

ELEVENTH DAY

Friday, January 31, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Rosita Aranita, CSJ, Office for Social Ministry, Catholic Diocese, after which the Roll was called showing all Senators present with the exception of Senator Nakasato who was excused.

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

Senator Chang made the following introduction to the members of the Senate:

"Mr. President, this morning I have the honor and privilege of introducing four participants of the Asia Foundation's Legislative Fellow Program. They are: Mr. Djoko Muljono, Chief of the Bureau of the Leaderships' Secretariat of the House, Government of Indonesia; Mr. Haryanto Sudjono, Chief, Department of Economic, Finance and Industry, Bureau of Session, Secretariat General of MPR; Mr. Viane Amato Ali, Town Planner for the Government of Fiji; and Mr. San Hyun-Ro, Secretary, Protocol and International Affairs to Chairman of the Korea Democratic Party. Accompanying them are Dr. Vera Young, Director of Asian-American Exchange, Asia Foundation, and Mrs. Barbara Bancel, Executive Director, Hawaii International Hospitality Center."

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 19 and 20) were read by the Clerk and were placed on file:

Dept. Com. No. 19, from the Office of the Administrative Director of the Courts, Judiciary, dated January 29, 1992, transmitting the "Judiciary Legislative Program, Sixteenth Legislature 1992 Session."

Dept. Com. No. 20, from the Office of Collective Bargaining, Executive Office of the Governor, dated January 29, 1992, transmitting the collective bargaining agreements for bargaining units 03, White Collar Non-Supervisory, and 04, White Collar Supervisory.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 25 to 27) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION'S STRONG SUPPORT FOR THE REAUTHORIZATION OF THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH PROGRAM."

Offered by: Senators Matsuura, Yamasaki, Kobayashi, A.

Referred to: Committee on Science, Technology and Economic Development

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII VISITORS BUREAU."

Offered by: Senators Nakasato, Aki, Cobb, Iwase, Koki, Levin, McMurdo, Solomon, Tungpalan.

Referred to: Committee on Tourism and Recreation

No. 27 "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO EXPLORE ALTERNATIVE MARKETING STRATEGIES TO ATTRACT GREATER BUSINESS AND CONVENTION TRAVEL TO HAWAII."

Offered by: Senators Nakasato, Aki, Cobb, Hagino, Iwase, Kobayashi, A., Koki, Matsuura, McMurdo, Solomon, Tungpalan.

Referred to: Committee on Tourism and Recreation

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 22 to 24) were read by the Clerk and were referred to committees:

Senate Resolution

No. 22 "SENATE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION'S STRONG SUPPORT FOR THE REAUTHORIZATION OF THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH PROGRAM."

Offered by: Senators Matsuura, Yamasaki, Kobayashi, A.

Referred to: Committee on Science, Technology and Economic Development

No. 23 "SENATE RESOLUTION REQUESTING AN AUDIT OF THE HAWAII VISITORS BUREAU."

Offered by: Senators Nakasato, Aki, Cobb, Iwase, Koki, Levin, McMurdo, Solomon, Tungpalan.

Referred to: Committee on Tourism and Recreation, then to the Committee on Legislative Management

No. 24 "SENATE RESOLUTION URGING THE STATE OF HAWAII TO EXPLORE ALTERNATIVE MARKETING STRATEGIES TO ATTRACT GREATER BUSINESS AND CONVENTION TRAVEL TO HAWAII."

Offered by: Senators Nakasato, Aki, Cobb, Hagino, Iwase, Kobayashi, A., Koki, Matsuura, McMurdo, Solomon, Tungpalan.

Referred to: Committee on Tourism and Recreation

RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 2215 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 2225 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 2302 Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means

No. 2753 Committee on Legislative Management, then to the Committee on Ways and Means

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

"Mr. President, throughout the week, members rise to speak on points of personal privilege and a lot of times the remarks are negative - what's bad about government; who's doing what to whom and what's wrong. We stand up and we make a lot of points and the press always picks up on the negative. Whenever they print stories about us (and I talked to my friend Senator Matsuura) the big stories are the negative stories and the good things that we do are printed in the back of the newspaper. Maybe we can do a little bit to help change some of that behavior. Maybe, every Friday, we should make the time for point of personal privilege a time when members can stand up and talk about what's good in government, the good things that are happening in the Senate. Good things are happening in government because they are happening and we just need to highlight those things. What I would like to do today is to share one incident that happened to me today.

"We talk about our public schools and everyone is down on our public schools. We talk about how we have to 'blow up' the system and, yes, Mr. President, we need to reform and restructure our public schools, but, we do have good public schools. I just came from Heeia Elementary School where they gave out awards to their outstanding students. It was a neat program where they recognized all of the outstanding students in each class, in the middle of year, recognizing good behavior of students and recognizing their contributions to good citizenship in the school and it was such a positive experience.

"I just want to share with the body that many good things are happening in our public schools and we can be part of them but that doesn't mean that we can't work harder to improve them.

"I hope that in the future, on Fridays, we share good things with the press and the public so that not everything is negative because it isn't negative in this state and in our government. I am proud to say we are doing good things in the Senate. Thank you."

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

"Mr. President, I believe that the suggestions of the previous speaker are very good.

"I would like to say that I read this article (in 'Ka Leo O Hawai'i') about Leslie Wilcox. I was impressed with Leslie's background. I want to congratulate Leslie Wilcox, who does a fantastic job of being the anchorwoman (of KGMB Channel 9 News). I would like to commend her for what she has accomplished. Thank you."

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

"Mr. President, I would like to be part of this old tradition that is about a minute and a half old about saying good things about people. For me, I would just like to say, 'Senator Reed, it's good to have you back.' That's the whole thing; it's just that ... good to have him back."

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

"Mr. President, I'm not going to continue the trend of saying nice things about people.

"Mr. President, the CAIR coalition has put out some information regarding the problems and their proposed solutions of our automobile insurance problem. And the Hawaii Plaintiffs' Association put out a brochure countering some of the claims of CAIR association.

"It says, myth No. 1, CAIR has said that 28% of Hawaii's accident victims qualify to sue and virtually all of them do. This statement is false. They go on and say that the Honolulu Police Department reported 40,000 accidents in 1990 and data from the Hawaii State Judiciary shows that only 928 suits were filed; therefore, it's really only a 2.6% rate. You know, this is a really ridiculous use of statistics.

"No-fault was supposed to take lawyers out of the loop, allowing only about 10% of the injured parties to qualify to sue. One of the most important advantages of no-fault, keeping attorneys out of the process 90% of the time, is currently destroyed by the threshold that we have because 28% of injured parties qualify to sue. This is real typical of attorneys as HAPA avoids the real issue and focuses on grammatical errors to give a false picture.

"Myth No. 2. CAIR stated that the number of auto accidents in Hawaii is decreasing but auto insurance rates are way up. They counter this by reporting that the number of major accidents in Hawaii was 16,000 in 1977, 26,000 in 1988, so they claim that there has been a dramatic increase in the number of accidents. Well, the data that CAIR took was from 1988 to 1991. Another thing is that they compared it with the number of accidents per 1000 drivers. Obviously, if there are more drivers you are going to have more gross accidents. Another deceptive use of statistics.

"CAIR has stated that the fact is there are only about a dozen companies left that will even offer auto insurance in Hawaii. HAPA states that this is false. There are over 120 companies that offer and sell auto insurance in Hawaii and they obtained this from the Insurance Division of DCCA. One hundred and twenty companies are required to offer auto insurance but only a dozen are willing to sell it and it shows that these twelve companies sell over 90% of the auto insurance in Hawaii.

"This morning, HAPA dropped off a correction on their brochure. They said that they made a typographical error and it says, 'Due to a typographical error there was a misprint contained in the binder distributed at Monday's informational meeting. The error is located on page 3, paragraph "f.'" The error is on the very last line. It says, 'Your UM policy to make up the difference ...' It should have read, 'Your UIM coverage will make up the difference.'

"Again, this is typical of attorneys. He focuses on his typographical error and not his more important distortion of facts. HAPA has only served to reinforce people's views of plaintiffs' attorneys that they are deceptive and sneaky."

Senator Blair responded:

"Mr. President, for the record. When I was practicing law, I was a defense attorney and so I assume the previous remarks do not pertain to me. However, if the members of the Senate wish to debate the issue of

automobile insurance law amendments on the floor, we should refer the subject matter to the committee as a whole and take up the debate. I'm not suggesting that. I'm suggesting that, if this continues, that's where we are headed. I hope we will not continue the charges and countercharges. Let's not debate matters that have been referred to committee, at great length, on the floor. Thank you."

The Chair answered:

"I think that will have to be left at the discretion of the Chair. As you know, as a matter of past practice, we have allowed a great deal of latitude in the discussion of ideas via personal privilege. At times we've bent the twig to its breaking point. But, again, I am certainly aware of what you have suggested and we will try not to encourage the continuation of debate on the floor on issues which are still pending in committees."

At 11:53 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.

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 3, 1992.