

## THIRTY-NINTH DAY

Wednesday, March 30, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Chishin Hirai, Nichiren Mission, after which the Roll was called showing all Senators present with the exception of Senators Tanaka and Tungpalan who were excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

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

Senator Matsuura introduced Dr. Norman Goldstein, Hawaii Medical Association's 1993 Physician of the Year, and Mrs. Goldstein. Dr. Goldstein was presented a Senate certificate and both he and his wife were presented leis by various Senators.

Senator Matsunaga then introduced Dr. Leonard Howard, Dr. Stephen Wallach, Susan Foo and Dr. Fred Holschuh in commemoration of National Doctors Day. All of the guests were presented Senate certificates and leis by various Senators.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

STANDING COMMITTEE REPORTS  
AND LEADERSHIP COMMITTEE REPORT

Senator A. Kobayashi, for the Committee on Executive Appointments, presented a report (Ldr. Com. Rep. No. 2729) recommending that the Senate consent to the nomination of SHACKLEY F. RAFFETTO for 1st Judge, Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 200.

In accordance with Senate Rule 36(1), action on Ldr. Com. Rep. No. 2729 and Gov. Msg. No. 200 was deferred until Thursday, March 31, 1994.

Senators Tungpalan and Chang, for the Committee on Higher Education, Culture and Arts and Historic Preservation and the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a joint report (Stand. Com. Rep. No. 2730) recommending that S.R. No. 40 be adopted.

On motion by Senator Chang, seconded by Senator Solomon and carried, the joint report of the Committees was adopted and S.R. No. 40, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A COMMISSION TO OBSERVE THE 50TH ANNIVERSARY OF THE END OF WORLD WAR II," was adopted.

Senators Tungpalan and Chang, for the Committee on Higher Education, Culture and Arts and Historic Preservation and the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a joint report (Stand. Com. Rep. No. 2731) recommending that S.C.R. No. 49 be adopted.

On motion by Senator Chang, seconded by Senator Solomon and carried, the joint report of the Committees was adopted and S.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A COMMISSION TO OBSERVE THE 50TH ANNIVERSARY OF THE END OF WORLD WAR II," was adopted.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 2732) recommending that H.B. No. 2460, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Aki and carried, the report of the Committee was adopted and H.B. No. 2460, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1994.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 2733) recommending that H.B. No. 3145, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Aki and carried, the report of the Committee was adopted and H.B. No. 3145, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1994.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 2734) recommending that H.B. No. 2873, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Aki and carried, the report of the Committee was adopted and H.B. No. 2873, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1994.

## RECOMMITTAL OF HOUSE BILL

H.B. No. 3090, H.D. 1, S.D. 1:

Senator Ikeda moved that H.B. No. 3090, H.D. 1, S.D. 1, be recommitted to the Committee on Ways and Means, seconded by Senator Hagino.

Senator Ikeda then noted:

"The reason for the recommitment is that there is an error in the title."

The motion was then put by the Chair and carried, H.B. No. 3090, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE AND TOBACCO TAX LAW," was recommitted to the Committee on Ways and Means.

Senator Levin, in conjunction with his announcement of the Senate's Hawaii Foodbank drive, stated:

"Mr. President, those who have been to Rotary meetings or are members of the Rotary are aware of the

procedure they have. They fine members who get publicity during the week. I was thinking that we might start that procedure in the Senate.

"Two obvious things come to mind. One is we could start, if we are going to start today, with the Senator from Kohala, which is, as she has correctly pointed out, it (cartoon) should be Minnie Mouse, but, nevertheless, has certainly got some extraordinary publicity. I also think the Senator from the 4th District should be making an extra donation based on the fact that her name was covered over and is probably getting less phone calls as a result of today's ad. They might be the first two donors we will be hitting. Thank you."

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

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

"This is in regard to the previous speaker's remarks on the cartoon in the paper. He's absolutely correct that it should have been Minnie Mouse and not Mickey.

"Mr. President, last year, I contacted the Department of Health concerning a possible rodent infestation on the Big Island. They informed me that we do not have a serious problem. Now, I note that the Honolulu Advertiser has set out to editorially murder Mickey Mouse. My position and that of the Department of Health, at least, is that Mickey Mouse is welcomed on the Big Island and should be extended our Aloha. Mr. President, my discussions with my colleagues as Majority Leader indicates that as far as the Senate is concerned, Mickey is not an endangered species in our state.

"We would hope that upon passage of S.C.R. 22, Governor Waihee will pick up the phone and call Mike Eisner of Disney and say, 'Mike, we have seven million visitors a year here in Hawaii and we need more recreational activity for them. We're impressed with what you have done for California and Florida and with your plans for Virginia. Maybe you have some ideas which can help us. And if your company is interested, we are prepared to pitch in to help you.'

"Mr. President, the Advertiser is misguided in its exclusive emphasis on attracting visitors to Hawaii by 'drawing on our natural advantages: climate, scenery, unique culture, hospitality and Aloha.' That's an elitist and restrictive orientation which does not well serve our efforts to increase visitor arrivals. We must be thankful that we have those recreational activities that we now have and we must facilitate the development of new attractions.

"Lastly, Mr. President, I must protest again, quite adamantly, to being depicted visually as Mickey Mouse rather than as Minnie Mouse. I'm soon to be a mother and hope that my child's generation will be free of such gender confusion.

"Thank you very much, Mr. President."

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

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

"Over the thirteen years or so that I have been in the public arena I have many times been accused of doing things anonymously. Those accusations have hurt and I have deeply resented them because I have never approved of nor been involved in doing anything anonymously. I think that anytime anybody feels strongly enough about an issue to discuss it publicly, that person should have the

courage to put his or her name to whatever that issue is, or not discuss it. That is why I want to mention one thing.

"Yesterday, I was watching the evening news and saw one of my colleagues on the floor of this Senate during recess. I had to read her lips, but it was clear what she said, and I talked with her this morning and indeed confirmed it. I won't embarrass this colleague by identifying her, but she said to one of the other Senators with regard to the ad that we were debating yesterday that was in the Advertiser this morning, she said to a group of Senators standing around her, 'Don't you know who's responsible for this ad?' or some words to that effect. And when one of the Senators shook his head, she said, 'Rick Reed.' I resent that because it is not true. If I had been involved in that ad my name would have been on it.

"Over the years, I have done things that have taken a lot more courage than criticizing my colleagues. I took on Larry Meheu, identified him as the godfather of organized crime and when I did so, I did so live on camera with my name attached to that accusation. In the last campaign that I ran against Dan Inouye for the U.S. Senate, there came to my attention, as well as others, allegations of sexual misconduct on his part. I was advised by those involved in my campaign to find some other way to get those accusations out, and I wouldn't do that. I felt they were relevant and important and therefore I publicly stood behind that issue.

"Several years ago when this body was debating the Gulf War, I was critical of many members who tried to play it both ways, stating their support for the soldiers in the Gulf, while trying to hide their opposition to the Gulf War. And I placed an ad in the paper with my name on it criticizing my colleagues and urging people of Hawaii to speak out.

"Had I been involved in this ad, I would have had my name on it. I am surprised to see people say such things so categorically, that Rick Reed did this or that, when clearly no proof could exist of such a thing because it is simply not true.

"The final point, Mr. President, I'd like to make has to do with yesterday's discussion. I believe the discussion transcends the issue, so I'm not interested in discussing H.B. 2312 or the issue of same-sex marriage. I think that many of us talk about reform and there are many reporters in our town who are fooled by many who profess to be in favor of reform when in fact they are not. Yesterday, it really brought the issue of reform to a head because ultimately what happened is that loyalty to this body transcended or became more important than loyalty to the people on this particular issue. The chairman was praised for his move and that was because he did what chairmen are expected to do in this body and that is to protect other members from constituents -- helping them avoid taking a stand or having to vote on a controversial issue, especially during an election year.

"I maintain that that is one of the things wrong with this Legislature. We have many things that we abide by here that are really based on politicians' fears of not being re-elected and they are contrary to democracy. I would simply urge people, to the extent that you can be open to criticism from me, to try to get over this fear of not being re-elected. There is life outside of politics and I can tell you it's a hell of a lot more pleasant than life in politics. So let us not be afraid to take stands on controversial issues. You may end up being more popular than you are for avoiding controversial issues.

"I think that democracy, as this is a democratic body, suffers because we're afraid to be more open. And I

simply would urge people to be more open, to take stands on issues and not rely on systems that we devise from within to protect people from taking stands on controversial issues. We are public servants and the people who elect us have a right to know how we stand on every single issue.

"Thank you."

Senator Grauly, rising on a point of personal privilege, then responded:

"Thank you Mr. President. I'd like to speak as a matter of personal privilege with regard to the previous comments.

"Mr. President, I would not want to categorize those on my committee who did not support my version of the bill as not wanting to take a stand, and I'd like to be very clear about that. I think the difficulty is not so much the ad coming out or the way, perhaps, in which members were contacted with the threat of the ad coming out. For me, it was the difficulty of the effect of the ad coming out and that it made it impossible for the committee to be able to find that sixth vote that was necessary in order to move the bill along.

"I'm sure that the ten members of the committee are all big boys and girls and they are willing and able to stand up on their own. I think to characterize them as somehow hiding behind my skirt is unfair and unfortunate.

"But in fact, what I was dealing with is the fact that once that ad comes out everyone then digs into their respective positions and any effort that I could make as chairman, in order to find the consensus in the committee that was needed to move the bill along, was lost. It was to that that I was saying the ad was unfortunate, ill-timed, inadvisable, and it precluded me from being able to discuss further with the members of the committee something that we could at least get six people to support.

"Thank you, Mr. President."

#### ADJOURNMENT

At 12:06 o'clock p.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 31, 1994.