

## THIRTY-FIFTH DAY

**Wednesday, March 23, 1994**

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:31 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Sandra Beltran, Prince of Peace Lutheran Church, after which the Roll was called showing all Senators present.

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

Senator Kanno, with the assistance of Senators Chang, Matsuura, B. Kobayashi, Levin and Tungpalan, introduced the officers of the 45th Annual YMCA Youth Legislature. The officers were presented Senate certificates and leis by various Senators.

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

The Senate reconvened at 11:46 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 288 to 290) were read by the Clerk and were placed on file:

Gov. Msg. No. 288, dated March 10, 1994, transmitting a report on the actions of the Department of Personnel Services in the classification of positions affected by Act 8, Special Session of 1993.

Gov. Msg. No. 289, dated March 17, 1994, submitting a report of approval granted for the expenditure of excess federal fund receipts exceeding appropriations to the Department of Business, Economic Development and Tourism (DBED 120 - Energy Development and Management Program [State Energy Conservation Program and Energy Extension Service]), pursuant to Act 289, Section 157, SLH 1993.

Gov. Msg. No. 290, dated March 18, 1994, submitting a report of approval granted to the Department of Health to delegate and transfer funds to the Department of Accounting and General Services, pursuant to Act 289, Section 126, SLH 1993, to upgrade the fire alarm system at Leahi Hospital.

**STANDING COMMITTEE REPORTS**

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2547) recommending that H.B. No. 2192, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2192, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Second Reading and was referred to the Committee on Judiciary.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2548) recommending that H.B. No. 3164, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was

adopted and H.B. No. 3164, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE WORKERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2549) recommending that H.B. No. 3165, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3165, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2550) recommending that H.B. No. 2718, 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 Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2718, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE JUDICIARY FOR THE PROVISION OF DOMESTIC VIOLENCE EDUCATION, COUNSELING, LEGAL REPRESENTATION, AND TECHNICAL ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2551) recommending that H.B. No. 2975, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2975, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2552) recommending that H.B. No. 2326, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2326, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTIONAL LIMIT OF THE DISTRICT COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2553) recommending that H.B. No. 2981, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2981, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SETTING OF

BAIL," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2554) recommending that H.B. No. 2851, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2851, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPECIAL PROSECUTION UNITS AND VICTIM WITNESS PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2555) recommending that H.B. No. 3134, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3134, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2556) recommending that H.B. No. 2989, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2989, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL CIRCUITS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2557) recommending that H.B. No. 3201, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2558) recommending that H.B. No. 2986, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2986, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE OF ADOPTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2559) recommending that H.B. No. 3468, H.D. 1, pass Second

Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3468, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2560) recommending that H.B. No. 3464, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2561) recommending that H.B. No. 2279 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2279, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1994.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2562) recommending that H.B. No. 2623, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2563) recommending that H.B. No. 2965, 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 Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2965, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW COMMISSION ON THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2564) recommending that H.B. No. 3106, H.D. 4, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3106, H.D. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOUNT OLOMANA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2565) recommending that H.B. No. 3140 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3140, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2566) recommending that H.B. No. 3176, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3176, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2567) recommending that H.B. No. 3423, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3423, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2568) recommending that H.B. No. 3445, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 3445, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the majority of the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2569) recommending that H.B. No. 3450, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the majority of the Committee was adopted and H.B. No. 3450, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Ldr. Com. Rep. No. 2545 (Gov. Msg. No. 162):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2545 be received and placed on file, seconded by Senator McCartney and carried.

Senator A. Kobayashi then moved that the Senate advise and consent to the nomination of CLAUDIO R. SUYAT for Chairperson of the Hawaii Paroling Authority, term to expire June 30, 1997, seconded by Senator McCartney.

Senator A. Kobayashi rose in support of the nominee, as follows:

"Mr. President, I rise to speak in support of the nominee.

"Mr. Claudio Suyat has served as a member of the Paroling Authority since 1991. This is not an easy task. Being on the Paroling Authority is a very difficult task and they are making decisions that affect many people's lives. He has performed so well that the Governor has appointed him to serve as chair of the authority. Mr. Suyat has served the people of the State of Hawaii well. He always amazes me with his performance and his dedication and I urge support of his confirmation. Thank you."

Senator McCartney also rose in support of the nominee and said:

"Mr. President, I also rise to support the nomination.

"I knew Mr. Suyat many years ago and he paroled me out of Castle High School when he was the principal there. I want to thank him for putting up with me and I apologize for all the problems that I caused back then. I hope I can make it up to him.

"Claudio Suyat is a dedicated public servant and I had the opportunity to work with him when he was in the Department of Education. He really cares about the people of Hawaii and the state government and serving. I know he will do an outstanding job with integrity on the Hawaii Paroling Authority. I'm very proud to support his nomination today.

"Thank you, Mr. President."

Senator Nakasato rose in support of the nominee and added:

"Mr. President, it's not very often that I get up to speak for anyone, but Mr. Suyat is a very special person. In fact, I first met Mr. Suyat back in 1959, so you know how old he is.

"As a seventh grader at Dole Intermediate School, there were many gangs back then, and Mr. Suyat, along with Mr. Phil Chun of the Kalihi YMCA, started the 'Junior Y' program that was so popular many, many years ago. They used to have the 'Hi-Y' program, but they started the 'Junior Y' program to bring all the youth together to keep them out of trouble. We formed a club and called ourselves 'The Venturers.' That goes way back.

"Mr. Suyat has always been a very dedicated individual and I can say that he has always been very fair and, under pressure, he's very, very cool. In fact, to become the chairman of the Hawaii Paroling Authority, he's taking a cut in his retirement pay, so you know how dedicated he is. I would just like to add that I'm very proud of Mr. Suyat and I hope he will continue his public service for us. I highly recommend his nomination. Thank you."

Senator Chang, rising in support of the nominee, then said:

"Mr. President, I had not yet adopted a position on this proposed appointment, but hearing the testimony of the previous two gentlemen, truly 'the quality of mercy is not strained.' Knowing the background of my colleagues, having been with them for many years, I can now fully support the nominee because of this 'quality.'

"Thank you."

Senator Graulty also rose in support and said:

"Mr. President, as someone who has been trying to get Mr. Suyat not to take a cut in his retirement pay, I would like to speak in favor of his nomination.

"Mr. Suyat is a leader in the Filipino community and a well-respected person who has exemplified, I think, the best in public service that the state has to offer. Being head of the Paroling Authority is not an easy job, and I think we all know that. We all recognize the difficulties. We've got a prison system that's bursting at the seams and you've got the public that doesn't want to let anybody out, and you're caught between a hard place and a rock. But there is no better person to be between the hard place and a rock than Claudio and I wholeheartedly support his nomination.

"Thank you, Mr. President."

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

Ayes, 25. Noes, none.

Senator A. Kobayashi then rose to introduce Mr. Claudio Suyat, seated in the gallery, accompanied by his son Bob and daughter-in-law June. (All rose to be recognized.)

#### RE-REFERRAL OF HOUSE BILL

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

House Bill Referred to:

No. 2928, H.D. 1 Jointly to the Committee on Consumer Protection and the Committee on Labor and Employment, then to the Committee on Ways and Means

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate  
Concurrent  
Resolution Referred to:

No. 165 Committee on Higher Education,  
Culture and Arts and Historic Preservation

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

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

"I received this letter this morning and I would like to share it with the people of Hawaii:

'Aloha kakou to the descendants of Liloa and Lono'ikamakahiki and other concerned individuals.

We would be privileged to have you present at noon on Kuhio Day, March 25, at the gathering of our people at Keawa'iwi Heiau in Aiea to discuss the fate of the ka'ais.

'We have worked consistently on this issue and are seeking to bring it to its completion. We are concerned that not all Hawaiians feel the same way about what has occurred with the ka'ais. Hawaiians need to voice their concerns about this matter. During our recent March 19th meeting at Kalemela Church at Pa'auhau Mauka on the Island of Hawaii, we learned that the ka'ais are safe and have been placed somewhere in Waipio Valley.

'We need to put our people's minds at rest, as there are too many persons whose lives have been touched and disturbed while this problem has not been resolved. Our concern is to bring aloha and lokahi to our people and that all who attend will know this concern when we have completed the gathering. We should seek to come together as one people and with the goal that at the meeting's end we will have a common feeling and understanding. We can solve our problem within ourselves if we try. This is an opportunity to do it. When we do this work, it is for all the people of Hawaii.

'We hope that you can be present and we ask that you attend as an individual or as a representative from your organization. We wish to extend our warmest aloha to your ohana. It is through sharing our feelings that much understanding will come. Please give us an opportunity to meet with you again.

'Aloha pumehana,

'Reynolds Nako'oka Kamakawiwoale'

"Thank you."

Senator Levin, also rising on a point of personal privilege, then stated:

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

"I do not make it a habit to defend our Judiciary Committee chair and, indeed, he does not need defense. But as a prior recipient of some unwelcomed attention at a prior fundraiser that I once had, I thought that I would stand up and comment on what occurred yesterday evening, picketing at the judiciary chair's fundraiser.

"On McNeil/Lehrer last night, a Republican and a Democratic congressman were talking about the debates that are going on there, and one quote was used that I thought was particularly appropriate to our situation. 'The temper and integrity with which matters are debated in the political process is more important than the outcome.' I think that's something that we might well want to keep in mind. I think the picketing that occurred last night was both ill-advised and totally unwarranted. I think that regardless of the merits, we have a judiciary chair who is fair and open to all who come before him.

"The picketing is most unfortunate, and can only be intended to intimidate. It is my hope that this Legislature will always function on the basis of debate and deliberation, not intimidation. Thank you."

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

"Mr. President, on a brief point of personal privilege, as a former chairman of the Senate Judiciary Committee,

I share the thoughts of the Senator from Puna. I pledge, as part of your leadership group, Mr. President, to sit with those individuals who were part of that demonstration last night and share my opinion and the opinion of the leadership and work to reconcile what I think is an inappropriate straining of relationships between members of the public and the Legislature. Thank you."

#### ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 24, 1994.