

## FORTY-FOURTH DAY

Wednesday, April 7, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Eijo Ikenaga, Nichiren 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-Third Day.

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

Senator Solomon introduced Mr. Herbert Watanabe, seated on the floor of the Senate, as follows:

"Mr. President, on behalf of the Big Island Senators, it gives me great pleasure to present a Senate certificate to Mr. Herbert Watanabe.

"Herbert Watanabe has an outstanding record of service to the state and the community.

"He is a Registered School Business Specialist, the only person in the Department of Education (DOE) with this certification. In his 39 years in the DOE, he has been a teacher, principal and a district business specialist.

"He has been a 35-year member of the Lions Club, a leader in the Boy Scouts of America and the Church of the Holy Cross.

"Among his awards are: the Sustained Superior Performance Award by the DOE; Silver Beaver Award by the Boy Scouts of America; five Lions Club International President's Awards; and the Distinguished Alumni Award from the University of Wisconsin.

"He is indeed a distinguished servant to the people of Hawaii.

"Mr. President, I would like to briefly cite from the Senate certificate.

"Mr. Watanabe was educated at Lanai High School, the University of Wisconsin, Indiana University, Stanford University and the University of Hawaii. He began his career in education as a teacher at Pahala High School on the Big Island. He is a former principal of Hawaii Technical School and Hoomana Vocational School, and the Hawaii Community Correctional Center where he established the first vocational program.

"Mr. Watanabe is retiring as Hawaii District Business Specialist with the DOE, after a distinguished career spanning nearly four decades.

"Mr. President, I present and introduce Mr. Herbert Watanabe."

Mr. Watanabe stood to be recognized and was presented the Senate certificate by Senator Solomon and a lei by Senator Fernandes Salling.

Senator Solomon also introduced Mr. Watanabe's wife Ellen, son Mark and wife Emily, son Colin and wife Cherie, seated in the gallery. (All rose to be recognized.)

Senator Solomon then introduced Ms. Debra Sutton of Interisland Coffee, Tea, and Spice Company, also seated on the floor of the Senate, as follows:

"Mr. President, again on behalf of the Big Island Senators, it is my pleasure to present a Senate certificate to the Interisland Coffee, Tea, and Spice Company.

"From the time I was chair of the Senate Agriculture Committee, we have put much effort into the encouragement and promotion of local products. We came up with the island fresh label which is used on many products in Hawaii today.

"The Interisland Coffee, Tea, and Spice Company opened only 2 years ago, but already has more than 20 distribution points in the state. They are currently promoting aggressively in the national and international levels. They provided coffee for the Clinton-Yeltsin Summit Conference and are actively seeking markets in the Far East.

"The coffee, packaged by this company under the 'Bad Ass Coffee Company' label, is pure Kona coffee. Incidentally, 'Bad Ass' refers to our famous 'Kona nightingale.'

"As a note of information, the 'Bad Ass' Kona coffee was served at the inauguration of President Clinton and is featured on the White House menu.

"Mr. President, I would like to introduce Ms. Debra Sutton, vice president of the Interisland Coffee, Tea, and Spice Company, and Mr. Weldon Schooler, director of the company."

Ms. Sutton stood to be recognized and was presented the Senate certificate and lei by Senator Solomon. Mr. Schooler, seated in the gallery, stood to be recognized.

Senator McCartney then added:

"Mr. President, I would like to echo the comments of the Senator from Kohala on Mr. Herbert Watanabe.

"As chair of the Education Committee, members of my committee and I have visited your schools, and everywhere we have gone across the state, we heard, 'How come the Big Island schools look so good?' And there is only one answer, every single time -- Herb Watanabe.

"We hope we can clone you and send you across the state, now that you are retired, to help us get the other schools in line. We really appreciate your hard work and contributions to the state. Thank you."

Senator McCartney then recognized the achievements of Mr. Stan Sheriff, as follows:

"Mr. President, yesterday, we honored the Rainbow Na Wahine Basketball Team and made them the heartfelt champions of the State of Hawaii. Today, we would like to honor a man who has left a legacy for all of us in the athletics program at the University of Hawaii and the State of Hawaii. That man was Mr. Stan Sheriff.

"We all know the importance of athletics to the people of Hawaii and Stan was able to weave the importance of athletics with the importance of education. He always put the student athletes first and fought for the program.

"Stan Sheriff was born in Hawaii, attended Cal Poly-San Luis Obispo where he won 'Little All-American' honors. After a stint in the Army, he played professional football for the San Francisco 49ers, the Pittsburgh Steelers and the Los Angeles Rams. While living on the Mainland, he served 23 years as head football coach at Northern Iowa, the last 12 as both head football coach and athletics director. He returned to Hawaii in 1983 to serve as our athletics director.

"Some of his major accomplishments at the University were, not only a strong financial commitment to women's sports, but, equal opportunity for student athletes, and elevating head coaches to full time status. Another impressive accomplishment was the improvement in graduation rates of the athletes. For the last six years, Hawaii's graduation rate has topped the Western Athletic Conference. And if you look at the front page article of today's Advertiser, I think it's real appropriate that it talks about Stan Sheriff's legacy where we rank number 7 in the nation for graduation rates of football athletes. That is a testament to his commitment to the student athlete.

"Stan also worked very hard in bringing Rainbow sports across the state and helped to secure a six-year contract with KHNL-TV for \$7.5 million. He was also a leader in fighting for the 10,000-seat campus arena which is now under construction.

"You all know which side I was on on that arena. The first time I met Stan Sheriff was when I went to his office. He wasn't too happy with me and he gave me a good speech about why the arena was so important to the athletics program and to the University. At that time, DAGS was projecting the cost to be \$50 million when we had already appropriated \$32 million. Stan opened his desk drawer and pulled out a sketch or picture of this dome stadium at Baylor University and said, 'Why don't we do this? This will save some money.' From there, we took that idea to the governor and DAGS, and Senator Kobayashi and I went to Waco, Texas, to look at the dome. Because of his initiative, we are going to have the arena and we were able to build it for \$32 million. Because of Stan Sheriff's vision, foresight and commitment, and for giving us the idea, our sports arena is under construction.

"In closing, I would like to share a few comments by some of his very good friends.

"Jim Leahey said, 'Stan is the finest athletics director University of Hawaii ever had.'

"Dave Shoji said, 'Stan always went out of his way to make me feel good. Whenever he introduced us to someone, I was always the "best volleyball coach in the country" or the "best" motivator, or whatever the subject was at the moment. I'm sure he introduced all our coaches the same way -- not just me.'

"Les Murakami said, 'He was very supportive of the baseball program. He was a personal friend. We always knew where we stood with Stan and we kept reminding him that he should go away when he took a vacation, instead of hanging around the athletics office.'

"Hugh Yoshida our acting athletics director said, 'He cared for the student athlete; he put them first. I will always remember his big, warm smile, his positive attitude and his compassionate nature.'

"A message from Bob Nash, our assistant basketball coach, reads:

'On behalf of the U.H. Men's Basketball Staff, we express our deepest appreciation to the Sheriff family for the gift of their husband and father. We say gift because Stan had the ability to be a boss, a coach, a friend, a family man, a guy to have a cold one with but the biggest gift of all was the ability to give of himself for the betterment of others. There is not a single program within the Athletics Department that has not grown. This is the direct result of his visionary leadership. We will always be indebted to him for the challenges he inspired in us and for the lasting impression he made upon us.

With deepest appreciation,  
Coach Bob Nash.'

"Coach Wallace wanted to be here today but he is out of state on a recruiting trip. He told me, on a personal note, 'I loved the man and I respected him.'

"Mr. President, I would like to introduce the family of Stan Sheriff -- Mrs. Jane Sheriff, sons Paul, Michael and Richard."

Mrs. Sheriff and her sons rose to be recognized. Senator Holt presented Mrs. Sheriff the Senate certificate of recognition and Senators Ikeda, McCartney, George and A. Kobayashi presented leis to each of them.

Senator McCartney also introduced members of the athletics department staff who were seated in the gallery, Adam, Marge and acting athletics director Hugh Yoshida. (All stood to be recognized.)

Senator Solomon added remarks as follows:

"Mr. President, when I had the privilege of chairing the Higher Education Committee, I remember when I first met Stan Sheriff. I was very impressed with him and the comments he made in terms of his commitment not only to his job and the program but his commitment to Hawaii.

"I am very sad that the Senate certificate is presented when he is not here to receive our gratitude and our appreciation but I'm sure that his loving family will appreciate and accept it for him. Thank you."

Senator Holt also added his remarks and said:

"Mr. President, also as a former chairman of the Higher Education Committee, I had the opportunity to work with Stan Sheriff some years ago. We accomplished a lot during that time and we've accomplished a lot since.

"One of the items I remember getting into arguments with Stan a lot about was trying to make sure that he kept the reserve fund, a special fund which we are dealing with this year of at least a million dollars for a rainy day, that he wanted to dip into all the time and was told that he had to keep a minimum balance. Fortunately, he was able to do that, even though we had to convert a lot of the special funds into the general fund to help out the women's program.

"One of my fondest memories is going to his office on campus when he had just computerized the athletics department. I went into his office and he didn't even know how to turn on the computer and, finally, when Terry Willum, I think, Rockne's assistant at that time, came in and turned it on for him and there was a computer game on the screen and he said, 'That's all we do around here, sit and play games on the computer.' Stan didn't know how to play games on the computer.

"We've come a long way with Stan Sheriff. We have a weight room which was developed during his time. We got the campus arena moving, got the women's softball field, and we are just finishing the baseball stadium. One of things that most impressed me, during my tenure as chairman, the one thing that we can look back on and be proud of and a legacy that we will all remember, is the fact that Stan Sheriff pushed for academic counselling in athletics, and that's when Shoemaker and Marks were looking for permanent positions, and it was a high priority on his budget list. We got it through the regents' budget but he came down and fought hard for it and today we have one of the best academic counselling programs in the nation and it's because of Stan. We are proud of it and the result is in this morning's paper. Thank you."

Senator McCartney then introduced Coach Bob Nash who had just appeared in the gallery. (Coach Nash stood to be recognized.)

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 313 and 314) were read by the Clerk and were placed on file:

Gov. Msg. No. 313, dated March 10, 1993, transmitting a report prepared by the Department of Accounting and General Services in response to Act 353, SLH 1988, which requires DAGS to submit reports to the Legislature which analyze the experience of the county/state hospitals division and quantify the time saved by avoiding the bidding process and the effect of non-bid acquisition or acquisition costs.

Gov. Msg. No. 314, dated March 15, 1993, transmitting a follow-up report prepared by the Department of Education in response to the Super Handyperson demonstration project (school repair and maintenance program), pursuant to Act 296, SLH 1991.

### DEPARTMENTAL COMMUNICATION

Dept. Com. No. 20, from the Department of Business, Economic Development and Tourism dated March 29, 1993, transmitting the "Directory of Gift & Apparel Manufacturers 1993," prepared by the Products and Services Branch, was read by the Clerk and was placed on file.

### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 391 to 393) were read by the Clerk and were placed on file:

Hse. Com. No. 391, returning S.B. No. 120, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 1993.

Hse. Com. No. 392, returning S.B. No. 1458, which passed Third Reading in the House of Representatives on April 6, 1993.

Hse. Com. No. 393, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1467, H.D. 1.

### STANDING COMMITTEE REPORTS

Senators B. Kobayashi and Levin, for the Committee on Health and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1143) recommending that H.B. No. 284, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the joint report of the Committees was adopted and H.B. No. 284, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1144) recommending that H.B. No. 1650, 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 Ikeda, seconded by Senator Koki and carried, the report of the Committee was adopted and H.B. No. 1650, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR ADMISSION TO WAIMANO TRAINING SCHOOL AND HOSPITAL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1145) recommending that H.B. No. 1899, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the report of the Committee was adopted and H.B. No. 1899, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1146) recommending that H.B. No. 882, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the report of the Committee was adopted and H.B. No. 882, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDSCAPING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1147) recommending that H.B. No. 1673 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the report of the Committee was adopted and H.B. No. 1673, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senators Iwase and Koki, for the Committee on Planning, Land and Water Use Management and the Committee on Public Safety and Corrections, presented a joint report (Stand. Com. Rep. No. 1148) recommending that H.B. No. 2078 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the joint report of the Committees was adopted and H.B. No. 2078, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1149) recommending that H.B. No. 1400, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the report of the Committee was adopted and H.B. No. 1400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1150) recommending that H.B. No. 1593 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Koki and carried, the report of the Committee was adopted and H.B. No. 1593, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 1993.

Senator Holt, for the Committee on Executive Appointments, presented a report (Ldr. Com. Rep. No. 1151) recommending that the Senate consent to the nomination of PAULA AIKO NAKAYAMA for Associate Justice, State Supreme Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 277.

In accordance with Senate Rule 36(1), action on Stand. Com. Rep. No. 1151 and Gov. Msg. No. 277 was deferred until Thursday, April 8, 1993.

#### ORDER OF THE DAY

#### MATTER DEFERRED FROM TUESDAY, APRIL 6, 1993

#### AGREE/DISAGREE

S.B. 261 (H.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, the Senate disagreed to the amendments proposed by the House to S.B. 261, and requested a conference on the subject matter thereof.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

#### FINAL READING

S.B. No. 1641, S.D. 1, H.D. 1:

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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Blair, Holt). Excused, 2 (Kobayashi, A., Reed).

#### THIRD READING

H.B. No. 947, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 947, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYISTS LAW STATEMENT OF EXPENDITURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kobayashi, A., Reed).

Senator Fernandes Salling rose to speak on a point of personal privilege, as follows:

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

"Mr. President, we are at this point in session where our major committees, Ways and Means and Judiciary, are working very hard to try to get the bills in proper forms to make the amendments that are needed and to deck them in time tomorrow. It's a time when we are more vulnerable to confusion and to being fooled about what may be going on.

"Yesterday afternoon, I was informed that one of the bills that I consider, and I think many of us here share that same view in this body and also publicly, vital to helping the people of Kauai was running into a bit of problem. It seems that Hawaiian Electric Industries (HEI), taking advantage of this period where we are most susceptible to being confused, had made a couple of different proposals on how to deal with the problem we have of how to equitably share the cost of the restoration of our utility companies on the island.

"Hawaiian Electric, it seems, had initially thrown out at the very last minute a proposal that would have said, instead of passing the bill that had come over from the House allowing for the surcharge to be assessed upon approval by the PUC, to set up some sort of voluntary contribution. Set it up in such a manner that it would only be paid by the residents of Oahu, and this approach was not in addition to the bill that we received from the House that is before us which would assess a surcharge to help in paying for the cost but, instead of that bill. Fortunately, our Ways and Means chairperson had the good sense to see through this and advised them that she would not go along with this proposal.

"HEI didn't stop at that point. HEI went one step further and proposed a second bill and, if it wasn't for the careful scrutiny on the part of the Senator Iwase, perhaps, they would have succeeded in getting a bill such as what they proposed through at this critical time in the session.

"The bill, essentially, would have denied Kauai residents the kind of relief that they desperately need to pay for the high utility cost.

"Why I am bringing this to your attention is because I firmly believe that HEI will not stop its efforts to try to derail such a piece of legislation that is so critical as one step to restoring people's lives on our island. And I think only by bringing it to your attention, all of you here, my fellow colleagues, and to the public's attention, that we

will be on our toes, on guard so to speak, when HEI comes to us with proposals that I'm sure they will in the future with respect to this and maybe other issues before us.

"Hasn't HEI done enough damage to not just Kauai but to the state with respect to HIG? Coming in and trying to persuade us that they are acting in good faith and for and in the interest of the people of Kauai, let's not be fooled. The actions speak for themselves. What we have here is really just 'a wolf in sheep's clothing.'

"I ask all of you to take into consideration what has occurred and to keep in mind that, as I mentioned earlier, I don't believe there is one chance that HEI is going to stop and desist in this kind of practice, and we need to keep on our toes when dealing with them throughout the rest of the session.

"Thank you."

#### **ADJOURNMENT**

At 12:26 o'clock p.m., on motion by Senator Iwase, seconded by Senator Koki and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 8, 1993.