

ELEVENTH DAY

Friday, February 2, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:35 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Deacon Jerome Weaver, St. Anthony's Church, Kailua, Hawaii, after which the Roll was called showing all Senators present with the exception of Senator Solomon who was excused.

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

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

Senator Tungpalan introduced representatives from Our Lady of Good Counsel School in Pearl City and said:

"This morning it is my distinct honor to introduce to this honorable body representatives from Our Lady of Good Counsel School in Pearl City.

"This year marks the school's 25th anniversary of service to the community, and the memorable event will be celebrated on February 7th with a mass by Bishop Ferrario, followed by an open house and entertainment.

"In 1964 Our Lady of Good Counsel School was the first parochial school to open its doors in the Pearl City community. The construction of the school was a community effort, with members of the parish supporting the school monetarily and providing hands-on labor during its construction.

"The school has undergone continuous expansion during the past 25 years since opening with an enrollment limited to first, second, and third graders. It has since expanded into a full elementary through eighth grade program and now includes preschool, kindergarten, and after school programs as well.

"From its opening the school has been staffed by the Sisters of the Third Order of St. Francis, who have always emphasized 'the spirit of love and service' which enriches the school.

"This morning we have with us Sister William Marie Eleniki who is now in her 10th year as principal of the school. Accompanying her are Mr. John O'Donnell, president of the school board, and representing the student body is his daughter, Tyrena O'Donnell, who is an officer on the student council."

The honorees, who were seated on the floor of the Senate, rose to be recognized and were presented the congratulatory Senate certificate and leis by various Senators.

Senator Tungpalan also welcomed and introduced a group of students from Our Lady of Good Counsel and their chaperone, Ms. Florence Pasion, who were seated in the gallery.

Senator A. Kobayashi introduced Art and Helen Blaze from Wood Dale, Illinois, seated in the gallery, accompanied by Mrs. Barbara Ricketts.

Senator Koki, on behalf of Senators George, McCartney and himself, introduced a group of first, second, third and fourth grade students from Trinity Christian School, accompanied by their teachers: Mrs. Julie Johnson, Miss

Patti Ardozino, Mrs. Charlene Greer and Mrs. Nancie Sober, and parents. Senator Koki said, "The students are here today to tour the Capitol, to enhance their understanding and appreciation of their state government and meet personally with the governor, and to see their legislators in action."

Senator McCartney, on behalf of Senators George, Koki and himself, introduced Professor Bill Zenella of Hawaii Loa College, seated in the gallery with two guests.

Senator Holt, on behalf of Senate President Wong and himself, then introduced Mr. Richard "Dick" Post, chairman of 1990 Hawaiian Open. Senator Holt read from the Senate certificate expressing aloha to the 25th Hawaiian Open to be held on February 5 to 11, 1990, at the Wai'alae Country Club.

Mr. Post, seated on the floor of the Senate accompanied by Mr. Don McKnight, rose to be recognized and was presented the Senate certificate by Senator Holt.

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

The Senate reconvened at 11:46 o'clock a.m. with the President in the Chair.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 88 to 100) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 88, submitting for consideration and confirmation as Director, Department of Corrections, the nomination of George Iranon, term to expire June 30, 1990, was referred to the Committee on Corrections.

Gov. Msg. No. 89, submitting for consideration and confirmation as Chairman, Hawaiian Homes Commission, the nomination of Hoaliku L. Drake, term to expire December 31, 1990, was referred to the Committee on Housing and Hawaiian Programs.

Gov. Msg. No. 90, transmitting a report prepared by the Department of Health in response to S.R. No. 151 (1989) and S.C.R. No. 160 (1989), requesting a study of the problem of lead contamination and other problems being faced by persons relying on water catchment systems in the state, was placed on file.

Gov. Msg. No. 91, transmitting a report prepared by the Department of Health in response to S.C.R. No. 198 (1989), requesting review and recommendations from the director of health urging the Department of Health to verify its approval of funding for the Wailua sewage treatment plant expansion project, Kauai, Hawaii, was placed on file.

Gov. Msg. No. 92, transmitting a report, "Youth Voluntary Service Program," prepared by the Department of Labor and Industrial Relations in response to H.C.R. No. 269 (1989), was placed on file.

Gov. Msg. No. 93, transmitting a report prepared by the Department of the Attorney General in response to S.C.R. No. 239 (1989), requesting the Attorney General and the Department of Land and Natural Resources to examine the legal issues relating to trails and accesses in Hawaii, was placed on file.

Gov. Msg. No. 94, transmitting a report prepared by the Department of Land and Natural Resources in response to S.C.R. No. 180 (1989), concerning the historic, current and future use of Kalawahine, Oahu, was placed on file.

Gov. Msg. No. 95, transmitting a report, "Carrying Capacity: A Pilot Study," prepared by the Office of State Planning, Office of the Governor, in response to Act 357, SLH 1989, was placed on file.

Gov. Msg. No. 96, transmitting the 1989 Annual Report of the Foreign-Trade Zone No. 9, prepared by the Department of Business and Economic Development, was placed on file.

Gov. Msg. No. 97, transmitting the 1989 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panels, prepared by the Department of Commerce and Consumer Affairs, pursuant to Sections 672-12 and 671-20, HRS, was placed on file.

Gov. Msg. No. 98, transmitting the 1989 Annual Report of the Criminal Injuries Compensation Commission, pursuant to Chapter 351, HRS, was placed on file.

Gov. Msg. No. 99, transmitting a report prepared by the Department of Corrections in response to S.C.R. No. 164 (1989), requesting the Department of Corrections to report on actions it has taken to improve the processing of inmate grievances, was placed on file.

Gov. Msg. No. 100, transmitting the "Comprehensive Annual Financial Report," Fiscal Year ended June 30, 1989, prepared by the Comptroller, pursuant to Section 40-5, HRS, was placed on file.

HOUSE COMMUNICATION

Hse. Com. No. 4, returning Senate Concurrent Resolution No. 25, which was adopted by the House of Representatives on January 30, 1990, was read by the Clerk and was placed on file.

ORDER OF THE DAY

THIRD READING

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

On motion by Senator Yamasaki, seconded by Senator A. Kobayashi and carried, S.B. No. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hagino, Solomon).

REFERRAL OF SENATE RESOLUTIONS

The Chair made the following committee assignments of resolutions that were offered on Tuesday, January 30, 1990:

Senate Resolution Referred to:

No. 20 Committee on Energy and Natural Resources

No. 21 Committee on Energy and Natural Resources

No. 22 Committee on Energy and Natural Resources

No. 23 Committee on Energy and Natural Resources

No. 24 Committee on Energy and Natural Resources

RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 2123 Committee on Consumer Protection and Commerce, then to the Committee on Judiciary

No. 2187 Jointly to the Committee on Education and the Committee on Transportation

No. 2227 Jointly to the Committee on Education and the Committee on Transportation

No. 2264 Jointly to the Committee on Agriculture and the Committee on Transportation

No. 2413 Committee on Health, then to the Committee on Judiciary

No. 2906 Committee on Human Services, then to the Committee on Ways and Means

No. 2919 Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Government Operations, and then to the Committee on Ways and Means

No. 3021 Committee on Health, then to the Committee on Judiciary

No. 3124 Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Government Operations, and then to the Committee on Ways and Means

No. 3128 Jointly to the Committee on Government Operations and the Committee on Transportation, and then to the Committee on Ways and Means

No. 3136 Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Transportation, and then to the Committee on Ways and Means

No. 3212 Committee on Judiciary

No. 3224 Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Transportation

No. 3226 Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Transportation

No. 3228 Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Transportation

No. 3247 Committee on Energy and Natural Resources, then to the Committee on Ways and Means

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m. with the Vice President in the Chair.

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

"Mr. President, last Tuesday I mentioned about the 'New York Times' article, front page, a very large article. That same article is now appearing in other major papers. One of my friends passing through Arizona picked up a paper and the same article, same picture and almost identical content, have appeared in the Arizona paper. I don't know how many major newspapers have printed this same article.

"My concern on these kinds of things is that you would think that any major paper, like the 'Arizona Republic' or 'New York Times,' would at least call the Honolulu Advertiser or the Honolulu Star-Bulletin to verify some of the things they're printing. But, evidently, they don't do this kind of verification. They didn't check the background of these critics. Now it's getting worse because the 'Arizona Republic' has changed the headline. The 'Arizona Republic' headline is 'Last Stand for Last Rain Forest.' These guys are in cowboy country so it's like Custer's last stand.

"This is one of the things that I have real concern about. Since they are not calling in to verify their critics, we ought to put something in our newspapers so that we can send them a message through the UPI wire service to let them know, 'Look, don't go too heavy on this one because when you guys check the credibility of some of these critics, it may cause some embarrassment.'

"Talking about the rain forest, as far as I know, there's only one non-native species introduced in this rain forest. And that is the marijuana plant. It has been introduced in great abundance. If any person or any country wants to destroy the United States, you can't attack the United States with an atomic bomb because they're going to get a retaliation they'll never forget. There are ways to destroy this country, and one of them is drugs. Anybody who is masterminding the downfall of the United States can use drugs as one of the options. Because when you introduce drugs, what it does is that it puts these people in a situation where they end up committing some kind of crime, which means that if they are caught they have to be put into prison; and our prisons are all full.

"That is not all. The other problem is that they know that this country can be ruined by high medical costs. AIDS is one disease you can proliferate with drugs. And believe you me, this country is very vulnerable of going bankrupt with high medical costs.

"I cite this scenario primarily to give the news media a little more background as to a major problem of our rain forest. There's a whole bunch of marijuana growing in this rain forest. And I can tell you it's not the geothermal guys who have planted the marijuana in there.

"There was an article in the Star-Bulletin about a geothermal air quality standard trial going on right now in Hilo. When you read that article, although he quotes the expert witness from Lake County, you would think, 'Man, Hawaii is so irresponsible.' When California started its geothermal energy, did they have an air quality standard? Answer is 'no.' When did they establish their first air quality standard? At the 500-megawatt level. Is that standard you have today the same as what you had at 500 megawatts? No, it's more stringent now because

we're producing over 1800 megawatts of electricity in this one area. Today, Hawaii has zero megawatt production. Our air quality standard is being set at the present air quality standard of California at the 1800-megawatt level, which is very stringent.

"All I'm asking is that when you folks write news articles, be fair. At least, tell the other side of the story because it will provide some balance.

"In conclusion, geothermal is still the best way to go.

"Thank you very much, Mr. President."

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

"Mr. President, last night I had an extensive discussion with one of my constituents about a measure that was introduced by Majority Leader Senator Hagino, the diaper bill.

"My son Bricen wants to commend the Senator for introducing the bill to protect our environment and wrote a little thank you note to him. He has also given one of his 'Luv's' diapers to Senator Hagino to show his support of the bill. Thank you very much, Mr. Majority Leader."

Senator Levin also rose on a point of personal privilege and remarked:

"Mr. President, very briefly, in conjunction with Senator Matsuura's comments, I do not rise to defend in any way the 'New York Times' article that Senator Matsuura was referring to; I understand his concerns and objections to that article. But I do want to make sure that the record is clear that the objections that are being raised to geothermal by many residents from my district are to a great extent legitimate and warranted.

"I know that Senator Matsuura did not intend to suggest, and I just want to make clear, that not all those who are protesting are protesting for a reason of drug use. The people in the district are affected by fumes, are affected by noise, are affected by health concerns. Their concerns have been largely ignored and they have become extremely frustrated over the course of geothermal development over the past decade, and it has led us to the point that we are now, where lawsuits are being filed and people are trespassing and arrests are being made, and so on.

"Those legitimate concerns need to be dealt with, need to be looked at. And I hope and I believe that the state, both the administration and this Legislature, are finally recognizing that there are legitimate concerns out there, reflected in the closing of the HGPA well and, hopefully, followed by stringent rules adopted by the Department of Health.

"So I think that Senator Matsuura and I are coming from the same place. I think we are largely in agreement and I just wanted to make clear that there are a lot of legitimate, responsible citizens out there who do have responsible and legitimate concerns about geothermal. Thank you."

Senator Matsuura then remarked:

"Mr. President, to respond to the previous speaker.

"If my message had any accusations saying that the people who are objecting to the geothermal development as people growing the marijuana, that was furthest from the truth. My point was simply, there is a lot of marijuana grown in the rain forest. We should get those

people who are cultivating marijuana in the rain forest and send them back to where they came from."

ADJOURNMENT

At 12:06 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., Monday, February 5, 1990.