

## SECOND DAY

**Thursday, January 16, 1992**

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:30 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Patricia Mumford, Executive Director, Hawaii Council of Churches, after which the Roll was called showing all Senators present with the exception of Senators Chang and Reed who were excused.

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

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 1 to 82) were read by the Clerk and were placed on file:

Gov. Msg. No. 1, dated December 3, 1991, transmitting the FY 1991 Special Fund Collections and Disbursements Report, prepared by the Hawaii State Public Library System in response to Act 129, SLH 1989.

Gov. Msg. No. 2, dated December 5, 1991, transmitting a report prepared by the AIDS Community Care Team and the Department of Human Services in response to H.C.R. No. 17 and H.R. No. 20 (1991), to develop strategies to enable HIV positive persons to obtain needed care, services, and assistance in the most efficient, expeditious, and coordinated manner possible.

Gov. Msg. No. 3, dated December 6, 1991, transmitting the "Final Report, Kailua-Kona Senior Citizens' Center Site Selection," prepared by the Management Planning and Administration Consultants, Inc., for the Department of Accounting and General Services, pursuant to Chapter 9, HRS.

Gov. Msg. No. 4, dated December 9, 1991, transmitting a progress report, "Open Doors to Early Childhood Programs," December 1991, prepared by the Office of Children and Youth in response to Act 270, SLH 1990.

Gov. Msg. No. 5, dated December 9, 1991, transmitting a progress report prepared by the Department of Agriculture in response to Section 2, Act 93, SLH 1991, on the progress of developing cultivation guidelines and sponsoring a pilot demonstration project in one of our agricultural parks.

Gov. Msg. No. 6, dated December 9, 1991, transmitting a report, "The 21 Year Old Minimum Drinking Age Law," prepared by the Department of Transportation in response to Act 206, SLH 1991.

Gov. Msg. No. 7, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 272, SLH 1991, on how the Marine Patrol transfer from the Department of Transportation is being assimilated into the Department of Public Safety, on how the Marine Patrol is functioning, and an assessment of those functions under the Department of Public Safety.

Gov. Msg. No. 8, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to Act 296, Section 23, SLH 1991, on the Debt Service.

Gov. Msg. No. 9, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to Act 296, SLH 1991, on the status of special maintenance projects appropriated in Section 24 of said Act 296.

Gov. Msg. No. 10, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to Act 296, Section 25, SLH 1991, on security services.

Gov. Msg. No. 11, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to Act 296, Section 97, SLH 1991, on university projects managed by the Research Corporation of the University of Hawaii.

Gov. Msg. No. 12, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to Act 296, Section 105, SLH 1991, on the President's Administrative, Professional, Technical (APT) Employees Task Force UH APT Action Plan.

Gov. Msg. No. 13, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 116, SLH 1991, requesting a detailed expenditure report on the \$984,161 allotted for the basic training and staff development of department personnel for FY 1991-1992 and the \$367,389 allotted for personnel services relating to the in-service training and the basic training of adult corrections and law enforcement officers for FY 1991-1992.

Gov. Msg. No. 14, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 124, SLH 1991, providing a detailed expenditure report of the \$7,253,010 allotted for the health care services program for FY 1991-1992.

Gov. Msg. No. 15, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 115, SLH 1991, requesting a detailed expenditure report of the \$1,500,000 allotted for repair and maintenance projects for FY 1991-1992.

Gov. Msg. No. 16, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 117, SLH 1991, requesting a detailed expenditure report of the \$2,894,047 allotted for the adult corrections officer salary adjustments for FY 1991-1992.

Gov. Msg. No. 17, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 119, SLH 1991, to conduct and provide to the Legislature an in-house study to determine the statewide staffing requirement for the Special Services Division of the department.

Gov. Msg. No. 18, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 120, SLH 1991, providing a detailed expenditure report of the \$424,858 allotted for the administration and staffing of the substance abuse treatment program.

Gov. Msg. No. 19, dated December 9, 1991, transmitting a report from the Department of Public Safety in response to Act 296, Section 121, SLH 1991, a

detailed expenditure report of the \$133,698 allotted for the administration and staffing of the sex offender assessment and treatment program for fiscal year 1991-1992.

Gov. Msg. No. 20, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 122, SLH 1991, providing a detailed expenditure report of the \$1,954,239 allotted for the education services program for FY 1991-1992.

Gov. Msg. No. 21, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to Act 296, Section 123, SLH 1991, providing a detailed expenditure report of the \$1,334,216 allotted for the library services program for FY 1991-1992.

Gov. Msg. No. 22, dated December 9, 1991, transmitting a report prepared by the Department on Transportation in response to Act 300, Section 11, and Act 317, Section 13, SLH 1991, on the delegation of capital improvement projects from the Department of Transportation to other state or county agencies during calendar year 1991.

Gov. Msg. No. 23, dated December 9, 1991, transmitting the Annual Report of the Research and Training Revolving Fund, 1990-1991, prepared by the University of Hawaii in response to HRS 304-8.1(b), SLH 1974 (Act 189).

Gov. Msg. No. 24, dated December 9, 1991, transmitting the Annual Report of the Teacher Education Coordinating Committee prepared by the University of Hawaii in response to HRS 304-20.

Gov. Msg. No. 25, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to Act 188, Section 12, SLH 1990, on the implementation, use, and effectiveness of ignition interlock systems.

Gov. Msg. No. 26, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to Act 278, SLH 1990, on banning all repairs and maintenance on the H-1 Freeway between the Kapiolani and Kahauiki Interchanges during the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday, until June 30, 1991.

Gov. Msg. No. 27, dated December 9, 1991, transmitting a report submitted by the Commission to Celebrate the Year of the Family in response to Act 337, SLH 1990, relating to the Year of the Family Celebration.

Gov. Msg. No. 28, dated December 9, 1991, transmitting the 1991 Annual Report on the Job Opportunities and Basic Skills Program, prepared by the Department of Human Services in response to Act 321, SLH 1990, and the Project Success Program.

Gov. Msg. No. 29, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to Act 309, SLH 1989, on the Transportation Use Special Fund.

Gov. Msg. No. 30, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to H.C.R. No. 301, H.R. No. 326 and S.R. No. 106 (1989), on the effectiveness of noise barriers along the H-1 Freeway in the Bingham Tract area of Honolulu.

Gov. Msg. No. 31, dated December 9, 1991, transmitting the Annual Report on the Discoveries and

Inventions Revolving Fund, prepared by the University of Hawaii in response to HRS 304-8.92.

Gov. Msg. No. 32, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 16 and S.R. 18 (1991), requesting reinstatement of the vocational teacher education program at the University of Hawaii College of Education.

Gov. Msg. No. 33, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 55 and H.C.R. No. 217 (1991), urging the Curriculum Research and Development Group to determine the feasibility of developing curriculum and materials on Asia and the Pacific.

Gov. Msg. No. 34, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to S.R. No. 74 and S.C.R. No. 92 (1991), requesting the College of Education to assess the qualifications and classification of special education teachers.

Gov. Msg. No. 35, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to S.R. No. 114 and S.C.R. No. 136 (1991), requesting the College of Education to develop a concept paper for the establishment of a center of excellence in education.

Gov. Msg. No. 36, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 227, H.C.R. No. 204, S.R. No. 95 and S.C.R. No. 115 (1991), urging the University of Hawaii to ensure that curricula on occupational exposure to Human Immunodeficiency Virus (HIV) and Hepatitis B (HBV) including prevention and education be taught to all students in the College of Health Sciences and Social Welfare and in the allied health sciences programs.

Gov. Msg. No. 37, dated December 9, 1991, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 142 (1991), determining the feasibility and cost effectiveness of obtaining an aircraft from the Drug Enforcement Agency for use by the PSD in transporting prisoners and department personnel between islands.

Gov. Msg. No. 38, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to S.C.R. No. 178, S.R. No. 157, H.C.R. No. 335 and H.R. No. 360 (1991), requesting a report on the status and maintenance of the Honolulu Gateway Beautification Project.

Gov. Msg. No. 39, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to S.R. No. 168 and S.C.R. No. 188 (1991), requesting Honolulu Community College to evaluate and report on the need to offer three- and four-year degrees in certain applied technological fields.

Gov. Msg. No. 40, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 110, H.C.R. No. 99 and S.R. No. 149 (1991), requesting an assessment of the research and technology transfer needs of Moloka'i's expanding diversified agriculture.

Gov. Msg. No. 41, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 109, H.C.R. No. 98 and S.R. No. 150 (1991), requesting the College of Tropical Agriculture and Human Resources to assess the extension

service needs of Lana'i in its transition to diversified agriculture and an open society.

Gov. Msg. No. 42, dated December 9, 1991, transmitting a report prepared by the Department of Transportation in response to H.C.R. No. 137 (1991), requesting the Medical Advisory Board to study issues relating to safe driving.

Gov. Msg. No. 43, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 219 and H.C.R. No. 193 (1991), requesting the University of Hawaii to study the feasibility of honoring the Varsity Victory Volunteers with a commemorative marker on the University of Hawaii campus.

Gov. Msg. No. 44, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 259 and H.C.R. No. 234 (1991), requesting the College of Tropical Agriculture and Human Resources to assess the need to establish additional extension agents at the Kona Campus of the University of Hawaii.

Gov. Msg. No. 45, dated December 9, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 268 and H.C.R. No. 244 (1991), requesting the University of Hawaii to study the feasibility of establishing a comprehensive Philippine studies program at Leeward Community College.

Gov. Msg. No. 46, dated December 11, 1991, transmitting a report on the Forestry 2000 Conference (November 15-16, 1990), sponsored by the Big Island RC&D Forestry Committee, in cooperation with the DLNR Division of Forestry and Wildlife, the U.S. Forest Service, and the U.H. Cooperative Extension Service.

Gov. Msg. No. 47, dated December 11, 1991, transmitting the report, "The Hawaii State Environmental Impact Statement System: Review and Recommended Improvements," from the University of Hawaii Environmental Center.

Gov. Msg. No. 48, dated December 11, 1991, transmitting a report prepared by the Department of Land and Natural Resources in response to Act 290 (SLH 1991), on the status of the Wildlife Revolving Fund.

Gov. Msg. No. 49, dated December 13, 1991, transmitting the Community Long Term Care Branch Annual Report 1991, prepared by the Health Care Administration Division, Department of Human Services in response to Chapter 346D-2, HRS.

Gov. Msg. No. 50, dated December 13, 1991, transmitting a report prepared by the Department of Accounting and General Services in response to Act 296 (H.B. No. 139), SLH 1991, requesting DAGS to provide cost/benefit evaluations on the motor vehicle sales program up to December 31, 1991 in determining the feasibility of expanding the program.

Gov. Msg. No. 51, dated December 16, 1991, transmitting the Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 1990 - 1991, prepared by the Department of Accounting and General Services in response to Section 41D-4, HRS.

Gov. Msg. No. 52, dated December 16, 1991, transmitting the Annual Progress Report on the Respite Care at Waimano Training School and Hospital, prepared by the Department of Health in response to Act 178, SLH 1990.

Gov. Msg. No. 53, dated December 16, 1991, transmitting "A Report to the 1992 Legislature," (Volumes I and 2), on Statewide Planned Projects Description, Fiscal Biennium 1991-1993, prepared by the Department of Budget and Finance in response to Act 296, Section 163, SLH 1991.

Gov. Msg. No. 54, dated December 16, 1991, transmitting "The Executive Budget Supplemental (Budget Period: 1991-93)," Volumes I and II, and "The Variance Report for Fiscal Years 1991 and 1992," Volumes I and II, State of Hawaii.

Gov. Msg. No. 55, dated December 17, 1991, transmitting the annual report of the Natural Area Reserves System and Natural Area Partnership Program prepared by the Department of Land and Natural Resources in response to Chapter 195, HRS.

Gov. Msg. No. 56, dated December 17, 1991, transmitting an annual status report prepared by the Department of Public Safety in response to Act 151, SLH 1991, on the status of the Women's Community Correctional Facility.

Gov. Msg. No. 57, dated December 17, 1991, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 210 (1991), to determine the alternatives to incarceration.

Gov. Msg. No. 58, dated December 18, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 266 and H.C.R. No. 242 (1991), requesting the University of Hawaii's Water Resources Research Center to prepare a proposal for monitoring nonpoint source pollution within the Kaiaka-Waialua hydrologic unit.

Gov. Msg. No. 59, dated December 19, 1991, transmitting a report prepared by the Department of Land and Natural Resources in response to Act 327, SLH 1991, relating to the Forest Stewardship Program.

Gov. Msg. No. 60, dated December 19, 1991, transmitting a report prepared by the Department of Land and Natural Resources in response to H.C.R. No. 263 (1991), relating to an international trails and access conference in Hawaii.

Gov. Msg. No. 61, dated December 19, 1991, transmitting a report prepared by the Department of Accounting and General Services, in response to H.C.R. No. 324 (1991), relating to the feasibility of developing painted timeline exhibits of Hawaii's historic eras in the State Capitol stairwells.

Gov. Msg. No. 62, dated December 23, 1991, transmitting the "Report on the Asbestos Surveys of State Owned Facilities," prepared by the Department of the Attorney General, Asbestos Litigation Unit, in response to Section 218(A), Act 299, SLH 1990.

Gov. Msg. No. 63, dated December 23, 1991, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 139 (1991), requesting the Department of Public Safety study the correctness, feasibility, and cost of raising the hourly wages of individuals performing work-line jobs of those performing work in the Correctional Industries Program.

Gov. Msg. No. 64, dated December 24, 1991, transmitting a report prepared by the Department of Land Resources in response to H.C.R. No. 333 (1991), requesting a study to identify ocean sites throughout the state that can be developed into underwater parks.

Gov. Msg. No. 65, dated December 23, 1991, transmitting the "Annual Report of Deposits and Investments of the State of Hawaii," FY ending June 30, 1991, prepared by the Department of Budget and Finance.

Gov. Msg. No. 66, dated December 24, 1991, transmitting a report prepared by the Department of Business, Economic Development and Tourism in response to S.C.R. No. 175 (1991), requesting an evaluation on the use by the State Motor Pool of alternative fuels.

Gov. Msg. No. 67, dated December 26, 1991, transmitting a report prepared by the Department of Attorney General in response to Section 53, General Appropriations Act of 1991, on the status to establish, classify and recruit for positions.

Gov. Msg. No. 68, dated December 27, 1991, transmitting the annual report, FY 1991, "Proceedings Under the Hawaii Omnibus Criminal Forfeiture Act," prepared by the Department of the Attorney General in response to Section 712 (A)-16, HRS.

Gov. Msg. No. 69, dated December 27, 1991, transmitting a report prepared by the Department of the Attorney General in response to S.C.R. No. 217 (1991), requesting the development of data collection and reporting mechanisms on information relating to cross-gender crimes.

Gov. Msg. No. 70, dated December 30, 1991, transmitting a progress report of projects, Governor's Agriculture Coordinating Committee, in response to Act 296, Sections 137, 138, 140, 141, 142 and 143, SLH 1991.

Gov. Msg. No. 71, dated December 30, 1991, transmitting the report "Implementing the Office of Youth Services, The 1991 Status Report," prepared by the Office of Youth Services, Department of Human Services in response to Section 352D-6(11), HRS.

Gov. Msg. No. 72, dated December 31, 1991, transmitting the "Progress Report on Maximizing Federal Medicaid Funds for Hawaii," prepared by the Department of Human Services and the Department of Health, in response to S.C.R. No. 86 (1991).

Gov. Msg. No. 73, dated December 31, 1991, transmitting the report "The Impact of Federal Changes to Medicare and Medicaid," prepared by the Department of Human Services, Health Care Administration Division, in response to H.C.R. No. 295 (1991).

Gov. Msg. No. 74, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to Act 297, SLH 1991, on the Housing Assistance Revolving Fund.

Gov. Msg. No. 75, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to S.R. No. 31 and S.C.R. No. 31 (1991), urging the University of Hawaii to prepare a proposal to introduce baccalaureate degrees in the marine sciences.

Gov. Msg. No. 76, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 38 and H.C.R. No. 30 (1991), requesting a study of training opportunities for bilingual/bicultural staff who provide health and human services.

Gov. Msg. No. 77, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 73 and H.C.R. No. 61 (1991), requesting the University of Hawaii-Hilo and Hawaii Community College to streamline the student registration process to increase the number of and expedite the availability of course offering catalogues and schedules to students.

Gov. Msg. No. 78, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 94 and H.C.R. No. 84 (1991), requesting the University of Hawaii-Manoa to articulate the credit courses required for transfer from the Community College Tourism Training and Tourism Education Programs to the School of Travel Industry Management at the University of Hawaii-Manoa.

Gov. Msg. No. 79, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to Act 40, SLH 1988, annual report on the University of Hawaii at Hilo Vocational and Technical Training Projects Revolving Fund.

Gov. Msg. No. 80, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to Act 371, SLH 1989, annual report on the progress of educational assessment activities at the University of Hawaii (flexibility legislation).

Gov. Msg. No. 81, dated January 6, 1992, transmitting the report "Super Handyperson Demonstration Project," in response to Act 296, Section 88, SLH 1991.

Gov. Msg. No. 82, dated January 15, 1992, transmitting the "Report of Findings on Adjustments to the Compensation Plan," prepared by the Public Employees Compensation Appeals Board in response to Act 121, SLH 1963.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 11) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the Office of the Administrative Director of the Courts, Judiciary, dated December 23, 1991, transmitting the "Final Report of the Committee on Hawaii Rules of Evidence," prepared for the Hawaii Supreme Court and the Legislature of the State of Hawaii in compliance with S.C.R. No. 136 and S.R. No. 118 (1990).

Dept. Com. No. 2, from the Office of the Auditor dated December 16, 1991, transmitting reports, "Sunset Evaluation Update: Sanitarians" (Report No. 91-18) and "Sunset Evaluation Report: Auctions, Pawnbrokers, Secondhand Dealers, and Scrap Dealers" (Report No. 91-19).

Dept. Com. No. 3, from the Office of the Administrative Director of the Courts, Judiciary, dated December 20, 1991, transmitting a report in response to H.R. No. 77 (1991), requesting a study of the judicial division boundaries of Oahu.

Dept. Com. No. 4, from the Office of the Administrative Director of the Courts, Judiciary, dated December 20, 1991, transmitting the report "The Abolition of Interspousal Immunity - A Study," prepared for the Hawaii Supreme Court and the Legislature of the State of Hawaii, in response to Act 234, SLH 1991, by the University of Hawaii School of Law.

Dept. Com. No. 5, from the Office of the Administrative Director of the Courts, Judiciary, dated

December 23, 1991, transmitting the "Judiciary Action Plan to Achieve State Education Goals," in response to H.R. No. 173 (1991).

Dept. Com. No. 6, from the Office of the Administrative Director of the Courts, Judiciary, dated December 23, 1991, transmitting a report "Out of State Training Expenditures," in response to Act 299, Section 9, SLH 1991.

Dept. Com. No. 7, from the Office of the Auditor dated January 6, 1992, transmitting the "Financial Audit of the Department of Land and Natural Resources," Report No. 92-2.

Dept. Com. No. 8, from the Office of the Administrative Director of the Courts, Judiciary, dated December 24, 1991, transmitting a consolidated expenditure summary report (FY 91 and FY 92 purchase of computer related hardware, software and peripherals) in response to Sections 8 and 11 of the Biennium Budget Bill.

Dept. Com. No. 9, from the Office of the Auditor dated December 26, 1991, transmitting the "Management Audit of the Legal Aid Society of Hawaii," Report No. 91-20.

Dept. Com. No. 10, from the Department of Agriculture dated December 27, 1991, transmitting the monthly independent audit of the milk processing plants in the Honolulu and the Hawaii milk sheds - Meadow Gold (July and August); Foremost (July and August) - prepared by Deloitte and Touche.

Dept. Com. No. 11, from the Office of the Auditor dated January 3, 1992, transmitting the "Financial Audit of the Department of Personnel Services," Report No. 92-1.

#### HOUSE COMMUNICATION

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on January 15, 1992, was read by the Clerk and was placed on file.

On motion by Senator Solomon, seconded by Senator George and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 1 to 3) were read by the Clerk and were referred to committees:

##### Senate Concurrent Resolution

No. 1 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ALLOW TELEPHONE COMPANIES TO PROVIDE CABLE TELEVISION SERVICES WITHIN THEIR SERVICE AREAS."

Offered by: Senators Cobb, Chang, Hagino, Solomon.

Referred to: Committee on Science, Technology and Economic Development

No. 2 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RESTORE AUTHORITY OVER CABLE TELEVISION RATE REGULATION TO STATE AND LOCAL GOVERNMENTS."

Offered by: Senators Cobb, Chang, Hagino, Ikeda, McMurdo, Solomon.

Referred to: Committee on Science, Technology and Economic Development

No. 3 "SENATE CONCURRENT RESOLUTION URGING THAT UNITED STATES ARMED FORCES PERSONNEL UNDER AGE TWENTY-ONE BE AUTHORIZED TO PURCHASE AND CONSUME ALCOHOL."

Offered by: Senators Cobb, McMurdo, Solomon.

Referred to: Committee on Transportation and Intergovernmental Relations

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1 to 3) were read by the Clerk and were referred to committees:

##### Senate Resolution

No. 1 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ALLOW TELEPHONE COMPANIES TO PROVIDE CABLE TELEVISION SERVICES WITHIN THEIR SERVICE AREAS."

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No. 2 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RESTORE AUTHORITY OVER CABLE TELEVISION RATE REGULATION TO STATE AND LOCAL GOVERNMENTS."

Offered by: Senators Cobb, Chang, Hagino, Ikeda, McMurdo, Solomon.

Referred to: Committee on Science, Technology and Economic Development

No. 3 "SENATE RESOLUTION URGING THAT UNITED STATES ARMED FORCES PERSONNEL UNDER AGE TWENTY-ONE BE AUTHORIZED TO PURCHASE AND CONSUME ALCOHOL."

Offered by: Senators Cobb, McMurdo, Solomon.

Referred to: Committee on Transportation and Intergovernmental Relations

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Solomon, seconded by Senator Koki and carried, the following bills passed First Reading by title, and were referred to committees:

No. 2334 "A BILL FOR AN ACT RELATING TO LABOR DISPUTES."

Introduced by: Senator Crozier.

Referred to: Committee on Employment and Public Institutions.

No. 2335 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES."

Introduced by: Senator Blair.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means.

No. 2336 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SECURITY FENCE FOR KAHALA ELEMENTARY SCHOOL."

Introduced by: Senators Cobb, Kobayashi, B.

Referred to: Committee on Education, then to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Wednesday, January 15, 1992:

Senate Bill	Referred to:
No. 2297	Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means
No. 2298	Jointly to the Committee on Judiciary and the Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means
No. 2299	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2300	Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means
No. 2301	Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means
No. 2302	Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2303	Committee on Consumer Protection and Business Regulation
No. 2304	Committee on Consumer Protection and Business Regulation
No. 2305	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2306	Committee on Consumer Protection and Business Regulation
No. 2307	Committee on Education, then to the Committee on Ways and Means
No. 2308	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2309	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2310	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2311	Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means
No. 2312	Committee on Employment and Public Institutions, then to the Committee on Ways and Means
No. 2313	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2314	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2315	Committee on Education, then to the Committee on Ways and Means
No. 2316	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2317	Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means
No. 2318	Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means
No. 2319	Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means
No. 2320	Committee on Education, then to the Committee on Ways and Means
No. 2321	Committee on Consumer Protection and Business Regulation, then to the Committee on Ways and Means
No. 2322	Committee on Education, then to the Committee on Ways and Means
No. 2323	Committee on Education, then to the Committee on Ways and Means
No. 2324	Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means
No. 2325	Committee on Education, then to the Committee on Ways and Means
No. 2326	Committee on Employment and Public Institutions, then to the Committee on Ways and Means
No. 2327	Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means
No. 2328	Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means
No. 2329	Committee on Judiciary
No. 2330	Committee on Judiciary
No. 2331	Committee on Consumer Protection and Business Regulation, then to the Committee on Judiciary
No. 2332	Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2333

Committee on Judiciary

**MISCELLANEOUS COMMUNICATIONS**

The following communications (Misc. Com. Nos. 1 and 2) were read by the Clerk and were placed on file:

Misc. Com. No. 1, from the County of Kauai, Department of Water, dated November 18, 1991, transmitting the Department's "Proposed CIP Projects - Request for State Aid 1992 Session," with a certified copy of Resolution 2, adopted on October 24, 1991, relating to the Department's legislative budget, FY 1992-1993.

Misc. Com. No. 2, letter from the City and County of Honolulu, Department of Parks and Recreation, dated December 13, 1991, regarding H.R. No. 148 (1991), on the selection of a site and an assessment of the cost to construct a skateboard rink in the North Shore area of Oahu.

At this time, Senator Crozier rose to speak on a point of personal privilege as follows:

"Mr. President, I may be meandering for a bit so just bear with me.

"I have a book in front of me and it's titled 'The Boston at Hawaii.' It was written by Lucien Young, a lieutenant, and are observations and impressions of a naval officer during the 14-month stay on the islands on a man-of-war. It was published in 1893.

"Mr. President, today is the 99th anniversary of the disembarking of the U.S. Marines onto Hawaiian soil in preparation for the overthrow of Queen Liliuokalani. The overthrow took place the next day. And as Congress debated in the later years ... in the 1890s ... should they receive the republic into the United States, they had to rely on books, newspaper articles, letters and 'what-have-you' ... they did not have CNN news like we had during Desert Storm ... not even Dan Rather or radios so the message took a long time to get anywhere so they relied on people like Lt. Lucien Young for information.

"I just want to touch on just a few points as we get ready to think about Queen Liliuokalani and the overthrow -- the 99th anniversary which takes place tomorrow. Some of the comments he made about King Kalakaua and also Queen Liliuokalani, understanding that the Civil War was about 24 years old, the South was still reeling from the carpetbaggers and the anger that they had against the Northerners and how they had placed Blacks into power in the South. One of the observations of Lucien Young who tries to continually say that he is impartial but he alludes that Kalakaua, and I quote: 'Kalakaua's only a high chief and no way related to the extinct royal family and was reputed to be the illegitimate son of a Negro cobbler who had immigrated to the islands from Boston.' You know, it's just a stage to get Congress to understand that they were dealing with second class individuals; not necessarily citizens but individuals.

"He goes on to talk about how in 1887 when they rewrote the Constitution and were able to give more power to those individuals in Hawaii who were American citizens, let me quote: 'Instead of the nobles being appointed by the crown, they were chosen by a special electorate composed of citizens possessed of an annual income of at least \$600 or an unencumbered property to the value of \$3,000,' which practically gave the whites the choice of one-half of the legislature. Can you understand why the Native Hawaiian community was quite upset when they lost all of their power and influence?

"Well, the book goes on and maybe tomorrow afternoon, if I feel driven, I will take more of your time but I would just like to remind my colleagues and you, Mr. President, that 4:00 o'clock today will be the 100th anniversary when the troops marched off the boat, down King Street, right across in front of the palace, and Queen Liliuokalani stood on the balcony to watch a battalion of artillery, companies of blue jackets and she saw their presence. The Americans had been involved in manipulating the Hawaiian Government for over 20 years ... this was not something new. They treated Hawaii as like how we treat some of our South American countries today ... the 'banana republics.'

"Anytime we wanted something done, we just unloaded our troops and marched around and intimidated the Queen. So, today is a day of reflection, Mr. President. Even more so tomorrow when the actual anniversary of the overthrow took place.

"I would just like to say that I am introducing legislation to have some kind of recognition next year of the 100th anniversary of the overthrow of Queen Liliuokalani. Mr. President, I am here wrestling with the term. What do we call the overthrow? How do we title it? Do we call it a celebration? I don't think so. I don't think the Hawaiian people would like to celebrate the overthrow. Do you know that half of the people in Hawaii were not born here? Half of the population, the residents, were not born here so half of those people have no idea who Queen Liliuokalani was unless they walked by the statue. The other half, I daresay 47 percent, know that Queen Liliuokalani was overthrown. Lucky if 3 percent know why she was overthrown. So as the Native Hawaiians and Hawaiians strike up for sovereignty, how can they get anywhere without support of all of the people of Hawaii.

"Mr. President, I think next year should be the year of educating the residents of Hawaii to understand why the Hawaiian people are presenting their claims. I am putting a bill in to do just that, sir, so that we can have some kind of a way to react to the Native Hawaiians', I think, legitimate claim for more self-determination or, if you want to use the word, sovereignty."

Senator Matsuura also rose to speak on a point of personal privilege and stated:

"Mr. President, this is in continuation of the previous speaker's remarks.

"I think what happened a hundred years ago is a reflection of a wrongful decision and act. The decision that took place after the overthrow was even worse because what Congress did was take the worst land in Hawaii at that time and gave it to the Hawaiian people. Look at the Hawaiian home land on Molokai. Right now that land on Molokai appears productive, primarily because of the reservoirs and the water lines that have been put in. Look at the Hawaiian home land in Panaewa, the lava lands, any land that couldn't grow a single crop was given to the Hawaiian people. I agree with the previous speaker in that there was a great injustice that occurred many years ago. Thank you."

Senator Cobb also rose to speak on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege on an entirely different subject.

"The reason for my rising is not to say 'I told you so' but to offer some observations and, perhaps, solutions to the fact that we are here when we really don't need to be.

"Back in 1990, I introduced Senate Bill 2461, relating to the State Capitol, which declared that it is not necessary to remove undisturbed asbestos, declaring inappropriate the plans to evacuate the Capitol, cancelling the move, and in effect saying encapsulate it rather than to remove it.

"And as I look at the price tag of this move and all of the other ancillary things that are being done, the price tag today is, at a minimum, twice the dollar amount that it cost us to build the original State Capitol in the first place. It was built for a cost of \$32 million. The price tag is now \$64 million for this move and, I understand, DAGS is still coming in for more money.

"I received one of these little 'just say no' flyers not to regularize the State Capitol and the \$64 million figure here is already obsolete, it will be more. This Majority Caucus took a position similar to mine last year but by then the horse had left, the barn door was closed, and the move was on the way.

"I would just like to quote from the bill and then raise what I think may be a possible solution. The bill itself stated that 'efforts to remove asbestos insulation may actually do more harm than good. As a recent symposium at Harvard University pointed out that asbestos removal creates a higher concentration of the deadly airborne fibers because contaminate procedures are seldom efficient enough to keep the fibers from escaping. In fact, the federal Environmental Protection Agency encourages school districts to keep intact asbestos in place. Inspecting it every six months to determine if it is in good condition and recommending repair, removal or enclosure only if it is damaged or disturbed.' It then goes on to say 'the state should not succumb to fiber-phobia and remove all asbestos when removal could be at best expensive, unnecessary and at worst could result in conditions more hazardous for employees upon their return.'

"The point that I was trying to make then and repeat now is that if you encapsulate asbestos even in an air conditioning system, as long as it remains undisturbed, it is a safer procedure and far less expensive and time consuming than going through the complete removal because the fibers once disturbed and removed are so finite and so small as to be virtually undetectable; as to be virtually impossible to filter out; and that the fibers themselves will remain for years in an enclosed area even after a so-called total removal has taken place. In fact, an editorial in the September 19, 1989 Honolulu Star-Bulletin pointed this out and used the actual phrase 'fiber-phobia.'

"Mr. President, I have learned through years of experience to question and oppose projects that seem to start off on an innocent basis yet have a life of their own. One example is the stadium, another example is the fixed guideway. I predicted on the floor of the Senate two years ago the guideway will cost at least double what the original amount that we voted on. This project has a life all its own and I will be discussing that in further detail later in the session. I use that only as an example that this move in the Capitol, originally, when the bill was presented for hearing we were told would be between two and three years. Then it became three to four years; now it's at least five years. The Legislature will be lucky, I predict, to be back in the Capitol by the end of this century. We may make it by 2001. But it is not just a point to criticize, Mr. President, because a lot of what's being made as a partisan issue was not the case in 1990. Some who are complaining now were silent then. But I think some positive solutions need to be considered. First is a complete review of all the money to be spent and to cut out anything that is not absolutely necessary in this

move and I would include in that cameras to monitor movements to and from the bathrooms. I don't understand any rationale or logic for that and yet it's an extremely expensive device to put in. Second is to encapsulate rather than remove asbestos, thus, enabling us to move back in approximately two years or less.

"Mr. President, I can understand and sympathize with many of the criticisms that are being made but rather than take a negative approach I think it's incumbent upon us to be as positive as we can to recognize that there are other ways in dealing with an asbestos problem, to cut the amount of money that is being spent, and to move back as quickly as possible. And in that vein, I urge the relevant committees to seriously consider it because I think five to seven years or longer is simply too long. \$64 to \$80 million is simply too much and the inconvenience that we would ask our public to go through during this time period is too unbearable. Thank you."

The Chair responded:

"Members of the Senate, just one comment from the Chair. I just want Senators, individually, to examine how they voted on the appropriations for the Capitol renovation when it was before this body. I think after that we can go on and we can offer suggestions.

"But, I do want to remind members of this body to re-examine their positions taken when the appropriation measures were first proposed."

Senator Blair also rose on a point of personal privilege as follows:

"Mr. President, on a point of personal privilege on the point that you just raised. I'm wondering if the inference is that you're recommending that we vote against the budget if we dislike one item in the budget?"

The Chair answered:

"I think, basically, that's an individual decision one has to make but what I have heard so far has been sort of negative and I think contrary to the decision of this body at the time of approving the appropriations to have the Capitol work done after years of delay and vacillation. We made a decision, and the Capitol renovation project is proceeding on the basis of that decision.

"In answer to your question, directly, I think that it's up to each and every individual to decide for himself or herself if he or she feels that aggrieved by the action taken then by all means vote 'no' on the budget ... if that is his or her inclination. That is my answer, Senator."

#### ADJOURNMENT

At 11:51 o'clock a.m., on motion by Senator Solomon, seconded by Senator Koki and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 17, 1992.