

## ELEVENTH DAY

Wednesday, January 29, 1986

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:34 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Dr. William Sanders, Pastor, First Southern Baptist Church of Ewa Beach, after which the Roll was called showing all Senators present with the exception of Senators Aki and Cobb who were excused.

The President announced that he had read and approved the Journal of the Tenth Day.

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

Senator Solomon introduced the following persons and remarked:

"The College of Tropical Agriculture and Human Resources of the University of Hawaii has long been recognized as a leading institute of its kind in the world.

"This high regard is due largely to its excellent faculty.

"Recently, I attended the Dean's Recognition Ceremony of the College in which several members were recognized for receiving national awards for their outstanding work in their respective fields.

"On behalf of Senators Milton Holt, Chairman of Higher Education, Gerald Hagino, Vice Chair of Agriculture, and myself, I wish to introduce them and sponsor them for Senate Certificates. Mrs. Susan Peterson, Deputy Director of the Department of Agriculture, will be presenting leis on our behalf.

"1. Dr. James L. Brewbaker, Professor and Horticulturist; world renowned corn breeder whose cultivars including the supersweet corn are grown throughout the world; winner of numerous research awards; elected a Fellow of the American Society of Agronomy.

"2. Dr. Samir El-Swaify, Professor and Agronomist; a leading authority in tropical soil erosion by water and conservation-effective farming system for the tropics; elected a Fellow of the American Society of Agronomy.

"3. Ms. Ann M. Fontes, Associate Extension Agent, Maui County; effective planner of educational programs for families and trainer of individuals to become community leaders; awarded the 1985 Distinguished Service Award by the National Association of Extension Home Economists.

"At this time, I have asked Dean Noel Kefford of the College of Tropical Agriculture and Human Resources to accept the certificate for those unable to be here.

"4. Dr. Robert L. Fox, Professor and Soil Scientist; leading authority in fertilization needs of tropical soils; elected Fellow of the American Societies of Agronomy and Soil Science.

"5. Ms. Carol S. Ikeda, County Extension Agent, Hawaii County; a leader in 4-H programs dealing mostly with mentally retarded, multi-handicapped and low-income youth; awarded the 1985 Distinguished Service Award by the National Association of Extension 4-H Agents.

"6. Unable to attend — Dr. Haruyuki Kamemoto, Professor and Horticulturist; world renowned geneticist of orchids and anthuriums; developer of numerous research awards; elected a Fellow of the American Society for Horticultural Sciences.

"7. Dr. Philip Parvin, Horticulturist, pioneering researcher of proteas; leading contributor to the establishment of the protea industry in Hawaii; elected a Fellow of the American Society for Horticultural Sciences.

"8. Unable to attend — Dr. Goro Uehara, Professor and Soil Scientist; world renowned soil scientist; principal investigator of the Benchmark Project which involves 30 countries that share research findings in agricultural development with Hawaii; elected a Fellow of the American Societies of Agronomy and Soil Science.

"9. Unable to attend — Dr. Jaw-Kai Wang, Professor and Agricultural Engineer; a major contributor of mechanization in macadamia, coffee, and papaya culture; member of the expert panel on agricultural mechanization for the Food and Agriculture Organization of the United Nations; elected Fellow of American Society of Agricultural Engineers.

"10. Dr. Sylvia Yuen, Acting Associate Dean of Academic Affairs, College of Tropical Agriculture and Human Resources, noted for her work in gerontology; elected a Fellow of the Gerontology Society of America.

"11. Ms. Helene H. Zeug (Zoig), Extension Home Economist; a leader in personal development and 4-H programs; awarded the Outstanding Extension Home Economist Award by the National Association of Extension Home Economists.

"The honors that these people received are reserved for only the very few who have done exceptional work over a long period of time.

"On behalf of the Senate, may I express appreciation for the honor they brought to the College of Tropical Agriculture and Human Resources, University of Hawaii and State of Hawaii.

"At this time, Mr. President, before I request that the Senate stand in recess to congratulate these faculty members, I would personally like to thank Dr. Ryoji Namba of my staff."

Senator Kuroda introduced Mr. Shunichi Oyama of Japan Travel Bureau (JTB) and Mrs. Ryoko Oyama, their daughter, Kaoru, a student of Sophia University, Japan, and son, Takashi, who attends Punahou School. Senator Kuroda spoke of Mr. Oyama as follows:

"Mr. President and members of the Senate, Mr. Shunichi Oyama has made a great contribution to Hawaii's people through his position as the general manager of the Honolulu Office of JTB. He has served in that capacity with the bureau for the past 28 years. After 22 years, he came to Hawaii in 1980 and through his leadership and effort helped bring about a steady increase of visitors to Hawaii from Japan.

"Two years ago he was promoted to the position of vice president of JTB International, but his company home-based him in Hawaii so he could continue to make his contributions through his participation in various organizations such as the YMCA and the Chamber of Commerce.

"He was recently promoted to the position of executive vice president of JTB International and will leave us on February 4th."

Mr. Shunichi Oyama and his family rose to be recognized and were presented with leis by Senators Kuroda, Fernandes Salling, Young and B. Kobayashi.

Senator Henderson introduced Mr. Robert Santos and Mr. Gene Aguiar from the Big Island who were sitting in the gallery.

Senator Young introduced Kathy Kinneman, a student from Iiima Intermediate School of Ewa Beach and participant of the legislative awareness program.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

#### MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 90, transmitting a report prepared by the Department of the Attorney General in response to H.C.R. No. 16 (1985), requesting the Governor's Corrections Task Force to present an updated report on the progress of the United States Department of Justice's criticisms regarding the Oahu Community Correctional Center and the state's responses thereto, was read by the Clerk and was referred to the Committee on Judiciary.

#### DEPARTMENTAL COMMUNICATION

Dept. Com. No. 36 from the University of Hawaii, transmitting the "Report on Transfers of Instructional Positions for FY 1984-1985," pursuant to Act 300, Sec. 119, SLH 1985, was read by the Clerk and was referred to the Committee on Higher Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 15 to 17) were read by the Clerk and were disposed of as follows:

S.R. No. 15, entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF COMPLAINTS AGAINST THE ADMINISTRATION OF THE LEMON LAW," was offered by Senators Chang, Aki, Hagino, Solomon and B. Kobayashi.

By unanimous consent, S.R. No. 15 was referred to the Committee on Consumer Protection and Commerce.

S.R. No. 16, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF A SUMMER FOREIGN EDUCATION PROGRAM FOR TEACHERS," was offered by Senators Holt, Soares, Machida, McMurdo, Hagino, Mizuguchi, Yamasaki, Aki and Chang.

By unanimous consent, S.R. No. 16 was referred to the Committee on Higher Education.

S.R. No. 17, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE PROGRAM PLANNING AND BUDGETING FORMAT," was offered by Senators Holt, Soares, Machida, McMurdo, Hagino, Mizuguchi, Yamasaki, Aki and Chang.

By unanimous consent, S.R. No. 17 was referred to the Committee on Ways and Means, then to the Committee on Legislative Management.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Mizuguchi, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, January 30, 1986:

## Senate Bills

No. 1859-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY PROVISION FOR SCHOOL SUCCESS (EPSS)."

Introduced by: Senators Toguchi, Fernandes Salling, A. Kobayashi, Soares, Abercrombie, Solomon, Hee, Hagino, Matsuura, Holt, Machida, McMurdo and Kuroda.

No. 1860-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPECIAL EDUCATION."

Introduced by: Senators Toguchi, Fernandes Salling, A. Kobayashi, Soares, Abercrombie, Solomon, Hee, Hagino, Matsuura, Holt, Machida, McMurdo and Kuroda.

No. 1861-86 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senators George, A. Kobayashi, Henderson and Soares.

No. 1862-86 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senators George, A. Kobayashi, Henderson and Soares.

No. 1863-86 "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS AND RECREATION FUNCTIONS FROM THE STATE TO THE COUNTIES."

Introduced by: Senators George, Henderson, Soares and A. Kobayashi.

No. 1864-86 "A BILL FOR AN ACT RELATING TO FINES AND FORFEITURES."

Introduced by: Senators George, A. Kobayashi, Henderson and Soares.

No. 1865-86 "A BILL FOR AN ACT RELATING TO EXEMPTING COUNTIES FROM THE GENERAL EXCISE TAX."

Introduced by: Senators Henderson, Soares, A. Kobayashi and George.

No. 1866-86 "A BILL FOR AN ACT RELATING TO LAND."

Introduced by: Senators George, A. Kobayashi, Henderson and Soares.

No. 1867-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TRAFFIC SAFETY IMPROVEMENTS FOR FARRINGTON HIGHWAY."

Introduced by: Senator Aki.

No. 1868-86 "A BILL FOR AN ACT RELATING TO THE FILM INDUSTRY ADVISORY COUNCIL."

Introduced by: Senators Aki, Chang, Kuroda, McMurdo, B. Kobayashi, Fernandes Salling, Cayetano, Machida, Yamasaki, Matsuura, Toguchi and A. Kobayashi.

No. 1869-86 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Hagino.

No. 1870-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION FOR UPGRADING THE INTERSECTION OF LAHAINALUNA ROAD AND HONOAPILANI HIGHWAY, MAUI."

Introduced by: Senators Machida and Yamasaki.

No. 1871-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MOLOKAI HIGH AND INTERMEDIATE SCHOOL."

Introduced by: Senators Machida, Aki, George, McMurdo, Solomon, Holt, Kuroda and Yamasaki.

No. 1872-86 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Henderson, A. Kobayashi, Yamasaki, Soares and George.

No. 1873-86 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Henderson, A. Kobayashi, Fernandes Salling, Soares and George.

No. 1874-86 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Henderson, A. Kobayashi, Fernandes Salling, Yamasaki, Soares and George.

No. 1875-86 "A BILL FOR AN ACT RELATING TO EXAMINATION OF APPLICANTS FOR HAWAII DRIVER'S LICENSE."

Introduced by: Senator Cayetano.

No. 1876-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF AN ENCLOSED SWIMMING POOL FOR LANAI CITY."

Introduced by: Senators Machida, McMurdo, George, Kuroda, Yamasaki and Holt.

No. 1877-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION FOR WATER OVERFLOW AND EROSION CONTROL AT PUKOO DIP, MOLOKAI."

Introduced by: Senators Machida, McMurdo, George, Kuroda, Yamasaki and Holt.

No. 1878-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION FOR WATER OVERFLOW AND EROSION CONTROL AT KAUNAKAKAI DIP, MOLOKAI."

Introduced by: Senator Machida, McMurdo, George, Kuroda, Yamasaki and Holt.

No. 1879-86 "A BILL FOR AN ACT RELATING TO THE HAWAII INDUSTRIAL DEVELOPMENT CORPORATION."

Introduced by: Senators Aki, Matsuura, A. Kobayashi, Fernandes Salling, Machida, Kuroda, Soares, B. Kobayashi, Young, Henderson, Cayetano, Hagino, Solomon, Kawasaki, McMurdo and Chang.

No. 1880-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES RELATED TO PARTICIPATION OF A HAWAIIAN VOYAGING CANOE IN THE TALL SHIP CELEBRATION OF THE CENTENNIAL RESTORATION OF THE STATUE OF LIBERTY."

Introduced by: Senator Aki.

No. 1881-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TRANSMISSION AND DISTRIBUTION OF WATER IN THE WAIANAE AND MAKAHA VALLEY AREAS."

Introduced by: Senator Aki.

No. 1882-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF IMPROVEMENTS TO WAIANAE HIGH SCHOOL."

Introduced by: Senator Aki.

No. 1883-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS, DESIGN AND RECONSTRUCTION OF THE LIBRARY AND ADMINISTRATION

COMPLEX AT NANAKULI HIGH SCHOOL."

Introduced by: Senator Aki.

No. 1884-86 "A BILL FOR AN ACT RELATING TO THE HAWAII CONVENTION CENTER COMMISSION."

Introduced by: Senators Kuroda, Soares, Chang, A. Kobayashi, George, Matsuura, Aki, Abercrombie, Holt, Kawasaki, Solomon, Mizuguchi, Cayetano, Toguchi and Fernandes Salling.

No. 1885-86 "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER."

Introduced by: Senators Kuroda, Soares, George, Matsuura, Aki, Abercrombie, Holt, Kawasaki, Cayetano, Mizuguchi, Yamasaki and Fernandes Salling.

No. 1886-86 "A BILL FOR AN ACT RELATING TO A TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Senators Kuroda, Abercrombie, George, Aki, Kawasaki, Solomon, Cayetano, Hagino, Toguchi and Fernandes Salling.

No. 1887-86 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Kuroda, Abercrombie, Aki, George, Kawasaki, Solomon, Cayetano, Toguchi and Fernandes Salling.

No. 1888-86 "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT."

Introduced by: Senator Wong, by request.

No. 1889-86 "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION."

Introduced by: Senator Wong, by request.

No. 1890-86 "A BILL FOR AN ACT RELATING TO THE EXPENDITURE OF PUBLIC MONEYS."

Introduced by: Senator Wong, by request.

No. 1891-86 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Wong, by request.

No. 1892-86 "A BILL FOR AN ACT RELATING TO TOURISM."

- Introduced by: Senator Wong, by request.
- No. 1893-86 "A BILL FOR AN ACT RELATING TO FOREIGN BANKS."
- Introduced by: Senator Wong, by request.
- No. 1894-86 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senators Soares, George, A. Kobayashi and Henderson.
- No. 1895-86 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MAKING HAWAII INTO A REGIONAL FISHERIES CENTER."
- Introduced by: Senators Soares, A. Kobayashi, George and Henderson.
- No. 1896-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ALU LIKE, INC. FOR VARIOUS PROJECTS."
- Introduced by: Senators Machida and Yamasaki.
- No. 1897-86 "A BILL FOR AN ACT RELATING TO VARIOUS IMPROVEMENTS AT LAHAINALUNA HIGH SCHOOL."
- Introduced by: Senators Machida and Yamasaki.
- No. 1898-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SIDEWALKS AT KILOHANA SCHOOL, MOLOKAI, HAWAII."
- Introduced by: Senators Machida and Yamasaki.
- No. 1899-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI IRRIGATION SYSTEM."
- Introduced by: Senators Machida and Yamasaki.
- No. 1900-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A REPLACEMENT BRIDGE OVER KAHOMA STREAM, HONOAPIILANI HIGHWAY, MAUI, HAWAII."
- Introduced by: Senators Machida and Yamasaki.
- No. 1901-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF A SWIMMING POOL IN ACCORDANCE WITH THE LAHAINA RECREATION CENTER PHASING PLAN."
- Introduced by: Senators Machida and Yamasaki.
- No. 1902-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF HAWAII."
- Introduced by: Senator Aki.
- No. 1903-86 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR."
- Introduced by: Senators A. Kobayashi, Young, Abercrombie and Hagino.
- No. 1904-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WATER DRAINAGE IMPROVEMENTS IN WAIANAE."
- Introduced by: Senator Aki.
- No. 1905-86 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO NANAIKAPONO ELEMENTARY SCHOOL."
- Introduced by: Senator Aki.
- No. 1906-86 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- Introduced by: Senators George, Soares, Solomon, B. Kobayashi, Matsuura, Henderson, Fernandes Salling, A. Kobayashi, Young, Hee, Abercrombie, Yamasaki and Toguchi.

## STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 9-86) informing the Senate that Senate Bill Nos. 1819-86 to 1858-86 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

## ORDER OF THE DAY

## REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Tuesday, January 28, 1986:

Senate Bill	Referred to:
No. 1819-86 Labor and Employment	Committee on
No. 1820-86 Judiciary	Committee on
No. 1821-86 Judiciary	Committee on

No. 1822-86	Committee	on	Health, then to the Committee on Judiciary
Consumer Protection and Commerce			
No. 1823-86	Committee	on	No. 1843-86
Consumer Protection and Commerce			Judiciary, then to the Committee on Ways and Means
No. 1824-86	Committee	on	No. 1844-86
Judiciary			Health
No. 1825-86	Committee	on	No. 1845-86
Human Services, then to the Committee on Judiciary			Labor and Employment, then to the Committee on Ways and Means
No. 1826-86	Committee	on	No. 1846-86
Housing and Community Development			Health
No. 1827-86	Committee	on	No. 1847-86
Judiciary, then to the Committee on Ways and Means			Consumer Protection and Commerce
No. 1828-86	Committee	on	No. 1848-86
Higher Education, then to the Committee on Ways and Means			Consumer Protection and Commerce
No. 1829-86	Committee	on	No. 1849-86
Judiciary			Human Services, then to the Committee on Ways and Means
No. 1830-86	Committee	on	No. 1850-86
Judiciary, then to the Committee on Ways and Means			Health, then to the Committee on Ways and Means
No. 1831-86	Committee	on	No. 1851-86
Health, then to the Committee on Judiciary			Health, then to the Committee on Ways and Means
No. 1832-86	Committee	on	No. 1852-86
Judiciary			Higher Education, then to the Committee on Ways and Means
No. 1833-86	Committee	on	No. 1853-86
Judiciary			Higher Education, then to the Committee on Ways and Means
No. 1834-86	Committee	on	No. 1854-86
Transportation, then to the Committee on Judiciary			Higher Education, then to the Committee on Ways and Means
No. 1835-86	Committee	on	No. 1855-86
Judiciary			Committee on Economic Development, then to the Committee on Ways and Means
No. 1836-86	Jointly to the		No. 1856-86
Committee on Health and the Committee on Judiciary, then to the Committee on Ways and Means			Committee on Economic Development, then to the Committee on Ways and Means
No. 1837-86	Committee	on	No. 1857-86
Health			Committee on Judiciary
No. 1838-86	Committee	on	No. 1858-86
Economic Development, then to the Committee on Ways and Means			Health, then to the Committee on Ways and Means
No. 1839-86	Committee	on	
Economic Development			
No. 1840-86	Committee	on	
Judiciary			
No. 1841-86	Committee	on	
Labor and Employment, then to the Committee on Ways and Means			
No. 1842-86	Committee	on	

Senator Matsuura then rose on a point of personal privilege to request the Chair's approval to have a speech he intended to make yesterday regarding Lt. Col. Ellison Onizuka inserted into the Journal, and the Chair so ordered.

Senator Matsuura's speech is as follows:

"Mr. President, last year this Senate honored Lt. Col. Ellison Shoji Onizuka, our first 'Hawaiian grown' astronaut. This was said of him in a floor speech at that time.

'His flight into space was an achievement of a dream, a dream that came true through dedication, perseverance and determination. He overcame staggering odds against his selection as one of 35 candidates for the Space Program, back in July 1982.

'He credits many of his friends and family members for helping him achieve that dream — from the coffee fields of Kona to a United States Astronaut.'

'Yesterday's tragedy has deeply touched everyone who has come in contact with Ellison. When he walked into the many classrooms, there was an instant feeling of mutual respect, trust and love. This feeling had no age barrier. Everyone, everywhere in Hawaii talked of his humility, elegance, kindness and generosity. I saw him autograph his picture, no one was left out — no matter how long the line was. Ellison was a very special person, noble in his dreams and aspirations, he had an unlimited future. Ellison has achieved a mark of excellence, duty and honor which we are all very proud of. To honor Ellison, we must walk onward in his footsteps.

"To Mrs. Lorna Onizuka and daughters Janelle and Darian Lei and mother Mrs. Mitsue Onizuka, no words or tears can express the loss of a loving husband, father and son.

"Lt. Col. Ellison Shoji Onizuka will always be one of Hawaii's favorite sons and his dedication to his profession and to his family is an inspiration and a noble example to all. Thank you."

Senator Solomon also requested the Chair's approval to have her remarks on Lt. Col. Onizuka inserted into the Journal, and the Chair so ordered.

Senator Solomon's remarks are as follows:

"Mr. President, it is with great sadness that I stand before you this morning to make these remarks in honor of Lt. Col. Ellison Shoji Onizuka. Astronaut Onizuka made an outstanding contribution that affected everyone's life throughout the State of Hawaii and is truly 'a Kona boy who made good.'

"His life mirrored his attainments as a student at Konawaena High School, a graduate from the University of Colorado, a Lieutenant Colonel in the Air Force of the United States and a good son, father and husband.

"My heart is with the Onizuka family at this time of personal loss. Lt. Col. Onizuka will always be in the hearts of the people of the United States and Hawaii."

Senator Hee then rose on a point of personal privilege and said:

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

"Mr. President, and members of the Senate, I rise today because of a disturbing element which has been circulating at the Capitol. It's an element which is dishonest; and it is fallacious. I'd like to say it's capricious, but I don't believe it.

"Mr. President, the media has been somewhat reasonable in reporting recently on actions on Molokai by Philip Boydston of Kaluakoi Corporation, the major landowner on the west end. Mr. Boydston would have it that he divide the resort industry workers with layoffs of 25 to 50 percent as his means to ask the group Hui Alaloa to forego an appeal to the Second Circuit Court.

"Mr. Boydston would be so intellectually dishonest in his guise to perpetrate what others historically have done to native people. It would not take a great deal of reading in the history of this nation to see that the usurption of land and other resources by expatriates from other countries, which included America, was a well-conceived, well-devised action aimed to pit Hawaiians against Hawaiians. Now the Hawaiian people are being used against Hawaiian people once again.

"It is an effort to bring back the mentality of the plantation in 1986 to say to people, 'You will be laid off because a totally unrelated issue of a new hotel is being appealed.' It's transparent and yet its ramifications are being felt every day on Molokai.

"I rise today because I was confronted — willingly confronted — with approximately 60 to 80 individuals, many of whom are my friends; some of whom without, I wouldn't be here; and all of whom, with perhaps a few exceptions, I believe, are expressing the views that they sincerely believe and I do not disagree with that right to express their views. However, when Mr. Boydston of Kaluakoi would say in a memorandum to the Hawaii Resort Developers Council, in a letter dated January 16, 1986, and I quote: 'Strategies must be devised by responsible developers, both large and small, to end abuse of due process. We believe one priority item on the strategy list should be to have land use laws changed which demands risk of equity or tangible assets by all parties to an intervention or challenge to a permit application.' It becomes clear that

his views are to rid the developers of the poor man's right to redress.

"When the plantation mentality resurfaces in 1986 to say, 'You challenge us, only if you have the ability to pay' ... resurfaces when Hawaiians come back against Hawaiians ... when the real enemy is the perpetrator of letters to colleagues whom I believe will see the transparency of this kind of strategy and who'll give a bad name to developers throughout this state some of whom I believe have good intentions.

"Mr. Boydston would go so far as to have others say that the demands of Hui Alaloe are frivolous and unreasonable when he knows damn well that the last time Hui Alaloe filed an appeal to the Hawaii Supreme Court, Hui Alaloe won. That the last time Hui Alaloe challenged the right of this irresponsible developer who wanted to lace Kawakui Bay with condominiums ... take away in the process those resources guaranteed to everyone ... that when Mr. Boydston forced Hui Alaloe into an appeal that the State Supreme Court ratified the Hui Alaloe appeal. Mr. Boydston knows that this appeal process is not a frivolous and unreasonable appeal process and above and beyond that, it's the right of every American, every person in this country to redress.

"Tony Rutledge, recently-elected president of Local 5, said regarding Oahu's second city which can be said for the west end of Molokai, 'Faced with the past history of massive layoffs and betrayed promises, the developers are now finding it difficult to gain community support. No one would oppose a quality development that provides jobs and a real chance at a decent future for Hawaii's people. But faced with a record of broken promises and a consistent failure to make any kind of binding commitment to the community, I feel the developers will find an uphill battle in gaining public support for their plans. As a labor leader, it is my duty to defend the best interests of my members who are an important part of this local community. I would like to state clearly at this time that if these developments are indeed going to be built without a clear legal binding commitment to the community regarding fair wages, job security, job training, housing, and a responsible use of our resources, the project should not be built at all.'

"Mr. Boydston would use the guise in a letter to employees, dated January 23, 1986, to people on Molokai, 'We will lay you off, unless this appeal is dropped.' And though he said our people are not being pawns in this process, he also says, 'Other factors including a challenge to the condominium and a lack of overall visitor business on Molokai is the reason.'

"He would have Hawaiians, again as it was perpetrated by many people, most of whom were Americans, turn on the Hawaiians, and he knows damn well that if he found a developer today that there are 300 house units which already have permits. There are 260 condominium units which already have permits. Build the damn buildings! Don't blame the Hawaiians! Don't blame the people for exercising their right to due process! And don't tell the Legislature to change the laws so that those who have not, cannot participate in the process.

"I fully expect that legislation will come down which would take away the appeal process of the State Land Use Commission, which would take away the appeal process of every decision-making body with the Planning Commission. Why not take away everything? Why not just do it all at once?

"It bothers me because it's history returned and history revisited. And it bothers me because, as I say, the people are being turned on the people.

"I have a quote, Mr. President, from a Hawaiian man, David Malo, who in 1837 in July wrote to the regent of the government and he said in his letter to Kaahumanu II: 'I'm telling you my mind. I'm not afraid of the men of wars if they threaten violence; not even if they fire their guns. On the day when you hold conference with those warships, if they do not appear to be pleasant, tell them of the evil committed by their council which we complained of. But in the case they do not act pleasant, you must be wise for I feel we will all be dead people. But still it would be much better to die for this, for greater evil will come if we give in and let them take our country while we still live.'

"As I stand here, Mr. President, the perpetrator has turned people against people; there has been violence; there has been vigilantes, lynch-mob mentality and this will not stop. And unless the message can be carried and the focus is on those who are at fault, history will repeat itself.

"We all have dreams. Well, my dream is a real dream and that dream is that we don't allow in this Legislature for the usurption and circumvention of the rights of every individual in this state. And for those who told me this morning, 'Stay off of Molokai, just take care of Kailua and Kaneohe.' ... we have a right as members of this body and we have a responsibility to take it upon ourselves that what we do is right for everyone in this state.

"Thank you, Mr. President."

The President, at this time, expressed his appreciation to Senator Kawasaki for



carrying out the Chair's duties during his absence.

#### ADJOURNMENT

At 12:14 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 30, 1986.