

## THIRTY-FIRST DAY

Wednesday, March 17, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jonathan Heierman, Joy of Christ Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling and Tungpalan who were excused.

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

The following introductions of guests seated in gallery were then made to the members of the Senate:

Senator Matsuura, on behalf of Senators Solomon and Levin, introduced a group of 26 Big Island high school students who are participating in the Hawaii District Legislative Experience program. The students represent Hilo, Honokaa, Kohala, Konawaena, Laupahoehoe and Waiakea High Schools and were accompanied by faculty advisors: Fumitaka Asano of Hilo High School, Angela Brandt of Honokaa High School, Faith Ciriako of Konawaena High School and Donna Swain of Laupahoehoe High School; and district resource teacher, Jo-Lyn Nakamura.

Senator Mizuguchi introduced students: Keola, Jane, Myra and Chester from Kalihi Elementary School and their teacher, Ms. Bonita Brown.

Senator Holt introduced students: Charmaine, Kaimi, Marietess, Edelyn, Kanoelani and Nicholle from Kapalama School and their teacher, Ms. Johnson.

Senator Holt also introduced students: Jeanelle, Chanel, Francis, Janice and Osler from Kalihi Uka School and their teacher, Ms. Therrien.

Senator Grauly introduced students: Araceli, Jose, Kimberly, Sean and Michell-Lyn from Puuhale Elementary School and their teacher, Ms. Kim.

Senator Matsuura then recognized and introduced Ms. Tamar Chotzen, seated on the floor of the Senate, as follows:

"Mr. President, it is my great pleasure and honor to present to this honorable body this morning the winner of the 1993 United Nations Environmental Leadership Award, Ms. Tamar Chotzen.

"Tamar is the Hawaii Nature Center executive director, and as the recipient of this prestigious award, Tamar Chotzen joins a distinguished list of international environmental leaders, such as Carl Sagan (author and scientist), Margaret Mead (renowned anthropologist), David Suzuki (geneticist and public television personality), Walter Orr Roberts (author and environmentalist), and others.

"Tamar's creative, perceptive achievements in environmental education has earned her this international recognition. So it is my great pleasure now to introduce to this honorable body Ms. Tamar Chotzen. (Ms. Chotzen stood to be recognized.)

"I would also like to introduce Tamar's husband, Mr. Barney Tsuruda, parents Walter and Carla Chotzen, and trustees of the Hawaii Nature Center, Don Carroll, Oswald

Stender, and Kenneth Kupchak." (All, seated in the gallery, stood to be recognized.)

Senator Fukunaga, in recognition of Ms. Chotzen, said:

"Mr. President, I would be remiss if I did not join my colleague Senator Matsuura in saying a few things about Ms. Chotzen and her outstanding work in the community.

"I think she is perhaps one of the best examples of that old axiom, 'Think locally, but act globally.' Starting from a very, very small beginning at the Hawaii Nature Center, Tamar has grown and developed this particular center into something that is truly a world treasure. So, on behalf of us all in Makiki Valley and all of the rest of the world who we hope will benefit through her leadership, I'd like to join in extending our congratulations to Tamar. Thank you."

Senator Blair added:

"On behalf of the Maui delegation and myself, in particular, it is a pleasure to be able to congratulate Tamar for her award. In the last reapportionment, I lost the Makiki-Tantalus area and gained Iao Valley. Tamar was kind enough to open a nature center in my new district to make up for the one I lost. I thank her for that."

Senator Chang then said:

"Mr. President, I'm often remiss, but today I'll make an exception. I was a member of the board of the Hawaii Nature Center when Ms. Chotzen was considered for the position that she now occupies and it is in my estimation that it was the best decision that the board of directors ever made when she was brought on board. Of course, in those days, we encouraged her to think globally and act locally, but we'll take both versions. Thank you."

Ms. Chotzen was presented the Senate certificate of recognition by Senator A. Kobayashi. Senators Matsunaga and Fukunaga presented her leis.

At 11:47 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.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 233 to 239) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 233, dated February 26, 1993, transmitting the report, "Early Intervention for Infants and Toddlers with Special Needs and Their Families," 1987-1992, prepared by the Hawaii Early Intervention Coordinating Council, Department of Health, was placed on file.

Gov. Msg. No. 234, submitting for consideration and confirmation for Attorney General, the nomination of ROBERT A. MARKS, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 235, submitting for consideration and confirmation for Comptroller, the nomination of ROBERT P. TAKUSHI, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 236, submitting for consideration and confirmation for Director of Business, Economic Development, and Tourism, the nomination of MULIUFU F. HANNEMANN, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 237, submitting for consideration and confirmation for Director of Commerce and Consumer Affairs, the nomination of CLIFFORD K. HIGA, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 238, submitting for consideration and confirmation for Director of Labor and Industrial Relations, the nomination of DAYTON N. NAKANELUA, term to expire December 5, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 239, submitting for consideration and confirmation for Chairperson, Board of Land and Natural Resources, the nomination of KEITH W. AHUE, term to expire December 31, 1994, was referred to the Committee on Executive Appointments.

### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 94 to 101) were read by the Clerk and were referred to committees:

#### Senate Concurrent Resolution

No. 94 "SENATE CONCURRENT RESOLUTION REQUESTING CONSIDERATION OF ESTABLISHMENT OF A MODERN DAY 'CITY OF REFUGE.'"

Offered by: Senator Aki.

Referred to: Committee on Health

No. 95 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ALLOW FOR THE ISSUANCE OF EXEMPT FACILITY BONDS FOR THE FINANCING OF TELECOMMUNICATIONS FACILITIES."

Offered by: Senators Matsunaga, Matsuura, Fukunaga, Kanno, Tanaka.

Referred to: Committee on Science, Technology and Economic Development

No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REQUIRE GTE HAWAIIAN TEL TO SUPPLEMENT THE SECTION ON HURRICANE WARNING AND PROCEDURES CONTAINED IN THE TELEPHONE BOOK."

Offered by: Senator Matsuura.

Referred to: Committee on Science, Technology and Economic Development

No. 97 "SENATE CONCURRENT RESOLUTION AFFIRMING LEGISLATIVE INTENT CONCERNING THE TRANSFER OF THE OFFICE OF THE SHERIFF AND THE FUNCTIONS OF THAT OFFICE."

Offered by: Senators Matsuura, Aki, Chang, Fernandes Salling, George, Grauly, Holt, Ikeda, Iwase, Kanno, Kobayashi, A., Kobayashi, B., Levin, Matsunaga, McCartney, Mizuguchi, Nakasato, Solomon, Tanaka, Tungpalan.

Referred to: Jointly to the Committee on Education, Labor and Employment and the Committee on Public Safety and Corrections

No. 98 "SENATE CONCURRENT RESOLUTION URGING ALL EXECUTIVE DEPARTMENTS OF THE STATE TO MAXIMIZE THE USE OF AGRICULTURAL PRODUCTS GROWN OR PROCESSED IN THE STATE IN OPERATIONS REQUIRING THE PREPARATION OF FOOD."

Offered by: Senators Ikeda, McCartney, Kanno, Koki.

Referred to: Committee on Agriculture

No. 99 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT A FEDERAL FUND PROGRAM TO ASSIST INSURANCE COMPANIES IN OBTAINING REINSURANCE."

Offered by: Senators Ikeda, Fernandes Salling, Holt, Iwase, Kobayashi, B., Levin, Reed.

Referred to: Committee on Consumer Protection

No. 100 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DETERMINE THE FEASIBILITY OF ESTABLISHING CAMPING FACILITIES FOR A FEE FOR ELIGIBLE HOMELESS HAWAIIANS ON HAWAIIAN HOME LANDS LANDS."

Offered by: Senator Chang.

Referred to: Committee on Government Operations, Environmental Protection and Hawaiian Programs

No. 101 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK.'"

Offered by: Senator Hagino.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 75 to 82) were read by the Clerk and were referred to committees:

#### Senate Resolution

No. 75 "SENATE RESOLUTION REQUESTING CONSIDERATION OF ESTABLISHMENT OF A MODERN DAY 'CITY OF REFUGE.'"

Offered by: Senator Aki.

Referred to: Committee on Health

No. 76 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ALLOW FOR THE ISSUANCE OF EXEMPT FACILITY BONDS FOR THE FINANCING OF TELECOMMUNICATIONS FACILITIES."

Offered by: Senators Matsunaga, Matsuura, Fukunaga, Kanno, Tanaka.

Referred to: Committee on Science, Technology and Economic Development

No. 77 "SENATE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REQUIRE GTE HAWAIIAN TEL TO SUPPLEMENT THE SECTION ON HURRICANE WARNING AND PROCEDURES CONTAINED IN THE TELEPHONE BOOK."

Offered by: Senator Matsuura.

Referred to: Committee on Science, Technology and Economic Development

No. 78 "SENATE RESOLUTION AFFIRMING LEGISLATIVE INTENT CONCERNING THE TRANSFER OF THE OFFICE OF THE SHERIFF AND THE FUNCTIONS OF THAT OFFICE."

Offered by: Senators Matsuura, Aki, Chang, Fernandes Salling, George, Gaulty, Holt, Ikeda, Iwase, Kanno, Kobayashi, A., Kobayashi, B., Levin, Matsunaga, McCartney, Mizuguchi, Nakasato, Tanaka, Tungpalan.

Referred to: Jointly to the Committee on Education, Labor and Employment and the Committee on Public Safety and Corrections

No. 79 "SENATE RESOLUTION URGING ALL EXECUTIVE DEPARTMENTS OF THE STATE TO MAXIMIZE THE USE OF AGRICULTURAL PRODUCTS GROWN OR PROCESSED IN THE STATE IN OPERATIONS REQUIRING THE PREPARATION OF FOOD."

Offered by: Senators Ikeda, Kanno, McCartney, Koki.

Referred to: Committee on Agriculture

No. 80 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT A FEDERAL FUND PROGRAM TO ASSIST INSURANCE COMPANIES IN OBTAINING REINSURANCE."

Offered by: Senators Ikeda, Fernandes Salling, Holt, Iwase, Kobayashi, B., Levin, Reed.

Referred to: Committee on Consumer Protection

No. 81 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DETERMINE THE FEASIBILITY OF ESTABLISHING CAMPING FACILITIES FOR A FEE FOR ELIGIBLE HOMELESS HAWAIIANS ON HAWAIIAN HOME LANDS LANDS."

Offered by: Senator Chang.

Referred to: Committee on Government Operations, Environmental Protection and Hawaiian Programs

No. 82 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN OCTOBER OF EVERY YEAR AS 'STATE OF HAWAII AVIATION EDUCATION WEEK.'"

Offered by: Senator Hagino.

Referred to: Committee on Higher Education, Culture, Arts and Historic Preservation

#### LEADERSHIP COMMITTEE REPORT

Senator Holt, for the Committee on Executive Appointments, presented a report (Ldr. Com. Rep. No. 886) recommending that the Senate consent to the

nomination of MARIO R. RAMIL for Associate Justice, State Supreme 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. 229.

In accordance with Senate Rule 36(1), action on Ldr. Com. Rep. No. 886 and Gov. Msg. No. 229 was deferred until Thursday, March 18, 1993.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Ldr. Com. Rep. No. 885 (Gov. Msg. Nos. 195, 206, 207, 208, 209, 210, 214, 217, 220 and 227):

Senator Holt moved that Ldr. Com. Rep. No. 885 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate advise and consent to the nominations of the following:

JOHN V. DUEY and MASAO NAKAMURA to the Advisory Committee on Agricultural Products, terms to expire June 30, 1997 (Gov. Msg. No. 195);

LINDA KAWAI'ONO DELANEY to the Environmental Council, term to expire June 30, 1994 (Gov. Msg. No. 206);

HARLAN H. HASHIMOTO, Ph.D., to the Environmental Council, term to expire June 30, 1996 (Gov. Msg. No. 206);

TERRY Y. YAMANE to the Governor's Agriculture Coordinating Committee, term to expire June 30, 1997 (Gov. Msg. No. 207);

RAYMOND M. KAWAMOTO to the Hawaii Fisheries Coordinating Council, term to expire June 30, 1996 (Gov. Msg. No. 208);

ROBERT M. FOX, A.I.A., to the Hawaii Historic Places Review Board, term to expire June 30, 1997 (Gov. Msg. No. 209);

KENNETH N. KATO, Ph.D., to the Board of Directors, High Technology Development Corporation, term to expire June 30, 1993 (Gov. Msg. No. 210);

KENNETH N. KATO, Ph.D., and DAVID Y.Y. YUN, Ph.D., to the Board of Directors, High Technology Development Corporation, terms to expire June 30, 1997 (Gov. Msg. No. 210);

MICHAEL G. HADFIELD, Ph.D., to the Natural Area Reserves System Commission, term to expire June 30, 1993 (Gov. Msg. No. 214);

STEVEN LEE MONTGOMERY, Ph.D., to the Natural Area Reserves System Commission, term to expire June 30, 1994 (Gov. Msg. No. 214);

ANDREW RAYMOND YUEN to the Natural Area Reserves System Commission, term to expire June 30, 1996 (Gov. Msg. No. 214);

MICHAEL G. HADFIELD, Ph.D., to the Natural Area Reserves System Commission, term to expire June 30, 1997 (Gov. Msg. No. 214);

MARK H. KIJIMA to the Advisory Committee on Pesticides, term to expire June 30, 1995 (Gov. Msg. No. 217);

GEORGE BUGARIN, ALVIN F. FUKUYAMA and RONALD L. WALKER to the Advisory Committee on Pesticides, terms to expire June 30, 1997 (Gov. Msg. No. 217);

GLADYS C. BAISA, MARY-LOU BARELA, CORRINA MOEFU, ROBIN WELCH, Ph.D., and GEORGE YOKOYAMA to the Purchases of Service Advisory Council, terms to expire December 5, 1994 (Gov. Msg. No. 220); and

RICHARD H. KOSAKI, Ph.D., to the Western Interstate Commission for Higher Education, term to expire June 30, 1997 (Gov. Msg. No. 227).

seconded by Senator A. Kobayashi.

Senator Holt, in support of all of the nominees, stated:

"Mr. President, your Committee on Executive Appointments held a public hearing on these nominees for the purpose of assessing their qualifications. I am pleased to report that all of the testimonies and input we received were favorable. It is therefore an honor and privilege for me to recommend the advise and consent of the Senate for the appointment of these nominees to the state boards and commissions, as designated in the various governor's messages. Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Tungpalan).

#### RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 8	Committee on Consumer Protection
No. 690, H.D. 1	Committee on Consumer Protection

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

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

"Mr. President, as you know there was an article in today's Advertiser that says, 'Senate panel approves customer surcharges to rebuild Kauai utilities.'

"At this time I would like to thank the chair of the Senate Planning, Land and Water Use Management Committee for giving the preliminary approval yesterday to the plan that would impose surcharges on the state utility customers to help cover the cost of rebuilding Kauai's telephone and electrical systems. But, Mr. President, I must express my disappointment on the Hawaiian Electric Company's opposition to the proposal. And I want to make an inquiry, Mr. President, and remind you and my fellow colleagues that the Senator from Kauai and I offered Senate Resolution 30, which would establish a Senate investigating committee to investigate the insolvencies of insurance companies after Hurricane Iniki. I cannot help but believe that I think that all of these problems that we are experiencing in the recovering of Kauai is directly related to many of the insolvency questions relating to the insurance companies.

"As you know, Mr. President, and for those of you that did have an opportunity to read the resolution, that in the

resolve clause it says, '... that a Senate investigative committee is established to investigate the roles, responsibilities, and performance of companies found to be insolvent after Hurricane Iniki, namely, the United National Insurance Company and Hawaiian Underwriters Insurance Company of the Hawaiian Insurance Group, and their parent company, Hawaiian Electric Industries, Inc.'

"I'm hoping, Mr. President, that the Senate will consider this resolution and try to get to the bottom of what the situation is and what is causing all of these problems out there, as opposed to just merely increasing everybody's surcharge on utilities. We have an opportunity to be able to perform that task and I'm using this point of personal privilege to urge the chairman to whom this resolution was referred to.

"Will you please take this into consideration and perhaps this will educate us on what exactly is out there, what exactly the problems are, and how we, representing the general public, can help in resolving the problems as well as helping to rebuild the economy of Kauai. Thank you."

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

"I'd like to also rise on a point of personal privilege. It's related.

"I'd like to voice my support for the chairs of the respective committees dealing with this insurance problem. We are well aware of the impact this has had with regard to Iniki and the people of Kauai and the effect it has had statewide with regard to homeowners insurance coverage. And there is a third area that's perhaps not as clear yet that will soon become clear.

"I received a phone call last night from a friend who is a small businessperson. This person has a gross income exceeding a million dollars; he employs 10 to 15 people. He has been without insurance since March 6th. His insurance agent has been looking, since February 6, attempting to get coverage for him and has not been able to find insurance for him. He had insurance through HIG. He paid his annual premium in November of last year, and two months later was notified that his insurance coverage is going to be cancelled. He is presently operating without insurance coverage.

"I called Small Business Hawaii this morning to find out if this was an aberration or, if indeed, this was beginning to impact small businesses generally and was told that this is impacting small businesses generally. So we have a problem that is going to touch everybody in the state when it begins putting small businesspeople out of business. I would lend my support to and encouragement to those subject committees dealing with this, with the thought in mind that this is indeed expanding throughout our community and threatens to devastate small business in our state."

Senator Solomon, again, rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege on another matter which is the article that appeared in today's paper about 'Hamakua employees vent anger. Take verbal chops at the governor and firm's attorney.'

"Mr. President, I speak in support of Harold Masumoto and what the Office of State Planning has done and how they've assisted the Hamakua Coast. For the record, I would like to state that it is my understanding that it is because the attorney, representing Hamakua Sugar in the

federal bankruptcy proceedings, who favors closing the 35,000-acre plantation on March 31st that we are having many, many problems in trying to negotiate the extension.

"I think it's very unfair that the ILWU has used this opportunity to get their employees to vent their feelings at Harold Masumoto and the Office of State Planning as well as the governor's representative because I feel that as a Senator from that district, the governor and the Legislature have done everything to help insure that Hamakua Sugar Company remain solvent. Unfortunately, I feel that they are the ones that are impeding the progress.

"I recommended, at a meeting with the governor on Monday, for Mr. Morgan to fire that attorney and get an attorney that's going to be more cooperative so that the state, together with the sugar company and the ILWU, can proceed to negotiate for an extension of 18 more months to harvest \$15 million worth of sugar that's in those fields, thus, keeping the sugar employees working while a transition program attempts to help to place the employees in other types of jobs.

"At this time, Mr. President, I would like to restate my stand that I do agree with Harold Masumoto's position, that it really is a problem with Hamakua's attorney and they should really get their act together so that we can help and resolve these problems. Thank you, Mr. President."

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

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

"Mr. President, this morning I received the March 15th edition of 'Newsweek' and as I was reading it there were two articles in the magazine that relate to Hawaii. I would like to share it with my fellow colleagues. This being Wednesday, there's good news and bad news in the middle of the week.

"The good news is an article that talks about a good deal for university students that would soon be embarking on their spring break. Under 'Peri Picks' of Newsweek, and there are six picks, Hawaii is listed as a 'Port of call for gobs of California students. No nonsense hoteliers keep them laid back. (Best deal: \$500 Honolulu packages.)' So, that's the good news. We're getting free publicity about Hawaii in Newsweek.

"On the very same page, is the bad news. There is an article about pogs. It says, 'Some 2,400 miles from mainland pop trends, Hawaiian kids have to invent their own mindless fads. Like collecting pogs ....'

"Mr. President, whenever we go to conventions, I think all of us try to convince conventioners to come to Hawaii for their convention the next year. And they unanimously say that they love to come to Hawaii but they have negative connotation as it being just a place for recreation and not for doing business. And I resent the two negatives in these Newsweek articles; one, being 2,000 miles away from mainland America, that we're isolated from them and we don't know what's going on on the mainland; second, that they're calling our kids simpletons, really, by saying the only thing they have to do is play pogs all day and invent minor things."

Senator McCartney, also on a point of personal privilege, added:

"Mr. President, I want to echo the remarks of my colleague and also say that I guess it's better to play pogs

and use your mind than to sit in front of a TV all day and watch television. Your points are very well taken.

"I just want to say that there was a card and collector's show a few weeks ago, all of the national collectors, and nobody was making any money because all of the Hawaii pogs were being sold and all the pogs are now going to the mainland. So, it's going to start there too."

#### ADJOURNMENT

At 12:06 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 18, 1993.