

## FORTIETH DAY

**Tuesday, March 24, 1992**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Patria Agustin, Leeward Oahu Filipino Ministry, after which the Roll was called showing all Senators present with the exception of Senators Crozier, Ikeda and McMurdo who were excused.

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

Senator Chang then introduced to the members of the Senate visitors from Zhong Shan County, Guangdong Province, China, and said:

"Mr. President, at the turn of the century, the Zhong Shan County was divided into districts called 'doos,' among them the Lung Doo district. Many immigrants from that district came to Hawaii. In fact, it is said that the Lung Doo people constitute the largest sub-group of Zhong Shan Chinese in the State of Hawaii. Certainly, it is among the richest districts in Zhong Shan County today. Last year the Lung Doo Society celebrated its 100th anniversary in Hawaii and the Senate of the State of Hawaii recognized the society during its annual banquet, celebrating its 100th centenary.

"With us this morning are two visitors from Lung Doo district, Mr. Yuen Hua Fu, director of the Overseas Chinese Affairs Office, and Mr. Hsiao Kuan Wen, master of the Overseas Chinese Affairs Office. They attended the Lung Doo Society dinner this past weekend and helped celebrate the event with the local Chinese. They return to China today. Accompanying them is Dr. Joseph Young who was president during the centenary of the society, and Mr. Chang."

All of the gentlemen, seated in the audience, rose to be recognized.

## LEADERSHIP COMMITTEE REPORTS

Senator A. Kobayashi, for the majority of the Committee on Executive Appointments, presented a report (Ldr. Com. Rep. No. 2431) recommending that the Senate consent to the nomination of CORINNE K.A. WATANABE for Associate Judge of the Intermediate Appellate Court, 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. 216.

In accordance with Senate Rule 34, action on Ldr. Com. Rep. No. 2431 and Gov. Msg. No. 216 was deferred until Wednesday, March 25, 1992.

Senator A. Kobayashi, for the majority of the Committee on Executive Appointments, presented a report (Ldr. Com. Rep. No. 2432) recommending that the Senate consent to the nomination of KAREN N. BLONDIN for 15th Judge of the Circuit Court of the First 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. 217.

In accordance with Senate Rule 34, action on Ldr. Com. Rep. No. 2432 and Gov. Msg. No. 217 was deferred until Wednesday, March 25, 1992.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

## ORDER OF THE DAY

## THIRD READING

MATTERS DEFERRED FROM  
MONDAY, MARCH 23, 1992

H.B. No. 2490, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, H.B. No. 2490, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Crozier, Ikeda, McMurdo, Nakasato).

H.B. No. 3052, H.D. 1, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Blair and carried, H.B. No. 3052, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY INSPECTOR QUALIFICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Crozier, Ikeda, McMurdo, Nakasato).

H.B. No. 3280, H.D. 1, S.D. 1:

Senator Matsuura moved that H.B. No. 3280, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aki.

Senator Matsuura rose to speak in support of the bill and stated:

"Mr. President, I rise to speak in support of this measure. However, I would like to request that GTE Hawaiian Tel purchase their 911 equipment through a bid process rather than sole source.

"The reason I am making this request on the floor is that I didn't think it was appropriate to put this request into the resolution nor into the committee report. History dictates that we end sole source telecommunication procurement in Hawaii by the State of Hawaii!

"Back in the '70s GTE Hawaiian Tel was found guilty in an anti-trust action in the United States District Court. In the '80s GTE Hawaiian Tel purchased, through non-competitive procurement, hundreds of millions of dollars worth of equipment. One notable equipment was the GTD-5 central office switching equipment. Unfortunately, this equipment was a poor choice. GTD-5 is no longer being made. What makes this not okay is that the ratepayers in Hawaii paid for the hundreds of millions dollars worth of purchases from GTE Hawaiian Tel. GTE Hawaiian Tel bought all of the equipment from GTE on the mainland, their main company, by sole source and not through competitive bidding.

"In the 1990s, state procurements of communication services and equipment have followed the same pattern,

sole source contracts. So it goes back to the '70s, to the '80s and into the '90s, and we are still following the same pattern, no competitive bidding.

"A case in point. The state bought two identical telephones -- one cost \$167.00 and the other \$67.00. The difference is that the \$167.00 telephone was purchased through sole source and the other at \$67.00 on a bid process, the difference of \$100.00.

"The reason why I'm asking that Hawaiian Tel go through the bidding process on their 911 equipment is because there is an array of 911 equipment that is available. Most of the states have the 911 system so I know there is a variety of equipment available. GTE Hawaiian Tel should look for the best equipment at the lowest price because we, ratepayers, are going to pay for it. That is the reason I am insisting that the telephone company be encouraged to go through the bidding process to purchase the 911 equipment."

Senator Cobb, in support of the bill, said:

"Mr. President, speaking in support of the bill with reservations.

"I am familiar with the fact that back in the 1980s there was a problem with GTE equipment. At that time, I don't believe Hawaiian Tel was owned by GTE or its subsidiary. But in deference to the remarks of the chairman and previous speaker, I think if there is going to be a request for bid it ought to be built right into the bill. In fact, any telecommunications service, paid for by the taxpayers, should be subject to public bid. It's nice and I agree with the philosophy to request bids but I think bid should be a matter of mandate, not a request, not a persuasion, not by asking. Given the history of what's happened on this subject recently, I feel very strongly we should be moving emphatically in the direction of requiring bids in all cases.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 3280, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Crozier, Ikeda, McMurdo, Nakasato).

H.B. No. 770, H.D. 2, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, H.B. No. 770, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAME DAY VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Crozier, Ikeda, McMurdo, Nakasato).

H.B. No. 3666, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, H.B. No. 3666, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Crozier, Ikeda, McMurdo, Nakasato).

#### RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:  
No. 3100, H.D. 2 Committee on Ways and Means

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate  
Concurrent  
Resolution Referred to:  
No. 254 Jointly to the Committee on  
Employment and Public Institutions and the Committee on  
Housing and Hawaiian Programs

#### RE-REFERRAL OF SENATE RESOLUTION

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

Senate  
Resolution Referred to:  
No. 212 Jointly to the Committee on  
Employment and Public Institutions and the Committee on  
Housing and Hawaiian Programs

Senator Holt then rose on a point of inquiry as follows:

"Mr. President, will Senator Matsuura yield to a question?"

The Chair having posed the question to the Senator and Senator Matsuura having answered in the affirmative, Senator Holt asked:

"Mr. President, I would like to know if the Senator from Hilo has received phone calls from Russell Okata, Dolly Ching or Tom Enomoto in the last couple of days?"

Senator Matsuura answered: "No."

Senator Holt continued:

"Mr. President, the reason I ask is because the Advertiser has been running a series of articles on power in politics in Hawaii and, yesterday, I read that they referred to Russell Okata as Russell Nakata; this morning's paper, there is a picture of Doris Ching of the University of Hawaii instead of Dolly Ching of the Bank of Hawaii; and they had a picture of Tom Enomoto of HVB instead of Tom Enomoto of DURA.

"I would suspect that they would be calling the Senator from Hilo to revive the newspaper bill relating to corrections."

Senator Matsuura responded:

"Are you trying to get me into more trouble with the media?"

"In response to the question, Mr. President, I think that the Advertiser should get a picture of the Senator from Kalihi as one of the 'powers.' I know where the real power in the Senate is and I think his picture should be there. Thank you."

Senator McCartney rose to comment:

"Mr. President, on a point of personal privilege (I just cannot resist a comment), it just goes to show how much the Advertiser knows."

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

"Mr. President, it's really unfortunate, when I picked up the paper this morning and read about major archaeological sites in the H-3 path, that I found out that the Department of Transportation, it seems, is willing to sacrifice a heiau. They are saving the male heiau but they are saying that the woman's heiau can be placed on the sacrificial altar because there isn't a way to save both sites. The commentary here is that I just hope that Dr. Barry Nakamura, who brought this to everyone's attention, won't have a single hair misplaced by his employer, the Bishop Museum, because of the courageous stand that he took this morning.

"Protecting Hawaii's historic sites is a bread and butter issue for Hawaii because tourism is dependent on having unique cultural sites such as these heiaus to bring people to our islands. When are we going to recognize that fact? Maybe Senator Solomon will be able to speak a little bit more about this subject because when you pick up magazines such as the 'Holiday Travel' magazine that I subscribe to, you notice HVB really praising the charms that these sites have. The allurement of Hawaii is because of these really unique archaeological finds. The heiaus, Kamehameha's birth site on the Big Island, the Kane heiau, and the Kukui pahu heiau are all sites that, believe it or not, are being threatened right now by development. I'm happy to say that at least the governor and some senators here, as well as representatives and corresponding committees on the House side, want to save these areas because we recognize the unique relationship they have to our tourist industry.

"We all recognize that without tourism we will be really hard put to fund the programs in education, to give homes to the homeless, to allow our people to have jobs, because it does have a multiplying effect when people come here and spend money and because we do see and reap the benefits. So why is it that we have to read from the Advertiser a statement along these lines that it's not important to save these sites.

"I visited maybe six or seven heiaus throughout all of our island chain and I have yet to see a woman's heiau. I'm just so stunned that people in this state don't recognize this as a major significant find. Well, I want to thank Dr. Barry Nakamura for his posture and his courage and let me tell you, next year we will be back to investigate the Bishop Museum if a single hair on his head is misplaced or if he is fired. Thank you."

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

"Mr. President, also on a point of personal privilege and in support of the previous speaker's remarks.

"As you know, I serve as your budget liaison for the Committee on Tourism and Recreation, where we are very concerned that our tourists' visits are getting shorter and shorter. We have come to the conclusion that perhaps our tourist industry is not offering our visitors enough of a variety of things to do.

"In the March edition of 'Holiday Travel' magazine, an excellent 22-page article offers a detailed perspective of what today's tourist is looking for in Hawaii. The article highlighted the importance of our historical sites. This is not anything new to us. I think this Legislature has been

in constant turmoil over how to provide an acceptable balance between development and preservation of our historical sites. It is obvious that we have much work to do in order to restore and sustain our cultural and historical integrity. The article states, '... it's not always easy for visitors to tell the islands real culture from kitschy imitation.'

"We should all accept the challenge and responsibility to preserve what we know is real, not just for the malihinis but also for the kamaainas. The article continues, 'Hawaiians themselves are no longer resigned to being trivialized, if they ever were ... Hawaiians have resurged as the fastest growing ethnic group in the state. Whether pure Hawaiian or part, they have also regained pride in their culture and history.'

"Mr. President, we live in a very exciting time. We have the knowledge and the resources to make a difference. We no longer can make excuses when golf course developments are threatening heiaus or when highway developments are bulldozing valuable historical sites. A close look at the history of development on this island makes us realize that this is no longer the way to go. We need to take advantage of the opportunity to save what is left of our ancient cultural sites, particularly on Oahu, where we must act quickly to save what is left.

"In preserving our past, we preserve opportunity for Hawaii's future, ... for our children to experience their cultural heritage and for our visitors to enjoy a broader range of activities."

Senator Tungpalan then responded:

"Mr. President, in light of this need to preserve our historical sites, your Senate Committee on Culture, Arts and Historical Preservation will be having a hearing tomorrow night at 7:00 p.m. in Kohala to do just that -- to preserve the Mo'okini heiau and Kamehameha's birth site.

"Believe it or not, there are individuals who reside in our state who are saying, 'Why should we preserve the Kamehameha birth site? Who was he?'

"This is blasphemy when you consider that he is the only Hawaiian who happens to be in the Statuary Hall in Washington, D.C. He's actually the only king. And we need to not only save that area but we need to look at the Mahukona site that is really being threatened right now with development.

"Oftentimes we find ourselves trying to rush in and manage a crisis, as we did with Honakahua. We had to dip into our land banking budget and come up with \$6 million to save that area from being destroyed. There were thousands of burials there and they were unique burials because you had alii buried with commoners. We had to pay \$6 million to remove the development from that area and put them up higher. Now we are faced with the same situation in North Kohala where there is a developer, a Japanese developer, who, believe it or not, owns these precious historic sites. He owns that area near the Kamehameha birth site; he owns the area near the heiau. He is willing to commercialize these areas for his advantage so he can make a pretty buck. Should we stand by and allow this to happen? I say, 'No.'

"I hope that we have the courage to move forward a bill this session to make this a state monument. This is the bill that will be heard tomorrow. It's a big bill because it's saying just that. We believe in putting our words into action by passing a bill to the governor and he says he is committed to pass it into law.

"I hope that the reporters in the area will be there to cover this issue so they can see just what is happening to historic sites like this. It's nice to write articles for the HVB; it's nice to give them \$6 million dollars but if we, on the other hand, are going to just sit by and allow our historic sites to be paved over and have resorts placed on our heiaus then, by golly, there really isn't much that we are really doing here, let me say.

"I'll be very disappointed if a bill doesn't move this session to protect these very treasured sites. Thank you."

Senator McCartney also rose to speak on a point of personal privilege and said:

"Mr. President, I would just like to briefly speak on a personal privilege.

"For the record, I want to commend the chairman of the Culture, Arts and Historic Preservation Committee for having the courage and vision for telling it like it is. Maybe it does make people feel uncomfortable but those are the facts and the issue in North Kohala is a serious one that needs to be addressed and I commend the chairman for going to the community to have a hearing.

"As one Senator, I support the chairman on those efforts.

"On the issue of H-3, it is a sensitive issue but I think we need to move sensitively on it and not just pave over that site and I think the Department of Transportation and the state, including the governor, should get involved and take a look at and see whether the facts are really there because it's very, very important. I don't think anybody is saying that we are using this as a maneuver to stop H-3 but I think we need to be sensitive to Hawaii's past, Hawaii's culture and Hawaii's heritage.

"We are not like the rest of the 49 states. We do things differently here in Hawaii and it's something that we can all be proud of, and I just want to again commend the chairman for taking that stand."

#### **ADJOURNMENT**

At 12:22 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., Wednesday, March 25, 1992.