

## FIFTY-FOURTH DAY

Thursday, April 16, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:47 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Wayne Gau of the Celtic Evangelical Church, after which the Roll was called showing all Senators present with the exception of Senators Chang, Henderson, Ikeda and Nakasato who were excused.

The President announced that he had read and approved the Journal of the Fifty-Third Day.

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

Senator Hagino introduced three members on the staff of the Congress of Federated States of Micronesia - Mr. Henry Asugar, chief clerk, Mr. Edgar Isaac, assistant director of administration, and Ms. Dimercy Siales, secretary to the Speaker, who are on a legislative training visit.

Senator Solomon introduced Mariana and Herbert Gotz, visitors from Stuttgart, West Germany, accompanied by her aunt, Heide Paik, who works in the Legislature.

Senator Solomon also introduced Mike Whitaker, a legislative intern from the University of Hawaii, assigned to her office, who was recently elected as one of the ASUH senators at the university.

Senator Menor introduced the Mililani High School Trojan Band and their director, Mr. Ron Hirai, seated in the gallery, as follows:

"Mr. President, it is with a great deal of pride that I introduce to this body the entire Mililani High School Trojan Band.

"I can say, having heard their performances and worked with the band in the past, that the band has and continues to have many talented musicians. Because of their outstanding performances they have received numerous honors, for example, several years ago the band participated in the Macy's Thanksgiving Day Parade and, also, the Rose Bowl Tournament of Roses Parade. In addition, this summer they are going to participate in the Festival of States Celebration which will be held in Philadelphia, Pennsylvania, on July 6, 1987.

"The Trojan Band will be performing at 12:30 this afternoon in the Capitol rotunda."

Senator Hee introduced the Sunset Symphony Orchestra of Clarke County,

Nevada, as follows:

"Mr. President, speaking of bands, the Senate had a band last year composed of Benjamin J. Cayetano, Neil Abercrombie and Buddy Soares, and they're no longer with us. We are so grateful to have the Lt. Governor, via messenger, instruct me, Mr. President, to read the following message. So, for today, at least, our Lt. Governor is with us. I would like to read a message from the Lt. Governor to the Sunset Symphony Orchestra of Clarke County, Nevada.

"Contrary to popular belief, it was not Warren Price whom we heard this morning in Judiciary who brought the band to play for his entrance into the Judiciary Committee in full uniform.

"Lt. Governor Cayetano's message reads:

"It is a pleasure to extend my aloha and welcome to the Sunset Symphony Orchestra of Clarke County, Nevada, on the occasion of their visit to Honolulu, Hawaii. The Sunset Symphony has established for itself an enviable record in recent years for training young people in the fine art of music and sharing its talent with the people of other states and countries.

"As a student orchestra, the Sunset Symphony serves as a model for other schools to emulate both for the quality of its musical performances and for the dedication that its organizers and members put into their work.

"On behalf of the people of Honolulu, I commend the staff and members of the Sunset Symphony for their performance at the Blaisdell Concert Hall. I and many others in Hawaii look forward to following the success of the Sunset Symphony in years ahead."

"Mr. President and members, I would like to introduce Mr. Michael Allard, conductor of the Symphony, and Miss Theresa Rogers, the coordinator."

Mr. Allard, Miss Rogers and members of the Sunset Symphony rose to be recognized. Senator Hee presented the Senate Certificate of recognition to Mr. Ballard.

Senator Hee also introduced his cousin, Sharon Kajiware, and her children, Dale, Diana and Debra, visiting from Diamond Bar, California, her brothers, Garrett and Allan, and his sister, Carey Higa, who were sitting in the gallery. Senator Hee added: "I have not seen my cousin in 25 years. She was my babysitter, Mr. President, and she

came out of nowhere to see if it was really me, and it is."

Senator Holt introduced Mr. Ed Hogan as follows:

"Mr. President, on behalf of the Senate, I'd like to introduce a strong supporter of the Senate's position on the convention center at Ala Wai golf course. The Senate is pleased to recognize and commend Mr. Ed Hogan who is the owner of Pleasant Hawaiian Holidays, Hawaii's largest tour company.

"Pleasant Hawaiian Holidays brings in over a thousand visitors daily to Hawaii. This month, they're bringing in their two millionth visitor to Hawaii. All these visitors will have contributed an estimated \$1.3 billion to Hawaii's economy.

"Having blocked out nearly 3 million room nights in 1987, Pleasant Hawaiian Holidays is the biggest single Hawaii customer of the Sheraton Hotels, Kelly Hotels, Hilton Hawaiian Village and Hyatt Regency Hotel. It is also the biggest customer of United, Hawaiian Air and Delta airlines on their West Coast to Hawaii routes.

"It is my privilege, on behalf of the Hawaii State Senate, to extend our heartiest mahalo to Ed Hogan for his outstanding contributions to Hawaii's biggest industry and recognizes him as 'Mr. Tourism Hawaii.'

"At this time, I'd like to introduce to this honorable body and guests, Mr. Ed Hogan. Accompanying him today on the floor of the Senate is his son Gary, Mr. Keith Braden who is also with Pleasant Hawaiian, and a longtime friend, former public official and another supporter of the convention center at Ala Wai golf course, Mr. Scotty Koga."

Mr. Hogan and those accompanying him rose to be recognized. Senator Holt presented him with the Senate Certificate of recognition and Senator Young with a lei.

The President, at this time, recognized Mr. Hogan as follows:

"Also at this time, the Chair would like to acknowledge Mr. Ed Hogan for his most generous contribution to the University of Hawaii School of Travel Industry Management. Thank you for your endowment. We appreciate it very much and, in particular, we like your philosophical beliefs in that program. Thank you very much."

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 808 to 823) were read by the Clerk and were disposed of as follows:

Hse. Com. Nos. 808 to 823, returning the following Senate Bills which passed Third Reading in the House of Representatives on April 15, 1987, were placed on file:

Hse. Com. No. 808 - S.B. No. 58;  
Hse. Com. No. 809 - S.B. No. 91;  
Hse. Com. No. 810 - S.B. No. 301, S.D. 1;  
Hse. Com. No. 811 - S.B. No. 303;  
Hse. Com. No. 812 - S.B. No. 311, S.D. 1;  
Hse. Com. No. 813 - S.B. No. 323;  
Hse. Com. No. 814 - S.B. No. 351, S.D. 1;  
Hse. Com. No. 815 - S.B. No. 434;  
Hse. Com. No. 816 - S.B. No. 594, S.D. 1;  
Hse. Com. No. 817 - S.B. No. 611, S.D. 1;  
Hse. Com. No. 818 - S.B. No. 983;  
Hse. Com. No. 819 - S.B. No. 1323, S.D. 1;  
Hse. Com. No. 820 - S.B. No. 1442, S.D. 2;  
Hse. Com. No. 821 - S.B. No. 1530, S.D. 1;  
Hse. Com. No. 822 - S.B. No. 1643, S.D. 1;  
and  
Hse. Com. No. 823 - S.B. No. 1704.

## STANDING COMMITTEE REPORTS

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 1159) recommending that House Bill No. 131 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 131, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1987.

Senator Nakasato, for the Committee on Labor and Employment, presented a report (Stand. Com. Rep. No. 1160) recommending that House Bill No. 307 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 307, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1987.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1161) recommending that House Bill No. 1174 pass Second Reading and be placed on the

calendar for Third Reading.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 1174, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1987.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1162) recommending that House Bill No. 1332 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 1332, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1987.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1163) recommending that Senate Concurrent Resolution No. 54 be adopted.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING HANAPEPE AS THE BOUGAINVILLEA CAPITAL OF THE STATE OF HAWAII," was adopted.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1164) recommending that Senate Resolution No. 67 be adopted.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 67, entitled: "SENATE RESOLUTION RECOGNIZING HANAPEPE AS THE BOUGAINVILLEA CAPITAL OF THE STATE OF HAWAII," was adopted.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1165) recommending that Senate Concurrent Resolution No. 51 be adopted.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A SEPARATE STANDARD FEDERAL REGION FOR HAWAII AND THE TERRITORIES AND INSULAR POSSESSIONS IN THE PACIFIC," was adopted.

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 1166) recommending that Senate Resolution No. 51 be adopted.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 51, entitled: "SENATE RESOLUTION REQUESTING THE CREATION OF A SEPARATE STANDARD FEDERAL REGION FOR HAWAII AND THE TERRITORIES AND INSULAR POSSESSIONS IN THE PACIFIC," was adopted.

Senator Hagino, for the Committee on Planning and Environment, presented a report (Stand. Com. Rep. No. 1167) recommending that House Bill No. 374 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 374, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1987.

Senator Hagino, for the Committee on Planning and Environment, presented a report (Stand. Com. Rep. No. 1168) recommending that House Bill No. 1028 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 1028, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 20, 1987.

Senators Holt and Fernandes Salling, for the Committee on Tourism and Recreation and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1169) recommending that Senate Concurrent Resolution No. 73, as amended in S.D. 1, be recommitted to the Committee on Tourism and Recreation and the Committee on Transportation.

On motion by Senator Blair, seconded by Senator George and carried, the joint report of the Committees was adopted and S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONSIDERATION OF HONOLULU HARBOR AS THE LOCATION FOR THE AMERICA'S CUP BERTHING AND HEADQUARTERS FACILITIES," was recommitted to the Committee on Tourism and Recreation and the Committee on

### Transportation.

Senators Holt and Fernandes Salling, for the Committee on Tourism and Recreation and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1170) recommending that Senate Resolution No. 80, as amended in S.D. 1, be recommitted to the Committee on Tourism and Recreation and the Committee on Transportation.

On motion by Senator Blair, seconded by Senator George and carried, the joint report of the Committees was adopted and S.R. No. 80, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CONSIDERATION OF HONOLULU HARBOR AS THE LOCATION FOR THE AMERICA'S CUP BERTHING AND HEADQUARTERS FACILITIES," was recommitted to the Committee on Tourism and Recreation and the Committee on Transportation.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1171) recommending that Senate Concurrent Resolution No. 7, as amended in S.D. 1, be referred to the Committee on Government Operations.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE CONTENTION THAT KAULA ROCK IS WITHIN THE JURISDICTION OF THE COUNTY OF KAUAI," was referred to the Committee on Government Operations.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1172) recommending that Senate Resolution No. 11, as amended in S.D. 1, be referred to the Committee on Government Operations.

On motion by Senator Blair, seconded by Senator George and carried, the report of the Committee was adopted and S.R. No. 11, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE CONTENTION THAT KAULA ROCK IS WITHIN THE JURISDICTION OF THE COUNTY OF KAUAI," was referred to the Committee on Government Operations.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1155 (Gov. Msg. No. 185):

Senator Blair moved that Stand. Com. Rep. No. 1155 be received and placed on

file, seconded by Senator George and carried.

Senator Blair then moved that the Senate advise and consent to the nominations to the Board of Taxation Review, First Taxation District (Oahu) of the following:

Addie Lamberth, term to expire June 30, 1989; and

(Dick) Isoo Oshima and Theodore (Ted) O. Talbott, terms to expire June 30, 1991,

seconded by Senator George.

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

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

Stand. Com. Rep. No. 1156 (Gov. Msg. No. 186):

Senator Blair moved that Stand. Com. Rep. No. 1156 be received and placed on file, seconded by Senator George and carried.

Senator Blair then moved that the Senate advise and consent to the nomination of Brian J. Ikawa to the Board of Taxation Review, Third Taxation District (Hawaii), term to expire June 30, 1991, seconded by Senator George.

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

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

Stand. Com. Rep. No. 1157 (Gov. Msg. No. 187):

Senator Blair moved that Stand. Com. Rep. No. 1157 be received and placed on file, seconded by Senator George and carried.

Senator Blair then moved that the Senate advise and consent to the nomination of Kazuo Senda to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 1991, seconded by Senator George.

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

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

Stand. Com. Rep. No. 1158 (Gov. Msg. No. 206):

Senator Blair moved that Stand. Com. Rep. No. 1158 be received and placed on file, seconded by Senator George and carried.

Senator Blair then moved that the Senate advise and consent to the nominations to the Board of Taxation Review, Second Taxation District (Maui) of the following:

Glenn M. Kosaka, term to expire June 30, 1991; and

Robert S. Ota, term to expire June 30, 1988,

seconded by Senator George.

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

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

#### THIRD READING

Stand. Com. Rep. No. 1149 (H.B. No. 1233):

On motion by Senator Matsuura, seconded by Senator Aki and carried, H.B. No. 1233, entitled: "A BILL FOR AN ACT RELATING TO NET FISHING IN HILO BAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

Stand. Com. Rep. No. 1150 (H.B. No. 477, H.D. 1):

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 477, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

#### FINAL READING

Senate Bill No. 774, S.D. 1, H.D. 1:

On motion by Senator Solomon, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 774, S.D. 1, and S.B. No. 774, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Henderson, Ikeda and Nakasato).

#### ADJOURNMENT

At 12:16 o'clock p.m., on motion by Senator Blair, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 20, 1987.