

## TWENTY-SECOND DAY

Thursday, February 16, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Colonel (Ret.) Stanley Sagert, President, Hawaii Baptist Academy, after which the Roll was called showing all Senators present with the exception of Senators Chang, Fernandes Salling, George, Holt, Kuroda and Uwaine who were excused.

The Chair announced that he had read and approved the Journal of the Twenty-First Day.

At this time, Senator Carpenter made the following introduction to the members of the Senate:

"Mr. President, members of the Senate, it gives me great pleasure to introduce 'Miss Deaf Hawaii' representing the State of Hawaii, who comes from the Island of Kauai, and her name is Angie Molina. She is a Keywanette, represents the Models Club of Hawaii and the Future Farmers of Hawaii. She stands five feet tall, weighs 100 pounds and her talent is hula with the use of sign language. She attends Hawaii Community College and hopes to go to Gallaudet College, major in special education and hopes to become a teacher for the hearing impaired.

Mr. President, I'd like to ask all the members of this body to introduce themselves to Ms. Molina, using the sign language you have on the sheets before you, which means 'I'm pleased to meet you.'"

Senator Carpenter then introduced the honoree and presented her with the Senate Certificate. Accompanying Ms. Molina were Ms. Diane Gerard, an interpreter for the Hawaii Services of the Deaf, and her chaperon, Ms. Viola Sur from the Hawaii School for the Deaf and Blind. Senator Carpenter added that Ms. Sur "is my classmate from the Roosevelt High School Class of 1962."

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

At this time, the Chair invited Ms. Angie Molina to the rostrum.

Ms. Molina addressed the Senators as follows:

"Senator Wong, President of the Senate, and honorary members of the Senate, thank you for honoring me with this certificate. This year has been the most exciting year of my life. As the first Miss Deaf Hawaii of the State of Hawaii, I have felt the warmth and the love of the State of Hawaii. I have met many people in the community, have gone to important civic functions, have gone to fairs and parades and received many things from the state. I will hope that the hearing community becomes more aware that having a handicap, such as a hearing impairment, does not stop a person to strive for excellence. So I promise, in July when I go to Baltimore, Maryland, I will bring the spirit of Aloha that I have felt all through my life here in the Islands. Thank you."

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 194 to 196) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 194), transmitting an Annual Report on Implementation of the State Uniform Controlled Substances Act, prepared by the Department of Health, in response to Section 329-11, HRS, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 195), transmitting the Annual Report, 1982-1983, prepared by the Commission on the Handicapped, Department of Health, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 196), transmitting the 1983 Annual Report of the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 8) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 5), transmitting House Bill No. 1632-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1632-84, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 6), transmitting House Bill No. 1682-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1682-84, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 7), transmitting House Bill No. 1723-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1723-84, entitled: "A BILL FOR AN ACT RELATING TO BILLS ACCOMPANYING VOUCHERS," passed First Reading by title and was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 8), transmitting House Bill No. 1725-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1725-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

#### SPECIAL COMMITTEE REPORT

Senator Hagino for the Joint Interim Committee to Review the State's Capability to Monitor and Prevent

Contamination of Water Resources by Pesticides, presented a report (Spec. Com. Rep. No. 1), of certain findings and recommendations of the Committee.

Senator Abercrombie then requested that action on Spec. Com. Rep. No. 1 be deferred until Friday, February 17, 1984, and the President, noting that there were no objections, so ordered.

Senator Abercrombie then rose on a point of inquiry:

"Mr. President, I understand, am I correct in understanding, that there is a bit of confusion as to interim period with respect to whether there will be committee hearings on other islands, or there are to be community meetings on other islands. Am I correct that that's being taken up?"

The Chair answered: "Yes, but I don't think there's any confusion."

Senator Abercrombie then stated: "Oh, perhaps I'm misinformed, then. So I will make an inquiry of you. I received an indication that there'd be a committee meeting, Education Committee meeting, on two of the islands."

The Chair replied: "My understanding is that the Education Committee has notified the members of the committee to apply for all the P.O.'s and vouchers through their office, rather than the President's."

Senator Abercrombie further inquired: "My inquiry is that I don't object to that, having done that myself in the past. My question is whether the other islands will have the same opportunity to make a presentation."

The Chair stated: "We've had no other request from any other island."

Senator Abercrombie replied: "Mr. President, I'm not sure if it's up to the islands to do the requesting."

The Chair further stated: "I think some members usually take this period of time during the recess to go back and talk with their constituencies. Occasionally, some committee chairmen request authorization to schedule hearings on the Neighbor Islands. So far there has been only one request and that request has been for a Committee on Education hearing on the Big Island. That's the purpose of allowing the committee to go to the

Big Island."

Senator Abercrombie inquired: "If other islands then request the same opportunity, will they be granted the same consideration?"

The Chair replied: "I don't see why not."

Senator Abercrombie thanked the President.

At this time, Senator Abercrombie rose on a point of privilege as follows:

"Mr. President, I think we will be remiss if there was not some comment made on this floor today with respect to the dismissal of the Superintendent of Education at a meeting last night. The reports, Mr. President, I'm sure you are aware of, are somewhat sketchy, but the main elements, I think, are well known. As recently as Tuesday, expressions were made in the Senate Education Committee hearing concerning the latest Auditor's report, which reflects on work that was done in previous years. It would be unfair, in my judgment, Mr. President, to lay the blame for inaction on the part of the DOE and for that matter on the part of the Board, in some instances, at the feet of the present Superintendent alone.

"But for purposes of the record, Mr. President, I want to indicate that I, among others, warned the Superintendent over and over again that the forces of which she spoke as being opposed to her and was quoted as such in the newspaper this morning did indeed exist and were trying to defeat whatever good purposes she had from the very beginning, and that it was in her interest, as well as the interest of the children of the state and their parents and taxpayers, to see that those forces were confronted directly. Unfortunately, the Superintendent chose a different course. She tried to placate those forces. This was an impossible task. No superintendent will succeed unless that superintendent is willing to take on those elements in the DOE and the community that have controlled education and continue to control it today to their benefit against the benefit of the children and their parents.

"I indicated as recently as Tuesday and I might say parenthetically, Mr. President, I had no knowledge nor foreknowledge of what the Board

would do last night. I never discussed it with any of the members nor had I heard anything about it, so my remarks to the Superintendent and her staff at Tuesday's meeting were based entirely upon my own perception of the situation. I indicated at that time and I indicated to the chairman of our committee that in the absence of the Board and the Superintendent taking the kind of internal action that had been recommended by objective analysis of the Auditor and by many groups and individuals, both within and without the DOE, in the absence of such action, it was up to the Legislature to do it. We should have done it last year. We did not.

"In the time since the budget passed last year, we have seen the cuts that some of us predicted; we have seen members of the Board of Education, including one of the members who voted to oust the Superintendent last night, make a representation to the Board exactly the same as recommended by the committee that I headed last year of a 15 percent cut in administration. We have seen an attack on the district resource teachers and other teaching elements, rather than a hard look and reevaluation and reallocation of administrative resources in the DOE, and as a result we find inaction in that area. We find no reallocation of the resources in the DOE, and we find ourselves once again faced with the situation in which we are putting numbers on paper that bear no relation to the actualities of expenditures nor any relation to the necessities of turning out a competent educational work product. We are now absent leadership in the DOE. The Board is seriously divided. The Legislature has warned over and over again what must be done. I think it now our task in the Legislature to do the work that has not been done. I for one will urge and will do my best to present in a fair-minded and objective fashion those elements of restructuring of the DOE in terms of personnel and in terms of expenditure that I think are in the best interest of the children of this state and urge that this Legislature, this year, not avoid its responsibility, rather take up its responsibility and exercise its authority and put forward a budget with specific recommendations and provisos with respect to personnel changes that are long overdue and are more than warranted in terms of the crisis in education that we face in this state. Thank you."

Senator Soares then rose on a point

of personal privilege:

"Mr. President, I witnessed the action last night on television and I will not get into the details as thoroughly as my colleague has. But I must say this. I have never seen a more cruel display of power playing in my career in politics. I don't care who the superintendent was; I don't care what the background was; I do believe that when we have a meeting such as that out in August Ahrens School, out in Ewa, with the press and television cameras rolling, that we literally crucify a person publicly ...the taste with which this was handled, I feel, was the lowest I've ever seen.

"And I admire the courage and the class with which the recipient of this seven-to-six vote handled herself. I feel that the action could have been done in executive session. They

could have discussed the opportunity for her to resign; but to publicly, on television, take this kind of action, I find very distasteful, very disappointing and a lack of class."

The Chair announced:

"Before adjourning, I would like to call to the members' attention the membership roster of the Senate, which has been placed on all of your desks. This roster is for your reference when addressing or referring to your fellow Senators on the floor and it should be kept on the floor."

#### ADJOURNMENT

At 12:02 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 17, 1984.