

## THIRTY-SEVENTH DAY

**Thursday, March 19, 1992**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dale Burke, Christ Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senators Aki, Fernandes Salling and Nakasato who were excused.

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

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

Senator Reed introduced a group of students from Princess Nahienaena Elementary School in Lahaina, West Maui: 11-year-old Justin Serrano, student council president; 9-year-old Joanie Barangan, student council vice president, 8-year-old Zachary Dent, student council member; 5-year-old Chaz Ah Puck, a concerned student. The students were accompanied by family members: Mrs. Frances Kalua, grandmother of Chaz Ah Puck; Ralph and Sandra Dent, parents of Zachary Dent. Senator Reed said, "They are here lobbying for funding for a cafeteria at Princess Nahienaena Elementary School."

Senator Crozier introduced Mr. John Clark of New Zealand as follows:

"Mr. President, this morning I am extremely proud to introduce a gentleman who allowed me to work under his tutelage in the Office of Maori Affairs or the 'Manatu Maori' during my six-week stay in New Zealand last October. You have heard some of my stories of New Zealand since the session began.

"I traveled throughout the country and learned how the Maoris are struggling to resolve some of their problems. Some of which are very similar to the problems of the Hawaiians here - land problems, leasehold. Where Bishop Estate is trying to save their lands from 55-year leases, the Maoris have leases that are set in perpetuity so that will take a long time for the lands to come back.

"When I was talking to the gentleman this morning he asked me, 'Mike, when you tell your New Zealand stories, does anyone listen?' I told him that one way that I do it is to invite people to my office, lock the door and force them to listen. The other way is for me to grab hold of the mike on the floor so everyone would listen.

"Seriously, Mr. President, when I left New Zealand they gave me this 'pounamu' stone carved in the shape of a 'patu' or club. A club could be used to pound fish or abalone or it could be used as a war implement and me being a peace-loving person I'd never think of it in that vein.

"I am honored to introduce John Clark and ask that he stand to be recognized."

Mr. Clark, seated in the audience, rose to be recognized.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 221 to 242) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 221, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of Phillip Navares, term to expire June 30, 1993, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 222, submitting for consideration and confirmation to the Animal Species Advisory Commission, the nominations of Michael G. Hadfield, Ph.D., and Leonard A. Freed, Ph.D., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 223, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, City and County of Honolulu, the nomination of Russell Miyada, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 224, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nomination of Susumu "Tonti" Sakaida, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 225, submitting for consideration and confirmation to the Board of Barbers, the nominations of Nancy Toyama and Lance M. Marugame, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 226, submitting for consideration and confirmation to the Child Abuse and Neglect Secondary Prevention Advisory Committee, the nominations of: Sam Cox, term to expire June 30, 1993; and Gwendolyn R. Costello, Shawna Brizzolara, M.D., and Leslie K.W.C. Fong, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 227, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of Maude I. Panganiban, D.C., term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 228, submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nominations of: Terrill S. Chilson (filling a vacancy), term to expire June 30, 1992; and Terrill S. Chilson (reappointment), Eleanor E. Daniels-Booze, Michael Griffin, Geraldine Marullo, Paul T. Matsunaga, Nancy L. Kuntz, M.D., Sheryl Nelson and Deborah J. Rivers, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 229, submitting for consideration and confirmation to the Commission on Persons with Disabilities, the nominations of Phyllis M. Browder, Ph.D., Frances U. Gomes and Myron M. Yamauchi, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, the nominations of: William F. Haning, M.D., and Steven B. Kemble, M.D., terms to expire June 30, 1993; George W. Read, Ph.D., term to expire June 30, 1995; and Alonzo DeMello, Ph.D., Carmen Di Amore-Siah, Marian E. Tsuji and Benjamin Wright, Jr., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 231, submitting for consideration and confirmation to the Advisory Commission on Employment and Human Resources, the nominations of David Iha and Kim Winegar, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Hawaii Fisheries Coordinating Council, the nominations of Donald Scott Bowman III, Frank Farm, Jr., Robert J. Luuwai and Wally Muronaka, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 233, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: Veronica Poepoe M. Morikawa, term to expire June 30, 1995; and J. Kahea Beckley, Tomi Downey Chong and Margaret Kula Stafford, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 234, submitting for consideration and confirmation to the State Council on Mental Health and Substance Abuse, the nominations of: Kyle M. Miura (filling a vacancy) and Sarah Knowlton O'Donnell (filling a vacancy), terms to expire June 30, 1992; M. Ho'oipo DeCambra and Robert K. Wead, terms to expire June 30, 1993; and Lila R. Marantz, Majken Mechling, Phillip A. Michaels, Kyle M. Miura (reappointment) and Sarah Knowlton O'Donnell (reappointment), terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Spencer Alan Lau, D.O., term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 236, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nominations of Charles E. Furr, Stephanie A. Whalen and Philip Lai, Ph.D., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nomination of Debbie Ann Eschmann, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 238, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui), the nominations of Andrew Joseph Bonfield and George K. Sano, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 239, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawaii), the nominations of Edwin T. Hara and Timothy S. Young, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of Caroline K. Uohara, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Tourism Training Council, the nominations of: Edmund P. Crovo, Jr., term to expire June 30, 1993; and Carleen J. Choo, Mildred S. Higashi, Ph.D., Elwood K. Mott, Jr., and Jane M. Yamashiro,

terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of: Clark C.K. Liu, Ph.D., term to expire June 30, 1995; and Allen L. Perry, Jr., term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

#### STANDING COMMITTEE REPORTS

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2311) recommending that H.B. No. 2680 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McMurdo, seconded by Senator Levin and carried, the report of the Committee was adopted and H.B. No. 2680, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE REHABILITATION HOSPITAL OF THE PACIFIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2312) recommending that H.B. No. 3076, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McMurdo, seconded by Senator Levin and carried, the report of the Committee was adopted and H.B. No. 3076, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR COMMUNITY HOSPITALS," passed Second Reading and was referred to the Committee on Ways and Means.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

#### ORDER OF THE DAY

##### THIRD READING

H.B. No. 2410, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, H.B. No. 2410, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Aki, Fernandes Salling, Nakasato, Reed).

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate	
Concurrent	
Resolution	Referred to:

No. 146      Committee on Health and Human Services, then to the Committee on Transportation and Intergovernmental Relations

Senator Blair then said:

"Mr. President, on a point of personal privilege or perhaps a point of inquiry, I was wondering if Senator Chang would yield to question?"

The Chair posed the inquiry to Senator Chang and he responded:

"May I hear the question, Mr. President?"

Senator Blair asked:

"Mr. President, I look around and I see many of my colleagues dressed in such well-known brands as Brooks Brothers, Giorgio Armani and Yves St. Laurent. But I was wondering, where does one go to obtain a jacket by the designer 'Cable Ship Charles L. Brown?'"

Senator Chang responded:

"Mr. President, ordinarily I would not yield to a question of that kind but inasmuch as my colleague from Makiki has a great need for sartorial splendor, I will pass on a hint.

"My couturier's name is Charles Schulz. He draws a comic strip, and upon proper application, the good Senator from Makiki can also obtain a Charles Brown blazer. Thank you."

Senator McCartney then said:

"Mr. President, just a point of inquiry.

"I know one of Charley Brown's nicknames is 'Blockhead' so if you could just clarify that I would appreciate it."

Senator Chang answered:

"This is correct, Mr. President, although in local society the term is 'chiburu.'"

Senator A. Kobayashi also rose to speak on a point of personal privilege and said:

"Mr. President, yesterday, Senator Solomon and I were not at session because we were at the hearing of the Executive Appointments Committee. During session, yesterday, I understand the winners of the St. Patrick's Day door decoration contest were announced and there was not a single female name on the list. We wondered why and then we concluded that it was because they were all male judges.

"It just doesn't seem fair because Senator Blair always gets noted as being well-dressed because his collar is always well-buttoned and his tie is always in place. Senator Crozier is always noted as the most creative dresser because of his shirt and tie combinations. Senator Chang always gets noted as being a fashion plate. So all the men are winning all the awards. I hope next year some of the women can be considered when these contests are going on.

"Thank you."

The Chair interjected:

"I would like to mention that Senator Iwase has on 'white' because he's clean."

Senator McMurdo rose to respond:

"Mr. President, I would like to address the remarks of the previous speaker.

"I think that one of the reasons that the judges didn't pick any of the women, except yours truly, is that with the exception of, I believe, the Senator in the magenta dress (Senator Tungpalan) there, I don't recall that there were many artistic or creative or different doors by any of the other females. And, of course, as for the good Senator over there (Senator George), her's was stolen so that eliminated her. I think that's what it is, but we will speak to the judges. The big reason there aren't any women judges is that there were no women over there (in the House), when we originally started, that you could attach the 'O' to. Perhaps we'll see what we can do."

Senator A. Kobayashi in response then said:

"Mr. President, perhaps if we did have a female judge then they would see the female point of view, which is always the problem. The female would be able to see the artistic nuance that is in the door decoration. Thank you."

Senator McMurdo answered:

"Mr. President, the thing that I want to say is that most of the doors weren't done by the men, the male Senators. The decorating was done by their female staff, who, as you know, does all the work anyway."

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

"Mr. President, on a point of personal privilege. I would just like to make a few comments.

"I know that the judges were very biased because the good Senator (Crozier) here had the Irish 'unagi' on his door and he didn't win. His poster provided knowledge in that Irishmen and Europeans ate as much 'unagi' as the Japanese, Koreans and Chinese. However, I never heard of green 'unagi' before! Must be a new specie called 'Anguilla Irishcrozierancea.'

"Seriously, Mr. President, I want to speak regarding the public hearing that we had yesterday. There was a very nice article about the hearing in this morning's paper. I gotta congratulate the reporter. This article was well-written. If I were a professor, this would have gotten an 'A+.'

"One of the things I learned investigating the GTE sole source contract is that I discovered a very interesting fact regarding sole source contracts and other contracts. There are two legitimate ways in awarding a state contract without going through the bid process.

"The first way is how it was done with the state Selex system. It went as a sole source to GTE Hawaiian Tel for \$3.7 million. The second way in which the state gives contracts is through consultant contracts. These consultant contracts can go to a firm stating that that company is the only company that can provide the service, whatever it is.

"An example of the latter contract is one that was given to Robin and Deckerman. My knowledge of this contract came in one of the correspondence from Mr. Takemoto to me. Contract No. 29095 awarded to Robin and Deckerman was for \$80,000. DAGS sent a copy of that contract to me. However, what they failed to send to me was an amendment to that contract. That amendment has the same contract number. This contract jumped from \$80,000 to \$212,275.00 just by an amendment.

"The problem with this procedure is that you can have a sole source, just like Robin and Deckerman and the amount of the contract can be increased to any dollar level with amendments. I don't know if this practice of adding amendments is applicable to the bid process. I hope not!

"I'm citing these examples so all of you who are chairman of different subject areas can take a look at some of the sole source and consultant contracts because through the amendment process the initial dollar figure can be accelerated to very large amounts. I just want to share with you what I have found out.

"The thing that bothers me is, here is a company that started out with a \$80,000 contract and within ten months goes up to \$212,000. I examined the scope of work of this so called consultant contract. Any number of companies in Hawaii could have done this work. I asked the consultant who was at the hearing, 'Has your company bid for any of the contracts that go out on bid?' He said, 'Yes.' They bid on nearly all of the telecommunication contracts. I asked him if his company was ever awarded any of the contracts and he said 'no.' Nevertheless, this company (Robin and Deckerman) has received three consulting contracts from the State of Hawaii.

"The sole source contract amount for the Selex system started at \$3.7 million. It's over \$9 million now. There are other higher costs to the Selex system. The basic telephone line that you have in your office is costing the taxpayers \$9.83. However, the features on your phone such as mute, auto dial, speed call, conference, ring again, IC 10, the taxpayers are paying \$14.30 per month per phone. The basic telephone line cost \$9.83, plus \$14.30 for all the features. I don't know how many of you use the features on your phone but we are stuck with it for the next three years.

"The other thing that is really kind of hard to understand is that some of you are going to see all of these unused telephones in your offices during the interim because all your staff have private lines. The reason why you can't disconnect them is because if you do it will cost the taxpayers about \$170.00 to disconnect the phone and \$170.00 to re-connect the line when we meet again in January. So when you add up the costs, it's better to just pay the monthly phone bill. We're stuck with this unreasonable contract.

"With that, Mr. President, thank you very much."

#### ADJOURNMENT

At 12:12 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., Friday, March 20, 1992.