

TWENTIETH DAY

Tuesday, February 14, 1989

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Carmen Utzurum Pak of Trinity United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators B. Kobayashi, Menor and Tungpalan who were excused.

The President announced that he had read and approved the Journal of the Nineteenth Day.

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

Senator Chang, on behalf of Senators Wong, Aki and himself, introduced Senator Samuel B. Nunez Jr., president pro tempore of the Louisiana State Senate and president of the National Conference of State Legislatures (NCSL), and Mr. Karl Kurtz, director of state services and director of the Denver office of the NCSL. Senator Chang noted that Senator Nunez is serving his sixth four-year term with the Louisiana Legislature.

The gentlemen who were seated on the floor of the Senate rose to be recognized.

Senator Chang also introduced, on behalf of Senators Wong, Aki and himself, Mr. Moriyoshi "Duke" Saito, president of Mainichi Broadcasting System (MBS) of Osaka. Senator Chang said, "MBS is a sponsor of the Orix Hawaiian Ladies Golf Tournament held at Turtle Bay Country Club and has been a sponsor for three years. ... MBS beams television signals from Hawaii directly to Japan showing our beautiful state to thousands of average Japanese viewers"

Mr. Saito, present on the floor of the Senate, rose to be recognized and was presented the congratulatory Senate certificate by Senator Chang. Senator A. Kobayashi presented him with a lei.

Senator Ikeda then introduced Mr. Yoshihiko Miyauchi, president and chief executive officer of Orient Leasing Company, Ltd., Tokyo, Japan, co-sponsor of the Orix Hawaiian Ladies Golf Tournament. Senator Ikeda added that "Mr. Miyauchi changed the name of his company to the Orix Group. He purchased the Hankyu Braves professional baseball team, home-based in Osaka, now known as the Orix Braves. We encourage Mr. Miyauchi to consider bringing the Orix Braves to conduct its spring training in Hawaii and to urge his coaches to look carefully at our UH Rainbow Baseball Team as potential Orix Braves players of the future."

Mr. Yoshihiko Miyauchi, also present on the floor of the Senate, rose to be recognized and was presented the congratulatory Senate certificate by Senator McCartney. Senator Ikeda presented him with a lei.

Sitting with Mr. Saito and Mr. Miyauchi were Mr. Hiroshi Furukawa, general affairs manager of the Orix Group and Mr. Jerry Jiro Maeda, chief of international vision of MBA, their interpreter. The gentlemen also rose to be recognized and were presented with leis by Senators Solomon and McMurdo.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 31 and 32) were read by the Clerk and were placed on file:

Dept. Com. No. 31, from the Office of the Auditor, transmitting a report, "Evaluation of the Administrative Flexibility Legislation Affecting the Department of Education and the University of Hawaii, Acts 320 and 321, SLH 1986: Final Report," (Report No. 89-18).

Dept. Com. No. 32, from the Office of the Auditor, transmitting the "Management Audit of the Department of Corrections of the State of Hawaii," (Report No. 89-16), in response to S.C.R. No. 57 (1988).

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Energy and Natural Resources, presented a report (Stand. Com. Rep. No. 8) recommending that S.B. No. 1617, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Energy and Natural Resources.

On motion by Senator Matsuura, seconded by Senator Levin and carried, the report of the Committee was adopted and S.B. No. 1617, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEEP OCEAN RESOURCE RECOVERY AND UTILIZATION SYSTEM," passed First Reading and was recommitted to the Committee on Energy and Natural Resources.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 1627, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Health.

On motion by Senator Matsuura, seconded by Senator Levin and carried, the report of the Committee was adopted and S.B. No. 1627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading and was recommitted to the Committee on Health.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 1460	Committee on Judiciary, then to the Committee on Ways and Means
No. 1513	Jointly to the Committee on Education and the Committee on Transportation
No. 2039	Committee on Education, then to the Committee on Ways and Means

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 2, from the Honorable Hannibal Tavares, Mayor, County of Maui, transmitting a letter dated February 13, 1989, regarding revenue sharing with counties, was read by the Clerk and was placed on file.

At this time, Senator Holt, chairman of the Committee on Tourism, Recreation and Planning, requested a waiver

of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Tourism, Recreation and Planning Committee's hearing notice for Thursday, February 16, 1989, and the President granted the waiver.

Senator Blair then rose to speak on a point of personal privilege as follows:

"Mr. President, the Legislature is not judged solely on the basis of the quantity or quality of the legislation produced. In a democracy, process is equally or more important. Our democratic system has high standards for openness, accountability, and public participation. Our first obligation is not to our leadership, it is not to each other, it is not to the bills we introduced. Our first obligation is to an open, accountable, and publicly accessible process to democracy. It is too bad we don't have an auditor to give us the same scrutiny that the Legislative Auditor gives to the administration. It would probably be the most critical report ever issued.

"The oversight function was once assumed by Common Cause but they have apparently disbanded. It was once a function of journalism but the media has become part of the entertainment industry and apparently finds that the breakdown of the democratic process is not entertaining enough for its readers, listeners and viewers. It was once the function of the minority party, when we had a minority party. Let me get more specific.

"We have as a Senate, and I don't excuse myself from complicity, engaged in a course of conduct that has systematically foreclosed the possibility of input from the general public. Even the administration's lobbyists, department heads and full-time professional lobbyists have been effectively excluded from meaningful input on many bills. Specifically, we have seen the wholesale waiver of even the minimal 48-hour hearing notice requirement. We have seen numerous hearings held on bills which, as of the hearing, were not available to the public despite the heroic efforts of the Printshop employees. There are, of course, explanations; but explanations are not excuses.

"I don't know how we will be judged on our product at the session's end - time will tell - but the Fifteenth Legislature is on the verge of being a failure and a disgrace to the principles of our constitutional heritage and that failure and disgrace will be completed by the first lateral deadline unless we take drastic steps immediately. Therefore, Mr. President, I propose that you meet with the Speaker of the House and arrange for the Legislature to recess pursuant to Article III, Section 10, for a period of time sufficient to allow all chairmen to hold new hearings with at least 48 hours notice after the bills are available.

"Mr. President, if we need a compelling argument for the initiative, referendum and recall, the Fifteenth Legislature is that compelling argument. Sadly, it is also an explanation in part for the declining participation of our citizens in the process. It's not too late to reverse that and I hope we will do so.

"Thank you."

Senator McMurdo also rose on a point of personal and remarked:

"Mr. President, I would like to continue on this subject. I have been a strong supporter of open government. I have been involved with the sunshine coalition and I have also worked for initiative, referendum and recall. So this particular legislative session has been extremely embarrassing -- to try to make the decision, 'Do I have a hearing and waive the 48 hours and get the bill through on the 17th or do I not ask for the waiver and let the bill

die?' It's a pretty bad situation in which we have found ourselves. I wish there were some way that we could work something out so that we are not doing this anymore.

"Thank you very much."

The Chair responded:

"Members of the Senate, the Chair will take the suggestions to leadership for consideration."

ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 15, 1989.