

TWENTY-SECOND DAY

Tuesday, February 18, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Dr. Bill Godwin, Pastor, First Baptist Church, Ewa Beach, after which the Roll was called showing all Senators present with the exception of Senator Aki who was excused.

The President announced that he had read and approved the Journal of the Twenty-First Day.

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

Senator Chang introduced Dr. Deng Xue-Liang as follows:

"Mr. President, this morning I have the pleasure of introducing Dr. Deng Xue-Liang of Taiwan. Dr. Deng has been invited to the United States under the auspices of the American Institute in Taiwan.

"Dr. Deng is currently an associate research fellow at the Center for Policy Studies, National Sun Yat-Sen University, and he is the president of the Foundation of Chinese Labor Management Affairs. His interests focus mainly on the arbitration of labor-management disputes and on other various aspects of labor union activities.

"In our discussions this morning, Mr. President, we touched upon your illustrious history with the United Public Workers.

"Dr. Deng is accompanied today by U.S. Escort Interpreter Phillip Huang."

Dr. Deng Xue-Liang, seated in the audience, rose to be recognized.

Senator Solomon introduced members of the Big Island Game Breeders Association, who were seated in the audience, as follows:

"Mr. President, today is a very auspicious day because the House has agreed to hear our cruelty to animals bill to decriminalize cockfighting in the State of Hawaii.

"The Big Island Game Breeders Association has been in existence since the 1960s and in those earlier years they were called 'The Haka Moa Hawaii Gamecock Association.'

"It is my pleasure to introduce the officers of the association: Mr. Bobby Matsuda, president; James Key Sr., vice president; Lloyd Kinoshita, secretary; members of the board of directors, representing the various districts of the Big Island: Lynne Flores, Mike Caukin, Clyde Beaudet, Alfred Pastillio, Erica Perreira, Masa Oda, Earl DeSilva and Williams Kennedy."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 37) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 29, transmitting H.B. No. 2470, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2470, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE ACTIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 30, transmitting H.B. No. 2604, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2604, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 31, transmitting H.B. No. 2605, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2605, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 32, transmitting H.B. No. 2801, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2801, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 33, transmitting H.B. No. 2811, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2811, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 34, transmitting H.B. No. 2850, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2850, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 35, transmitting H.B. No. 2928, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 2928, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VICTIMS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 36, transmitting H.B. No. 3038, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3038, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF ACADEMIC DESIGNATIONS IN THE PRACTICE OF ACUPUNCTURE," passed First Reading by title and was referred to the Committee on Consumer Protection and Business Regulation.

Hse. Com. No. 37, transmitting H.B. No. 3947, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 3947, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed First Reading by title and was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 43 and 44) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 43 "SENATE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE RELOCATION OF THE TEMPORARY DANCE BUILDING AT THE UNIVERSITY OF HAWAII AT MANOA."

Offered by: Senators Cobb, Aki, Fernandes Salling, Holt, Ikeda, Kobayashi, A., Solomon, Tungpalan.

Referred to: Committee on Education

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO MONITOR THE STATUS AND IMPLEMENTATION OF RECOMMENDED IMPROVEMENTS TO THE HALAWA ANIMAL QUARANTINE STATION."

Offered by: Senators Cobb, Aki, Chang, Fernandes Salling, Holt, Ikeda, Kobayashi, A., Matsuura, Nakasato.

Referred to: Committee on Agriculture and Environmental Protection

SENATE RESOLUTION

The following resolution (S.R. No. 35) was read by the Clerk and was referred to committee:

No. 35 "SENATE RESOLUTION EXPRESSING OPPOSITION TO THE RELOCATION OF THE TEMPORARY DANCE BUILDING AT THE UNIVERSITY OF HAWAII AT MANOA."

Offered by: Senators Cobb, Aki, Fernandes Salling, Holt, Ikeda, Kobayashi, A., Solomon, Tungpalan.

Referred to: Committee on Education

ORDER OF THE DAY

THIRD READING

S.B. No. 127, S.D. 1:

By unanimous consent, action on S.B. No. 127, S.D. 1, was deferred to the end of the calendar.

S.B. No. 1283, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 1283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Kobayashi, B.).

S.B. No. 2963:

Senator Blair moved that S.B. No. 2963, having been read throughout, pass Third Reading, seconded by Senator Holt.

Senator Ikeda rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill.

"Mr. President, I have some reservations about this bill. I believe the intent is good, however, I've run into some instances where students have been called into family court and charged with being absent from school, only to find that the records kept were not accurate. In many cases, student help is enlisted to do attendance records and they sometimes make mistakes. Also, letters requesting leaves of absence are sometimes misfiled even after they have been approved.

"In one instance, for example, a special ed student was given authorization to be absent from school for two weeks in order to go with her parents on a trip. A letter was sent to the principal and it was verified and the consent given. When the child returned to school, the child was penalized for having been absent without approval, even though the parent had sent in a letter. The parent was not aware that the child was being disciplined for being absent until quite sometime later. This had a very detrimental effect on the child and I just feel that there has to be some way to determine that these records are accurate, rather than just accepting them on face value.

"I realize that school personnel do not want to go down to the courts for these hearings but I think that it's part of their duty so I'm voting against this bill.

"Thank you."

Senator Blair spoke for the measure and said:

"Mr. President, I speak in support of the bill. While the facts reported by the previous speaker may be real, I think their recitation is misplaced in a speech against this bill.

"This bill provides that the custodians of the records do not have to go down to the court personally. Certified records can be admitted to establish a prima facie case.

"In the situation that the previous speaker was addressing, the custodian of the records would only testify that the records being submitted are kept as a regularly conducted activity of the Department of Education. The custodian's presence would not resolve the concern. After the certified records are introduced, establishing the prima facie case, the shift of the evidentiary burden is slight. Upon the credible sworn testimony of the student, which contradicts the substance of the records, the teacher

might very well still be needed by the state in order to prove the student's nonattendance.

"While there may occasionally be a record-keeping problem, any such problem will not be exacerbated by the passage of this bill. This bill saves personnel time that's being wasted. Even more importantly, it speeds up the disposition by the family court. That acceleration of the process benefits the child. Delaying the disposition of these cases only exacerbates the underlying attendance problem. I urge, notwithstanding the prior speaker's expressed concern, that members vote 'aye.'"

Senate Ikeda responded:

"Mr. President, what concerns me is that if a person in charge of these records is not present they can't be questioned as to its validity and having a certified copy signed by the principal and the teacher doesn't necessarily give the child or his or her representative the opportunity to challenge the correctness of the records. That is the reason why I'm voting against the bill."

The motion was put by the Chair and carried, S.B. No. 2963, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Ikeda). Excused, 2 (Aki, Kobayashi, B.).

S.B. No. 2228, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 2228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Kobayashi, B.).

S.B. No. 2706:

By unanimous consent, S.B. No. 2706, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL," was recommitted to the Committee on Education.

S.B. No. 3396, S.D. 1:

On motion by Senator McCartney, seconded by Senator Tungpalan and carried, S.B. No. 3396, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER CERTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Kobayashi, B.).

S.B. No. 1626, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 1626, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FELONY MURDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Kobayashi, B.).

S.B. No. 2204:

By unanimous consent, S.B. No. 2204, entitled: "A BILL FOR AN ACT RELATING TO FAMILY," was recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 1741 (S.B. No. 1166, S.D. 2):

On motion by Senator Blair, seconded by Senator Holt and carried, Stand. Com. Rep. No. 1741 was adopted and S.B. No. 1166, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Kobayashi, B.).

S.B. No. 2229, S.D. 1:

By unanimous consent, action on S.B. No. 2229, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1788 (S.B. No. 1843, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1788 and S.B. No. 1843, S.D. 2, was deferred to the end of the calendar.

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 1728	Committee on Ways and Means
No. 3367	Jointly to the Committee on Judiciary and the Committee on Health and Human Services

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

HOUSE COMMUNICATION

Hse. Com. No. 38, returning S.B. No. 2884, S.D. 1, which passed Third Reading in the House of Representatives on February 18, 1992, in an amended form, was read by the Clerk and was placed on file.

The Chair, at this time, inquired:

"Mr. Clerk, is the Senate ready to take action on final reading of S.B. No. 2884, S.D. 1, H.D. 1, at this time?"

The Senate Clerk answered:

"Mr. President, this bill, Senate Bill No. 2884, S.D. 1, H.D. 1, was decked in the House and passed Second Reading at 6:05 p.m. on Friday, February 14th. A copy of the bill was transmitted to the Senate Clerk's Office at 8:17 p.m. that same evening. Printed copies of the bill were distributed to offices of all Senators around noon on Saturday, February 15th; therefore, the 48-hour requirement of Article III, Section 15, of the Constitution of the State of Hawaii, and Rule 47 of the Rules of the Senate have been complied with."

There being no objections by members of the Senate, action on final reading of S.B. No. 2884, S.D. 1, H.D. 1, was taken.

S.B. No. 2884, S.D. 1, H.D. 1:

Senator Yamasaki then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2884, S.D. 1, seconded by Senator McMurdo.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2884, S.D. 1, and that S.B. No. 2884, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM," having been read throughout passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aki).

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

S.B. No. 127, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aki).

S.B. No. 2229, S.D. 1:

By unanimous consent, action on S.B. No. 2229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," was deferred until Wednesday, February 19, 1992.

Stand. Com. Rep. 1788 (S.B. No. 1843, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1788 and S.B. No. 1843, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was deferred until Wednesday, February 19, 1992.

Senator Solomon then rose to speak on a point of personal privilege as follows:

"Mr. President, just a short point of personal privilege.

"Last week's discussion, in reference to the changing paradigm in the world, we looked at what was and is happening in Russia and throughout Europe. We know that the world is looking at governance in a different way and, of course, how this would affect their own societies.

"Mr. President, an ambitious and very well-organized political effort, generated from the Big Island for the purpose of repealing 'haka moa' -- cockfighting -- in the Legislature was launched in 1972.

"I will be distributing to my colleagues interesting articles put together at that time by the 'haka moa' or the gamecock association which today is known as the Big Island Game Breeders Association.

"Mr. President, Dr. Donald D. Kilolani Mitchell of Kamehameha Schools, a very renowned scholar in Hawaiiana, especially of games played in pre-Captain Cook days, quoted from David Malo, the Lahainaluna teacher of the last century, said that cockfighting was a very fashionable sport with the ali'i and that multitudes of people attended the fights with much betting going on. Dr. Mitchell said that betting was a great impetus in Hawaiian games, 'They loved to bet.'

"Mr. President, the reason I am bringing this up is to reestablish cockfighting as a Hawaiian cultural sport. In reference to the front page of the document, then police captain Clarence Rosehill, who was interviewed at that time, admitted that which is applicable today, that the real issue then of those bills, and the bills of the same substance which will be heard in the House today, is not gambling but that of cockfighting as a cultural sport and whether or not we are going to be able to allow this sport in the State of Hawaii.

"The document continues - 'Picture this imaginary scene: A group of tourists sits expectantly on the lawn of a large Waikiki hotel watching them fuss with two gamecocks.'

"The point is cockfighting. You know that everybody is struggling for money this session and this would be an excellent source of revenue for the counties. We are considering a bill, which would allow the counties to be able, if they so desire, to have pari-mutuel betting, or to have cockfighting, and also horse racing which I am very much interested in supporting.

"But cockfighting, Mr. President, is definitely a cultural sport of the Hawaiian people that goes way back and continues today. The ancient Hawaiians were so impressed by the bravery, tenacity and unyielding character of the 'moa kalala,' or warrior gamecock that they reflected its splendor in their royal clothing and war costumes. Of course, the beautiful feathers of the gamecocks adorned their 'mahiole' or helmets.

"I'm trying to encourage all of us to broaden our perspectives here in a changing world so that we may be able to look more positively and with cultural significance as to the issue of cockfighting.

"Thank you very much."

Senator Matsuura also rose to speak on a point of personal privilege and said:

"Mr. President, I would first like to do a 'show and tell.'

"Many of you have asked me about 'noni' so instead of my trying to describe the fruit I have brought one here to show you (held up the fruit for all to see). This fruit, for some reason, has a lot of medicinal properties. When I lived in India, I used to send to a friend in Kyoto any fruit that the wild animals did not eat. He found some tremendous medicinal properties in all of them. The chairman of the Ways and Means Committee is 'the' specialist in making 'noni' juice. He makes more 'noni' juice than anyone I know and gives them to people who are affected with cancer. I supply him the fruits and he supplies people with the juice and the results have been phenomenal.

"I have sent this fruit to about five laboratories and have asked them to examine it for medicinal properties. For some reason, it seems to cure or to retard cell division for people who have cancer. It also lowers high blood pressure. This fruit appears like a miracle fruit. I think we may have a new industry in Hawaii with this medicinal plant.

"I would like to share with you the second 'show and tell.'

"We made a major breakthrough two weeks ago with slant drilling. (Framed photograph of the slant drill held up by Senator Matsuura.) This breakthrough opens up a new industry because, with this technology, we can drill through sand, through cinders, through hard rock and

even through lava tubes. The applications are numerous. As an example, we can drill through the land and come out at a certain depth of water or water temperature that will be the optimum water temperature to grow different fishes such as mahimahi. We are now in the process of growing sturgeon in Hawaii. We met last week with some Russians and they are going to give us sturgeon hybrids to grow in Hawaii for the production of caviar.

"Here is another photo of the drill bit. This is a 4-inch drill bit and we have put a 26-inch rimmer to rim the hole from a 4-inch hole to a 26-inch hole. We can go up to 42 inches and I can assure you, someday, we are going to circulate the water in the Ala Wai Canal using this technology.

"Now, Mr. President, comes the main event. People tell me I'm crazy to attack and that I should take the advice of the Minority Leader and not attack the news media who buys ink by the barrel. However, I'm going to ask that this article from the Hawaii Tribune-Herald be placed in the Senate journal. At least the chairman of the Judiciary Committee reads the Senate journal.

"You have been reading the newspaper articles about our travels. There was a large, front page article in the Star-Bulletin and in the Advertiser. If I was a professor in journalism, I would give both articles very good marks - 'A' for the Star-Bulletin and 'A' for the Advertiser. However, the Tribune-Herald article is biased because it appears to be targeting me. The article reads in bold letters: 'Matsuura leads isle legislators in travel.' This is on the front page. And it says, 'The state senator visited five states, Saipan and Japan.'

"I agree with the First Amendment and the freedom of the press. The news media is more powerful than all of us put together. Because they have the eyes and ears of the public, they have the divine responsibility to report the news accurately.

"With that, I want to rest my case for today. Thank you."

The text of the Tribune-Herald article by Dave Smith follows:

"Matsuura leads isle legislators in travel

"The state senator visited five states, Saipan and Japan

"Trips to Japan, Saipan and the East Coast of the mainland helped state Sen. Richard Matsuura top the list of Big Island legislators with tax-paid travel expenditures last year.

"According to recently released legislative travel summaries, travel costs for the state Senate last year amounted to \$143,930, with another \$78,054 for per-diem out-of-state expenses.

"Members of the state House of Representatives spent \$171,000 on out-of-state travel, a reasonable amount according to House Speaker Daniel Kihano.

"Sen. Andy Levin (D-Kona, Ka'u, Puna) was second on the travel list of Big Island senators with trips to Florida twice, Canada, Minnesota and Washington D.C. and Rhode Island, as well as a trip that took him to California, Montana and Washington.

"Levin's travels made him the 10th most active Senate traveler. The third Big Island Senator, Malama Solomon, spent \$9,903 for a trip to Japan to visit Tokai universities to 'work out programs of mutual

interest' with the University of Hawaii, according to the travel summaries.

"Matsuura (D-Downtown Hilo, Waieka) made trips to California and Nevada, South Carolina, Saipan, Florida and New Jersey, Japan, and another trip to Nevada. The cost to taxpayers amounted to \$14,267.92. That put him seventh in the top 10 travel spenders in the Senate, which was led by Senate Vice President James Aki (D-Nanakuli, N. Kauai) who spent \$22,500 for trips that twice included Japan as a destination.

"Much of the legislators' travel was to legislative conferences or to areas with 'sister' state or similar relationships.

"Matsuura's biggest trip involved attending a Global Business Opportunities Convention in Osaka. On that trip he reported also visiting Sapporo to view organic agricultural pest control. The trip cost taxpayers \$2,609 for airfare and \$1,820 for per-diem expenses.

"Levin, who heads the senate's Health Committee, said today that he is a member of two national organizations of state legislators, and most of the trips involved attending the groups' national meetings, sometimes to make presentations on Hawaii's health situation. Levin also accompanied former Massachusetts Gov. Michael Dukakis on a trip to British Columbia in Canada to look at health systems there.

"Levin said a primary focus of the trips involved health insurance matters.

"As health chair and liaison to health matters for the Ways and Means Committee, I've never been involved in a matter so in the forefront of national issues like health insurance," he said.

"Exact figures for the members of the Big Island House delegation were unavailable. None of the Big Island representatives were reportedly in the top five in the House, however.

"The top House globetrotter was Rep. Marshall Ige (D-Kaneohe) who spent just over \$10,000 for trips to Orlando and Fukuoka, Japan."

Senator Blair also rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege. I have a grievance against one of my colleagues who, on the floor of the Senate, induced me into paying an entrance fee and running in the Aloha Run with the hope of being rewarded with an extravagant trophy. I understand that the trophy was given to a person who didn't even qualify under the criteria stated on the floor of the Senate, inasmuch as he has never been elected to public office. Furthermore, he didn't even beat my time.

"The problem was, Mr. President, that when I got to the finish line, I looked around for Senator Mike McCartney and he wasn't there. I couldn't find another elected official so, since I left my car back at the Capitol, I started jogging back. Apparently, they all came in sometime later and had some sort of a ceremony at which they gave away the trophy. So, I would like to ask you, as the President of the Senate, to instruct Senator McCartney to abide by the contract that he entered into when he induced me to spend \$25.00 and one hour and fifteen minutes and thirty-three seconds of my time and

recover the trophy from a non-elected official who is wrongfully possessing it even as we speak. (Laughter.)

"Thank you."

Senator Crozier also rose to speak on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege, basically, to file the same complaint.

"Mr. President, the Senator from Kaneohe is a good friend of Carol Kai and when they set up the starting line, he gave each of us a different color for where we would start from. I was given the beige color. The beige color meant that I had to start at the end of the line so, naturally, I was put at a disadvantage. But I have overcome obstacles in the past so I knew I could overcome that one. But as the race started, the Senator from Kaneohe worked out a deal with the good Senator from Waianae who is not here today. He instructed the Senator from Waianae to employ a blocking technique where the Senator and 100 of his supporters in lavender-colored shirts got in front of me and refused to allow me to accelerate.

"I agree with the Senator from Manoa. I could have won but with all the disadvantages, Senator McCartney should take back the trophy and maybe we can do it again next year or whatever but the Senator has to rectify the situation."

Senator McCartney, on a point of personal privilege, responded:

"Mr. President, first, I would like to say that the race was great, yesterday. There were 31,000 people involved. I did not see Senator Blair. I expected that he would be behind me and I don't have eyes behind my head.

"But it was a good race and the trophy was given to a gentleman who beat Mike McCartney and Keith Kaneshiro and Arnold Morgado. He 'spilled his guts out' and he did a great job and ran the race in an hour and twenty-two minutes. That was the official time we got and I presented the trophy to him in front of everybody in Aloha Stadium.

"The winner of that trophy is sitting in the audience - University of Hawaii President Albert Simone."

President Simone stood to be recognized.

Senator McCartney continued:

"Mr. President, if Senator Blair really does have a time faster than President Simone, and because Senator Crozier has some grievances, I would like to recommend that you keep the trophy until we have a grievance match or grudge match. I recommend that we have a one mile, four-lap race around Cooke Field involving you, Senator Crozier and Senator Blair, to be held on the day you all agree on. We will get the media out there and whoever wins can have the trophy. Is that okay?"

Senator Blair responded:

"I'm not sure that a sprint competition is appropriate. I would prefer a longer distance but I'm willing to negotiate."

The Chair then interjected:

"President Simone, we did a good job yesterday. I'm sorry that I had to drop you off at Pualoa Road." (Laughter.)

Senator Koki also rose to speak on a point of personal privilege as follows:

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

"By the way, how do you like my tie? I've noticed Senator Crozier casting a very envious eye toward it but it's my valentine's gift so I have to display it. My point today is a topic that's really opposite of what valentine's day seeks to enforce.

"Violent killings that are going on and labeled as manslaughter are really skyrocketing. Let me read an article in the Advertiser:

'The 5-month-old daughter of a man charged with killing her was treated for numerous injuries and put in a foster home before she was returned to her parents and fatally assaulted,

'... the civilian husband of a Navy enlisted woman, admits he struck his daughter several times "because he was frustrated due to the heat and because he had earlier gotten into an argument with a co-worker,"

'The trial brief ... tells a tragic story of Brittany being returned to her parents' custody even though her father was, according to a social worker who visited the Greens' home, "a time bomb ready to explode."

'The brief says Brittany suffered for much of her short life,

'... a bone scan showed old, healing fractures on two of her ribs and a recent fracture to her right elbow.

'Tripler doctors concluded the rib and arm injuries were not accidental.'

"We are seeing a rise of men terrorizing women and children. A couple of years ago two marines raped a 17-year-old girl, strangled her and ran her over with their car.

"Men are killing their wives or girlfriends at a rate of one a month. Child abuse is resulting in the deaths of many children. I am not opposed to spanking -- I want to go on record that I spank my children. But to beat them to the point of breaking bones and even killing them is a huge leap from spanking.

"These killers pick on the weak and defenseless. How much more defenseless than a 5-month-old child. These killers are escaping proper punishment because they are usually charged with manslaughter. Manslaughter is a Class B felony -- ten years in prison -- and offenders are usually let out a lot sooner. The two marines were convicted of manslaughter and got the maximum term -- ten years. Had the girl lived and they were charged with rape they would have gotten 20 years. Where is the justice and equity in that?

"Use a gun to rob a bank and you can get 20 years, but kill a helpless person and you get only 10 years. We have got to put more value on the lives of these victims who are mostly women and children. In a way these victims of manslaughter are worse off than victims of cold-blooded murder. These victims are usually tortured by threats and extreme physical violence for a long period of time.

"I introduced a bill last year to raise manslaughter to a Class 'A' felony -- that will increase the prison time from ten years to twenty years.

"The law enforcement community supports this change. The public supports this change. Mr. President, I want to enlist your support to see to it that this bill at least gets heard this year. I would like to enlist the support of my colleagues to see to it that this bill is enacted into law."

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

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

"There are times when many of us may overlook the overwhelming support wives give to husbands. I know of one woman who has chaired a number of charitable organizations whose duties have included being a chauffeur to future vice presidents of a major institution, whose warmth as a hostess is well-known in the state and nationally, and who is really a breath of fresh air when she can have a chance to get one. I know her personally as a friend and as a constituent of many good projects. She testified before my committee once to disallow 17 acres of tennis courts from being constructed on the exterior of Diamond Head.

"And, as I said, there are times that we've missed these really poignant moments when women are there quite silently to buttress not only their husbands but their community and I'd like to take this time to recognize this woman today. She is Carolie Simone.

"Thank you."

The Chair then made the following comments:

"Members of the Senate, at this time the Chair would like to make a few comments.

"Recent news stories indicate that an audit of the Legislature's accounts was due on January 15 and that for some reason this audit is late. The inference, of course, is that the Legislature is therefore in the dark as to the status of its own accounts.

"These news stories are incorrect. They are based on an erroneous reading of last year's legislative expense bill and bills for the last 15 years.

"The bill says, 'Before January 15, 1992, the Senate and the House of Representatives shall have their accounts audited and a full report of such audit shall be presented to the Senate and to the House of Representatives of the Legislature convening on January 15, 1992.'

"Somehow the press has interpreted this to mean that the audit was supposed to have been submitted on January 15.

"Wrong!

"The correct interpretation of the law is that at the end of the interim prior to the convening of the 1992 legislative session on January 15, the Legislature is supposed to have its books audited.

"This audit covers the period up to the end of the interim, which is January 14. In our present expense bill it is spelled out that because by constitution the Legislature will convene on the third Wednesday in 1993, which is January 20th, the interim period for our audit will end on January 19, 1993.

"When completed, the audit is then submitted to the Legislature which convened on January 15. The audit is now being performed.

"There is nothing unusual going on. The language in the legislative expense bill is the same language used for the past 15 to 20 years. The performance of the audit is the same as has been done in prior years. There is no big exposé!

"As President of the Senate, I just want to set the record straight -- the audit is being performed as scheduled, nothing is being stalled, there is no delay, there is no impropriety, there is no laxity.

"I've been President for 14 years and I take my responsibilities as President of the Senate very seriously. It has always been my policy to see to it that the Senate books, accounts, expenditures are all in order.

"I want to reassure all of you that this is the case."

ADJOURNMENT

At 12:29 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 19, 1992.