

FORTY-SECOND DAY

Monday, April 1, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Stanley Amos, Trinity Missionary Baptist Church, after which the Roll was called showing all Senators present.

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

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

Senators Ikeda, Ihara and Taniguchi introduced the Honolulu Japanese Junior Chamber of Commerce 1996 Cherry Blossom Queen, Kymberly Rae Furuta, and her court. Accompanying the young ladies were Russell Iwamura, president of the Honolulu Japanese Junior Chamber of Commerce, and William Akamine, Jr., general chair of the Cherry Blossom Festival. Senate certificates were then presented to the young ladies and leis were presented to all of the guests by various Senators.

Senators Fernandes Salling and Chumbley introduced Judy Drosd of the Kauai Film Commission and Sue Kanoho of the Kauai Economic Development Board. Both women were presented Senate certificates and leis.

At this time, the Chair invited Queen Kymberly Furuta to address the members of the Senate and appointed Senators Ikeda, Ihara and Taniguchi to escort her to the rostrum.

Queen Kymberly addressed the members of the Senate as follows:

"On behalf of the 44th Cherry Blossom Festival Court, I would just like to say what an honor it is to be here today representing the Japanese community in the State of Hawaii.

"I know how very busy all of you are, so, thank you for taking the time out of your busy schedules to have us here today. Thank you."

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 431 to 434) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 431, returning S.B. No. 2685, which passed Third Reading in the House of Representatives on March 29, 1996, was placed on file.

Hse. Com. No. 432, returning S.B. No. 2739, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 1996, was placed on file.

Hse. Com. No. 433, transmitting H.C.R. No. 3, which was adopted by the House of Representatives on March 29, 1996, was placed on file.

By unanimous consent, H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL AVIATION ADMINISTRATION TO ADOPT HELICOPTER NOISE CONTROL REGULATIONS FOR PARKS, CONSERVATION DISTRICTS, AND RESIDENTIAL AREAS IN THE STATE OF HAWAII," was referred jointly to the Committee on Transportation and Government Affairs and the Committee on Ecology and Environmental Protection.

Hse. Com. No. 434, transmitting H.C.R. No. 226, which was adopted by the House of Representatives on March 29, 1996, was placed on file.

By unanimous consent, H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS TO EXPEDITE THE CONSTRUCTION OF A SIX HUNDRED AND FIFTY BED FEDERAL DETENTION CENTER ON OAHU," was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senators Ige and Fukunaga, for the Committee on Higher Education, Culture, and Arts and the Committee on Communications and Public Utilities, presented a joint report (Stand. Com. Rep. No. 2559) recommending that S.R. No. 132 be adopted.

On motion by Senator Ige, seconded by Senator Fukunaga and carried, the report of the Committee was adopted and S.R. No. 132, entitled: "SENATE RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES," was adopted.

Senators Ige and Fukunaga, for the Committee on Higher Education, Culture, and Arts and the Committee on Communications and Public Utilities, presented a joint report (Stand. Com. Rep. No. 2560) recommending that S.C.R. No. 168 be adopted.

On motion by Senator Ige, seconded by Senator Fukunaga and carried, the report of the Committee was adopted and S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES," was adopted.

ORDER OF THE DAY

THIRD READING

H.B. No. 3331:

By unanimous consent, action on H.B. No. 3331, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, April 2, 1996.

H.B. No. 1741, H.D. 2, S.D. 1:

On motion by Senator Ige, seconded by Senator Fernandes Salling and carried, H.B. No. 1741, H.D. 2,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AVIATION ARTIFACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

Senator Solomon rose on a point of personal privilege and said:

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

"Mr. President, last week the Star-Bulletin reported that the Governor has accused Dan Mollway, executive director of the State Ethics Commission, of making improper public comments in a letter to the paper regarding the proposed appointment of Joe Blanco, the Governor's executive assistant, to the Board of Regents of the University. Clearly, Mr. Mollway's comments were not improper. What was improper were the statements of the Star-Bulletin editor Diane Chang, who wrote that the State Ethics Commission had cleared the Blanco appointment of an ethical conflict. This quite simply was a misstatement of fact. The Ethics Commission has nothing to do with the Blanco appointment. The Ethics Commission has jurisdiction under Chapter 84 over the enforcement and administration of the Code of Ethics adopted by the Constitutional Convention. That Code of Ethics, as it is concerned with conflicts of interest, deals only with business and financial conflicts.

"Mr. Mollway's letter to the Star-Bulletin was an attempt to correct Ms. Chang's misstatement. Although the mischief maker here is Ms. Chang, the Governor's reaction to the very reasonable letter of Mr. Mollway was highly unfortunate.

"Public objection to the Blanco appointment does not derive from any ethical consideration, but from differing philosophies of government. Those persons who value a university insulated from public tampering will naturally be concerned with the prospect of the Governor's executive assistant serving on the University's governing board.

"And, Mr. President, as a follow-up I did include and give to each Senator a letter that was written to the Governor that was transmitted to his office from the Honolulu Star-Bulletin.

"Thank you."

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

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

"Mr. President, I request that the Senate adjourn today in memory of the 159 victims and 50 years of memories for many of us who witnessed and experienced the state's worst ever natural disaster -- the 1946 tsunami. On a personal note, I vividly remember my mother and I watching as the water destroyed the Honomu Mill on the Hamakua Coast. The Honomu mill was the lifeblood of our community at that time. Therefore, I request this opportunity."

Senator Gaulty, chairman of the Committee on Judiciary, requested a waiver of the required Hours of Notice of a Public Hearing on H.B. No. 2956, S.C.R.

No. 77, S.R. No. 54 and S.R. No. 230, and the Chair granted the waiver.

ADJOURNMENT

At 12:16 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 2, 1996, in memory of the victims of the 1946 tsunami.