

FORTY-THIRD DAY

Tuesday, March 31, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Bob Coggins, Diamond Head Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senators Chang and Nakasato who were excused.

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

HOUSE COMMUNICATION

Hse. Com. No. 412, informing the Senate that the House of Representatives on March 30, 1992, recommitted House Bill No. 664, H.D. 2, S.D. 1, C.D. 1, to the Conference Committee, notwithstanding their action taken on April 29, 1991, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 2441) recommending that H.B. No. 2385, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McMurdo, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 2385, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1992.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 2442) recommending that H.B. No. 2500, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McMurdo, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 2500, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1992.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 2443) recommending that H.B. No. 2780, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McMurdo, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1992.

ORDER OF THE DAY

MATTERS DEFERRED FROM
MONDAY, MARCH 30, 1992

S.B. No. 2689, S.D. 1, H.D. 1 (Hse. Com. No. 393):

By unanimous consent, action on S.B. No. 2689, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSURE LAW FOR CHIROPRACTIC," was deferred until Wednesday, April 1, 1992.

S.B. No. 2684, H.D. 1 (Hse. Com. No. 400):

By unanimous consent, action on S.B. No. 2684, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF DISPENSING OPTICIANS," was deferred until Wednesday, April 1, 1992.

ADVISE AND CONSENT

Ldr. Com. Rep. No. 2433 (Gov. Msg. Nos. 177, 180, 181, 182, 184, 186 and 187):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2433 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of the following:

LLOYD Y. KIMURA to the Board of Public Accountancy, term to expire June 30, 1996 (Gov. Msg. No. 177);

R. SEAN MCLAUGHLIN to the Cable Advisory Committee, term to expire June 30, 1996 (Gov. Msg. No. 180);

DAWN MARIE to the Board of Cosmetology, term to expire June 30, 1996 (Gov. Msg. No. 181);

MILTON M. FUJIUCHI, D.D.S., and T.S. KAWAKAMI-WONG, D.D.S., to the Board of Dental Examiners, terms to expire June 30, 1996 (Gov. Msg. No. 182);

RICHARD KUSUDA to the Elevator Mechanics Licensing Board, term to expire June 30, 1996 (Gov. Msg. No. 184);

EDWARD H. TENGAN to the Board of Dispensing Opticians, term to expire June 30, 1996 (Gov. Msg. No. 186); and

ALBERT BRUCE DENIS and MICHAEL T. MABERRY to the Board of Private Detectives and Guards, terms to expire June 30, 1996 (Gov. Msg. No. 187),

seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Ikeda, Kobayashi, B., Nakasato).

Ldr. Com. Rep. No. 2434 (Gov. Msg. Nos. 178, 179, 183, 185, 188, 189 and 190):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2434 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of the following:

RYOJI NAMBA, Ph.D., to the Advisory Committee on Agricultural Products, term to expire June 30, 1996 (Gov. Msg. No. 178);

AVERY B. CHUMBLEY to the Board of Agriculture, term to expire June 30, 1996 (Gov. Msg. No. 179);

PATRICIA K. BRANDT to the Education Commission of the States, term to expire June 30, 1996 (Gov. Msg. No. 183);

JOHN IRVEN FORD and **CHARLES P. STONE, Ph.D.**, to the Natural Area Reserves System Commission, terms to expire June 30, 1996 (Gov. Msg. No. 185);

ADLEEN T. ICHINOSE to the Radiologic Technology Board, term to expire June 30, 1996 (Gov. Msg. No. 188);

HIROSHI SAKAI and **ROBERT S. TOYOFUKU** to the Commission to Promote Uniform Legislation, terms to expire June 30, 1996 (Gov. Msg. No. 189); and

WALTER J. HAYES and **JUDITH H. WOROBE** to the Advisory Board on Veterans' Services, terms to expire June 30, 1996 (Gov. Msg. No. 190),

seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Ikeda, Kobayashi, B., Nakasato).

Ldr. Com Rep. No. 2435 (Gov. Msg. Nos. 200, 201, 207, 209, 210 and 211):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2435 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of the following:

PEGGY Y. OSHIRO to the Board of Acupuncture, term to expire June 30, 1993 (Gov. Msg. No. 200);

CHERYL A. NAKAMURA and **MIKE M. HASHIMOTO, Ph.D.**, to the Board of Acupuncture, terms to expire June 30, 1994 (Gov. Msg. No. 200);

BIENVENIDO C. VILLAFLOR to the State Boxing Commission of Hawaii, term to expire June 30, 1996 (Gov. Msg. No. 201);

CATHERINE L. YOZA to the State Boxing Commission of Hawaii, term to expire June 30, 1993 (Gov. Msg. No. 201);

JUNE M. UYEHARA-ISONO and **MARLIN SPIKE WERNER, Ph.D.**, to the Board of Hearing Aid Dealers and Fitters, terms to expire June 30, 1996 (Gov. Msg. No. 207);

MICHAEL L. TRAUB, N.D., to the Board of Examiners in Naturopathy, term to expire June 30, 1996 (Gov. Msg. No. 209);

DARRYL N. ING, MBA, GENEVIEVE L. KINNEY, PhD, COLLEEN ETSUKO MINAMI, RN, PHN, SYLVIA J. THOMASON, LPN, and JILLIAN INOUE, PhD, to the State Board of Nursing, terms to expire June 30, 1995 (Gov. Msg. No. 210); and

THOMAS S. MERRILL, Ph.D., to the Board of Psychology, term to expire June 30, 1996 (Gov. Msg. No. 211),

seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Ikeda, Kobayashi, B., Nakasato).

Ldr. Com. Rep. No. 2436 (Gov. Msg. Nos. 202, 203, 204, 205, 206, 208 and 212):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2436 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nominations of the following:

DWANE BRENNEMAN and **TOM POY** to the Correctional Industries Advisory Committee, terms to expire June 30, 1994 (Gov. Msg. No. 202);

ELIZABETH M. ADAMS, M.D., and **SHARON "SHAY" BINTLIFF, M.D.**, to the Drug Product Selection Board, terms to expire June 30, 1996 (Gov. Msg. No. 203);

RAY T. NISHIYAMA to the Governor's Agriculture Coordinating Committee, term to expire June 30, 1996 (Gov. Msg. No. 204);

PUANANI BURGESS and **GERALD R. CYSEWSKI, Ph.D.**, to the Hawaii Aquaculture Advisory Council, terms to expire June 30, 1996 (Gov. Msg. No. 205);

ANDREA L. SIMPSON to the Board of Directors, Hawaii Strategic Development Corporation, term to expire June 30, 1994 (Gov. Msg. No. 206);

ARNOLD WONG and **VIVIAN M. WILSON** to the Board of Human Services, terms to expire June 30, 1996 (Gov. Msg. No. 208);

BYRON A. ELIASHOF, MD, and **ALICE TALBOTT, RN**, to the Reproductive Rights Protection Committee, terms to expire June 30, 1994 (Gov. Msg. No. 212);

WAYNELL K. HEE, MSW, WILLIAM FOUNT MCKENZIE, MD, and **JOSEPHINE C. WOLL, RN**, to the Reproductive Rights Protection Committee, terms to expire June 30, 1995 (Gov. Msg. No. 212); and

KENNETH KIPNIS, PhD, and **KIMBERLY S. TOWLER, JD**, to the Reproductive Rights Protection Committee, terms to expire June 30, 1996 (Gov. Msg. No. 212),

seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Ikeda, Kobayashi, B., Nakasato).

Senator A. Kobayashi then rose to state:

"Mr. President, I would like to express appreciation and thanks to the many people who will be serving on these boards and commissions. They volunteer their time and their energy and we certainly owe them a debt of thanks.

"Mr. President, I don't know if any of these individuals are in the audience. If they are will you please stand. I know we have one standing over there, Ben Villafior, to the Hawaii Boxing Commission. Thank you."

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

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

"Mr. President, there was an article that appeared in the New York Times National, Tuesday, March 24, 1992, and I'll be circulating the article for my colleagues to review.

"It says here: 'U.S. ADDS PROGRAMS WITH LITTLE REVIEW OF LOCAL BURDENS.' 'In 1990, 20 New Mandates.' Mr. President, were passed and signed into law by the President of the United States.

"The article reports that 'Against the background of a stubborn recession and mounting fiscal distress in the country, the Federal Government continues to create or expand domestic spending programs with little or no review of the financial burdens they will place on state and local governments, public policy analysts say.

'In 1990 alone, the year the recession began, President Bush signed 20 bills into law, ordering programs that the National Conference of State Legislatures says will cost state and local governments billions of extra dollars, primarily for health care, the environment and Social Security payments for public employees.

'Some mandates, like the Americans With Disabilities Act, were enacted without any reliable estimates of the cost to state and local governments. The legislation, which requires businesses and state and local governments to provide the disabled with equal access to services, employment, buildings and transportation systems, is now expected to cost them millions of dollars annually to comply.

'The most expensive regulations for any state involve Medicaid, the Federally subsidized health-care program for low-income people that will cost \$38.3 billion for the states to finance this year.'

"As you well know, Mr. President, your Ways and Means Committee has been struggling with the state budget. We are in the predicament of trying to find dollars to fund a \$44 million budget request for this program. The article goes on:

'The next most expensive mandates involve environmental laws, primarily water purification, which will cost state and local governments \$32 billion a year by 1995.

'No one can reliably estimate the cost of complying with many such programs, and Congress is required to make only preliminary estimates on some of the bills it considers. But analysts say no Federal law provides for complete reimbursement of any mandated program, and some legislative analysts estimate the burden to local governments of such spending at scores of billions of dollars.'

"In conclusion:

'Pessimism is widespread. Three-quarters of the states and more than a third of the nation's cities report worsening fiscal problems this year, and many

governors and mayors are saying the problems will linger or worsen over several years even if the economy recovers quickly.'

"The article's sub-headline states, 'U.S. Adds to Mandates Without Review of Cost.' It gives the position of President Bush on mandates. He said in his State of the Union message to our country: "We must put an end to unfunded Federal Government mandates," Mr. Bush said. "These are the requirements Congress puts on our cities, counties and states without supplying the money. And if Congress passes a mandate, it should be forced to pay for it and balance the cost with savings elsewhere." However, analysts have reported that this in fact is a blatant lie. The article further states, "... the President has done little to curb the flow of federal mandates. Nor, ... has he acted to provide more financing for those bills he has signed into law.'

"Mr. President, they say President Bush has shown zero leadership, and I quote: "President Bush has provided zero leadership in this area of nation-state relationships," said Joseph F. Zimmerman, professor of political science at the State University of New York in Albany and the author of two new studies on the relationship between the states and the Federal Government.'

"The article continues: 'Of the 125 mandate-laden bills that have been introduced in Congress this session, more than half deal with health care and criminal justice, which are the two fastest growing segments of state budgets, said Martha A. Fabricius, a policy analyst with the National Association of State Budget Officers who has been monitoring this legislation. She said that more than 20 of the most expensive bills had been introduced by the Democratic leadership.

'If enacted, the bills would force most states to raise taxes or reduce existing services'

"Mr. President, we are now considering a resolution, S.C.R. No. 54, which I'm hoping the chairman of the Ways and Means Committee would allow us to adopt and perhaps you, Mr. President, will consider establishing an interim committee to deal with the rising mandate costs and the United States Congress' shortcomings in providing states with the necessary means to finance and administrate existing and new federally mandated programs.

"Thank you."

Senator Reed, also on a point of personal privilege, said:

"Mr. President, I'd like to follow up on a matter of personal privilege in line with the comments of the previous speaker.

"I think that it is necessary to also point out once again that this problem is a bipartisan one. The Democratic-controlled Congress for years has been a big part of the problem. And it's a serious one that overrides all consideration of politics or even who's to blame. The national debt in our country is probably the most serious problem that confronts all of us and the previous speaker hit on a few of them.

"The basic problem is that the U.S. government takes in in taxes about a trillion dollars a year and spends about 1.4 trillion dollars a year. We're spending \$400 billion a year more than we're taking in. And it's a problem that transcends just politicians. The problem is that at both the state level and the federal level the politicians are afraid to cut back on pork and other kinds

of expenditures, and afraid to tell the American public the truth about our economic plight. This overspending has put us in debt to the tune of four trillion dollars, which means that every man, woman and child in our country now owes \$16,000. The national deficit and debt threaten to destroy this country. What we're doing is forcing our children and their children to pay in the future for our overspending today. This is an emergency that demands drastic, courageous steps. Thank you very much."

Senator Koki also rose on a point of personal privilege as follows:

"Mr. President, I wish to rise on a point of personal privilege. My point wasn't going to be what the previous speakers have discussed but I'd like to see just no new federal mandates, period.

"The topic that I want to talk about is auto insurance reform. The Insurance Commissioner has confirmed that our auto insurance firms are not making money. If they're not making money, how can they reduce premiums. We need meaningful reform in order to do that and the House bill that we just heard yesterday does not qualify as a meaningful reform. In fact, it seems like a plaintiffs' attorney wrote much of it.

"Three major reforms that are necessary are verbal threshold, elimination of stacking, and a medical fee schedule. Only the medical fee schedule is in the House version and the House version of the fee schedule may not yield meaningful savings.

"Other provisions of the House bill mandate what is already available in terms of deductibles. Some provisions actually increase the cost to insurance companies by adding paperwork and meaningless notification to consumers. The House bill is not serious about auto reform. Auto insurance rates are much too high in Hawaii. A friend from Washington state pays 40% less premiums than I do. We can't take incremental approaches that seek just to stabilize rates. We need reform that reduces our rates.

"The insurance companies have come up with a reform package that will reduce rates. They are in the best position to determine what they need to reduce rates. Lawyers and legislators do not know how to run an insurance business. We don't know how much monetary savings different reforms produce. Whether we like it or not the insurance companies know their business best and they are best able to determine what is the best in terms of savings. Many don't trust insurance companies, so that is why we have an insurance commissioner. Very few businesses have a state watchdog looking over their shoulders. If they start to make windfall profits, we will know, and we then can take other measures.

"But knowing the nature of free enterprise, if auto insurance becomes profitable there are over 100 insurance companies that will jump in and provide competitive rates. The reason very few are in it now is because it is not profitable. With the high premiums that we are paying, somebody is making a lot of money and the insurance commissioner verifies that it is not the insurance companies.

"Our constituents want lower premiums and they want it now. Those that are making a good deal of money want as little reform as possible. Most people want insurance to protect themselves from devastating medical bills and lawsuits. They don't want to make money beyond that. Let's get back to what insurance is all about -- protection, and not a means of getting injured and hitting the jackpot. Thank you."

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

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

"I appreciate the comments of the previous speaker. Unfortunately, I wish that were the case. Somehow I don't think that we are getting all the information. In fact, I think more needs to be done as far as disclosure is concerned regarding what the insurance companies are making. I'm very happy that the chair for Consumer Protection in our Senate got us together with the insurance commissioner and with the analyst who reviews insurance rate filings. In one particular set of rate filings, that of State Farm, I noticed that there was a particular line within the rate filings that didn't really declare all of the reserves that were being set aside for injuries that occurred when a person is in an auto accident. What it led me to believe was that if we're not sharp enough, you're right, if we're not sharp enough, if we don't have the kinds of analysts that can really crunch the numbers, we can be taken in by these rate filings that appear to be showing losses. Unfortunately, my opinion is, we're getting ripped off by the insurance companies, plain and simple.

"When I looked at the rate filings, what I saw was that they were hiding the reserves and turning it around as losses. They merged bodily injuries together with property damages and reserves. Property damages came to \$4 million, bodily injuries to \$7 million and the total loss came to \$15 million, so when we subtracted it out it looked like there was something like \$3.8 million in reserves that could be reinvested for profits but considered by the insurance commissioner as losses.

"So what does that mean? Well, for example, suppose you're in a car accident and something flies in your eyes and you go to a doctor and get that eye washed, a claim of \$48.00 generated from this accident goes to the insurance company, which then puts aside something like maybe \$20,000 for a claim on that accident because they believe that this is a potential loss to their company. It's called incurred loss. In some companies it's called incurred but not reported. In any instance, this is the reserve. It is not really something that is spent out of their pockets. You have something like \$3.8 million in that line alone that was put aside for reserves for accidents, but actually those monies were not spent. But when it gets reported to the commissioner it appears on the loss side. So they turned that \$3.8 million which they use for investment into a loss.

"When you realize that this is what is presented to the insurance commissioner as proof for their losses, they are then able to get increases like 19% the year before and 22% the year after, strictly on things that are projected losses or reserves. Now, that appears like a rip-off to me. There should be some cap to that reserve. In other lines of insurance, as in casualty, there are caps to reserves that are set aside for injuries or for catastrophes that occurred but did not fully get settled. And I think there should be a cap on reserves of this nature and I hope we can entertain the Senate Committee on Consumer Protection to look into this.

"Maybe that's where we can start, in having people realize that there are going to be watchdogs in the Consumer Protection Committee and in the insurance commissioner's office, to make sure that what is being put aside for reserve are adequate reserves but not reserves that are exorbitant and high and really rip off the system and rip off the people of our state.

"I'm with you. I'd like to make sure that companies work efficiently. I'd like to make sure that they get the monies necessary to do the job, but I also want to make sure they're not ripping off the people of Hawaii. Right now, the way the present system stands, I'm afraid that's just what's happening."

Senator Koki, in response, stated:

"Mr. President, just a short response.

"You know, \$3.8 million, even if we were to just eliminate that is really not going to make much of a dent in our premium rates. And even if we were to say that was excessive, again, even half of it, it's still not going to be a considerable amount. We need to recognize that we do need to have reserves and if that's the problem, what we need to do is keep getting on the insurance commissioner, if they are not watching it properly. But certainly the concept of how to eliminate exorbitant lawsuits, exorbitant medical fees and things of that nature really needs to be addressed and not just trying to lay it at the blame of some book work. Thank you."

Senator Solomon, on a point of personal privilege, said:

"Mr. President, also on a point of personal privilege.

"I've been quite concerned about some points of personal privilege, those expressed the other day by the Senator from Hilo and the remarks that were just made by the Minority today. Perhaps, Mr. President, the Senate should reconsider using their subpoena power so that we can get the kind of information we once did in the heptachlor situation when we were not able to get information. I think that a lot of the insurance pilikia is a result of the Senate not knowing what the real numbers are.

"I'm thinking, Mr. President, that perhaps we should establish an investigative committee over the interim. A good case in point was made yesterday by the Senator from Hilo in regards to his pilikia in getting the information regarding our telephone and bids.

"You know, Mr. President, I've been worried about this. Even in the Ways and Means Committee as we've been going through our hearing process, I've noticed a tremendous deterioration of responsiveness on the part of our state departments. Even when we're dealing with Hawaii's fiscal crisis and your committees have been working conscientiously to recommend reductions as requested by our chairman of Ways and Means, we find that there is a reluctance in the departments to share information with us in terms of where we can look to make those cuts. We need to know what we are looking at in terms of real numbers, Mr. President. These are the kinds of issues I've seen evolving this session. It has resulted in a lot of frustration for the Senate.

"I think that this lack of information is prevalent in our Consumer Protection Committee as well as in our Committees on Science and Technology, Ways and Means and Education. There is a reluctance of the bureaucrats to share the information with us. My feeling is that if that's how they want to play the game, so be it. But, we have alternatives.

"I'm thinking, Mr. President, that perhaps leadership should get together and consider using our subpoena powers and getting information and numbers so we can make the proper decisions that benefit the people of this great state of ours. Thank you."

Senator Matsuura also on a point of personal privilege then said:

"Mr. President, I was not going to speak today, but the Senator from Kohala brought up an issue that I need to share with the rest of the body. There is a lot of truth in what the previous speaker mentioned. I'll just share an example of what has transpired.

"Well, I asked for the equipment inventory list from Hawaii Inc. and they gave me three lists of equipment. It's very frustrating when you get three different sets of equipment lists that you can't really follow in sequence. So I asked for the invoices because I figured if I got the invoices at least I know what was purchased, when it was purchased, etc. So finally, I did get an invoice. Here is the invoice.

"The description of the item purchased says, 'GTE.' I don't know if Hawaii Inc. bought GTE for 19,500 bucks because that's all it says, there's no description, no quantity of equipment that was bought. It's just blank, for 19,500 bucks.

"I wanted to find out who bought this unknown item. The invoice is signed by the executive director of Hawaii Inc. Where did this money come out of? It came out of the ICSD budget. Why would the executive director sign for something that is not in his program area? When you look at what they bought for 19,500 bucks. It's blank!

"This is the first invoice I've ever seen in my life where there's nothing -- no quantity, nor description of the items bought. They can't find the invoices.

"I'm not trying to create problems. All I want is an accountability of what is happening. I can't visualize a large company like GTE sending an invoice with absolutely blank description and show only the money amount.

"Before I sit down, Mr. President, I want to thank you for the beautiful resolution you prepared for Al Harrington. I was fortunate to attend the last performance of Al Harrington and I was truly touched. There was an outpouring of love from the waiters, the cooks and everybody that were there, including family members. That is the first time I learned about Al Harrington's personal life. He comes to perform for us free every year, but I didn't realize that at one point in his life he had five mortgages. He had the IRS at his door trying to evict his family from his house. Nevertheless, he recovered from all this, paid back everybody, and found a niche in Hawaii. Al has done so much for Hawaii. Had I known that he had all these problems, I would have offered my help too.

"Listening to the people proves that Al Harrington has touched a lot of people. Al Harrington and Danny Kaleikini are true living examples of the spirit of aloha. If these kinds of people ever run for elected office, I'm gonna vote for 'um. Thank you."

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

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

"Mr. President, just a brief point of personal privilege.

"I just want to commend the chairperson of the Committee on Culture and the Arts for taking some swift

and bold action on the H-3 issue and looking at the problem. I noticed on the news that she went out there and looked at the site. There was also an article in the papers.

"I think because of that, everybody is looking at the issue in a more sensitive light. Nobody, again, is trying to stop the construction of H-3. We're trying to make sure that it's done correctly with the right sensitivity that people in Hawaii should project in that realm.

"I appreciate the actions of the chairperson of the Culture, Arts and Historical Preservation Committee and I think she should be commended for it. Thank you."

Senator Tungpalan, again, rose on a point of personal privilege and said:

"Mr. President, I'd like to rise on a point of personal privilege.

"I am very thankful for those comments, Senator. I also would like to thank Barry Nakamura who I feel has very unselfishly given of his time to bring this matter to the attention of everyone. What will emanate from this whole cause will be that in the future we will look at who owns the information that is procured through contracts from individual companies or organizations like Bishop Museum. If it's paid by the state through our coffers, should we own that information, or is it solely the responsibility of DOT or whoever is requesting that information to be able to dispose of that information the way they seek?

"For example, where Bishop Museum was contracted by the Department of Transportation, is it solely the information of the Department of Transportation or does the information regarding these sites belong to the state as a whole? This is something I'd like to have our Legislature discuss in the future.

"I think this is a matter that is of importance and we should discuss this further. You will see more legislation emanating as a result of the cause that Barry has brought to us. Thank you."

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

"Mr. President, on the last point, just a reminder to members that if they're concerned about whether documents are public documents, you can write to the Office of Information Practices and receive a response from them. Thank you."

Senator Holt also on a point of personal privilege said:

"Mr. President, just on a brief point, since we're talking about Bishop Museum. Yesterday, my wife went to the museum for about ten minutes and someone broke into her car along with five other cars. I just thought maybe the chairman could find out if their security was working or just directing traffic yesterday. And my boy wants his baseball cards back. Thank you."

Senator Tungpalan responded:

"Senator, that's very important and I'll be sure to mention it to Mr. Duckworth.

"My car was there and I wonder why they overlooked my car? (Chair: "Because they had security officers around.) I didn't have any baseball cards, that's why."

The Chair then made the following observation:

"Senator Matsuura, with reference to Al Harrington, I just want to tell you that I owe a debt of gratitude to Senator Malama Solomon. I heard it was a very nice affair.

"As you know, Al is part of this Senate family, he's always been part of our entertainment troupe. I can remember, just to add to your story, that Al comes from a place called Halawa Housing, which at one time was a very rough and tough place. He wasn't known as Al Harrington then, his name was Al Taa. He went on to Punahou School where he was an all-star athlete. His mother remarried and he became Al Harrington. He subsequently went on to Stanford University.

"His life is quite a story. You are perfectly correct, he is quite an individual."

ADJOURNMENT

At 12:23 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:00 o'clock a.m., Wednesday, April 1, 1992.