

FIFTY-FIRST DAY

Monday, April 8, 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 President in the Chair.

The Divine Blessing was invoked by Mr. L. Graeme McIntosh of the Christian Science Church, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie and Holt who were excused.

The Chair announced that he had read and approved the Journal of the Fiftieth Day.

Senator Chang then introduced Dr. Haing Ngor to the members of the Senate and remarked as follows:

"Mr. President, we are very fortunate to have with us today a doctor who has taken one of the most amazing journeys in the annals of the film history. This doctor was practicing in Phnom Penh when the Khmer Rouge guerrillas invaded the city and forced residents of Cambodia into the countryside that would become known as 'The Killing Fields.'

"This doctor not only has extraordinary talent in medical practice but is well known for his portrayal of Dith Pran, the real life Cambodian interpreter-assistant to New York Times Correspondent Sydney Schanberg, who covered the downfall of Phnom Pehn.

"I would like to present this morning, on behalf of the Senate, a congratulatory certificate to Dr. Haing S. Ngor for his humanitarianism concerning the refugees from Southeast Asia and upon winning the 1985 Academy Award for Best Supporting Actor in the movie 'The Killing Fields.'"

"Dr. Ngor is escorted today by Dr. Daniel Suzot, an American physician who worked with Dr. Ngor in the Thai refugee camp in 1980, and by his niece Sophia."

The honoree and guests rose to be recognized. Senator Chang presented Dr. Ngor with the congratulatory certificate and Senator Young presented the lei.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

HOUSE COMMUNICATIONS

Hse. Com. No. 447, transmitting House Concurrent Resolution No. 38, H.D. 1, which was adopted by the House of

Representatives on April 4, 1985, was placed on file.

By unanimous consent, H.C.R. No. 38, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Education, then to the Committee on Economic Development.

The following communications from the House (Hse. Com. Nos. 448 to 510), returning Senate Bills which passed Third Reading in the House of Representatives on April 3, 1985, were placed on file:

Hse. Com. No. 448, returning Senate Bill No. 6, S.D. 2;
Hse. Com. No. 449, returning Senate Bill No. 27, S.D. 1;
Hse. Com. No. 450, returning Senate Bill No. 29;
Hse. Com. No. 451, returning Senate Bill No. 55;
Hse. Com. No. 452, returning Senate Bill No. 60, S.D. 1;
Hse. Com. No. 453, returning Senate Bill No. 69, S.D. 2;
Hse. Com. No. 454, returning Senate Bill No. 73, S.D. 1;
Hse. Com. No. 455, returning Senate Bill No. 82, S.D. 2;
Hse. Com. No. 456, returning Senate Bill No. 100;
Hse. Com. No. 457, returning Senate Bill No. 112;
Hse. Com. No. 458, returning Senate Bill No. 125, S.D. 2;
Hse. Com. No. 459, returning Senate Bill No. 128, S.D. 1;
Hse. Com. No. 460, returning Senate Bill No. 141, S.D. 1;
Hse. Com. No. 461, returning Senate Bill No. 155, S.D. 1;
Hse. Com. No. 462, returning Senate Bill No. 160, S.D. 1;
Hse. Com. No. 463, returning Senate Bill No. 162;
Hse. Com. No. 464, returning Senate Bill No. 165;
Hse. Com. No. 465, returning Senate Bill No. 166;
Hse. Com. No. 466, returning Senate Bill No. 182, S.D. 1;
Hse. Com. No. 467, returning Senate Bill No. 187;
Hse. Com. No. 468, returning Senate Bill No. 188;
Hse. Com. No. 469, returning Senate Bill No. 190;
Hse. Com. No. 470, returning Senate Bill No. 196;
Hse. Com. No. 471, returning Senate Bill No. 197;
Hse. Com. No. 472, returning Senate Bill

No. 198, S.D. 1;
Hse. Com. No. 473, returning Senate Bill No. 202;
Hse. Com. No. 474, returning Senate Bill No. 203;
Hse. Com. No. 475, returning Senate Bill No. 213, S.D. 1;
Hse. Com. No. 476, returning Senate Bill No. 230, S.D. 1;
Hse. Com. No. 477, returning Senate Bill No. 255;
Hse. Com. No. 478, returning Senate Bill No. 260, S.D. 1;
Hse. Com. No. 479, returning Senate Bill No. 279;
Hse. Com. No. 480, returning Senate Bill No. 287, S.D. 1;
Hse. Com. No. 481, returning Senate Bill No. 379, S.D. 1;
Hse. Com. No. 482, returning Senate Bill No. 426, S.D. 2;
Hse. Com. No. 483, returning Senate Bill No. 434, S.D. 1;
Hse. Com. No. 484, returning Senate Bill No. 457, S.D. 1;
Hse. Com. No. 485, returning Senate Bill No. 469;
Hse. Com. No. 486, returning Senate Bill No. 470, S.D. 2;
Hse. Com. No. 487, returning Senate Bill No. 556, S.D. 1;
Hse. Com. No. 488, returning Senate Bill No. 563, S.D. 1;
Hse. Com. No. 489, returning Senate Bill No. 634, S.D. 1;
Hse. Com. No. 490, returning Senate Bill No. 651, S.D. 1;
Hse. Com. No. 491, returning Senate Bill No. 663, S.D. 2;
Hse. Com. No. 492, returning Senate Bill No. 668.
Hse. Com. No. 493, returning Senate Bill No. 689.
Hse. Com. No. 494, returning Senate Bill No. 742, S.D. 1;
Hse. Com. No. 495, returning Senate Bill No. 843;
Hse. Com. No. 496, returning Senate Bill No. 961, S.D. 1;
Hse. Com. No. 497, returning Senate Bill No. 1136;
Hse. Com. No. 498, returning Senate Bill No. 1114, S.D. 1;
Hse. Com. No. 499, returning Senate Bill No. 1158;
Hse. Com. No. 500, returning Senate Bill No. 1178, S.D. 1;
Hse. Com. No. 501, returning Senate Bill No. 1179;
Hse. Com. No. 502, returning Senate Bill No. 1221;
Hse. Com. No. 503, returning Senate Bill No. 1271, S.D. 1;
Hse. Com. No. 504, returning Senate Bill No. 1274, S.D. 1;
Hse. Com. No. 505, returning Senate Bill No. 1290, S.D. 1;
Hse. Com. No. 506, returning Senate Bill No. 1350, S.D. 1;
Hse. Com. No. 507, returning Senate Bill No. 1351, S.D. 1;

Hse. Com. No. 508, returning Senate Bill No. 1356, S.D. 1;
Hse. Com. No. 509, returning Senate Bill No. 1409; and
Hse. Com. No. 510, returning Senate Bill No. 1443, S.D. 1.

Hse. Com. No. 511, informing the Senate that the House has disagreed to the amendments proposed by the Senate to all House Bills returned to the House of Representatives on March 27, 1985 and April 2, 1985, was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 78 to 86) were read by the Clerk and were disposed of as follows:

S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT AND OPERATION OF A GOLF COURSE AND HIKING TRAILS IN DIAMOND HEAD CRATER," was offered by Senators Kuroda, Fernandes Salling, Henderson, McMurdo, Holt, Young, Aki, Hagino, Machida, Mizuguchi and Yamasaki.

By unanimous consent, S.C.R. No. 78 was referred to the Committee on Tourism and Recreation.

S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," was offered by Senators Toguchi, Kuroda, Young, Machida, McMurdo, A. Kobayashi, Henderson, Soares, Cayetano, B. Kobayashi, Yamasaki, Hagino, Chang, Holt, Fernandes Salling, Matsuura, Aki, Cobb, Kawasaki, Hee, Abererombie and Mizuguchi.

By unanimous consent, S.C.R. No. 79 was referred to the Committee on Education.

S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF GRANTING LEAVES OF ABSENCE WITH PAY TO PUBLIC EMPLOYEES FOR CIVIC DUTY," was offered by Senator Wong.

By unanimous consent, S.C.R. No. 80 was referred to the Committee on Labor and Employment.

S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE STATE OF ALASKA IN SEEKING A REPEAL OF THE FEDERAL BAN ON EXPORTING ALASKAN OIL," was offered by Senator Wong.

By unanimous consent, S.C.R. No. 81 was referred to the Committee on Government Operations.

S.C.R. No. 82, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO UNDERTAKE A FEASIBILITY STUDY FOR THE ESTABLISHMENT OF A MAJOR PUBLIC INFORMATION AND EDUCATION PROGRAM," was offered by Senator Hagino.

By unanimous consent, S.C.R. No. 82 was referred to the Committee on Economic Development.

S.C.R. No. 83, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT STAGGERED TIMES FOR STARTING AND CLOSING OF CERTAIN PUBLIC SCHOOLS ON OAHU TO RELIEVE TRAFFIC CONGESTION," was offered by Senators Cayetano, Toguchi, Hagino, Soares, Henderson, B. Kobayashi, Machida, Cobb, George, Chang and Abercrombie.

By unanimous consent, S.C.R. No. 83 was referred jointly to the Committee on Education and the Committee on Transportation.

S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY OF THE MEDICAL MALPRACTICE INSURANCE SYSTEM," was offered by Senators Mizuguchi, Cobb, Fernandes Salling, McMurdo, Machida, A. Kobayashi, George, Cayetano, Kuroda, Matsuura, Chang and Henderson.

By unanimous consent, S.C.R. No. 84 was referred to the Committee on Consumer Protection and Commerce.

S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES AND THE SOVIET UNION TO SUPPORT PEACEFUL USES OF SPACE AND TO AVOID THE USE OF SPACE FOR WARFARE," was offered by Senators Chang, Hee, Machida, B. Kobayashi, Yamasaki, Fernandes Salling, Aki, Matsuura, Toguchi, Hagino, Cayetano, Holt and Mizuguchi.

By unanimous consent, S.C.R. No. 85 was referred to the Committee on Government Operations.

S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF AND WORKSHOP ON TORT LAWS," was offered by Senators Chang, Cayetano, Yamasaki, McMurdo, Hagino, Holt, Machida, Mizuguchi, George, A. Kobayashi, Toguchi, Kuroda, Hee, Henderson, Soares, Matsuura, Aki and Cobb.

By unanimous consent, S.C.R. No. 86 was referred to the Committee on Judiciary.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 104 to 112) were read by the Clerk and were disposed of as follows:

S.R. No. 104, entitled: "SENATE RESOLUTION CONCERNING THE ESTABLISHMENT OF A RURAL HOUSING PROGRAM FOR THE STATE OF HAWAII," was offered by Senator Young.

By unanimous consent, S.R. No. 104 was referred to the Committee on Housing and Community Development.

S.R. No. 105, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT AND OPERATION OF A GOLF COURSE AND HIKING TRAILS IN DIAMOND HEAD CRATER," was offered by Senators Kuroda, Fernandes Salling, Henderson, McMurdo, Holt, Young, Aki, Hagino, Machida, Mizuguchi and Yamasaki.

By unanimous consent, S.R. No. 105 was referred to the Committee on Tourism and Recreation.

S.R. No. 106, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF GRANTING LEAVES OF ABSENCE WITH PAY TO PUBLIC EMPLOYEES FOR CIVIC DUTY," was offered by Senator Wong.

By unanimous consent, S.R. No. 106 was referred to the Committee on Labor and Employment.

S.R. No. 107, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE CALIFORNIA EMERGENCY ACT AS MODEL LEGISLATION FOR REVISING HAWAII'S CIVIL DEFENSE AND EMERGENCY ACT," was offered by Senator Wong.

By unanimous consent, S.R. No. 107 was referred to the Committee on Government Operations, then to the Committee on Legislative Management.

S.R. No. 109, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT STAGGERED TIMES FOR STARTING AND CLOSING OF CERTAIN PUBLIC SCHOOLS ON OAHU TO RELIEVE TRAFFIC CONGESTION," was offered by Senators Cayetano, Toguchi, Hagino, Soares, Henderson, B. Kobayashi, Machida, Cobb, George, Chang and Abercrombie.

By unanimous consent, S.R. No. 109 was referred jointly to the Committee on Education and the Committee on Transportation.

S.R. No. 110, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY OF THE MEDICAL MALPRACTICE INSURANCE SYSTEM," was offered by Senators Mizuguchi, Cobb, Fernandes Salling, McMurdo, Machida, A. Kobayashi, George, Henderson, Cayetano, Kuroda, Matsuura and Chang.

By unanimous consent, S.R. No. 110 was referred to the Committee on Consumer Protection and Commerce.

S.R. No. 111, entitled: "SENATE RESOLUTION URGING THE UNITED STATES AND THE SOVIET UNION TO SUPPORT PEACEFUL USES OF SPACE AND TO AVOID THE USE OF SPACE FOR WARFARE," was offered by Senators Chang, Hee, Machida, B. Kobayashi, Yamasaki, Fernandes Salling, Aki, Matsuura, Toguchi, Hagino, Cayetano, Holt and Mizuguchi.

By unanimous consent, S.R. No. 111 was referred to the Committee on Government Operations..

S.R. No. 112, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF AND WORKSHOP ON TORT LAWS," was offered by Senators Chang, Cayetano, Yamasaki, McMurdo, Hagino, Holt, Machida, Mizuguchi, George, A. Kobayashi, Toguchi, Kuroda, Hee, Henderson, Soares, Matsuura, Aki and Cobb.

By unanimous consent, S.R. No. 112 was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORTS

Senator Kawasaki, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 948) recommending that House Bill No. 110, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 110, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

Senator Kawasaki, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 949) recommending that House Bill No. 96 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 96, entitled: "A BILL FOR AN ACT ESTABLISHING AN ADVISORY COMMITTEE TO STUDY OVERLAPPING STATE AND COUNTY FUNCTIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

Senator Kawasaki, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 950) recommending that House Bill No. 440, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 440, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 951) recommending that House Bill No. 211 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the report of the Committee was adopted and H.B. No. 211, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 952) recommending that House Bill No. 155 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the report of the Committee was adopted and H.B. No. 155, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 953) recommending that House Bill No. 157 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator B. Kobayashi,

seconded by Senator Machida and carried, the report of the Committee was adopted and H.B. No. 157, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 954) recommending that House Bill No. 159, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, the report of the Committee was adopted and H.B. No. 159, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 10, 1985.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

ORDER OF THE DAY

MATTERS DEFERRED FROM THURSDAY, APRIL 4, 1985

FINAL READING

By unanimous consent, action on the following Senate Bills was deferred until Tuesday, April 9, 1985:

S.B. No. 35, H.D. 1;
S.B. No. 64, S.D. 2, H.D. 2;
S.B. No. 70, S.D. 1, H.D. 1;
S.B. No. 95, H.D. 2;
S.B. No. 99, H.D. 1;
S.B. No. 102, H.D. 1;
S.B. No. 127, S.D. 1, H.D. 1;
S.B. No. 132, S.D. 1, H.D. 1;
S.B. No. 170, S.D. 2, H.D. 2;
S.B. No. 189, S.D. 1, H.D. 1;
S.B. No. 234, S.D. 1, H.D. 1;
S.B. No. 235, S.D. 1, H.D. 1;
S.B. No. 236, S.D. 1, H.D. 2;
S.B. No. 252, S.D. 2, H.D. 1;
S.B. No. 338, S.D. 1, H.D. 2;
S.B. No. 377, S.D. 1, H.D. 1;
S.B. No. 404, H.D. 1;
S.B. No. 454, S.D. 1, H.D. 1;
S.B. No. 468, H.D. 1;
S.B. No. 558, S.D. 2, H.D. 1;
S.B. No. 644, S.D. 1, H.D. 1;
S.B. No. 662, H.D. 1;
S.B. No. 732, S.D. 1, H.D. 2;
S.B. No. 735, S.D. 1, H.D. 1;
S.B. No. 775, S.D. 1, H.D. 1;
S.B. No. 1130, S.D. 1, H.D. 1;
S.B. No. 1138, S.D. 1, H.D. 1;
S.B. No. 1175, S.D. 1, H.D. 1;
S.B. No. 1196, S.D. 1, H.D. 1;

S.B. No. 1223, H.D. 1;
S.B. No. 1231, S.D. 1, H.D. 1;
S.B. No. 1299, S.D. 1, H.D. 2;
S.B. No. 1310, S.D. 1, H.D. 1;
S.B. No. 1354, S.D. 1, H.D. 2;
S.B. No. 1365, S.D. 1, H.D. 1;
S.B. No. 1386, S.D. 1, H.D. 1; and
S.B. No. 1487, S.D. 2, H.D. 2.

At this time, Senator Cobb rose on a point of personal privilege and stated:

"Mr. President, last week, the Federal Government issued an embargo on many oriental foods that are shipped from overseas that contain various amounts of foreign sugar. I think this action is both unwarranted and has an extremely adverse impact on the food supply of our local population.

"I would, at this time, like to call on the Federal Government to cease and desist from this embargo on oriental foods due to the foreign sugar content. I believe that our people's foods should not be held hostage to a trade dispute with any nation and such a denial is in effect a denial of free consumer choice.

"This, of course, raises a larger question of equalizing tariff duties to prevent the dumping of cheap sugar as an alternative to sugar subsidies with concurrent savings in the federal budget; however, Mr. President, the Federal Government should be able to act and use its authority through tariffs to equalize, not to exceed the cost but equalize sugar prices and not use the food of our people as leverage in a trade dispute."

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

"Mr. President, the point of personal privilege I want to state here is that very often the morning newspaper is criticized by us here on this floor, and with justification, but I think sometimes kudos are in order, in view of the fact that for the first time that I can recall in the coverage of public hearings in the Senate involving the newspaper bills, in this particular case a resolution asking for the Legislative Auditor to audit the finances of the newspapers, the Advertiser's morning reporter very fairly covered the gist of what was the dialogue in that hearing ... and I was quite shocked to see Jerry Burris, who we all admire as being a fair, objective reporter, still here in the press box because I thought he was fired.

"Jerry had very accurately made a point to cover in his article, a statement made by me to the effect that in all the 19 years of my being in the Senate, I've never found a witness in a committee hearing as glib as the owner, the very wealthy owner, Mr. Thurston Twigg-Smith. I had also said that, in my judgment, I thought Mr. Twigg-Smith

was an intellectually dishonest person.

"To see it printed in the morning paper and the fact that Jerry Burris is still here, I guess, is a kind of dramatic proof that the Advertiser is finally getting quite liberal.

"I do want to say that once in a while compliments are in order for the morning Advertiser which otherwise, very often receives scathing criticisms from us, with justification."

The Chair responded: "Senator Kawasaki, one day for the Advertiser, four years against them."

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 9, 1985.