

## TWENTY-THIRD DAY

Monday, February 22, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Clifford Hoff, Olivet Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Holt and McMurdo who were excused.

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

The following introduction was then made to the members of the Senate:

Senator Young, on behalf of the Senate President, introduced Mr. Tooru Serizawa, vice president and manager of CitiBank International, an international private banking office recently opened in Waikiki, a subsidiary of CitiBank of New York. Mr. Serizawa who was seated on the Senate floor was accompanied by Attorney Bill Yuen.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 145 to 165) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 145, transmitting a report prepared by the Department of Business and Economic Development in response to H.R. No. 318 (1987), Requesting a Study on the Feasibility of Funding the Construction of a Superoutrigger as a Commuter and Interisland Vessel, was placed on file.

Gov. Msg. No. 146, transmitting the 1988 Report of Governor's Task Force on Ocean Resources Tourism Development, prepared by the Department of Business and Economic Development, pursuant to Act 353, SLH 1987, was placed on file.

Gov. Msg. No. 147, transmitting a Progress Report on the Implementation of the State Water Code, prepared by the Commission on Water Resource Management, Department of Land and Natural Resources, pursuant to Act 45, SLH 1987, was placed on file.

Gov. Msg. No. 148, submitting for consideration and confirmation to the Hawaii Aquaculture Advisory Council, the nominations of Billy Ray Salser and C. Bruce Smith, terms to expire June 30, 1992, was referred to the Committee on Agriculture, Energy and Ocean Resources.

Gov. Msg. No. 149, submitting for consideration and confirmation to the Advisory Committee on Flowers and Foliage, the nomination of Malcolm R. Saxby, term to expire June 30, 1992, was referred to the Committee on Agriculture, Energy and Ocean Resources.

Gov. Msg. No. 150, submitting for consideration and confirmation to the Board of Public Accountancy, the nomination of Lloyd Y. Kimura, term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 151, submitting for consideration and confirmation to the Board of Chiropractic Examiners, the nomination of Harvey T. Sato, D.C., term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 152, submitting for consideration and confirmation to the Board of Cosmetology, the nomination of Joan L. Hale, term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 153, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of John E. Knight, D.D.S., and Milton M. Fujiuchi, D.D.S., terms to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 154, submitting for consideration and confirmation to the Board of Hearing Aid Dealers and Fitters, the nominations of Howard K. Tamashiro and Judith A. Mason, terms to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 155, submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Bernice E. Coleman, M.D., term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 156, submitting for consideration and confirmation to the Board of Examiners in Naturopathy, the nomination of Michael L. Traub, N.D., term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 157, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of Roger M. Kondo, D.V.M., term to expire June 30, 1992, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 158, submitting for consideration and confirmation to the Hawaii Criminal Justice Commission, the nomination of Jay A. Sasan, term to expire June 30, 1989, was referred to the Committee on Corrections.

Gov. Msg. No. 159, submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nominations of Lloyd J. Soehren, Marie Dolores "Dolly" Strazar, Ph.D., Fred Cachola Jr., and Linda Nishigaya, Ph.D., terms to expire June 30, 1992, was referred to the Committee on Culture, Arts and Historic Preservation.

Gov. Msg. No. 160, submitting for consideration and confirmation to the Board of Social Services, the nominations of Vivian M. Wilson and Beverly A. Aotaki, terms to expire June 30, 1992, was referred to the Committee on Human Services.

Gov. Msg. No. 161, submitting for consideration and confirmation to the Board of Vocational Rehabilitation, the nomination of Geraldine T.A. Ah Sam, term to expire June 30, 1992, was referred to the Committee on Human Services.

Gov. Msg. No. 162, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nominations of Hiroshi Sakai and Robert

S. Toyofuku, terms to expire June 30, 1992, was referred to the Committee on Judiciary.

Gov. Msg. No. 163, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nomination of Roy K. Amemiya Jr., term to expire June 30, 1992, was referred to the Committee on Ways and Means.

Gov. Msg. No. 164, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui), the nominations of Joseph A. Frye and Robert S. Ota, terms to expire June 30, 1992, was referred to the Committee on Ways and Means.

Gov. Msg. No. 165, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of Harold Aiu, term to expire June 30, 1992, was referred to the Committee on Ways and Means.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 29 to 32) were read by the Clerk and were referred to committee:

Senate  
Concurrent  
Resolution

No. 29 "SENATE CONCURRENT RESOLUTION CHANGING THE NAME OF HILO AIRPORT TO HILO INTERNATIONAL AIRPORT AND NAMING THE MAIN TERMINAL 'GENERAL LYMAN TERMINAL'."

Offered by: Senators Herkes, George, Ikeda, McMurdo, Reed, Young.

Referred to: Committee on Transportation

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO REQUIRE THAT ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES, AND UNITED STATES FLAG VESSELS ENGAGED IN ECONOMIC ACTIVITY IN THE UNITED STATES EXCLUSIVE ECONOMIC ZONE BE REGISTERED WITH ONE OF THE STATES OF THE UNITED STATES."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Agriculture, Energy and Ocean Resources

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF TECHNOLOGY TO ALLOW FOR THE EFFECTIVE UTILIZATION OF OCEAN RESOURCES."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Agriculture, Energy and Ocean Resources

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF POSSIBLE SITES FOR RESEARCH AND TEACHING RELATED TO THE PRODUCTION OF MARINE ORGANISMS FOR COMMERCIAL PURPOSES."

Offered by: Senators Matsuura, Chang, Kobayashi, A.

Referred to: Committee on Agriculture, Energy and Ocean Resources

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 35 to 38) were read by the clerk and were referred to committee:

Senate  
Resolution

No. 35 "SENATE RESOLUTION CHANGING THE NAME OF HILO AIRPORT TO HILO INTERNATIONAL AIRPORT AND NAMING THE MAIN TERMINAL 'GENERAL LYMAN TERMINAL'."

Offered by" Senators Herkes, George, Ikeda, McMurdo, Reed, Young.

Referred to: Committee on Transportation

No. 36 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO REQUIRE THAT ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES, AND UNITED STATES FLAG VESSELS ENGAGED IN ECONOMIC ACTIVITY IN THE UNITED STATES EXCLUSIVE ECONOMIC ZONE BE REGISTERED WITH ONE OF THE STATES OF THE UNITED STATES."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Agriculture, Energy and Ocean Resources

No. 37 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF TECHNOLOGY TO ALLOW FOR THE EFFECTIVE UTILIZATION OF OCEAN RESOURCES."

Offered by: Senators Matsuura, Kobayashi, A.

Referred to: Committee on Agriculture, Energy and Ocean Resources

No. 38 "SENATE RESOLUTION REQUESTING A STUDY OF POSSIBLE SITES FOR RESEARCH AND TEACHING RELATED TO THE PRODUCTION OF MARINE ORGANISMS FOR COMMERCIAL PURPOSES."

Offered by: Senators Matsuura, Chang, Kobayashi, A.

Referred to: Committee on Agriculture, Energy and Ocean Resources

#### ORDER OF THE DAY

##### THIRD READING

Senate Bill No. 2036:

On motion by Senator Yamasaki, seconded by Senator Blair and carried, S.B. No. 2036, entitled: "A BILL FOR AN ACT RELATING TO PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 2044:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 2044, entitled: "A BILL FOR AN ACT RELATING TO CALABASH COUSINS OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 2060:

On motion by Senator Young, seconded by Senator Hagino and carried, S.B. No. 2060, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 3310, S.D. 1:

On motion by Senator Blair, seconded by Senator A. Kobayashi and carried, S.B. No. 3310, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 14, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 14, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

At 11:50 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.

## Senate Bill No. 2478:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 2478, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 2563:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 2563, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PORNOGRAPHY FOR MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 2570:

By unanimous consent, action on S.B. No. 2570, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred until Tuesday, February 23, 1988.

## Senate Bill No. 2718:

By unanimous consent, action on S.B. No. 2718, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE AGE QUALIFICATION FOR VOTING," was deferred until Tuesday, February 23, 1988.

## Senate Bill No. 2913, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## Senate Bill No. 2279, S.D. 1:

By unanimous consent, action on S.B. No. 2279, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Tuesday, February 23, 1988.

## Senate Bill No. 2625, S.D. 1:

By unanimous consent, action on S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE-OWNED CEMETERIES," was deferred until Tuesday, February 23, 1988.

## Senate Bill No. 3277:

On motion by Senator Tungpalan, seconded by Senator Hagino and carried, S.B. No. 3277, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and McMurdo).

## RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills:

Senate Bill	Referred to:
No. 2174	Committee on Ways and Means
No. 3018	Committee on Ways and Means

Senator Reed rose on a point of personal and remarked:

"Mr. President, the editorial writers of both Honolulu dailies have praised the statewide Ocean Recreation Management Plan produced by Aotani and Associates on behalf of the Department of Transportation. There is no doubt that a state plan to resolve ocean use conflict is absolutely necessary. And it's easy to look at something as voluminous as this and conclude that it must be professionally well-done. But it is not well-done.

"The problem with this report is one which afflicts both Honolulu editorial writers and Honolulu-based consultants

hired by the state. They don't live in the areas in their study and they don't take the time to talk to people who do.

"To illustrate, consider the Aotani proposals for West Maui, from Lahaina to the Kaanapali area. As far as I've been able to determine, the Aotani people did not speak to West Maui residents about the thrill craft problem. They spoke only to thrill craft operators and representatives of the hotel industry in Kaanapali.

"Naturally, and with the justification, the hotel representatives said the jet skis and other thrill craft should be banned in front of the hotels. Thrill craft operators in Kaanapali have become so brazen that they have sales people working off the beach and the thrill craft taking off from and landing on the beach right in front of the hotels.

"So the Aotani report recommends banning thrill crafts in the Kaanapali hotel area. That's good, but where do they recommend putting the thrill craft? They recommend putting them in an offshore corridor from Mala Wharf to Puamana.

"If you aren't familiar with that area you don't know that Mala Wharf is the one place, the last place, the local residents have access to the ocean without competing with the thousands of tourists who have virtually taken over West Maui.

"If you aren't familiar with the area, you don't know that the rest of the proposed thrill craft corridor fronts beachfront residences. Families who have lived for generations on beachfront property in Lahaina have recently had their lifestyles and lives disrupted by the onslaught of parasails, ultra-light airplanes, and the obnoxious jet skis.

"What these recommendations would do is formalize and legitimize that onslaught. The Aotani proposals, at least as they relate to Maui, are outrageously unacceptable.

"I urge all of my colleagues to look carefully at this plan with the thought in mind that the folks who wrote it most likely do not live in your district and probably did not speak with anyone who does.

"Thank you, Mr. President."

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

"Mr. President, on television during this weekend I saw a Mr. Bruce Dinman on television saying that some of the condominium bills apparently were misleading some legislators, as he was quoted. He referred or alluded to one bill in particular on the right of privacy which is in effect Senate Bill 2099.

"Just to set the record straight, Mr. President, that bill provides that the constitutionally mandated right of privacy as adopted by the voters of Hawaii will also apply to condominium, co-op, and apartment residents.

"During the course of the committee hearing, I read from the bylaws and the house rules of one particular project where I happen to reside and I offered to compare with house rules and bylaws of other projects, many of which I've read. Those house rules and bylaws read like a text from the Nazi constitution because in effect they authorize any search at anytime, even on the suspicion that there may be the slightest violation of house rules.

"We call this a democracy. We call this America.

"It seems to me, Mr. President, condominium and co-operative residents and many other apartment dwellers seem to forfeit their right of privacy in the face of managing agents who feel free to come in anytime, day or night, with no warning, no permission to inspect for any cause whatsoever, even without violation of law.

"That bill, Mr. President, will put a stop to that practice. It will guarantee that condominium, co-op, and apartment residents have exactly the same rights to privacy as any other resident of Hawaii and that an individual, regardless of race, color or creed does not forfeit his or her constitutional rights merely because they moved into a condominium, co-operative apartment or other multiple-unit dwelling.

"Mr. Dinman further alluded to the fact that there would be no provision in the bill for an emergency such as a broken water main. Nothing could be further from the truth. The bill has been specifically amended to state that the right of entry to fix any damage is the same as it would be for a single family resident.

"In the future, Mr. President, I think some property managers would be well-advised to get their facts straight before they go calling rallies and making accusations.

"Thank you."

#### ADJOURNMENT

At 12:00 o'clock noon, on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 23, 1988.