

FORTY-THIRD DAY

Tuesday, April 6, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Chiko Matsumoto, Tendai Mission of Hawaii, after which the Roll was called showing all Senators present.

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

Senator Tungpalan presented and introduced to the members of the Senate representatives of the University of Hawaii Wahine Basketball Team, as follows:

"Mr. President, fellow Senators and friends, it gives me great pleasure to introduce the 1993 Big West Coach-of-the-Year Vince Goo and members of the 'Divine Nine.'

"The University of Hawaii Wahine Basketball Team through their dedicated efforts brought national recognition to our state. You know, we all really commiserated with the na wahine when they were not selected to compete in the NCAA Tournament. I think if they had been given that opportunity, they would be the national champions today and we certainly want to give you that kudo.

"Individually and as a team, the 'Divine Nine' are not only a credit to the University, but they are ambassadors for the State of Hawaii. These young women are wonderful role models and are examples for our youth to emulate. Hawaii is richer because of their dedication.

"On the floor today, we have Coaches Vince Goo, George Wolfe and Serenda Valdez, Women's Athletic Director Marilyn Moniz-Kaho'ohanahano and team members -- Valerie Agee and Jennifer Hurt. (All stood to be recognized.)

"Members of the 'Divine Nine' who are not able to be with us today are: Kauai Wakita, Melanie Azama, Alison Golnick, Jody Davis, Evin Schmenek, Rebecca Horst and Stephanie Bull.

"Let's give them all a round of applause for their exemplary behavior to the people of Hawaii. We hope in the future that we'll never have to face another problem as we did this year because we know that you certainly emulate what is the very best, not only in athletics but in your poise off the field. Times are such that we have to take the hard-knocks together with the good, but let us always remember that the people love you and we will always remember what you did and thank you from the bottom of our hearts."

Senator McCartney added:

"Mr. President, I join in on the remarks by the Senator from Pearl City and would like to say that our University of Hawaii Wahine Basketball Team may not be the NCAA champions but are the champions in the hearts of the people of Hawaii. We are very proud of the na wahine who touched all of us and we are proud to have them here.

"On a personal note, and as chair of the Education Committee, I want to say that athletics play an important role in the total education of a person and sometimes that doesn't get translated into GPAs or test scores, but it makes you a better person. When I was a student at

Castle High School, Coach Goo was there and he was my cross-country coach. I learned a lot of from him. One of the most important lessons I learned from him: in life you cannot take any shortcuts. I remember, one day on a cross-country outing he drove us to Kailua Beach Park, nine miles from Castle High, dropped us off and we had to run back to the school and we were all grumbling. I was a sprinter and I was just running cross-country to stay in shape, so I told my friends, 'Hey, we go hitchhike.' We caught a ride back to the school. But then, one of my friends, Linda Kinney, a runner, saw us and told Coach Goo that McCartney and some other guys hitchhiked. Coach Goo pulled me aside and said, 'You know, McCartney, we can't tolerate this so I'm going to have to kick you off the team.' Coach Goo taught me an important lesson, that you can't take shortcuts in life. Two weeks later, he asked me to come back on the team.

"Coach Goo, sincerely, you taught me a good lesson. And those are some of the things students learn in sports that you cannot translate into academics and test scores, but it teaches you a lot of values.

"I know why he's such a successful coach and why his team is so good. It's because of those values that he instills in his players. I wanted to share that story with you.

"Thank you, Coach Goo and congratulations!"

Senator Matsuura also added:

"Coach Goo, my vintage is Archie Goo. You may be related to him. I want you and the team members to know that the State of Hawaii is the only state that is authorized to have a navy and this is because of the monarchy. We're the only state that is allowed to have its own navy! When your team was not invited to the NCAA Basketball Tournament, we were going to mobilize a navy and attack the NCAA. I want you to know that you had 100 percent support of this Senate body. Thank you."

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

The Senate reconvened at 11:56 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 312, dated March 16, 1993, transmitting the 1993 Report to the Governor on Employment, prepared by the Commission on Employment and Human Resources, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 388 to 390) were read read by the Clerk and were disposed of as follows:

Hse. Com. No. 388, returning S.B. No. 261, which passed Third Reading in the House of Representatives on April 5, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 261, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," was deferred until Wednesday, April 7, 1993.

Hse. Com. No. 389, returning S.B. No. 1641, S.D. 1, which passed Third Reading in the House of

Representatives on April 5, 1993, in an amended form, was placed on file.

On motion by Senator B. Kobayashi, seconded by Senator Hagino and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1641, S.D. 1, and S.B. No. 1641, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," was placed on the calendar for Final Reading on Wednesday, April 7, 1993.

Hse. Com. No. 390, returning S.B. No. 240, which passed Third Reading in the House of Representatives on April 5, 1993, was placed on file.

STANDING COMMITTEE REPORTS

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1141) recommending that H.B. No. 892, 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 Iwase, seconded by Senator Kanno and carried, the report of the Committee was adopted and H.B. No. 892, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LAW," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 8, 1993.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1142) recommending that H.B. No. 1134, 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 Iwase, seconded by Senator Kanno and carried, the report of the Committee was adopted and H.B. No. 1134, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 8, 1993.

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

The Senate reconvened at 12:14 o'clock p.m.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MONDAY, APRIL 5, 1993

H.B. No. 1647, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, H.B. No. 1647, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1648:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, H.B. No. 1648, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL RUBELLA TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1651:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, H.B. No. 1651, entitled: "A BILL FOR AN ACT RELATING TO RADIUM FOR MEDICAL AND SURGICAL PURPOSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1655, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, H.B. No. 1655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1656:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, H.B. No. 1656, entitled: "A BILL FOR AN ACT RELATING TO COORDINATION OF SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL AND DEVELOPMENTAL PROBLEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2029, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, H.B. No. 2029, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 126, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 126, S.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, 25. Noes, none.

H.B. No. 1699:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 1699, entitled: "A BILL FOR AN ACT RELATING TO FISCAL YEAR TAX RETURNS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2006:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 2006, 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, 25. Noes, none.

ADVISE AND CONSENT

Ldr. Com. Rep. No. 1139 (Gov. Msg. Nos. 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270):

Senator Holt moved that Ldr. Com. Rep. No. 1139 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate advise and consent to the nominations of the following:

FRED T. YOUNG to the Board of Private Detectives and Guards, term to expire June 30, 1997 (Gov. Msg. No. 244);

STEVE R. KAMIYA and STEVEN H. YOSHIMURA to the Board of Barbers, terms to expire June 30, 1997 (Gov. Msg. No. 245);

SAM COX, ROBERT J. BIDWELL, M.D., LIANE Y. MIKAMI KAM and GAIL HIRONAKA to the Child Abuse and Neglect Secondary Prevention Advisory Committee, terms to expire June 30, 1996 (Gov. Msg. No. 246);

ERROL D.Y. LEE to the State Board of Chiropractic Examiners, term to expire June 30, 1997 (Gov. Msg. No. 247);

RAYMOND S. ONO to the Community Based Development Advisory Council, term to expire June 30, 1995 (Gov. Msg. No. 248);

RACHAEL KAMAKANA and LEON KAPUAHELANI STERLING, JR., to the Community Based Development Advisory Council, terms to expire June 30, 1997 (Gov. Msg. No. 248);

JAN DAPITAN, GAIL ANN CHEW and BARBARA E. DART to the Advisory Council for Community Services, terms to expire June 30, 1997 (Gov. Msg. No. 249);

JOY B.Y. SHIMABUKU, ANTOINETTE M. ALFONSO and MITZI C.H-YAMAMOTO to the Board of Cosmetology, terms to expire June 30, 1997 (Gov. Msg. No. 250);

HIDEO ABE to the Credit Union Review Board, term to expire June 30, 1997 (Gov. Msg. No. 251);

HELEN S. YOUNG and GURBACHAN K. SINGH to the Commission on Persons with Disabilities, terms to expire June 30, 1994 (Gov. Msg. No. 252);

RICHARD R. CHAVES to the Commission on Persons with Disabilities, term to expire June 30, 1995 (Gov. Msg. No. 252);

BILLIE P. KEAWEKANE to the Commission on Persons with Disabilities, term to expire June 30, 1996 (Gov. Msg. No. 252);

WALLACE J. INGLIS, JILL KOUCHI, VIVIAN RAE HANSON and JOHN W. HARTMAN to the Commission on Persons with Disabilities, terms to expire June 30, 1997 (Gov. Msg. No. 252);

COLIN T. MIYABARA to the Policy Advisory Board for Elder Affairs, term to expire June 30, 1995 (Gov. Msg. No. 253);

RICHARD B. ABING, SR., LAURENCE J. CAPELLAS, WARREN G. HAIGHT, SHIMEJI KANAZAWA, CAROL KIKKAWA-WARD and ALICE KAHILIOPIA MORIWAKE to the Policy Advisory Board for Elder Affairs, terms to expire June 30, 1997 (Gov. Msg. No. 253);

RONALD T. TANAKA to the Advisory Commission on Employment and Human Resources, term to expire June 30, 1994 (Gov. Msg. No. 254);

LEON RICHARDS, Ph.D., to the Advisory Commission on Employment and Human Resources, term to expire June 30, 1995 (Gov. Msg. No. 254);

CATHERINE E. OUYE and JO-ALYCE K. PETERSON, Ed.D., to the Advisory Commission on Employment and Human Resources, terms to expire June 30, 1996 (Gov. Msg. No. 254);

MAKO ARAKI, MILES A.P. KAHALOA and DOUGLAS D. EHRESMAN to the Oahu Library Advisory Commission, terms to expire June 30, 1997 (Gov. Msg. No. 255);

MERCEDES B. LEIALOHA and JO ANN SASAKI to the Hawaii Library Advisory Commission, terms to expire June 30, 1997 (Gov. Msg. No. 256);

LYNETTE TSUDA to the Kauai Library Advisory Commission, term to expire June 30, 1996 (Gov. Msg. No. 257);

SHEILA EIKO UEDA BLACK and JANICE S. ESPIRITU to the Maui County Library Advisory Commission, terms to expire June 30, 1997 (Gov. Msg. No. 258);

BLANCHE LEIMAMO NOBUKO ASAGI to the Board of Massage, term to expire June 30, 1996 (Gov. Msg. No. 259);

CHRISTOBAL J. QUINTANA to the Board of Massage, term to expire June 30, 1997 (Gov. Msg. No. 259);

LELAND M. YAGI and MARK K. ONO to the Board of Examiners of Nursing Home Administrators, terms to expire June 30, 1997 (Gov. Msg. No. 260);

JONI S. KANAZAWA to the Board of Dispensing Opticians, term to expire June 30, 1997 (Gov. Msg. No. 261);

ROY M. SHIMOTSUKASA and BRYAN M. OSHIO to the Pest Control Board, terms to expire June 30, 1997 (Gov. Msg. No. 262);

KATHERINE A. O'REILLY to the Board of Physical Therapy, term to expire June 30, 1997 (Gov. Msg. No. 263);

KELLY MARGUERITE VITOUSEK, Ph.D., to the Board of Psychology, term to expire June 30, 1995 (Gov. Msg. No. 264);

TERRI LYNNE NEEDELS, Ph.D., to the Board of Psychology, term to expire June 30, 1997 (Gov. Msg. No. 264);

LESTER M. UYEDA to the Radiologic Technology Board, term to expire June 30, 1996 (Gov. Msg. No. 265);

DAVID H. SAKUDA, M.D., VICKI ANN CHANG and ANDREW ROTHSTEIN to the Radiologic Technology

Board, terms to expire June 30, 1997 (Gov. Msg. No. 265);

SABRINA A. TOMA to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 1993 (Gov. Msg. No. 266);

SABRINA A. TOMA to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 1997 (Gov. Msg. No. 266);

FILEMON M. NANOD to the Board of Taxation Review, Second Taxation District (Maui County), term to expire June 30, 1997 (Gov. Msg. No. 267);

ALVIN WAKAYAMA to the Board of Taxation Review, Third Taxation District (Hawaii), term to expire June 30, 1997 (Gov. Msg. No. 268);

EMILIO "SPUD" OLIVAS to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 1997 (Gov. Msg. No. 269);

SHIRLEY R. CAVANAUGH to the Advisory Board on Veterans Services, term to expire June 30, 1993 (Gov. Msg. No. 270);

LOUIS BALDOVI to the Advisory Board on Veterans Services, term to expire June 30, 1995 (Gov. Msg. No. 270); and

LOUIS KAOIWI, SHIRLEY R. CAVANAUGH and ALFRED S. LOS BANOS to the Advisory Board on Veterans Services, terms to expire June 30, 1997 (Gov. Msg. No. 270),

seconded by Senator A. Kobayashi.

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

Ayes, 25. Noes, none.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution	Referred to:
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No. 162	Committee on Higher Education, Culture, Arts and Historic Preservation
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RE-REFERRAL OF SENATE RESOLUTION

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

Senate Resolution	Referred to:
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No. 136	Committee on Higher Education, Culture, Arts and Historic Preservation
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Senator Solomon 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, in recent days, there have been some news articles about economic diversification plans for

Hamakua Coast. One is titled, 'State to study new Hamakua business uses' and another, 'State looking at alternatives for Hamakua.'

"According to the most recent news, DBEDT has obtained \$3.5 million in federal grant to boost the Big Island economy and \$75,000 for economic analysis of the Hamakua area.

"I wish to remind my colleagues that the Legislature has not been negligent in efforts to improve the economic conditions of the Hamakua Coast. A few years ago, it appropriated funds to make studies of the region.

"In September 1990, when Senator Donna Ikeda chaired the committee and I vice-chaired the committee, we had included an appropriation to do a report which was submitted entitled 'Agriculture and Economic Diversification for the Hamakua Coast,' and in November 1990, another report entitled 'Hamakua Regional Plan from Keiakea to Waipio.' All these were done in anticipation of drastic decreases in sugar activities for the Hamakua region.

"In the 1990 session, Mr. President, I'd like to remind my colleagues that I introduced Senate Bill 343 calling for an action plan for diversification of the economy of Hamakua Coast. Unfortunately, the bill did not pass. Now that the demise of sugar on the Hamakua Coast is near reality, let us be bold and come up with a definite project to help Hamakua. Thank you, Mr. President."

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

"I rise also on a point of personal privilege.

"Students presently dorming at the University of Hawaii are upset. Their attention and focus on their education has been diverted because of a memorandum that was drafted in the '70s. It appears that this memorandum will not allow them to have priority in the dorms and, as result of that, we may be faced with future parking problems; we may we faced with redistribution of students that we would have ordinarily seen matriculate at community college systems who will now be drawn to the University campus. And this is because of this memorandum which seeks to give first preference to freshmen. Freshmen across the state will be lured to the University of Hawaii, thinking that they will be assured of a four-year education without any problems.

"Unfortunately, what I think will happen is that we will draw these students from across the state. They will indeed come to the University campus, but those who are now sophomores, juniors and seniors will be forced to find housing outside of the University campus, thereby, bringing all of those students in on their cars. Now, if the Manoa residents think they have a problem right now, just wait till this happens.

"I'm concerned because students already have enough on their minds. Education is supposed to be foremost. We have done our best as legislators to provide for their needs and yet we find them now having to deal with this cost-of-living expense, and we find them having to increase it by having to obtain cars so that they can come and finish their education at the University of Hawaii.

"Tonight there's going to be a meeting on campus, and we expect to hear from the students, and we also expect to hear from the administration and, eventually, from the Board of Regents. This is uppermost on our minds and we will be dealing with this in the future ... this problem ... so as not to have the attempt to redistribute kids across the state on our Manoa campus. I think that is

not what Dr. Mortimore spoke to us about yesterday. He had articulated that he wanted to have the children of the State of Hawaii at campuses throughout the system and yet with this policy I see a diversion to the campus of Manoa. So I think this is a policy that needs to be revised by the Board of Regents and we certainly will have a hand in it. Thank you."

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

"Mr. President, I'd like to join in the comments of the Senator from Pearl City. I received some calls yesterday.

"Just to add to what she said, what the present situation is for the students is that they have apparently received or had received assurances that they would get their dorms; they had sent in their fees; they have received the guarantee, and apparently that has now been broken, based upon what I understand might be some memorandum.

"I would suggest that the Board of Regents and the Housing Director look at the question, the legal liabilities that the University of Hawaii may in fact face at this point in time -- one for breach of contract which may be resulting in a lawsuit; and secondly, whether or not they've complied with Chapter 91 and the Hawaii Housing Authority vs. Aguilar case in which they must promulgate rules to set forth standards for housing. And if they have not done either, I would strongly recommend that they not only rethink this policy or this proposed action, but that they rescind it and pursue appropriate procedures which should be followed, if they are going to, in fact, change the policy which has been in effect for a very long time and which will impact, by next semester, a number of students who had expected to dorm at the University of Hawaii.

"The University should not be allowed to act in such an arbitrary and capricious and arrogant manner."

ADJOURNMENT

At 12:29 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 7, 1993.