

FORTY-NINTH DAY

Thursday, April 9, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:42 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Bruce Craft, St. John Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senator Chang who was excused.

The Chair announced that he had read and approved the Journal of the Forty-Eighth Day.

Senator B. Kobayashi then rose to introduce a group of representatives from Troop 10, Boy Scouts of America, as follows:

"Mr. President, Troop 10, Boy Scouts of America, is celebrating its 75th anniversary, making the troop the longest, continuously active Boy Scout troop in the Aloha Council, State of Hawaii. The troop was organized in 1917 by Mayor Charles S. Crane who served as scoutmaster until 1945 when he was succeeded by scoutmaster Masao Miyamoto, a member since 1925. Mr. Miyamoto has served as scoutmaster until this year.

"Throughout the 75 years, the troop has seen many individuals come and go but one of the constants has been its 'home' in Kaimuki in the so-called 'bowl,' an abandoned, roofless, stone reservoir behind the Kaimuki Fire Station. In this 'bowl,' Troop 10 has nurtured over 1,600 boys during its many decades of active public service.

"With us on the floor are some individuals from Troop 10. I would like to introduce: Mr. Masao Miyamoto, scoutmaster emeritus; Mr. Gordon Wong, new scoutmaster; Mr. Robert Fujimoto, president of the Aloha Council, Boy Scouts of America; Mr. Robert Toyofuku, executive director of the Pacific Law Institute, and Bishop Estate trustee, former Chief Justice William Richardson, alumni of Troop 10; and Mr. Eric Girndt, Eagle Scout of Troop 10."

Senator Kobayashi also introduced the following individuals, seated in the audience: Gary Shiraishi, president, Troop 10 Parent/Scouters Guild; Alice Watanabe, troop committee member; Walter and Evelyn Girndt, parents of Eagle Scout Eric Girndt; Thomas Yee, Eagle Scout of Troop 10, and parents Edward and Florence Yee; Douglas Tsuruda, assistant scoutmaster and alumnus of Troop 10; and alumni of Troop 10: Robert Nunokawa of the Kaimuki Lion's Club, official sponsors of Troop 10, and Bert Komenaka, member of the Parent/Scouters Guild.

"Throughout the years, Troop 10 and the Boy Scouts of America have contributed a great deal to the community and I think that we owe these gentlemen, parents and scouts a round of applause.

"I would add that I was a former member of Troop 10 and had the opportunity to see the likes of former councilman George Akahane when he had Democratic party tendencies; Abe Aiona, long-time police chief from Maui and now a trustee of OHA; Joe Ono, county prosecutor of the Big Island; and Dr. Richard Mitsunaga, practicing pediatrician. Troop 10 people are here and there and everywhere."

Senator Nakasato then introduced Dole Intermediate School students Vantha "Van" Saopeng and Lilian "Lilly" Augustin, participants of the Career Shadow Program.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m. with the President in the Chair.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 573 to 585) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 573, transmitting H.C.R. No. 105, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 105, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT ALTERNATIVES TO ELIMINATE TRAFFIC CONGESTION ON WAIKUI AND WAIELI STREETS," was referred to the Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 574, transmitting H.C.R. No. 139, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION WITH THE UNITED STATES CUSTOMS SERVICE, AND THE COUNTY OF HAWAII, TO STUDY THE FEASIBILITY OF ESTABLISHING A FULL-TIME CUSTOMS FACILITY AT HILO INTERNATIONAL AIRPORT," was referred to the Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 575, transmitting H.C.R. No. 151, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 151, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE FEASIBILITY OF CONSTRUCTING A VEHICULAR TUNNEL UNDER PEARL HARBOR TO LINK THE SECONDARY URBAN CENTER WITH THE PRIMARY URBAN CENTER," was referred to the Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 576, transmitting H.C.R. No. 174, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 174, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT MEASURES TO ENHANCE HIGHWAY SAFETY DURING NON-PEAK HOURS IN HIGH OCCUPANCY VEHICLE LANES ON INTERSTATE H-1 BETWEEN THE WAIAWA AND HALAWA INTERCHANGES," was referred to the Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 577, transmitting H.C.R. No. 199, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE IMPOSITION OF PASSENGER FACILITY CHARGES AND URGING THE STATE DEPARTMENT OF TRANSPORTATION NOT TO IMPOSE PASSENGER FACILITY CHARGES AT STATE AIRPORTS," was referred to the Committee on Transportation and Intergovernmental Relations.

Hse. Com. No. 578, transmitting H.C.R. No. 254, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 254, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ATTORNEY GENERAL'S OPINION ON MANDATORY ERRORS AND OMISSIONS INSURANCE COVERAGE FOR REAL ESTATE BROKERS AND SALESPERSONS," was referred to the Committee on Consumer Protection and Business Regulation.

Hse. Com. No. 579, transmitting H.C.R. No. 297, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 297, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A LONG-TERM ACTION PLAN TO PREVENT INTRODUCTION OF NEW WEEDY PLANTS AND INSECT PESTS THROUGH THE PLANT IMPORTATION PROCESS," was referred to the Committee on Agriculture and Environmental Protection.

Hse. Com. No. 580, transmitting H.C.R. No. 298, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 298, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF AGRICULTURE AND TRANSPORTATION TO STUDY THE FEASIBILITY OF ESTABLISHING AN AIRPORT AMNESTY BIN PROJECT," was referred to the Committee on Agriculture and Environmental Protection.

Hse. Com. No. 581, transmitting H.C.R. No. 301, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING TO SUPPORT FOR THE PEOPLE OF THE TERRITORY OF GUAM IN THEIR QUEST FOR COMMONWEALTH STATUS WITH THE UNITED STATES," was referred to the Committee on Agriculture and Environmental Protection.

Hse. Com. No. 582, transmitting H.C.R. No. 307, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 307, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE TO STUDY AND DEVELOP A COST REDUCTION AND CONTAINMENT PLAN FOR SHIPMENT OF EXPORTABLE HAWAIIAN AGRICULTURAL PRODUCTS WITHIN THE CONSTRAINTS OF THE JONES ACT," was referred to

the Committee on Agriculture and Environmental Protection.

Hse. Com. No. 583, transmitting H.C.R. No. 325, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 325, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO CONDUCT A COMPREHENSIVE REVIEW OF THE NEEDS OF AND SERVICES AVAILABLE TO CHILDREN WHO ARE MEDICALLY FRAGILE/TECHNOLOGY DEPENDENT AND THEIR FAMILIES," was referred to the Committee on Health and Human Services.

Hse. Com. No. 584, transmitting H.C.R. No. 396, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 396, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, HEALTH CARE ADMINISTRATION DIVISION TO DESIGNATE 'SUB-ACUTE' LEVEL OF CARE," was referred to the Committee on Health and Human Services.

Hse. Com. No. 585, transmitting H.C.R. No. 429, H.D. 1, which was adopted by the House of Representatives on April 8, 1992, was placed on file.

By unanimous consent, H.C.R. No. 429, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF NOISE ABATEMENT PROCEDURES, LAWS, AND REGULATIONS IN HAWAII," was referred to the Committee on Health and Human Services.

ORDER OF THE DAY

FINAL READING

S.B. No. 1151 (Hse. Com. No. 549):

On motion by Senator Mizuguchi, seconded by Senator Crozier and carried, S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO INTRAGOVERNMENTAL TRANSFERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aki, Blair, Chang, Koki, Reed).

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate Concurrent Resolution	Referred to:
No. 22	Committee on Agriculture and Environmental Protection

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
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No. 20 Committee on Agriculture and Environmental Protection

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 5, from the House of Delegates, Commonwealth of Virginia, dated April 2, 1992, transmitting House Joint Resolution No. 62 of the General Assembly of Virginia, requesting that state legislatures apply to Congress for proposal of a Constitutional amendment providing power to the President for a line-item veto of appropriate measures.

Senator Iwase then rose to speak on a point of personal privilege and stated:

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

"Mr. President, over the past several days both daily newspapers have run front page stories about the travel policy of the State Legislature. There has been a great adverse public reaction to that policy.

"It would be easy to ignore this controversy as being contrived. What we cannot ignore is that it has been a spark which has touched off a maelstrom of discontent.

"It is a fire storm which will not be extinguished by speeches or memorandums justifying that policy.

"I believe that it is a manifestation of public frustration that is not limited to Hawaii. It is on a national and even on an international level. Its causes are rooted in fear - fear that we have lost control over events; fear that the problems which confront us today will not be resolved; fear, to paraphrase a poet, that we are not the captain of our souls or the master of our fate. Mr. President, I think we are all aware, today, that there is a malaise of the spirit, a great uncertainty about our future and the kind of life we will have. In his book, 'Why Americans Hate Politics,' E.J. Dionne wrote: 'If Americans had come to hate politics it was because politics no longer seemed to offer them a way out of this trap.'

"He wrote further: 'Politics has stopped being a deliberative process through which people resolved disputes, found remedies and moved forward.'

"And he finally observed: 'To restore popular faith in the possibilities of government, government must be shown to work.'

"Mr. President, I know that this body will not dismiss the public's anger over this issue as a mere complaint over a travel policy which will go away by simply changing the policy. The issue should not be where we've gone as Senators, but rather where we're going as a society.

"Mr. President, none of us here ran for office to fly on airplanes. We ran for a number of positive reasons but I am sure that among them was a belief that we could make a difference; that we could advance and improve the quality of life for all of our citizens. We share with our constituents a serious concern over such issues as the rising drug problem, a rising cost-of-living which demands two working parents and which results in latchkey families. We are concerned about the rise in the number of homeless families. We share a concern over whether or not we can or will bequeath a better future to our children.

"Abraham Lincoln once said that the 'dogmas of the quiet past are inadequate for the stormy present.' Mr.

President, it is incumbent upon us to deal with the issues which buffet our state. All of us who collectively serve in all levels of government must demonstrate that government does work, that there is a way out of this trap, that remedies will be found and that we will move forward. It is a responsibility we cannot escape. It is a responsibility which we must meet. Perhaps if we succeed in this difficult journey we will then reinstall, at that point in time, in the public, in the words of a writer that 'politics is a noble profession and constitutes public service in its finest sense.'

"Thank you."

Senator Holt also rose to speak on a point of personal privilege and said:

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

"Mr. President, over the last few weeks the news media has focused a large amount of time and effort on out-of-state travel by legislators. Unfortunately, however, the so-called news reports seem to have taken a negative turn.

"In this morning's edition of the Honolulu Advertiser, for example, an editorial on this matter compared travel by legislators as a scandal similar to the U.S. House bank scandal. As far as I'm concerned, Mr. President, these kinds of tactics by the news media amounts to nothing more than manufacturing news through sensationalism.

"If the fair reporting of news was foremost in their mind, Mr. President, all state-funded travel by first-class, including the governor, his department heads, the president of the University of Hawaii, the superintendent of education, and the members of boards and commissions should have been reported individually and accurately.

"It should be pointed out very clearly, Mr. President, that legislators are not the only state employees who are authorized to travel on first-class.

"Thank you."

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

"Mr. President, I believe I have been a recipient of unfair coverage as how I was never in Japan, never in Florida. It really grieved me to see my name placed under banner headlines as being the biggest spender of these trips so I felt it incumbent to visit the Star-Bulletin and take action against making what was incorrectly reported correct. And I think when we feel in this government that we are being dealt with in an unfair manner it is our responsibility to bring it before the public and to let them know that this is not the case.

"Unfortunately, my child was hurt in the process. On Saturday we came to my office to review my bills. He came with me because I had been at hearings and meetings till late at night during the whole week and I had not seen him during the entire week. So I asked him that morning, 'Would you like to come with mommy and stay with me in my office while I worked?' He accepted that challenge. For a 10-year-old, sitting in an office isn't about the best thing on their list of things to do, but he came.

"While he was in the office he received a phone call from an irate woman who had said, 'Tell your mommy to take coach next time. Don't ride first-class. I'm really appalled that she spent \$16,000 traveling on our taxpayers fund.' My son said, 'Wait a minute, my mommy has

never been to Japan. My mommy has never been to Florida. I don't know what you're talking about.' And she said, 'You're a liar. You get that through your head. You're a liar.'

"Mr. President and my fellow colleagues, that is what really upset me most. Not so much that there was an error in the paper, not so much that they were willing to correct it but that people out there really believe what is printed in the paper. They believe. This is the gospel truth.

"That a little child, 10 years old, was manufacturing a lie. I mean, I used to think that out of the mouths of babes come the truth. But it's really out of the mouths of other things, I guess, and maybe newspapers are at the top of the list for some people that is why we have to be sure that when reporting goes on in this state it has to be accurate. It shouldn't be at the whim of somebody who has to meet a deadline. It has to be accurate because it affects the lives of individuals.

"It was at that point that I asked myself, 'Is it worth it?' Is it worth it to see, ahh, my most precious son hurt in a process where I believe ... you know I've really been above board ... I've tried not to take junkets, I've turned down trips to Japan. Every year I've been offered a trip to Japan, I've never been to Japan. I've never even been to Florida. I don't even go on junkets. And to have this turned around on that day at that minute, that was a very sad realization of the power of the press. And yes indeed people have said don't argue with people who buy ink by the barrel. I did. I went to the editor and I spoke to him and he was kind enough to write a correction on the front page. He was kind enough to make that inaccuracy accurate.

"The editor of the Star-Bulletin came to my office and spent four hours with me apologizing to my son, apologizing to every member of my family who was there, my daughter was also there. He took the time to do that. I think that's heroic. I think that's really stellar performance on the part of a newspaper to do that.

"We were also thrown some barbs on Channel 5. I called Bob Reese who had made statements that we were living off state funds and we weren't doing our jobs. I told him, 'Hey, listen, get the facts straight before you make these kinds of statements.' He was kind enough to extend an invitation to his program on Channel 5 to the Senators who were incorrectly targeted on his program that night.

"What I see happening in today's world is that the journalists, of this state at least, are accepting the responsibility to report accuracies and when it is inaccurate, they are placing it on the front pages, they are giving time on TV channels, and that is what has to be done.

"As to the matter of how we should fly, I have already taken a position. You can say it as eloquently as you want, but the bottom time line is if we are going to ask people of this state to tuck in their belts then we ought to do it too. We're not higher than they are. Thank you."

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

"Mr. President, rising on the same point, yesterday, I gave a detailed report on some of the economic benefits of going to Russia. I think one other point needs to be made.

"Last year's travel was on last year's budget but is being reported this year. This year there is a budget

shortfall and I think if anything, we should be setting the example by cutting, by going coach or business whenever possible. If we're asking other state agencies to take a 7% cut we should be willing to do the same and I hope that is reflected in the overall travel plans, my own included, that are coming up later this year.

"And as I pointed out further, I've been to Russia and the other republics seven times, five times at my own expense. The knowledge that I acquired was used to lessen the cost to the state, as a result, and that knowledge was acquired on private travel at my own expense.

"Thank you."

Senator McCartney also rose on a point of personal privilege and said:

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

"I would like to support the Senator from Mililani. I thought he made some very good points on the issue that there are many important issues facing the people of Hawaii today -- education, housing, the budget. And this session we need to exert our leadership to solve these important problems and we cannot get side-tracked.

"Mr. President, I was disturbed the other day when I read in the newspaper that some say that traveling first-class is a privilege earned by elected officials. Mr. President, I say, 'No.' That is not a privilege and many of us do not feel that we've earned that. It is a privilege, Mr. President, to be elected by the people of this state and it's a privilege that I take seriously and responsibly and do my job to the best of my ability. We have been given this responsibility to raise money and to be held accountable for how it's used. It's taxpayers money and therefore we must be responsible to those who give us this privilege.

"On the issue of first-class travel, Mr. President, the people have spoken. It's their money and I believe we must acknowledge this fact and I will adhere to their terms and I think in the future we need to be receptive and responsive to that.

"Mr. President, let's put this issue to rest, let's move forward on the bigger issues facing the people of Hawaii -- education, housing, the budget. And like the Senator from Mililani has said, let's work together to make a difference; to focus on Hawaii's future and move forward. That's what we got elected for and that's a privilege the people of Hawaii gave us.

"Thank you, Mr. President."

Senator McMurdo also rose on a point of personal privilege and remarked:

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

"The irony in the correction by the newspaper on the Senator from Pearl City meant that those of us who had been in Saturday's paper were again repeated in Monday's paper. They didn't just correct the incorrect edition. They ran it in both editions so those people who did not see it on Saturday were sure to see it on Monday!

"I think that it's high time that, if the Senate puts this behind them the media should too. This whole thing has been blown out of proportion.

"Let me give you one quick example. The other night the Star-Bulletin had a huge headline about the ozone, that the depletion is happening faster and that we are in real danger. But did the Star-Bulletin follow-up with any story about the fact that this state was the first one to put in a CFC bill? Or did they say that we passed one the other day on the floor? We have passed two of those this year. Now it's up to the House and I have been talking to the people over there begging them to please put that bill through because it is urgent.

"Now if the papers are going to castigate us for something like that (the first class) then I think the least that they can do is print things of this order which are good and are far-reaching and are extremely important.

"Thank you."

Senator Crozier also rose to speak on a point of personal privilege and said:

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

"Mr. President, this issue about travel, I guess the spotlight has been on my forehead and the glare has been hitting the rest of you in the eyes. What I did, I did alone. I take the consequences alone. When I have talked to people I have never once referred to anybody else. That's my issue, I have to live with it.

"I tried to explain my position last Friday, to you and the body and also to the general public, hoping that I would get some kind of comments made in the press. Well, I wasn't successful. Nothing was written about the comments I made last Friday. I thought it was well thought out but I got nowhere.

"Today, Mr. President, I am only talking to you and my colleagues. I don't expect the press to write anything.

"What I want to say is that people have asked me how come I haven't responded. Why am I not making some kind of reply? I tried and tried, that didn't work. I took the position, there is no sense shouting now in this maelstrom. Nobody cares. The press has sent out a clear message, I can't deny the arguments they presented. They presented it in a clear manner but the public has been so outraged that they are not ready to listen to me. I have a message to tell them but they don't want to hear it yet. So when they are ready ... I've already talked to one of the newspapers, I'm putting in a point of view so that I can get my story out there so they can understand that when it comes to first-class travel, I just will have to be taken to the woodshed, that's it. I did it, that's it. John Sununu went to the woodshed. Plenty other guys went to the woodshed, okay, so I gotta go.

"But the point about the exercise that I did in New Zealand, the point where I worked with the Maori people, the many benefits that were gained from my experience have all been lost. That, Mr. President, I need to convince the people of Hawaii that every minute that I spent in New Zealand had a direct benefit to the committee that I chair. Had a direct benefit to the Hawaiian people of this state. Has a direct benefit to the people of Hawaii.

"Hopefully, when these articles are published maybe some people can understand what I tried to do and what I tried to accomplish. Thank you very much."

The Chair then said:

"Before the close of discussion on the issue, I must remind my colleagues -- and I speak to you as your President -- that the granting of trips is the sole

responsibility of the President. I don't want you to forget that. That should be mentioned if questions should occur. The President gives the final approval for all Senate trips. I do have the power to say 'yes' or 'no.'"

ADJOURNMENT

At 1:10 o'clock p.m., on motion by Senator Solomon, seconded by Senator George and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, April 10, 1992.