

FIFTEENTH DAY

Thursday, February 8, 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 Mr. Kevin Morrison, Koolaupoko Baha'i Community, Kailua, Oahu, after which the Roll was called showing all Senators present.

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

The following introduction of students, seated in the gallery, were made to the members of the Senate:

Senator A. Kobayashi introduced a group of eighth grade social studies students from St. Francis High School and Ms. Donna Crawford, their teacher.

Senator George introduced a group of Windward District seventh and eighth graders and their teacher.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 118 and 119) were read by the Clerk and were placed on file:

Gov. Msg. No. 118, transmitting the "Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 1988 - 1989," prepared by the Department of the Attorney General, pursuant to Section 662-11, HRS.

Gov. Msg. No. 119, transmitting the "1990 Report on Claims for Legislative Relief," prepared by the Department of the Attorney General, pursuant to Section 37-77, HRS.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 27, from the Office of the Auditor dated February 7, 1990, transmitting the "Study and Plan for Maximizing Federal Medicaid Funds for Hawaii," prepared by Lewin/ICF and Fox Health Policy Consultants under contract with the legislative auditor, in response to H.C.R. No. 256 (1989) and S.C.R. No. 214 (1989), was read by the Clerk and was placed on file.

HOUSE COMMUNICATION

Hse. Com. No. 7, transmitting H.B. No. 2164, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 1990, was read by the Clerk and was placed on file.

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 2164, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 30 to 40) were read by the Clerk and were referred to committees:

Senate
Concurrent
Resolution

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ISSUE A REQUEST FOR PROPOSALS TO REINSTATE IN-HOME COUNSELING SERVICES TO HELP ELIGIBLE PERSONS QUALIFY FOR MEDICAID BENEFITS."

Offered by: Senator Levin, Kobayashi, B., Matsuura, McMurdo.

Referred to: Committee on Health

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A PILOT PSYCHIATRIC SKILLED NURSING FACILITY PROGRAM AT THE SAMUEL MAHELONA MEMORIAL HOSPITAL."

Offered by: Senator Levin, Fernandes Salling.

Referred to: Committee on Health

No. 32 "SENATE CONCURRENT RESOLUTION SUPPORTING A RECYCLING POLICY FOR STATE GOVERNMENT."

Offered by: Senator Levin, Chang, Hagino, Koki, Menor, Reed, Tungpalan.

Referred to: Committee on Agriculture, then to the Committee on Legislative Management

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING ECONOMIC DEVELOPMENT PLANS FOR THE KA'U AND PUNA AREAS OF HAWAII COUNTY."

Offered by: Senator Levin, Solomon.

Referred to: Committee on Business Development and Pacific Relations

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO IMPLEMENT STANDARDS FOR GRAY WATER USAGE."

Offered by: Senator Levin.

Referred to: Committee on Agriculture

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENTER INTO LAND EXCHANGES WITH KAMEHAMEHA SCHOOLS/BISHOP ESTATE TO CREATE AN AGRICULTURAL PARK."

Offered by: Senator Levin, Solomon.

Referred to: Jointly to the Committee on Agriculture and the Committee on Energy and Natural Resources

No. 36 "SENATE CONCURRENT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO THE COMPENSATION OF MEMBERS OF THE UNITED STATES CONGRESS AND WHEN ANY VARIATIONS THEREIN SHALL TAKE EFFECT."

Offered by: Senator George, Aki, Blair, Chang, Hagino, Holt, Ikeda, Kobayashi, A., Kobayashi, B., Koki, McCartney, Menor, Nakasato, Reed, Solomon, Tungpalan.

Referred to: Committee on Government Operations

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE COST OF REQUIRING ALL VESSELS TO USE OIL CONTAINMENT DEVICES WHILE LOADING OR UNLOADING FUEL."

Offered by: Senator Koki.

Referred to: Committee on Transportation

No. 38 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO OBTAIN SINKHOLE SITES ON THE EWA PLAIN"

Offered by: Senator Crozier.

Referred to: Committee on Energy and Natural Resources

No. 39 "SENATE CONCURRENT RESOLUTION URGING THE NATURAL AREA RESERVES SYSTEM COMMISSION TO COMPLETE ITS REVIEW OF SINKHOLES ON THE EWA PLAIN."

Offered by: Senator Crozier.

Referred to: Committee on Energy and Natural Resources

No. 40 "SENATE CONCURRENT RESOLUTION URGING A RESURRECTION OF THE HUMAN SERVICES PROGRAM AT LEEWARD COMMUNITY COLLEGE."

Offered by: Senator Crozier.

Referred to: Committee on Higher Education

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 28 to 37) were read by the Clerk and were referred to committees:

Senate Resolution

No. 28 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ISSUE A REQUEST FOR PROPOSALS TO REINSTATE IN-HOME COUNSELING SERVICES TO HELP ELIGIBLE PERSONS QUALIFY FOR MEDICAID BENEFITS."

Offered by: Senator Levin, McMurdo.

Referred to: Committee on Health

No. 29 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A PILOT PSYCHIATRIC SKILLED NURSING FACILITY PROGRAM AT THE SAMUEL MAHELONA MEMORIAL HOSPITAL."

Offered by: Senator Levin, Fernandes Salling.

Referred to: Committee on Health

No. 30 "SENATE RESOLUTION SUPPORTING A RECYCLING POLICY FOR STATE GOVERNMENT."

Offered by: Senator Levin, Chang, Hagino, Koki, Menor, Reed, Tungpalan.

Referred to: Committee on Agriculture, then to the Committee on Legislative Management

No. 31 "SENATE RESOLUTION REQUESTING ECONOMIC DEVELOPMENT PLANS FOR THE KA'U AND PUNA AREAS OF HAWAII COUNTY."

Offered by: Senator Levin, Solomon.

Referred to: Committee on Business Development and Pacific Relations

No. 32 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO IMPLEMENT STANDARDS FOR GRAY WATER USAGE."

Offered by: Senator Levin.

Referred to: Committee on Agriculture

No. 33 "SENATE RESOLUTION REQUESTING THE SEVERAL COUNTIES TO ESTABLISH WATER CISTERN ADVISORY COMMITTEES."

Offered by: Senator Levin, Solomon.

Referred to: Committee on Government Operations

No. 34 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE COST OF REQUIRING ALL VESSELS TO USE OIL CONTAINMENT DEVICES WHILE LOADING OR UNLOADING FUEL."

Offered by: Senator Koki.

Referred to: Committee on Transportation

No. 35 "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO OBTAIN SINKHOLE SITES ON THE EWA PLAIN"

Offered by: Senator Crozier.

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No. 36 "SENATE RESOLUTION URGING THE NATURAL AREA RESERVES SYSTEM COMMISSION TO COMPLETE ITS REVIEW OF SINKHOLES ON THE EWA PLAIN."

Offered by: Senator Crozier.

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No. 37 "SENATE RESOLUTION URGING A RESURRECTION OF THE HUMAN SERVICES PROGRAM AT LEEWARD COMMUNITY COLLEGE."

Offered by: Senator Crozier.

Referred to: Committee on Higher Education

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1907) recommending that the Senate consent to the nomination of Ronald T.Y. Moon as Associate Justice of the State Supreme Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 64.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 1907 and Gov. Msg. No. 64 was deferred until Friday, February 9, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1908) recommending that S.B. No. 3017 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Levin, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.B. No. 3017, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 12, 1990.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1909) recommending that S.B. No. 2568, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Levin, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.B. No. 2568, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A REGIONAL CRIME LABORATORY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1910) recommending that S.B. No. 3213 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Levin, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.B. No. 3213, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WITNESS PROTECTION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 3493	Committee on Higher Education, then to the Committee on Ways and Means

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

"Mr. President, there appeared an article in the 'Hawaii Tribune Herald' that says, 'Solomon Calls for Temporary Halt to Hawaii Growth,' and it is referring to a bill that was heard in the Tourism Committee, Senate Bill No. 3008. Mr. President, the article says, 'The measure would appear to not only block new approvals for resorts and other projects along the coast, but put on hold developments that have already received the

necessary land use approvals and permits.' It continues to read, Mr. President, 'A moratorium will do nothing except delay the overall planning and development process and give our island a negative image with the worldwide business community.' Mr. President, this is not what I envisioned.

"The Office of State Planning has put together a West Hawaii regional plan, and it reads, 'The West Hawaii region encompasses 986 square miles or 631,040 acres, about the size of Molokai and Oahu combined. The region consists of land formed by the Kohala Mountains, Mauna Kea, Mauna Loa and Hualalai.' (Which, incidentally, Mr. President, comprises part of my Third Senatorial District.) 'Of the 313 miles of tidal shoreline, the coastline of this youthful island is generally characterized by a low-to-high cliff volcanic coast; only 1.2 miles of prime sandy beach in this Hawaii region.'

"Mr. President, this is the reason why this plan was requested and the reason why this moratorium is necessary. Mr. President, ... this map has been color-coded for my colleagues' benefit. As you can see, all of the orange color-coded areas are lands belonging to the state. WE, the people of this state, are the largest landowners in West Hawaii, not private landowners, Mr. President, but we the people, we are the major landowners of the West Hawaii coastline, including a substantial part of North Kohala.

"Due to these facts, I feel, this bill is very timely. This Legislature has the onus of deciding the fate of our West Hawaii coastline and assure that the impact of development is balanced with what the West Hawaii regional plan has identified as a preferred quality of life. This preferred quality of life, Mr. President, is critical in helping us make the proper planning decisions that affect this coastal region (Senator Solomon holds up documents). Our fiduciary duty, Mr. President, is to make prudent, proper decisions and recommendations.

"In this vision for West Hawaii, a preferred quality of life is identified as including provisions for adequate affordable housing, human services programs, timely and needed public infrastructures, full employment and a need to provide a wide range of jobs that provides job choice and upward mobility, and most importantly, Mr. President, consideration of lifestyle of community values. The qualities that make this region unique need to be maintained and preserved, for these are the aspects that make West Hawaii the quality visitor destination.

"The Housing Finance and Development Corporation estimates that approximately 75 percent of all households or approximately 24,270 households could qualify, now, on that coastline for some form of governmental housing assistance. Using the U.S. Department of Housing and Urban Development median family income estimated at \$28,800 for 1988 for the purchase of an average priced single family housing unit, it would require an income nearly 150 percent more than the median income in West Hawaii to purchase an average priced single family housing unit. I think, Mr. President, due to these facts, the furtherance of development demands immediate review. We are in a crisis situation.

"For the first half of 1989, the average selling price for a house in Kona was \$175,000, 111 percent higher than the average selling price in Hilo of \$83,000.

"Mr. President, the needed investment in public infrastructure for that area to meet current needs is conservatively estimated to be \$622 million. By comparison, the amount expended in the region between '83 and '87 has been \$24 million or an average of less than \$5 million a year. In other words, Mr. President,

with the existence of statewide infrastructure priorities it is doubtful that West Hawaii as one region of the state would be able to receive the infrastructure monies it requires.

"Even if we were to double the expenditure to \$10 million per year, it would take us 60 years or more to complete the requirement. All the business groups on the Big Island should be elated that this honorable body has the vision to request such a study.

"Mr. President, I want to note that Senator Matsuura, Senator Levin, and the Big Island House delegation have agreed in concept with the intent of this legislation. We have agreed that action is needed immediately to help us resolve our many problems.

"I'm hoping, Mr. President, that this bill in the Senate Committee on Tourism, Recreation and Planning will be given just consideration. I am open-minded, Mr. President, to anything that would help satisfy concerns as expressed in this article. Perhaps then, a new viewpoint will emerge that the proposed moratorium is indeed needed and not potentially damaging.

"In conclusion, this moratorium is only for one year, to give time for OSP (Office of State Planning) to come to the Legislature with their five-year plan and recommendations for legislative and county consideration.

"Thank you very much, Mr. President."

Senator Levin then remarked:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I simply would like to express my support for my colleague from West Hawaii. There are very few people who care as passionately for their constituents or their district as does she. And I think that the criticisms levelled against her are clearly misplaced and out of line.

"Thank you."

ADJOURNMENT

At 11:52 o'clock a.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 9, 1990.