

FORTY-EIGHTH DAY

Thursday, April 11, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:35 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Pastor Darrell Rott, Seventh Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senators Ikeda, B. Kobayashi and McCartney who were excused.

The Chair announced that he had read and approved the Journal of the Forty-Seventh Day.

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

Senator Crozier introduced a group of 4th grade students from Holy Trinity School in Kuliouou and their chaperones: Mrs. Barbara Dung, Mrs. Carol Welhouse, Mrs. Barbara Corba, Mrs. Phyllis Hiramaki and Mrs. Elizabeth Whittle. Senator Crozier singled out Mrs. Whittle as a very good friend who is like a sister to him.

Senator McMurdo recognized the Hawaii Civil Air Patrol as follows:

"Mr. President, it gives me great pleasure to present this certificate this morning.

"In a picturesque location nestled snugly in the central plains between the Koolau and the Waianae Mountain ranges is historical Schofield Barracks, home of the Army 25th Infantry Division (Light). At the foot of Kolekole Pass is situated 'Area X,' where during March nearly 600 JROTC and 50 Civil Air Patrol cadets do battle in a ritual that has become known as the Annual Joint JROTC Spring Encampment.

"The twelve respective JROTC cadet teams represented their high schools as separate entities, whereas, the Civil Air Patrol cadets came from around the state and were melded into a cohesive, competitive unit in two short days, 23-25 March 1991. The significance of the uniformity of CAP training and the cadet leadership, both locally and nationally, is a major factor in support of this short time integration. The Civil Air Patrol, an all volunteer auxiliary of the United States Air Force, numbers among its greatest assets its cadet program. The CAP Cadet Wing entered in this year's competition, like last year's unit, was made up of CAP cadets from Maui, Molokai, Kauai, the Big Island and Oahu. It was confronted with the unenviable task of defending the first ever first place win that last year's team earned under then CAP C/LTC Lane Martin.

"This year's team, under CAP C/LTC Sean Mattimoe was more than equal to the challenge, and by setting several new records in the eight areas of competition they accumulated a grand total of 1702 points out of a possible 2000, and finished 'Above All.' They finished first in Rope Bridging (a new team record); first in Rappelling (a new team record); first in First Aid (a new team record); first in Small Boat Operations (a new team record); first in Leadership Reaction; and first in the Obstacle Course.

"The Civil Air Patrol in Hawaii is under the command of Colonel John A. Parrish Jr., USAF (Ret.).

"The Hawaii State Senate congratulates the Civil Air Patrol for its great accomplishment in winning this difficult competition two years in a row, and in so doing

demonstrating excellence in the following leadership traits: decisiveness, judgment, enthusiasm, initiative and endurance.

"All the people in Hawaii can take great pride in these outstanding young men and women.

"Please join with me, ladies and gentlemen, in congratulating C/LTC Sean Mattimoe, C/LTC Shane Suganuma, and C/Major Rhyann Inouye."

All of the gentlemen, seated on the floor of the Senate, rose to be recognized and were presented the congratulatory Senate certificate and leis.

Senator McMurdo also introduced Wing Commander Col. John Parish and Major George Mattimoe who were seated in the gallery.

Senator Chang then introduced two 5th graders from Nuuanu Elementary School, Christine Tome and Cassie Kunimura. Cassie is the niece of Senator Ann Kobayashi.

Senator Crozier, on behalf of Senator Aki, then introduced participants of the Waianae Chapter of the Tour De YEH as follows:

"Mr. President, we have a certificate commending the participants of the Waianae Chapter of the Tour De YEH (Youth Ending Hunger) and recognizing and encouraging the participants of the Tour De YEH II (Rights of the Child).

"Mr. President, last year on June 5th, seventy teenagers, ages 13-20, from around the world made history as they crossed the 3000-mile finish line of the first ever international bike tour to call attention to the fact that over 25,000 children throughout the world die every day due to hunger and hunger-related diseases.

"The bike tour was sponsored by the Youth Ending Hunger (YEH), the international student network of The Hunger Project, an international effort to end world hunger by the end of the century.

"The team from Hawaii consisted of eight riders, all of whom hail from Waianae, represented Hawaii in this historic accomplishment. The Hawaii participants shouldered a tremendous challenge, training 125-175 miles a week to prepare for this 3,000-mile journey. Mr. President, you gotta understand when they left Washington, D.C., they left an area which was fairly flat and wooded and they crossed over into the Great Plains of Middle America and they had to cross over the Rocky Mountains, and finally all the way over into Seattle. It took a lot of stamina. For them to stay organized and complete their task is outstanding.

"A Tour De YEH has been scheduled to take place in 1991 and will journey from San Francisco, California, to Washington, D.C., going the other way to raise money and the nation's consciousness about the fact that 27 children die every day in the United States from malnutrition and the lack of food.

"Mr. President, I'd like to ask my colleagues to join me in recognizing our honored guests today: Kathy Reynolds, coordinator; Eli Reynolds, who biked last year and will be doing it again this year; Robert Vasquez, who also biked last year and will be doing it again this year; and Mr. David Lexington, chaperone, who is very active in the hunger project. They are accompanied by Mrs. Leilani

Kamakaokalani, one of the kupunas from the Waianae Coast."

The honorees rose to be recognized and were presented the congratulatory Senate certificate by Senator Crozier. Senators Crozier, Iwase, A. Kobayashi, McMurdo, Solomon and Tungpalan presented the leis.

Senator Fernandes Salling then introduced Mr. Toyo Shirai as follows:

"Mr. President, seated on the floor today are very special guests from Kauai. I'd like to introduce Mr. Toyo Shirai who is accompanied by his wife Yoshie.

"Toyo began his golfing career as a caddy at Wai'alea Country Club during the 1930's and went on to become the head professional at Wailua Golf Course from 1946 to 1979.

"During his career, Mr. Shirai exhibited extraordinary leadership ability and has improved the quality of life enjoyed by all citizens. He served as coach of the Kauai High School golf team which captured the Hawaii High School Athletic Association's State Golf Championship in 1978 and he received the Teacher of the Year Award from the Aloha Section of the Professional Golfer's Association of America.

"His involvement with the junior golf program has contributed greatly to the development of Hawaii's youth. Through him, our children have learned the values of hard work, dedication, perseverance and good sportsmanship, values that are important throughout a lifetime.

"The Senate of the Sixteenth Legislature of the State of Hawaii would like to extend a warm aloha to Toyo Shirai for his contributions to Hawaii."

Mr. Shirai and his wife Yoshie rose to be recognized. Senator Fernandes Salling presented the congratulatory Senate certificate and leis.

Senator Fernandes Salling also introduced Mr. and Mrs. Tom Tanaka, Mr. Bill Giese and Mr. Chuck Larson, friends of Toyo and Yoshie Shirai, who were seated in the gallery.

Senator Fernandes Salling then introduced Judy and Roger Peckenpaugh, seated on the floor of the Senate, as follows:

"Mr. President, I'd like to introduce two people that couldn't make it here yesterday but we are fortunate that they could be here today. These are two people from Kauai that were recognized by the Small Business Administration for winning the Small Business Exporter of the Year Award for the State of Hawaii.

"Judy and Roger Peckenpaugh are the owners of Kauai Tropicals. The company was designed specifically for the propagation and cultivation of tropical flowers and foliage for export.

"Begun in 1984, Kauai Tropicals is directed toward U.S. and Canadian markets. The Peckenpaughs currently employ four full-time, two part-time, and various seasonal workers to keep up with demand. They are committed to making Kauai and the state the leading exporters of tropical flowers. They head agricultural organizations that promote tropical export business interests. They have formed a central marketing organization, which provides an export outlet for all of Kauai's flower growers, giving them the advantages of a cooperative.

"The Senate of the Sixteenth Legislature of the State of Hawaii extends its sincere congratulations and commendation to Judy and Roger Peckenpaugh."

The Peckenpaughs rose to be recognized and were presented the congratulatory Senate certificate and leis.

Senator Fernandes Salling also introduced: Dillon Peckenpaugh, their son; Marlene and Arnold Townsend, parents of Roger; and a group of friends, all of whom were seated in the gallery and rose to be recognized.

Senator George then recognized and welcomed former colleague Bob Herkes who was seated in the gallery.

Senator McMurdo then introduced Mrs. Sylvia Levy as follows:

"Members of this honorable body, it gives me a great deal of pleasure to introduce to you today, Mrs. Sylvia Levy. Sylvia was a clinical professor at the University of Hawaii School of Public Health, where she taught public health planning.

"Since 1947, she has worked toward improving the state government's role in providing health care assistance to those in need. She started her career with the Department of Public Welfare and as a member of the state panel to review total disability claims. She also served as administrator of the Comprehensive Health Planning Office, Department of Health, and served as the executive director of the Mental Health Association of Hawaii.

"Mr. President, Sylvia Levy has served on numerous health related committees in the state and maintains memberships with the American Association of Public Administrators, the National Association of Social Workers, Hawaii Chapter, and the Hawaii Public Health Association.

"She is now semi-retired. But, as a famous baseball player once said, 'It's not over, till it's over.' Sylvia's retirement from government service is not quite over. Presently, she is the executive director of the Intercontinental Medical Services, Inc., and the administrative consultant with the Hawaii Medical Association for their Emergency Medical Services Program. In addition, during her spare time, Sylvia has been coming to the Capitol and helping our committee in various health related research work, which we deeply appreciate.

"Mr. President, please permit me to introduce Mrs. Sylvia L. Levy. She is accompanied by Ms. Chita Ugale, her secretary."

Mrs. Levy rose to be recognized and was presented the the congratulatory Senate certificate by Senator McMurdo and Senator Levin presented her a lei. Ms. Ugale was given a lei by Senator Iwase.

At this time, Senator A. Kobayashi rose to personally introduce her niece Cassie Kunimura.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

ORDER OF THE DAY

ADVISE AND CONSENT

Ldr. Com. Rep. No. 1209 (Gov. Msg. No. 61):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 1209 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 nomination of Edward V. Richardson for Adjutant General, term to expire December 5, 1994, seconded by Senator Hagino.

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

The Senate reconvened at 12:13 o'clock p.m.

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

"Mr. President, I rise to speak in support of this confirmation.

"General Richardson is really an outstanding person. At his confirmation hearing, there were over twenty people speaking in his behalf. All of these people in their testimony stressed leadership. There were words such as outstanding leader, effective leader, a leader of all men. And many of the people testifying were friends since high school and college and they were still friends, and they had the greatest respect for General Richardson.

"I urge your support of this confirmation. Thank you."

Senator Tungpalan also rose to speak in support of the nominee and said:

"Mr. President, as a Senator of the Waiawa district which was heavily hit by last month's storm, I had a chance to work with Adjutant General Edward Richardson in addressing the damages, in hopes that we could prevent future occurrences. He took the time not only to detail what he envisions we should do for the area, he also had members of the Guard who are stationed at the Waiawa Camp notify the residents of the Waiawa area by going out and knocking on doors. When they found those areas vacated because they were uninhabitable, they traced the occupants to the hotels where they were situated. I find this indeed exemplary and the kind of a leader we should have in our state.

"As adjutant general, he will also be responsible for civil defense. I know that the people in Pearl City as well those people throughout the state will be in good hands with him there at the helm. Thank you."

Senator Solomon added her support of the nominee and stated:

"Mr. President, as a member of your Leadership Committee on Executive Appointments, I too was very much impressed with the testimonies that were presented in support of General Richardson. Most importantly, Mr. President, he is a 'keiki o ka aina' and comes from a family that has contributed much to the future, and the past, of the State of Hawaii. Thank you."

Senator Holt also added his support and said:

"Mr. President, I would just like to state that I have known the nominee for quite a number of years. He is a strong leader and is a great asset to our state. Also, he has an outstanding record of public service and I urge all my colleagues to support this nomination."

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

Ayes, 18. Noes, none. Excused, 7 (Cobb, Ikeda, Kobayashi, B., Koki, McCartney, Reed, Wong, R.).

At this time, Senator A. Kobayashi introduced Adjutant General Edward V. Richardson, who was seated in the gallery, accompanied by Mrs. Richardson and a group of friends and supporters.

Ldr. Com. Rep. No. 1210 (Gov. Msg. No. 65):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 1210 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 nomination of Mario R. Ramil for Director of Labor and Industrial Relations, term to expire December 5, 1994, seconded by Senator Hagino.

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

"Mr. President, I rise to speak in support of this nomination.

"The Department of Labor and Industrial Relations is a very difficult department to head, and we have an outstanding person who has the commitment, the dedication and the knowledge to lead this department in the right direction. It's not easy to handle the many concerns of the employees, the unions, as well as the business sector.

"At his confirmation hearing, there were representatives from all walks of life -- the business community, the union representatives and the employees. Many people from the department also came to testify in support.

"I urge your support of confirmation of Mario Ramil."

Senator Mizuguchi also rose to speak in support of the nominee and said:

"Mr. President, I too would like to add words of support for the nominee, Mr. Mario Ramil.

"As chairman of the Employment and Public Institutions Committee, I have worked very closely with Mr. Ramil and I have found him to be very helpful and very accessible, and he has, really, the people of the State of Hawaii in mind.

"This year, because of the support by both the House and the Senate and because of Mr. Ramil's leadership and the help of his staff, this Legislature has been able to provide for major reforms in unemployment compensation. This is because of Mario Ramil's leadership and hard work that we were able to get these pieces of legislation in place.

"I hope that I will be able to continue to work with Mr. Ramil over the next three years for the betterment of the people of the State of Hawaii, for businesses and for the laborers as well. Thank you."

Senator Solomon also supported the confirmation of the nominee and remarked:

"Mr. President, I too would like to speak in support of the confirmation.

"As a member of your Leadership Committee on Executive Appointments, I was very much impressed with the testimonies that were presented. But, most importantly, Mr. President, as a Senator that represents a

large constituency of Filipinos, I would like to say that they are very proud of Mario Ramil's accomplishments."

Senator Tungpalan added her support and said:

"Mr. President, I also want to add my word of support, having worked with Mario during the years I chaired the House labor committee. I found him to be admirable in that he looked out for the interests of everyone -- the working men as well as the businessmen.

"He worked as the insurance commissioner prior to heading the Department of Labor and Industrial Relations and it was at that time that we had close contact.

"Thank you very much for all your service, Mario, and good luck!"

Senator Chang also added his support of the nominee and stated:

"Mr. President, having been a young attorney with Director Ramil, I just want to say, 'Well done, Mario, well done!'"

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

Ayes, 16. Noes, none. Excused, 9 (Cobb, Hagino, Ikeda, Kobayashi, B., Koki, Levin, McCartney, Reed, Wong, R.).

At this time, Senator A. Kobayashi introduced Mr. Mario Ramil, Director of Labor and Industrial Relations, who was seated in the gallery, accompanied by his friends and supporters.

FINAL READING

S.B. No. 1706, S.D. 2, H.D. 1

By unanimous consent, action on S.B. No. 1706, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was deferred until Friday, April 12, 1991.

S.B. No. 1213, S.D. 1, H.D. 1

By unanimous consent, action on S.B. No. 1213, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION FOR CONSUMERS," was deferred until Friday, April 12, 1991.

S.B. No. 1223, H.D. 1

By unanimous consent, action on S.B. No. 1223, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUEL TAX," was deferred until Friday, April 12, 1991.

S.B. No. 1242, S.D. 1, H.D. 1

By unanimous consent, action on S.B. No. 1242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred until Friday, April 12, 1991.

S.B. No. 1254, H.D. 1

By unanimous consent, action on S.B. No. 1254, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE ACTIVITY BONDS," was deferred until Friday, April 12, 1991.

ADJOURNMENT

At 12:21 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., Friday, April 12, 1991.