At 11:40 o'clock a.m., on motion by Senator Solomon, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 7, 1992.