

FORTY-THIRD DAY

Monday, March 25, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:40 o'clock a.m., with the Vice President in the Chair.

The Divine Blessing was invoked by Mrs. Joan Laing of the Christian Science Church, after which the Roll was called showing all Senators present with the exception of Senators Hee, Wong and Young who were excused.

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

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

Senator McMurdo introduced Colonel (Ret.) and Mrs. J.B.R. Hines and Colonel (Ret.) and Mrs. Rod Lindow who were sitting in the gallery. Senator McMurdo added that both gentlemen were ROTC instructors at the University of Hawaii in the '50s and that Colonel Lindow is a 1939 graduate of the University.

Senator Holt then introduced a group of members (18) of Delta Kappa Gamma, a society of professional women educators, with their state president Dr. DeEtta Wilson from Windward Community College; legislative chairperson, Eileen Clarke from Mililani High School; and their state executive secretary and a Hawaii State Chapter founder, Marvel Bernshouse.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 250 to 259) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 250, transmitting the 1984 Annual Report of the Five State Loan Programs, prepared by the Business and Industry Development Division, Department of Planning and Economic Development, and was referred to the Committee on Economic Development.

Gov. Msg. No. 251, submitting for consideration and confirmation to the Board of Public Accountancy, the nominations of Charles T. Kudo, Alfred C.K. Chee and Steven M. Shinn, terms to expire December 31, 1988, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 252, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of Martin H. Zais, D.D.S., and Thomas E. Crowley, III, terms to expire December 31, 1988, was referred to the Committee on

Consumer Protection and Commerce.

Gov. Msg. No. 253, submitting for consideration and confirmation to the Board of Dispensing Opticians of the following:

Bert J. Okuhara, term to expire December 31, 1985; and
Ronald T. Iwata, term to expire December 31, 1988,

was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 254, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nominations of the following:

Walter J. Smith, Jr., term to expire December 31, 1988; and
Louis Agard, Jr., term to expire December 31, 1986,

was referred to the Committee on Economic Development.

Gov. Msg. No. 255, submitting for consideration and confirmation to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, the nominations of the following:

Mary Ann Pyun, Dorothy K.S. Ono and Isabel M. Tagala, terms to expire December 31, 1988; and

Sharon E. Ogawa, term to expire December 31, 1987,

was referred to the Committee on Health.

Gov. Msg. No. 256, submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Maui County Hospital System, the nominations of the following:

Wayne M. Takehara, term to expire December 31, 1988; and
William Kennison, term to expire December 31, 1985,

was referred to the Committee on Health.

Gov. Msg. No. 257, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of Maurice H. Kaya and Daniel F. Clark, terms to expire December 31, 1988, was referred to the Committee on Health.

Gov. Msg. No. 258, submitting for consideration and confirmation to the Board

of Regents, University of Hawaii, the nomination of Dennis Yamada, term to expire December 31, 1987, was referred to the Committee on Higher Education.

Gov. Msg. No. 259, submitting for consideration and confirmation to the Criminal Injuries Compensation Commission, the nomination of Allison H. Lynde, term to expire December 31, 1988, was referred to the Committee Human Services.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 41 to 43) were read by the Clerk and were disposed of as follows:

S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED EFFORT BY THE UNITED STATES CONGRESS TO PERMIT HAWAII TO ENACT AMENDMENTS TO ITS PREPAID HEALTH CARE ACT WITHOUT THE RESTRICTIVE WORDING OF SECTION 514(b) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)," was offered by Senator Soares.

By unanimous consent, S.C.R. No. 41 was referred to the Committee on Labor and Employment.

S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADOPT SPECIAL AREA RULES GOVERNING THE USE OF JET SKIS IN MAUNALUA BAY," was offered by Senator Soares.

By unanimous consent, S.C.R. No. 42 was referred jointly to the Committee on Tourism and Recreation and to the Committee on Transportation.

S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DIRECTOR OF SOCIAL SERVICES AND HOUSING IMPLEMENT PROPOSALS TO IMPROVE THE PROVISION OF CHILD CARE SERVICES IN HAWAII," was offered by Senator Soares.

By unanimous consent, S.C.R. No. 43 was referred to the Committee on Human Services.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 53 to 57) were read by the Clerk and were disposed of as follows:

S.R. No. 53, entitled: "SENATE RESOLUTION REQUESTING NEGOTIATIONS TO FACILITATE JOINT USE OF RAINBOW STADIUM BY THE

UNIVERSITY OF HAWAII RAINBOW BASEBALL TEAM AND THE HAWAII ISLANDERS," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 53 was referred to the Committee on Higher Education.

S.R. No. 54, entitled: "SENATE RESOLUTION URGING A CONCERTED EFFORT BY THE UNITED STATES CONGRESS TO PERMIT HAWAII TO ENACT AMENDMENTS TO ITS PREPAID HEALTH CARE ACT WITHOUT THE RESTRICTIVE WORDING OF SECTION 514(b) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)," was offered by Senator Soares.

By unanimous consent, S.R. No. 54 was referred to the Committee on Labor and Employment.

S.R. No. 55, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADOPT SPECIAL AREA RULES GOVERNING THE USE OF JET SKIS IN MAUNALUA BAY," was offered by Senator Soares.

By unanimous consent, S.R. No. 55 was referred jointly to the Committee on Tourism and Recreation and to the Committee on Transportation.

S.R. No. 56, entitled: "SENATE RESOLUTION REQUESTING THAT THE DIRECTOR OF SOCIAL SERVICES AND HOUSING IMPLEMENT PROPOSALS TO IMPROVE THE PROVISION OF CHILD CARE SERVICES IN HAWAII," was offered by Senator Soarea.

By unanimous consent, S.R. No. 56 was referred to the Committee on Human Services.

S.R. No. 57, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE HISTORY OF THE HAWAII DEVELOPMENT IRRADIATOR PROJECT," was offered by Senators A. Kobayashi, Kawasaki, Hee, Cayetano, Mizuguchi, Hagino, Holt, Toguchi, George, McMurdo, Chang, Soares, Henderson and Matsuura.

By unanimous consent, S.R. No. 57 was referred to the Committee on Agriculture, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 807) recommending that House Bill No. 275, H.D. 1, pass Second Reading and be placed on the calendar for

Third Reading.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and H.B. No. 275, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 27, 1985.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTER DEFERRED FROM
FRIDAY, MARCH 22, 1985

Stand. Com. Rep. No. 720 (Gov. Msg. No. 132):

By unanimous consent, Stand. Com. Rep. No. 720 and Gov. Msg. No. 132 were recommitted to the Committee on Health.

THIRD READING

House Bill No. 162, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (A. Kobayashi).
Excused, 3 (Hee, Wong and Young).

House Bill No. 860, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 860, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hee, Wong and Young).

House Bill No. 163:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 163, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hee, Wong and Young).

House Bill No. 165, S.D. 1:

Senator B. Kobayashi moved that H.B. No. 165, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Machida.

Senator Abercrombie rose to speak on the measure as follows:

"Mr. Vice President, I'd like to speak in favor of this bill very briefly.

"This is a big step forward. I want to commend the Committee on Health on this particular bill. This is an alternative to institutional care. It's part of the combination of activities, I think, that the Senate has been pursuing this year in various committees — mine, the Health Committee and the Ways and Means Committee — to see to it that we have the broadest base response available in our community at the least possible cost for the maximum possible benefit for people who are ill. Thank you."

The motion was put by the Chair and carried and H.B. No. 165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hee, Wong and Young).

At this time, Senator Cayetano rose on a point of inquiry as follows:

"Mr. (Vice) President, last week I announced to the members of this body that if any Senator requested a hearing on the drinking age bill, I would be glad to hold such a hearing. Initially, Senator George requested such a hearing. One was scheduled for Saturday, March 30th, but, as I understand it and I would like for her to confirm it, she has since withdrawn that request. Is that correct?"

Senator George responded:

"Mr. Vice President, after consultation with the sturdy proponents of the 21-year drinking age bill, their, I think, well-reasoned decision was not to request a hearing inasmuch as the hearing was to be held after the last day to deck bills."

Senator Abercrombie then added:

"Mr. Vice President, as you know, I have been a strong proponent of not raising the drinking age, and we've had ample opportunity over the course of months to have all kinds of misinformation and posturing take place.

"I think that it's important to go ahead with this. I have told people that there are going to be hearings and they are preparing for them right now.

"And, if it's going to be a matter of request, I, at this moment, will request the chairman to continue to hold that hearing on

the 30th, this Saturday, because there's a lot of people I know who are already planning to come down here to testify.

"I think the proponents of this bill have had a long, long time to do it, and they may be having second thoughts. But, whatever the reason is, it's beside the point.

"I want to have a hearing so I will request it formally, at this time."

Senator George then said:

"Mr. Vice President, I should add that one of the conditions in addition to its being held after the date for decking bills for this session ... the other consideration which I believe motivated them is that the chairman of Transportation indicated that if a hearing were to be held this year there would be no hearing next year.

"It seemed to them that should the bill not be acted on this year, new data would be developed. Many states having raised the drinking age would have experience and the numbers that they could provide us with in the next session would be important.

"So one of their considerations was to make sure that should the bill not pass this year that there be a hearing next year.

"I wonder if the chairman of the Transportation Committee would be good enough to validate my statement that he did indeed list this as a condition."

Senator Cayetano answered:

"Mr. Vice President, Senator George is correct, but I believe she raises a very good point and I would be willing to hold another hearing next year if there is new evidence which requires such a hearing. The good Senator can go back and inform the proponents of the bill that, should there be new evidence, studies available, I'm certainly not closed to a hearing next year."

Senator Abercrombie then remarked:

"Mr. Vice President, I will renew my request to go ahead with the hearing this Saturday.

"I, too, am of the opinion that there will be more evidence available next year. That evidence will confirm my position so I'm only too happy to have a second hearing next year. But I don't believe it's fair to go through all this up to this point and then not have the hearing, especially when the argument is being made that confirmation of a point of view will be more readily available next year.

"Let's take it up again next year. I'm always pleased to be proved right twice."

Senator Soares then added:

"Mr. Vice President, I think the Senator's request for a hearing on Saturday has merit. On the other hand, I think it's a little unfair to have everyone come in for a hearing unless decision-making is to follow and we take a vote on the floor.

"I think Senator George is perfectly correct; if we will not have decision-making on this bill, it should be held until next year."

Senator Cobb then rose on a point of parliamentary privilege as follows:

"Mr. Vice President, the hearing, although it is heard after the decking deadline for bills with Senate drafts, I don't believe there's a Senate draft on this particular measure, and if the committee and its chairman decide to have decision-making, it could be reported out at any time without a Senate draft, as is.

"We'll have anytime until 48 hours prior to adjournment, sine dine, to do so."

The Chair answered: "That's correct."

Senator Soares then continued:

"Mr. Vice President, I think Senator Cayetano's position is very clear; he is not going to move the bill this year."

The Chair responded:

"I think one of the reasons the chairman of the Transportation Committee is withholding action on this bill is that, as I understand, he is waiting for a judicial decision on the South Dakota judicial inquiry."

Senator Abercrombie continued:

"Mr. Vice President, all that may be true, but I've made a request to the Chair to hold a hearing on Saturday. I'd like to hear his answer before we continue."

Senator Chang added:

"Mr. Vice President, let me join with those who are requesting a hearing on this subject."

Senator Cayetano answered:

"Mr. Vice President, that makes two, so the answer is 'yes.' It will be scheduled for either 9:00 or 9:30 a.m. on Saturday. Notices will be sent out and I hope that all parties interested, pro and con, show up."

ADJOURNMENT

At 12:01 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares

and carried, the Senate adjourned until
11:30 o'clock a.m., Wednesday, March 27,
1985.