

## FORTIETH DAY

**Thursday, March 28, 1991**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:39 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Bishop Toshimasa Nakanishi, Honpa Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senators Holt, Matsuura and Reed who were excused.

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

The following introductions were then made to the members of the Senate:

Senator McMurdo introduced the following cadets of the Junior ROTC Programs of Hawaii, seated in the gallery, who were selected for the 1991 Spring Camp Daedalaen Award: Jerry Agustin of Farrington High School; Eric Marshall of Leilehua High School; Scott Mallon of Konawaena High School; Loren Aquino of McKinley High School, Corey Wardell of Roosevelt High School; Beverly Gaboya of Waianae High School; Daniel S. David of Kailua High School; Steve Smith of Radford High School; Daniel S. Ryan of Kamehameha Schools; and Allen Alford and Allen P.A. Alford of Damien High School. The cadets were accompanied by Mr. Hank English and Major Gary Danio, ROTC instructor at Farrington High School.

Senator McMurdo said that the cadets will be flying gliders, and receive hands-on experience at Dillingham Airfield as part of this youth aviation education program and will be taken on a tour of the 15th Air Base Wing at Hickam Air Force Base, Pacific Air Force Command, and the Hawaii Air National Guard.

Senator Solomon then recognized and introduced Mr. Kenneth F. Brown, seated on the floor of the Senate, as follows:

"Mr. President, it gives me great pleasure, today, to present a Senate certificate honoring Kenneth F. Brown. I would like to read the certificate because the words are very meaningful.

'Kenneth F. Brown, a native son and lifelong resident of Hawaii, has devoted his life to serving his community in a number of important roles including state Senator (1968 to 1974) and chairperson of the boards of Queen's Medical Center, the Pacific Ocean Research Foundation, and the Bishop Museum. He was named Outstanding Businessman of 1983 and Hawaii's Humanitarian of the year, characterized as a "Living Treasure" by the Honpa Hongwanji Mission, and received the Na Po'okela Award. But perhaps Mr. Brown's greatest achievements have come through his efforts, as a practicing ambassador of Aloha, to (in his own words) "forge a dynamic and yet coherent harmony in today's contentious world."

'Kenneth F. Brown will retire from the Board of Governors of the East-West Center in June 1991 after nine years of exemplary service. The Senate of Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, expresses deep appreciation and gratitude to Kenneth F. Brown for his lifetime of service to the people of Hawaii, and wishes him happiness and fulfillment in all his future endeavors."

Mr. Brown, accompanied by his wife Joan, rose to be recognized and was presented the congratulatory Senate certificate. Leis were presented to Mr. and Mrs. Brown.

Senator Solomon continued:

"Mr. President, as you know, doing business in Hawaii has changed quite dramatically. We are moving away from the philosophical spirit of Aloha as we move into the year 2000. The Hawaiian spiritual values such as 'lokahi,' such as 'laulima,' such as 'hoowai,' which means to enrich all of those around us, are essential. So essential, Mr. President, that the Hawaii State Legislature did pass a bill encouraging all of us to remember these spiritual values as we conduct our legislative affairs as well as we conduct our commercial business in the State of Hawaii.

"Accompanying Kenny Brown are his dear friends and, of course, all of you know who they are. But in my mind, Mr. President, these three individuals possess and continue to practice those spiritual values in their own respective fields: Auntie Gladys Brandt, an educator and former chairman of the University of Hawaii Board of Regents; Mr. Keiji Kawakami, retired businessman of family-owned Iolani Sportswear, who, in presenting the image of the aloha shirt, I'm sure is responsible for Aloha Friday in the State of Hawaii; and of course, our chief judge of the Intermediate Court of Appeals, Judge James Burns."

Mrs. Brandt, Mr. Kawakami and Judge Burns all rose to be recognized and were presented leis by various Senators.

Senator McMurdo, in observance of Doctors' Day, March 30, 1991, and throughout the year, introduced a group of Hawaii doctors representing the Hawaii Medical Association as follows:

"President George Bush has officially proclaimed March 30, 1991, as 'National Doctors' Day,' culminating the efforts of the United States Senate and the House to establish a day of recognition for the valuable contributions that physicians have made to the nation and continue to make in their practice of medicine.

"Since March 30, 1933, which is the first observed Doctors' Day, physicians throughout the country have been honored with a special day for their efforts to improve the science and art of healing through their contributions to advancing scientific knowledge, to increasing the quality of scientific procedures, and to using their knowledge in the never-ending fight against disease and toward the improvement of health.

"In honor of Hawaii's nearly 5,000 doctors, Governor John Waihee has declared Saturday, March 30th, to be 'Doctors' Day in Hawaii' to pay tribute to Hawaii's own physicians for their special empathy and compassion while ministering to the sick and alleviating human suffering.

"The Sixteenth Senate, Regular Session of 1991, salutes Hawaii's doctors for their tremendous efforts and results in continuing to keep Hawaii the healthiest State in the Union and congratulates them on their special day.

"Seated with us on the floor today, representing the Hawaii Medical Association are: Dr. John T. McDonnell, president of the Hawaii Medical Association (HMA); Dr. Stephen Wallach, president-elect of HMA; Dr. Calvin Wong, representing Honolulu County Medical Society; Dr. George Takushi, legislative committee chair;

Dr. George Starbuck, physician of the year, 1990-91; and Dr. Charlotte Florine, senior physicians committee."

The honorees rose to be recognized and were presented the congratulatory Senate certificate and leis were presented by Senators A. Kobayashi, George, Ikeda, Fernandes Salling, Solomon and Levin.

Senator McMurdo also introduced Ms. Jan Estioko, director of communications for HMA, and Ms. Maureen Lau, president of the HMA Auxiliary, who were seated in the gallery.

Senator Nakasato then introduced a group of 17 Young Friends of Adult Friends of Youth which is an agency providing unique outreach services, especially in the Kuhio Park Terrace area, accompanied by staff members, John Horsfall and Pasimi Hingano.

Senator Tungpalan then extended her congratulations to Mr. Kenneth Brown as follows:

"Mr. President, I feel I will be remiss if I didn't add a few words of praise to our honoree Mr. Brown.

"Last night, I met Mr. Brown for the first time and had a chance to engage in conversation for maybe a half-an-hour. I felt at the end of the half hour that I knew this man for all my life. It's amazing how warm and wonderful a person he is. Mr. Brown, is all the things that our Senator from Kohala mentioned.

"But I want to share with him my aloha for giving me that opportunity to get to know him a little better. I did have an opportunity to share with our Culture, Arts and Historic Preservation Committee some of the ideas that he espoused and will look forward to working with him in making that dream come true. I'm talking and referring to Waipio Valley as a future site for dispute resolutions. Hawaii should be, I think, known for its inherent quality of peace and harmony, and I certainly want to assist Mr. Brown and anyone in our community and in our nation and world who would like to meet that endeavor to bring peace and harmony to our world. Certainly, Waipio is the place we can start. Thank you very much."

Senator Solomon, on behalf of Senator Yamasaki, Senator Reed and herself, introduced the delegation of the Upward Bound Project of Maui Community College: students - Sue Akuna, Heather Boynton, Uilani Keliikoa, Davenat Kama, Lalena Dutro, Josephine Censer, Jason Archangel and Lee-Taylor Peterson; advisors - Nancy Hasenpflug, Mary Ann De Cambra, Lucille G. Medeiros, Diana Harris and Brian K. McKinnon.

Senator McCartney then introduced Salina Nau and Margaret Britche, his student "shadows" from Kahuku High School who were seated in the gallery.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 257 to 297) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 257, dated March 12, 1991, transmitting a report prepared by the Department of Business, Economic Development and Tourism in response to H.C.R. No. 333 (1990), requesting a complete review of geothermal energy production and the underwater cable project intended for the exportation of

electric power from the Island of Hawaii to Oahu, was placed on file.

Gov. Msg. No. 258, advising the Senate of the withdrawal of the nomination of Kina'u Boyd Kamali'i for State Administrator, State Health Planning and Development Agency, under Gov. Msg. No. 217, dated March 8, 1991, was placed on file.

In compliance with Gov. Msg. No. 258, the nomination listed under Gov. Msg. No. 217 was returned.

Gov. Msg. No. 259, submitting for consideration and confirmation for State Administrator, State Health Planning and Development Agency, the nomination of Kina'u Boyd Kamali'i, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 260, submitting for consideration and confirmation to the Board of Public Accountancy, the nominations of Linda L. Kelekoma, Terry Takeo Tamura and Bert M. Wagatsuma, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 261, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of Jason Kam-Sang Chun, term to expire June 30, 1993, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 262, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, City and County of Honolulu, the nominations of: Marsha R. Joyner, term to expire June 30, 1994; and Bruce K.C. Hom, Gilbert S. Kurata and Raymond M. Tamaribuchi, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Hawaii, the nominations of Michael Muranaka, Wallace A. Ishibashi, Jr., and Michael P. Jervis, Sr., terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 264, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Kauai, the nominations of Malcolm C. Fernandez, Clayton Sakahashi and Wayne Tanji, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 265, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nominations of Judith S. Tanaka and George N. Chung, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 266, submitting for consideration and confirmation to the Board of Barbers, the nominations of: Joslyn K. Tamura, term to expire June 30, 1994; and Barbara M. Kokubun, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 267, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of Lindsey J. Kimura, D.C., term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 268, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of Tadao Okimoto, term to expire June 30,

1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 269, submitting for consideration and confirmation to the Consumer Advisory Council, the nominations of Wendell Hosea, Stanley M. Takamine and Dexter I. Iriguchi, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 270, submitting for consideration and confirmation to the Defender Council, the nominations of Steven S.C. Lim, Mark R. Zenger and Douglas J. Sameshima, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 271, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of Donald T. Kawane, D.D.S., and Frank K. Kajiwaru, D.D.S., terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 272, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nominations of: Richard Kusuda, term to expire June 30, 1992; and Theodore J. Yap and Gary M. Takahashi, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 273, submitting for consideration and confirmation to the State Emergency Medical Services Advisory Committee, the nominations of: Larry N. Magnussen, M.D., term to expire June 30, 1994; and Martin William Curnan, Dale T. Oda, M.D., Vincent H.S. Lee and Lucille Viveiros Chung, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 274, submitting for consideration and confirmation to the Hawaii Education Council, the nominations of Linda Andrade Wheeler, Ed.D., Charles T. Araki, Ed.D., Yukie H. Ueoka and Clara J. (C.J.) Baelr, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 275, submitting for consideration and confirmation to the Hawaii Fisheries Coordinating Council, the nominations of Henry Pelekai, Mai McDowell and Steve Wheeler, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 276, submitting for consideration and confirmation to the Hawaii Housing Authority, the nomination of Sharon R. Yamada, term to expire June 30, 1993, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 277, submitting for consideration and confirmation to the Board of Human Services, the nominations of: Faifautusi Avegalio and David John Twigg, terms to expire June 30, 1993; and Kahue Kaaha Young, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 278, submitting for consideration and confirmation to the Juvenile Justice Interagency Board, the nomination of Michael Seichi Nakamura, term to expire June 30, 1992, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 279, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of Lucy M. Akau, Luana Saffery Beck, Shirley Kekauonohi Fung, Lori Sablas, Ipolani Johnson and Sylvia A.M. Schneek, terms to

expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 280, submitting for consideration and confirmation to the Board of Massage the nominations of: Lucille Sachiko James, term to expire June 30, 1995; and Richard S. Ekimoto, term to expire June 30, 1994, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Board of Medical Examiners, the nominations of William Fruean, M.D., Christine E. Kuriyama, Melvyn M. Kaneshiro, M.D., and Moon Soo Park, M.D., terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 282, submitting for consideration and confirmation to the State Board of Nursing, the nomination of Barbara Ruth S. Uweko'olani, R.N., term to expire June 30, 1993, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Board of Nursing Home Administrators, the nominations of: Clifford E. Miller, Jr., term to expire June 30, 1993; and Abraham L. Choy, term to expire June 30, 1992, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Board of Dispensing Opticians, the nominations of Roger M. Yamamoto and Doss K. Tannehill, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Ronald Y. Fujimoto, D.O., term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 286, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of Cynthia Louise Price, term to expire June 30, 1992, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 287, submitting for consideration and confirmation to the Board of Psychology, the nominations of William R. Higa, Ph.D., Etuale V. Suafoa and Patti Shirakawa, Ph.D., terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 288, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nomination of Elwin L. Spray, term to expire June 30, 1992, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of Melvin Kauahi, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of Warren Orikasa, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nominations of (Dick) Isoo Oshima and Theodore (Ted) O. Talbott, terms to expire

June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui), the nomination of Gerald N. Hiyakumoto, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawaii), the nomination of Elmer A. Vieira, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of William T. Honjiyo, term to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Tourism Training Council, the nominations of: Milton Kimo Chu, term to expire June 30, 1994; and Sharan C. Ro, Barbara F. Mills and Earl Pa Mai Tenn, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Commission on Transportation, the nominations of Juliet K. Aiu and C. Mike Kido, terms to expire June 30, 1995, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of: John D. Haddock, D.V.M., and Cordell W.J. Chang, D.V.M., terms to expire June 30, 1995; and Joy Akino Shimabuku, term to expire June 30, 1993, was referred to the Committee on Executive Appointments.

#### DEPARTMENTAL COMMUNICATION

Dept. Com. No. 38, from the Department of Agriculture dated March 18, 1991, transmitting the Deloitte & Touche monthly audit (July and August, 1990) of the milk processing plants in the Honolulu and the Hawaii milk sheds, pursuant to Act 25, SLH 1988, was read by the Clerk and was placed on file.

#### HOUSE COMMUNICATION

Hse. Com. No. 407, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1453, H.D. 2, was read by the Clerk and was placed on file.

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1453, H.D. 2, the President appointed Senators Yamasaki, chairman, Nakasato and George as managers on the part of the Senate at such conference.

#### STANDING COMMITTEE REPORT

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 999) recommending that H.B. No. 1053, H.D. 1, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Housing and Hawaiian Programs.

On motion by Senator Solomon, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and H.B. No. 1053, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

RESIDENTIAL LEASEHOLDS," passed Second Reading and was recommitted to the Committee on Housing and Hawaiian Programs.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

#### ADJOURNMENT

At 12:08 o'clock p.m., on motion by Senator Solomon, seconded by Senator Koki and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 1, 1991.