

THIRTY-SEVENTH DAY

Monday, March 28, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Daisuke Kaneda, Jodo Mission, after which the Roll was called showing all Senators present.

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

Senator Ikeda introduced Roy and Nyle Hallman, founders of the Honolulu Boy Choir. The Hallmans were presented Senate certificates of recognition and leis by various Senators.

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

ORDER OF THE DAY

ADVISE AND CONSENT

Ldr. Com. Rep. No. 2588 (Gov. Msg. No. 165):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2588 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 nominations to the Kahoolawe Island Reserve Commission of the following:

BRIAN MISKAE and CRAIG NEFF, terms to expire June 30, 1995;

COLETTE Y. MACHADO and NALANI KANAOKALE, terms to expire June 30, 1996; and

NOA EMMETT A. ALULI and A. FRENCHY DESOTO, terms to expire June 30, 1997,

seconded by Senator McCartney.

Senator A. Kobayashi rose in favor of the nominees, as follows:

"Mr. President, I want to thank all of the individuals whose names are listed on this and the following Governor's Messages for giving their time and effort and voluntarily serving on the respective boards and commissions. We owe them a vote of thanks. Thank you."

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2589 (Gov. Msg. No. 168):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2589 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 nominations to the Natural Area Reserves System Commission of the following:

ANN H. FIELDING and FRANK A. TRUSDELL, terms to expire June 30, 1994;

DONALD W. REESER, term to expire June 30, 1996;

DEBORAH L. CHANG and STANLEY YASUDA, terms to expire June 30, 1997; and

ANN H. FIELDING, STEVEN LEE MONTGOMERY and FRANK A. TRUSDELL, terms to expire June 30, 1998,

seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2590 (Gov. Msg. No. 169):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2590 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 nominations to the Statewide Independent Living Council of the following:

LEONARD C. ALMIRON, BOB CHOW, ROBERT E. COOLIDGE, BERNADETTE FRANKS-ONGOY, JENNIFER LEE and FLORENCE LERBACK, terms to expire June 30, 1994;

KATHLEEN HOLDEN, LINDA MAEDA, ANDREW NAKAGAWA, JULIETTE PASION and LESLIE K. TAWATA, terms to expire June 30, 1995;

CLARKE HALONA FARDEN, DOROTHY NANI FIFE, LESLIE E. KELLY, JAN Y. KUNIYOSHI, YVONNE A. LUM, MARK T. OBATAKE, GAIL A. ONOUE-MORIKAWA and STANLEY H. PARNELL, JR., terms to expire June 30, 1996; and

LEONARD C. ALMIRON, BOB CHOW, ROBERT E. COOLIDGE, BERNADETTE FRANKS-ONGOY, JENNIFER LEE and FLORENCE LERBACK, terms to expire June 30, 1997,

seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2591 (Gov. Msg. No. 170):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2591 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 nominations to the State Advisory Council on Rehabilitation of the following:

NALINI BLUMER-BUELL, TONY COLORETTI, JEAN MOORE, MARK OBATAKE, VICKIE SCHOONOVER and WALLY SOARES, terms to expire June 30, 1994;

GERALD DEOREO, ROBERT P. HORWATH, SUSAN M. KLOPOTEK, DONALD J. MACK, KIRBY SHAW and HILDA TORRES, terms to expire June 30, 1995;

MARIANNE CHUNG, MARK FRATZKE, WAYNE KISHIDA, LAURA ROBERTSON, BETTY J. SESTAK, GARY L. SMITH and DONN J. TAKAHASHI, terms to expire June 30, 1996; and

NALINI BLUMER-BUELL, TONY COLORETTI, JEAN MOORE, MARK OBATAKE, VICKIE SCHOONOVER and WALLY SOARES, terms to expire June 30, 1997.

seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2592 (Gov. Msg. No. 178):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2592 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 TED CANDIA to the State Boxing Commission of Hawaii, term to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2593 (Gov. Msg. No. 179):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2593 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 LANE H. SHIBATA to the Credit Union Review Board, term to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2594 (Gov. Msg. No. 183):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2594 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 nominations of THADDEUS R. TOMEI and DANIEL J. TUCKER to the Elevator Mechanics Licensing Board, terms to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2595 (Gov. Msg. No. 185):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2595 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 MICHAEL L. JAMES to the Board of Hearing Aid Dealers and Fitters, term to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2596 (Gov. Msg. No. 187):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2596 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 nominations of BUSTER M. KOMORI and STUART C. LAU to the Motor Vehicle Repair Industry Board, terms to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2597 (Gov. Msg. No. 189):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2597 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 nominations of JOHN L. BURKE, JR., and CHARLES H. TURNER to the Board of Examiners in Naturopathy, terms to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2598 (Gov. Msg. No. 190):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2598 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 nominations of TSUNEKO APAKA and DALE CHIKUAMI HAHN to the Board of Examiners of Nursing Home Administrators, terms to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

Ldr. Com. Rep. No. 2599 (Gov. Msg. No. 191):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2599 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 ARVID T. HARA to the Board of Dispensing Opticians, term to expire June 30, 1998, seconded by Senator McCartney.

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

Ayes, 25. Noes, none.

THIRD READING

H.B. No. 2975, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2975, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2326, H.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2326, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTIONAL LIMIT OF THE DISTRICT COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2981, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2981, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SETTING OF BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2989, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2989, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL CIRCUITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3201, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 3201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2986, H.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2986, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE OF ADOPTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2279:

On motion by Senator Iwase, seconded by Senator Kanno and carried, H.B. No. 2279, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3406:

On motion by Senator B. Kobayashi, seconded by Senator Levin and carried, H.B. No. 3406, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES FOR HILO AND KONA HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2635, H.D. 1, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chang and carried, H.B. No. 2635, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2818:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2818, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2988:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2988, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2784:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2784, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2968:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2968, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY HISTORY CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2725, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2725, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2219, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2219, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**REFERRAL OF
HOUSE CONCURRENT RESOLUTION**

The President referred the following House concurrent resolution that was received:

House Concurrent Resolution	Referred to:
No. 489	Committee on Judiciary

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

"Mr. President, I want to report that this past Friday, March 25th, about 150 individuals concerned about the ka'ais came together in unity. Liloa descendents and people from various Hawaiian organizations throughout the state were present. I wanted to take this opportunity to thank these ho'oponopono practitioners: Abbie Napiahi, Maile Akimsu, Arthur Holt, Maria Solomon, and Aunty Betty Rocha, who is our Honolulu ho'oponopono specialist.

"The guidance and direction of these kupuna served to relieve the hurt and anxiety of the people who were there and the many people whose hearts, I'm sure, were with us. At the end of the four-and-a-half hour session, everyone agreed on the following:

1. That the ka'ais are safe in Waipio;
2. That the iwi should go back to Papa earth. Papa is our word for mother. In essence, we're saying the safest place for the iwi is in the bosom of its mother's hands; and
3. That it is important for all the people of this state to remember the two chiefs and their contributions.

"As such, your Committee on Higher Education, Culture and Arts and Historic Preservation will be scheduling a hearing next Friday, April 8th, to discuss the placement of two ki'i and landmarks in Waipio Valley. A hearing will be scheduled at Honoka'a Elementary School to also take up matters regarding the helicopter flight activity into the valley and to also discuss the repatriation of all other artifacts. I do believe we have something like 3,000 bones at Bishop Museum. We'd like to have all of these bones properly repatriated from where they came. This will be a hearing, as I mentioned, scheduled for next week Friday. I look forward to serving with Senator Salling, as her committee will join me in taking up the

matter with respect to the helicopter flight activity in Waipio Valley.

"Thank you."

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

"Mr. President, as a follow-up and on a point of personal privilege about the matter of the ka'ais, I would like to remind this body that this is still being treated as a second degree burglary. The Bishop Museum is still working with the Police Department in the investigation. We do not know, in fact, that the ka'ais are at Waipio Valley. I'm hoping that those individuals, who say that the ka'ais are in Waipio Valley and who have any kind of evidence, would share it with the Police Department.

"In conjunction to that, Mr. President, I would like to further state that I have had discussions with Dr. Duckworth, who is the president of the Bishop Museum, and he and the kupuna who are in charge of the preservation of the ka'ais are very, very concerned. They ask that if anybody has any information, to please notify the police because they are still investigating.

"I want to remind this body that, according to the museum, the ka'ais have been on loan to the museum since April 3, 1918, and the original three parties responsible for the loan were: the Office of Hawaiian Affairs, representing the governor and representing us, the State of Hawaii; the Kawanakoa family, representing Prince Kuhio; and the trustees of the Liliuokalani Trust. I know that there's been a lot of mana'o in the paper regarding the ownership of the ka'ais, but according to the museum, they have the documentation to resolve the problem.

"Mr. President, the museum has also said that after the disappearance of the ka'ais the Office of Hawaiian Affairs formed a special committee that described the theft as a 'desecration of the highest order.' It is a result of this committee that they have formed a puwalo, or a meeting of Hawaiian elders, who I hope to meet with tomorrow in my office to try to get a handle on what exactly happened to the ka'ais.

"As a follow-up to the remarks that I made on the floor previously, the Bishop Museum said that at no time did they issue any kind of opinion concerning the identity of the person or persons responsible for the theft. The museum emphasized again that they are cooperating fully with the Honolulu Police Department. I am hoping that if those Hawaiian persons, or anyone for that matter, have any information, that they please call the investigating officer, which I was informed is Detective Clark or Officer Clark, who is working on this case.

"It is my hope, Mr. President, that those responsible for the disappearance of the ka'ais be brought to justice.

"Thank you very much."

ADJOURNMENT

At 12:04 o'clock p.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 29, 1994.