

THE
SEVENTEENTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 1994
JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 19, 1994

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, was called to order at 10:00 o'clock a.m., by the Honorable Malama Solomon, temporary Chairperson of the Senate.

At this time, Senator Aki rose on a point of order.

The temporary Chairperson recognized Senator Chang, and Senator Chang then moved that the Senator from the First Senatorial District be elected as temporary Chairperson of the Senate, seconded by Senator Fernandes Salling.

Senator Aki then posed the following question:

"Madam Chair, by what authority do you have to be the presiding officer of the Senate?"

"I must remind you that I am still the President of the Senate. I was elected by this body last year during the session, until a successor is named or I am voted out of office, I am still the President of the Senate.

"I would like to have a ruling from you as to why you are at the podium."

The Chair responded:

"Thank you very much Senator Aki. It has been discussed with all of the members and Senate Rule No. 2 allows you to be removed as President during the interim. Senator Holt has resigned as Vice President and Senator Mizuguchi has declined to take the podium in deference to you.

Senator Aki then rose and stated:

"Madam Chair, this is a very sad day in our history, because it is my belief, under the Constitution, under our Statutes, and our Senate Rules, which we adopted, that I still serve as the President of the Senate. This body has broken the laws of our sovereign state. This body has demonstrated by the actions today that the State Senate is a body ruled by individuals and not by laws.

"This is a sad and tragic message to our citizens of our state. I stand here today to register my protest to what is happening here. I want to state for the record that all and any business that is transacted today and during the duration of this Legislative Session is done illegally, and, therefore, subject to our Constitution.

"It is clear that I am not recognized as President by you and by the leadership you represent, when by law I am obligated to open this Legislative Session. It is futile to continue this discussion with a leadership that is so arrogant. Therefore, for the good of this body and what

it represents to our state and our citizens, I will not force you to vacate the podium, because I know to do so would only lead to more embarrassment and animosity, and even possible physical confrontation. This is not what the people of Hawaii expect of us. I choose to take the high ground.

"I will stop here and allow the work of this body to proceed. I am, however, going to remind you, and this body, and the people of this state that what you have done and continue to do is against all laws of decency, fairness, and above all, the laws of our Constitution, our state, and mankind. Thank you."

Senator Chang then stated:

"I believe the pending question is my motion to invest you, the Senator from the First Senatorial District, as temporary Chair."

At this time, the motion to invest the Senator from the First Senatorial District as temporary Chair was put to a vote and carried, with Senator Aki voting no.

The members of the Senate and guests then rose to sing "Hawaii Pono'i" and the National Anthem led by Senators Fernandes Salling and Solomon.

The Chair then made the following opening remarks:

"I would like to welcome all of you. This is a wonderful day for us and it's an exciting day for the Senate. As you all know, we will be welcoming a new member, and we really want to make this a special day for her. Mahalo."

At 10:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:16 o'clock a.m.

The Chair continued:

"To open my remarks, I want to thank the members for electing me as your temporary Chairperson."

The Divine Blessing was then invoked by Bishop Yoshiaki Fujitani, Honpa Hongwanji Mission, who was escorted to the rostrum by Senators Mizuguchi, Tungpalan and Koki.

At 10:21 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:22 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 1, dated November 26, 1993, informing the Senate that he appointed Rosalyn Baker to the Senate, effective November 26, 1993, to fill the vacancy created

by the resignation of Russell Blair from the State Senate, 4th Senatorial District, and pursuant to Section 17-3, HRS, Ms. Baker's term will expire on General Election Day of 1994, was referred to the Committee on Credentials.

Senator Gaulty then moved that a committee of three Senators be appointed by the Chair as a Committee on Credentials to examine the Letter of Appointment of the Honorable Rosalyn Baker and to submit a report of its findings to the Senate, seconded by Senator George and carried.

The Chair thereupon appointed Senators Gaulty, A. Kobayashi and George to serve on such committee.

At 10:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:25 o'clock a.m.

SPECIAL COMMITTEE REPORT

Senator Gaulty, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) as follows:

"Honorable Malama Solomon
Temporary Chairperson of the Senate
Seventeenth State Legislature
Regular Session of 1994
State of Hawaii

Madam Chairperson:

Your Committee on Credentials begs leave to report that it has examined the Letter of Appointment of the Honorable Rosalyn Baker and finds that she is qualified to fill the vacancy in the Senate created by the resignation of Senator Russell Blair for the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994.

Respectfully submitted,

/s/ Rey Gaulty
/s/ Ann Kobayashi
/s/ Mary George"

Senator Gaulty moved that Special Committee Report No. 1 be adopted, seconded by Senator George and carried.

The Committee on Credentials was thereupon discharged with thanks.

The Chair, at this time, appointed Senators Gaulty, Fernandes Salling, Iwase, Matsuura and Matsunaga to escort Chief Justice Ronald T.Y. Moon of the Hawaii State Supreme Court to the rostrum to administer the oath of office to the newly appointed member of the Senate.

The Senators escorted Chief Justice Moon to the rostrum and were thereupon discharged with thanks.

Chief Justice Moon then administered the oath of office to the newly appointed member of the Senate, the Honorable Rosalyn Baker.

The Roll was then called by the Clerk showing all Senators present.

At this time, the Chair, on behalf of the Senators, congratulated Senator McCartney on the birth of his son.

Nominations for officers of the Senate being next in order, Senator Hagino placed in nomination the name of

Senator Norman Mizuguchi for President of the Senate, seconded by Senator Fukunaga.

Senator McCartney then rose to nominate Senator Ann Kobayashi for President of the Senate, seconded by Senator Matsunaga.

Senator Tanaka moved that the nominations be closed, seconded by Senator Kanno.

The motion to close the nominations was then put by the Chair and carried.

Senator A. Kobayashi then rose and stated:

"Thank you, Madam Chair. Why am I doing this? Why am I putting myself up against the powers that be? I'm very scared, but I have to do this.

"For the past few months, across the state, I've been approached by people who are angry, who are discouraged, and they keep telling me to keep fighting, so I can't let them down. I have to respond to the people; I also have to look myself in the mirror every day and I have to keep my integrity, and I have to do what I feel is right.

"I was at a seminar on Saturday, and we were told by a woman speaker that we have to have backbone, as well as a wishbone, and that's why I'm doing this.

"I have not run around trying to get votes. I don't have any resources. I don't have any resources to offer high-three positions. The only thing I can offer is government by the people and for the people.

"We need a Senate for the people. We have to stop all our in-fighting. I'm only asking for a change in leadership style. In order to maintain our working relationship, I will pledge to keep all leadership positions and we will keep all committee chairs. We will have business as usual and just move forward. I'm just asking for a change in leadership style.

"When I was chair of the Ways and Means Committee I tried to treat everyone equally, regardless of how they voted or what they said, and that is how we should lead the Senate. We need to work as one body. Every Senator should be treated equally and with the same respect. We were all elected in the same way, and we should all be given the chance to represent our people as best we can. We should not have a system where we reward our friends and punish our enemies. There should also be an appeals process if someone feels they have been wronged. We need an independent Senate. We need a Senate that the people can be proud of, so I'm asking you now for your vote. I'm asking you equally and in the open, please give me your vote. Thank you."

Senator Matsuura, rising in support of Senator A. Kobayashi, then stated:

"Thank you, Madam Chair. I rise in support of Senator Ann Kobayashi for Senate President.

"One of my great disappointments in chairing the Senate Investigative Committee was the fear expressed by the people. I have never in my life found so many people afraid of government, afraid of retribution. Many people called me anonymously, had written letters anonymously. There were a few, such as Justice Nakamura, who stepped forward, who weren't afraid of retribution. He wanted to improve our system.

"When I evaluate all of these experiences relating to my investigating work into the procurement and ERS system,

I'm reminded of a person by the name of Dietrich Bonhoeffer. I'm sure some of the theologians will know him. When I woke up this morning, I remembered him. He was a German theologian who stood up against the Nazi regime. He knew what was happening to the Jewish people, and spoke against it. This theologian stood up and challenged Hitler. He was imprisoned, and ultimately he was executed. Yes, he was afraid, yet he was willing to die to bring about a better government in Germany.

"Some of you know that I spent ten years in India, I have walked on the same path that Mahatma Gandhi trodded. Mahatma Gandhi had a dream, and his dream was independence for the people of India. He challenged the British Empire, there were a lot of people who were afraid of the government and many died to make the dream of independence a reality.

"A few days ago, we celebrated the birthday of Martin Luther King, and he too had a dream. His dream was equality for the Blacks, and he challenged our nation. There were a lot of people who were afraid and many also perished in making that dream become a reality.

"In the recent history of Hawaii, there was a man named Governor John Burns. I didn't know that Governor John Burns died a poor man. Governor Burns had the vision, he had the wisdom, frankness, fearlessness, and moral courage that allowed him to be the pioneer and leader of the true democracy for all the people of Hawaii.

"Now almost 50 years after John Burns and the veterans rallied the people of Hawaii to energize the weak Democratic Party, the democrats again face the challenge of resurrecting the Democratic Party.

"Then and now, one theme dominates -- return government to the people. No more retribution, people should never fear government. Hawaii was never to be governed by fear and retaliation; we don't have to fear. For this very reason, it is important that we must select someone for President who the people know without question, that they are going to be first, last, and always for them, for their well being.

"I asked the people, my family, my friends in Hilo to do me one favor. I have only one vote today, just one vote, but I asked them to put two ribbons on their cars and mailboxes. I don't care where you put them, just put two ribbons, one red and one white. The red one, of course, you all know, is for MADD, Mothers Against Drunk Driving, nobody can be against that! I want to see the white ribbons to remind me that it is their one vote that gives me the one vote here today.

"When they tried to change the Senate investigative committee resolution, I was very upset. The TV focused on me, interviewed me, and I was angry, and frustrated, and my facial expression showed it. My five-year-old granddaughter Jessie Kai saw me on TV on Friday. On Sunday, when the pastor asked if there were any prayers, my granddaughter raised her hand and said, 'Please pray for my grandpa.'

"This past Christmas I received a card from my six-year-old granddaughter Ruthie Kai, who gave me a little picture of herself, and she wrote on that little card, 'Grandpa, I know they're all ganging up against you but I will always love you.'

"Although I have only one vote, I'm going to make that vote count. I don't care if I'm the only one that's going to vote for Senator Ann Kobayashi, but I want the people

of Hilo to know that we do need a leader that will put government back to the people.

"Whoever the leader is going to be, we're all going to work together regardless of whoever is the President but at least there is a track record of an individual here who has always put people first. And for that reason, I speak in favor of the nominee, Senator Ann Kobayashi, for Senate President. Thank you, very much."

At this time, Senator B. Kobayashi also rose in support of Senator A. Kobayashi as follows:

"Madam Chair, I rise to speak in support of the nomination of Senator Ann Kobayashi.

"I'd like to bring you back to about a year ago, and ask who was serious about reform in this body? Who was concerned about changing the way we operate in procedural terms, in organizational terms, and in substantive terms?

"We had one side that was talking about this in a lot of different ways, and we had another side that was hardly talking about it. On one side was a person whose main point of reform was the splitting apart of the Ways and Means Committee, but no other procedural reform. Now, even as recently as yesterday, when we had a very long majority caucus meeting, there was discussion of a major reform item, that of open committee decision-making with a quorum present. The purpose, however, of this major reform item, seemed to be unsettled.

"Discussion ranged about: was the purpose of this reform item to comply with a constitutional legal requirement that was stated by the House Majority attorney in 1991, that seemed to say that decision-making must occur in open committee meeting? Or, was the purpose of public accountability? Another suggestion was perhaps the purpose of this open committee decision making, with a quorum present, was to force more Senators to attend committee meetings in order to be more informed when they voted.

"Now it would seem that if we were serious about reform, the purpose would have been clear. Maybe the purpose of this major reform item was public pressure, and whether the Senate will look good or not look good if we pass this reform.

"I have here a document that was signed approximately thirteen months ago by Senators Fernandes Salling, Grauly, Mizuguchi, Tanaka, Chang, Fukunaga, Hagino, Solomon, and Blair. In this document, signed by those individuals, the reform items listed include: reduction of the Senate budget, open committee decision-making and recorded votes, an item of which I just discussed, an appeals process for referral of bills, prior concurrence and committee amendments, appropriation recommendations of subject matter committees, reporting of Senate expenditures on a quarterly basis and with some detail, notice of meetings and hearings, attendance at Senate sessions, high standards of personal conduct, term limitations for the President to be limited to four consecutive years, limitation on number of bills and resolutions to be introduced, and the list goes on for several more pages. If this document was a serious attempt to make for a meaningful reform in this body a year ago, I think it should be considered as seriously today. I believe that Ann Kobayashi, who has supported the reform efforts that were begun last year, is serious for reform and, hence, worthy of our vote.

"On a second item, that of working for the people. We are all here to work for the common good, the public good, the people, and not for ourselves, not for improving

our relationships with other Senators, although that is important, not for the purposes of endearing ourselves to potential campaign contributors, not to help each other in an 'I scratch your back, you scratch mine' kind of relationship. We are here to do the people's business. Senator Kobayashi has had a long record of speaking out on issues related to children. You remember the Keiki Coalition which she helped start, women's issues, family issues.

"I might note that one of the few projects fully identified by one of the nominees has to do with a 'field of dreams' proposal. A proposed twenty million dollar professional baseball training facility in the cane fields of Ewa. This proposal grew from a twenty million dollar proposal to a thirty-four million dollar proposal. Whether this represents real needs of the people, I leave up to you, but it is a project which I believe affects only some of the people. I believe if we want to get our agenda straight, we should be clear, which people we serve. And on this count, I support Senator Ann Kobayashi.

"Third point, I believe that Senator Kobayashi would be supportive of an attempt to keep a special investigating committee alive. It may not be the investigating committee that we currently have, it may not consist of the same members of that investigating committee, but I believe that she sincerely supports the continuation of some sort of special investigating committee. And for that I support her nomination.

"Lastly, I think we need a Senate President who can communicate. I was very surprised, and even shocked, that as recently as yesterday, it seems that the good Senator from the 21st District of Leeward, Oahu, and the Senator from the 15th District, had not personally spoken to each other to resolve the differences of what should happen on Opening Day. Discussions were held indirectly through third persons, as I understand. A person cannot be an effective Senate President without communication, without the willingness, the humility, the personal attributes that allow one to begin the communication process, and then begin the compromise or healing process.

"I believe that Senator Ann Kobayashi has a style, a personality, which is friendly, open, easy going, down home, relaxed, and enables individuals to comfortably begin the communication process, and for this, she has my vote.

"And so, Madam Chair, I would urge support for Senator Ann Kobayashi based upon seriousness of rapport, dedication to real issues affecting real people, for her support for a special investigating committee, and for a manner that facilitates communication and the healing process among Senators. Thank you."

At this time, Senator Iwase requested that his comments, in support of Senator Mizuguchi, be submitted into the journal.

The Chair, having so ordered, Senator Iwase's comments read as follows:

"For months, a great deal of public discussion and media attention has been focused on the meetings, deliberations, and actions of the majority caucus during its efforts to reorganize the Senate. In view of the many versions of the events that took place and the process that was used, I think it both necessary and appropriate to state the facts for the record:

1. On or about November 3, 1993, a majority caucus was held at the request of President James Aki. At that meeting, a motion was made to remove Senator

Aki as President and a majority of the Senate membership voted in support of the motion.

2. On or about November 5, 1993, another majority caucus was held. Senator Aki was present at that meeting. The caucus agreed, without dissent, to hold an election by secret ballot to elect the Senate President. Members listed their choice for President on a ballot and the names of the four candidates with the most votes were written on the blackboard. The candidates were Senators Chang, Holt, Mizuguchi, and myself. Senator Chang withdrew his name from consideration, leaving the three remaining candidates to vie for the Presidency. At that point, the caucus requested, without dissent, that the three candidates (Senators Holt, Mizuguchi, and myself) meet to:

- a. Recommend a process to select one of the three candidates for President, or
- b. Recommend one name from among the three candidates for President.

3. Senators Holt, Mizuguchi, and I met on November 5, 1993 in accordance with the instructions of the caucus.

4. On or about November 6, 1993, the majority caucus met once more. While 21 Senators were present, Senator Aki was not at that meeting. Senators Holt, Mizuguchi, and I recommended that Senator Mizuguchi be elected President of the Senate. The caucus voted 20-0 (with one abstention) in support of the recommendation. The caucus thereafter requested that Senators Mizuguchi, Holt, and I develop and recommend to the caucus a slate for committee chairs. The caucus agreed that there would be one 'up/down' vote on the full slate. Senators were asked to submit to Senators Mizuguchi, Holt, and myself their preference for chair positions as well as committee membership assignments.

5. On or about November 8, 1993, the caucus reconvened. Senator Aki was not in attendance. A recommended slate of committee chairs was presented to the caucus by Senators Holt, Mizuguchi, and myself. A majority of the Senate voted to support the slate of committee chairs. Shortly thereafter, Senator Mizuguchi assumed oversight of the Senate's day to day operations.

6. On January 14, 1994, Senator Aki filed a suit in the First Circuit Court (Civil No. 94-0167-01) challenging his removal on constitutional and statutory grounds and seeking a restraining order that would have allowed him to preside over the convening of the 1994 Regular Session. On January 15, 1994, the court denied the Senator's request for a restraining order, and held that the case was non-justiciable. In short, the court refused to interfere in what it considered to be an internal Senate matter.

"It is clear that no one individual or group of individuals made any of the final decisions leading to the reorganization of the Senate. A process was clearly established and carried out by the majority, and the results of that process, having been left intact after judicial review, should be respected by all of the members of the Senate."

Senator Chang, rising in support of Senator Mizuguchi, then stated:

"Madam Chair, the members of the majority honor the State of Hawaii by offering a choice for President of the Senate between two individuals who have served others with stature, dignity and experience. The commitment and interest they bring to this body speaks well of the Senate and the State of Hawaii.

"On the one hand, we have Senator Mizuguchi, who has proven leadership experience, pervasive understanding of the legislative process, and extensive resources that he can utilize in the office of President of the Senate.

"On the other hand, we have Senator Ann Kobayashi, my dear friend, who has selflessly worked for those who have few advocating on their behalf. Her agenda will surely provide a fuller measure of fairness and justice to all in our society.

"We should feel proud that we have the privilege to make this choice, for in other parts of the world such decisions are unilaterally imposed.

"After much contemplation, my choice can and will be made. My choice today is for a man whom I respect at the highest level, has a depth of knowledge and a commitment to serve. He is also a dear friend and I am devoting my energy to achieving his vision and program.

"The Senate should elect Norman Mizuguchi as President, and it is in that manner that I will cast my vote. Thank you."

Senator Aki rose in support of Senator A. Kobayashi and stated:

"Madam Chair, I have to rise to speak regarding the nomination for our President of the Senate. This is a very important matter, and I do so because we need an independent State Senate.

"I think, whoever leads the Senate this next year has to be independent if we are to do the people's business. I think it's very clear, from the record of the two candidates, that Senator Ann Kobayashi has demonstrated that independence last session and for many sessions. I do so because of the scandalous way this whole affair was conducted these last three months. I don't have to tell you what happened, it is well documented. The secret meetings amongst the Counsel of Elders, the allegations against me that have no evidence except a tape between two Senators, and not myself. I do so because this entire business has been conducted in an unconstitutional manner that is against all of the things that we should stand for. And who orchestrated this?

"I cannot support a candidate who has condoned the actions as exemplified this morning in our opening ceremonies.

"And finally, I do so on behalf of the many citizens of our state, some of whom are here today, standing in the rain, and the many, many more who are back in our communities, who are watching, and will remember this day.

"I urge all members to please vote for Senator Ann Kobayashi."

Senator Matsunaga also rose in support of Senator A. Kobayashi as follows:

"Thank you, Madam Chair. I rise in support of the Senator from Manoa.

"First, I'd like to applaud her courage for running and giving this Senate body a choice. A choice that we did not necessarily have at our last election.

"Despite the fact that the results of this election are probably a foregone conclusion, I think it's healthy, and it's good for the body, because any kind of legislative body that stifles open debate in full public view, is not a true democratic body.

"My reasons for supporting the Senator from Manoa are simple. She is a woman of fairness, she is a woman of honesty, and she is a woman of integrity. I am confident that the Senator from Manoa would run the Senate as she did the Ways and Means Committee last year, and that is with openness, with independence, and with fiscal responsibility.

"This vote is an opportunity to breathe new life into an old body, to push away public cynicism, doubt, and fear, and I encourage my colleagues to join me in voting for Senator Ann Kobayashi. Thank you."

Senator Holt then rose in support of Senator Mizuguchi and said:

"Madam Chair, the rest of the Senate having had the opportunity for a choice, I think you have the choice to listen to me, if you'll afford me one.

"I'd like to point out to the members, since we're referring to an individual's character and why we should support them on the basis of what they represent, their integrity and everything else, that, yes, I believe this is a vote of integrity for those members who are present.

"If you go back, I'd like to refresh your memory of a caucus that we had some two months ago in November, in that very room, where we went through a democratic process. We started with a level playing field. Everybody was afraid of the opportunity to nominate whoever they wanted for President of this body. We went through that selection process openly and fairly, and we ended up with one name -- Norman Mizuguchi. That name came before this caucus through twenty of us. (I believe there were two absent.) The question was asked to every one of the Senators in this caucus: are there any objections? There was none. Was there any discussion? There was none. Was any other name nominated? There was none. Unanimously, this body, in that room, voted Norman Mizuguchi in as President of the Senate.

"Since then, Senators have been carrying out their responsibilities as Chairman of their respective committees; they've been out in the community as Chairman; they've been assuming duties assigned by the President, and referring to Norman Mizuguchi as President. Not once, mentioning to him that they were, maybe, losing their support for him by changing their mind regarding his being President, until this morning. Why? I don't know; I'm not at liberty to answer that question. You have to answer that yourself.

"To me, to come forward this morning and stand here and give speeches, when for the last two months you have been supporting him as President -- there have been a few of you who have been out there publicly supporting Senator Aki, and those of you who have done that, we understand who you are and we know where you're coming from, but the rest of you...."

The Chair then interjected and reminded Senator Holt to keep his remarks to the subject.

Senator Holt continued:

"It is in support of Senator Mizuguchi.

"I would like to close with a little bit of history for some of you who may have forgotten the vote that we took in that room, so that in the future as we operate in the Senate under anybody's leadership, Senator Kobayashi or Senator Mizuguchi, that the decisions that are made in that room are made with integrity and forthrightness. Thank you."

Senator Grauly also rose in support of Senator Mizuguchi and stated:

"Madam Chairman, I rise to speak in support of the nomination of Norman Mizuguchi for Senate President.

"The contrast between this opening day and the opening day of a year ago is very striking to me.

"I want to remind everyone that twelve months ago I was on the losing side of a battle. And our leader then, Norman Mizuguchi, stood up at this very place, at a similar time, and stood up not to criticize those who had won. You, Senator Matsuura, you won. Senator Bert, you won. Everybody who has spoken were all winners, and he was the loser. And he stood up, Senator Aki, and he pledged support to you and the ruling majority of the Senate, so that you could go on and do the people's business. And the contrast between what happened then, and what's happening today, is the best evidence I know of why Norman Mizuguchi should be our Senate President.

"It is the rule of the majority that must prevail. You might not win all of the time but I think you need to keep in mind that it's majority rule. And if you lost, you need to pledge your support to those who have won so that they can go on to do the people's business.

"What we have today is nothing more, sad to say, than posturing in front of the TV cameras, posturing in front of the crowd. But the vote was taken in November, in the caucus, and Norman Mizuguchi won, as the previous speaker said, 20 to nothing. Where were you then? Why are you speaking now that you've got the TV cameras on? That is the contrast that I want to bring before you.

"The reason why I voted then and I vote now for Norman Mizuguchi is that I believe in his integrity. I believe in his independence. I believe in his promises of reform. The very same things that those who have spoken before me have complained about. I think he should be given an opportunity to demonstrate his sincerity, and I think he should be given an opportunity to bring the Senate together, as no one has been able to bring us together before. And I ask all Senators to give Senator Mizuguchi that opportunity. Thank you."

Roll Call vote having been requested, the vote went as follows:

Eight (8) votes for Senator Ann Kobayashi, with Senators Aki, A. Kobayashi, B. Kobayashi, Levin, Matsunaga, Matsuura, McCartney and Nakasato voting in her favor; and

Fourteen (14) votes for Senator Norman Mizuguchi, with Senators Baker, Chang, Fernandes Salling, Fukunaga, Grauly, Hagino, Holt, Ikeda, Iwase, Kanno, Mizuguchi, Solomon, Tanaka and Tungpalan voting in his favor.

Senators George, Koki and Reed abstained.

The ballot having been so cast, Senator Norman Mizuguchi was elected President of the Senate of the

Seventeenth Legislature of the State of Hawaii, Regular Session of 1994.

The Chair then appointed Senators Hagino, Holt, McCartney and George to escort the President to the rostrum.

At this time, Senator Aki rose on a point of order and stated:

"Madam Chair, I believe the agenda calls for me to make my remarks before the Senator is escorted to the Chair."

The Chair responded:

"Senator Aki, I was under the impression that you chose to make your remarks during the discussion portion when we were taking up the business of nominations."

The Chair then denied Senator Aki the opportunity to state his remarks.

Senator Aki responded:

"Madam Chair, I would like to have my remarks spoken so that people in our state can hear it."

The Chair then asked Senator Aki:

"Do you have any other remarks? You have already spoken twice on the floor in the discussion portions."

Senator Aki answered in the affirmative.

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

The Senate reconvened at 11:13 o'clock a.m.

The Chair stated the following:

"The Chair has been advised during this short recess that Senator Aki has remarks that he would like to make that include different subject matters than those that were discussed earlier. With this in mind, the Chair will allow Senator Aki to proceed."

Senator Aki's remarks were as follows:

"Thank you, Madam Chair. Distinguished guests, members of the Senate, ladies and gentlemen:

"I am pleased to be able to speak. I must admit that at times during the past several weeks, I have looked forward to this day with great anxiety. The well publicized dispute over the Senate presidency has put me in a situation that is without precedent. Until quite recently, I did not know what would happen today. One thing, I was sure of, however, was that I would insist on speaking, whatever the consequences, because it is my belief, that under the Constitution, Statutes and Senate Rules, I could not be removed as President until the Senate was lawfully convened in session. We have come to that point today.

"One year ago, on the third Wednesday in January, 1993, I was elected President of the State Senate, Seventeenth State Legislature. The months went by quickly and with great effort on the part of many of our Senators and many of our citizens of Hawaii. I am proud to have served as Senate President and I am proud of what we accomplished during my short tenure: our tough stance on Supreme Court nominees; procurement reform; the convention center; the hurricane insurance fund; and

the fact that we ended the session on time during a very difficult period in our history.

"These are the things that I will look back on with a great sense of accomplishment, and there is so much more that needs to be done. A government that has overgrown and overtaxed our people. An environment to protect for the future. A Hawaiian sovereignty movement that must be met without destroying Hawaii's racial harmony. A school system still under bureaucratic shackles. My hope is that we do even better this year. However, I have come to realize and accept that what we attain during this session will come about under new leadership. For the good of the Senate, I wish the new leadership well, and I will continue to support what is right and good for the people of this state and I will oppose what I believe is wrong.

"I speak today, for the last time as President of the Senate. I do so with a heavy heart, but with a clear vision on what needs to be done.

"First, I want to state for the record that I am innocent of all charges of bribery leveled against me. I was not offered, nor did I take a bribe and yet I was judged guilty without the benefit of a trial.

"My critics have said that they wanted to save me from further embarrassment. I fail to see their logic. How can I be embarrassed when the truth is spoken? How can I be embarrassed when I hold on to the values embodied in our Constitution? How can I be embarrassed when I obey the laws of our state? And, how can I be embarrassed when I stand up for the laws that we enacted and swore to follow?

"No, I am proud to stand up and speak out for what I believe in.

"It is with great honor and respect, that I stand here and welcome the people of Hawaii who have come to listen and participate in the possibilities that government, for the people, by the people, and of the people be firmly established at this time. No other moment may be said to be more important than this, to ask for and acknowledge the presence of divine providence in our task to carry out the affairs of state, consistent with the principles of our republic, the Constitution for the United States of America.

"Some months ago, I was assailed by a leadership that has known no bounds. This leadership would have it that 'the elders' know better what is good and proper for the governance of this land. They would have it that 'business as usual' is the order of the day, and that no challenge would be forthcoming from any sector. Surprisingly, I saw fit to challenge their authority. Surprisingly, the new leadership was shaken when I invoked the rule that, only in session and by a vote of the Senators present, may I be removed from office as President of the Senate. It is unfortunate that this body does not recognize this rule, because as a republic we are a government of laws not the whims of a leadership that is in disregard of the law.

"Personal attacks have been made upon me as a leader, and there has been considerable hearsay that would place my character in question. These continued attempts to disregard the will of the people, as well as to discredit me, are both reprehensible and ethically repugnant! My leadership stands for truth, justice, liberty, and ethics in action in daily life. This stand I take for ethics in government: my commitment to the people of Hawaii. I do not mean the theory of ethics, but the practical action of ethical behavior in all branches of government, the legislative, executive, and judicial. Let it be known and

completely understood that our ethics are based upon the rule of common law, and that law comes from a profound comprehension of the origins of life, liberty, and happiness. May I recall for us the words of Thomas Jefferson, the author of the Declaration of Independence for this great Union. 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.'

"This one sentence places the authority for our form of government in proper perspective and allows for, yes, encourages and empowers our free enterprise system guided by the laws of this land, and for the common law responsibility and accountability of the men who are created equal. No individual or group of individuals is more or less equal than another. Knowing this, there is no place in this state government, or for any other government, for the continued 'business as usual' for, by, and of the special interest groups. Our people have been dis-enfranchised from government to a great degree, and it is my commitment to do all within my power as a member of this Senate to champion the will of the people in this Legislative Session.

"My true assessment of the condition of the state of the state is that we have lost a vision, or perhaps, we have never had a vision for our state other than that of a repository for our military and a distant tourist destination. We must enlist the assistance and wisdom of the private sector and the people who have the wisdom and spirit to bring forth a vision that is greater than just the economic interests of a few, and the control of our land by that few.

"May I quote here from a speech by former Governor Mario Cuomo of New York:

'I believe we can balance our lives and our society even as we balance our books. We can. To those who today stand on platforms built by their forbears' pain and are warmed by applause earned by their forebears' courage; remember who we are, and where we came from and what we have been taught.

Those who made our history taught us above all things that idea of family, mutuality, the sharing of benefits and burdens fairly, for the good of all. An ideal essential to our success, and no family that favored its strong children or that in the name of evenhandedness failed to help its vulnerable ones would be worthy of the name. And no state or nation that chooses to ignore its troubled regions and people, while watching others thrive, can call itself justified.

We must be the family of New York. Feeling one another's pain, sharing one another's blessings, equitably, honestly, fairly, without respect to geography or race or political affiliation. Those who made our history taught us more by a willingness to sweat for a lifetime just to give their children something better, they taught us the virtue of hard work.'

"Contrary to the politically correct thinking that many of our present leaders have today, I believe that we have become legally piggly, that is, we have encumbered our land with all too many laws. These laws have and do make our position in the center of the Pacific, a very unattractive place for the creative mind, which could instead establish productive endeavors that would give to our land a new light and opportunity for our children. By this dismantling of big government, as recently Governor Thompson of Wisconsin has done, by insisting on 'workfare,' not 'welfare,' we assist our people to explore areas of activity that are both educational,

productive, and self-empowering. As we unravel the bureaucracy of this government, we lessen the need for a tax base that is the highest in the nation. This oppressive taxation has left our people wanting: wanting for homes; wanting for good education; wanting for creative employment; and wanting for a sense of well-being. By decreasing government and bureaucracy, we shift the activity of life to the private sector, the sector of the people. They will know what to do with more money in their pockets, with land available, with less red tape and restrictions for their enterprise; they know how to create a productive business; they know what is needed and required for themselves and community. Government must roll back its control, domination, and manipulation and allow people to do what is natural: live life in liberty and happiness!

"This vision for Hawaii, has another aspect that is equally, if not more, important than the lessening of government encroachment upon our lives. This vision requires the full and active participation of the people and their responsible and accountable guidance of their government. No longer may we maintain the entitlement mentality, the mentality that we are owed something by government or that government will take care of us from cradle to grave. It is incumbent upon the people to wean themselves from the notion and self-indulgence that government is required to do more than provide for the common defense and regulate interstate commerce as well as foreign commerce, as stated in the Constitution for the United States of America. The handouts of the early 1960's, has been, is, and will be, a continued source of loss and disruption for our society. These 'war on poverty' programs have not worked. Handouts and pork barrel mentality work for but a brief time, and then greater taxes must be levied to replenish the loss.

"This vision, this relationship of people acting with government can work if we choose to commit ourselves to work together for the common good, the welfare of each of us, the welfare of the land. We must begin to see our land as being alive and that as we violate her integrity, we have violated our own. Ethical behavior is a balanced relationship: man to government, man to man, man to environment. If, as we act in this 1994 Session, and maintain at each point the attitude: respect and care for the land, the sea, the air, and each other, and the ultimate purpose of the well being of each and every person in this land, we shall become a beacon of light for the Pacific basin communities and the world. This radiant light will shine forth due to love and harmony established by the proper ethical behavior of her people.

"I call upon my colleagues in government and the people of this land to unite in this vision! I ask all of you, whatever your political beliefs, whatever community you come from, whatever you think of me, and whatever you think of us here in the Legislature, to help all of us keep the oath that we swore to uphold, and share in this vision.

"Pray that we all see Hawaii for the family that it is. That all of us today give Hawaii the leadership it deserves.

"Thank you, and God bless everyone."

At this time the Chair appointed Senators Hagino, Holt, McCartney and George to escort the President to the rostrum.

The President addressed the members of the Senate and guests as follows:

"Members of the Hawaii State Senate, thank you very much for the vote of confidence and the honor that you

have bestowed upon me. I'm one individual that will give my utmost and my energies to leading the Senate this year, but it really takes a majority of Senators to pass good laws for this state, and I hope that I have your support in this endeavor.

"Before I begin my speech, I'd like to introduce to you, two individuals who have been an important part of my life. I've been in politics for a very long time. I was a researcher for the Senate majority for five years, and I embarked on my legislative career in 1974. These two individuals have sacrificed their lives, have helped me and stood by me in the good times and the bad times, and the two individuals are my wife, Harriet, and my son, Reid. (Both rose to a warm round of applause.)

"Lieutenant Governor Cayetano, Chief Justice Moon, Congresswoman Mink, Mayor Fasi, Mayor Yamashiro, Mayor Lingle, Mayor Yukimura, distinguished guests, members of the Senate, people of Hawaii:

"The convening of each session of the Legislature presents all of us with new challenges. As the elected officials closest to our constituents, we owe it to the people who put us into office to listen carefully to their wishes and represent them well. This is especially important at this moment in time, given the sometimes heated debate that preceded the session.

"Now we must put behind us the differences that have divided us and get on with the public's business.

"To those who doubt our resolve, I say take the measure of the committees that have been working to prepare the legislative agenda since November, weigh the sincerity and determination that they have brought to the task, and judge us when the session ends on the solid accomplishments we achieve.

"Senators, our agenda is long and important. Every legislative committee chair and every member must work hard to create a memorable product.

"Of all the things that require our attention, none is so full of promise, so certain of reward, so essential for our society as education.

"Education in the nineties bears little resemblance to that of earlier ages.

"Across the state the schools take all comers and diligently try to implant in their students both the basic skills of survival in contemporary society and an enjoyment of learning.

"The effort is flawed, victim of too many demands from too many sources, but a careful ordering of resources and creativity will still achieve success.

"I have always insisted that the individual school should be the focus for improvement and change. Rather than seek change through massive implementation of new curriculum and programs, some of which have been costly failures, I believe that the individual school can better itself if it is given adequate resources, the necessary authority and strong community support.

"I am pleased to report that the Senate and House Education Committees, which have labored long on what the nature and shape of education should be, hold similar views. With a focus centered on getting maximum results from each education dollar, they jointly advocate a system-wide reform that will see decision-making and goal-setting placed at the individual school. Accountability will be the watchword; performance will be matched to goals. The education system will be

decentralized and results-oriented. Schools will be more flexible and autonomous. Financing decisions will be made at the individual school level. I applaud the Education Committees' efforts which deserve our wholehearted support.

"Looking back over the years, which have included terms as chair of the Education Committees of both the House and Senate, I am persuaded that the more effective reforms are those that have channeled funds directly to schools and classrooms.

"For this approach to succeed, we must have strong leadership at the individual school level. Schools have little chance to improve unless they have quality and inspired leadership from their principals. We must give principals the authority of chief executive officers and insist that they employ it in sound management.

"As an incentive for leadership, we should provide higher salaries for principals, coupled with early retirement incentives for those willing to take the responsibility and meet the competition with other schools. In return, and to ensure that the principal ranks have the capacity for renewal, principals would not be tenured as principals but would have rights to other educational officer positions.

"We must re-examine the role of school leadership. I ask the committees on Education and Labor and Employment to review my proposal with the concerned collective bargaining unit and make recommendations for needed changes.

"For their part, teachers also must respond to the demands for a more effective system. It is understandable that they have tended to protect their professional skills from the uncertainties of educational policy. However, now we must ask them to welcome to their ranks non-certified experts, people who may not have degrees in education, but who are competent and creative by any other measure. They would receive accelerated preparation for classroom teaching. There are already alternative preparation programs for teachers of math, science, and special education. This may also be the solution in such specialties as foreign language, computer science and industrial arts.

"We should also explore the prospect of greater support for the public schools from the private sector. For whatever reason, the business community has tended to contribute to private schools exclusively. We will encourage the establishment of a scholarship fund within the University of Hawaii Foundation for students aspiring to a career in education.

"Even as we consider new ways to structure the system, we also must honor the professionals who make it go. Teachers, for example, often invest their own money in classroom supplies that the educational system never seems to adequately provide. This is unpardonable. The Department of Education must attend to the need for essential supplies.

"As a measure of our belief in teachers and the desirability of classroom creativity, I propose the establishment of a classroom improvement fund which teachers can draw on to make supplemental purchases for classroom needs and innovations. The taxpayers themselves will be given the opportunity to support teachers and their classrooms by dedicating \$5 to \$20 of their income tax liability through a check-off box on their state tax returns. Every teacher would be issued a credit card so that classroom purchases can be made without bureaucratic hassles. This proposal would be just one step in our continuing resolve to empower teachers.

"For public and private sectors alike, the challenge of the nineties is both real and immediate. We face a world shrunk by air travel, in which peacekeeping forces can be whirled around the globe, in which an emerging new world order fashions trade agreements from afar which will impact the Hawaiian economy, in which public and private sectors alike must act with uncommon unity to compete for our share of the world's wealth.

"These and other changes have placed a premium on competitiveness in Hawaii, the nation and the world.

"Increasingly, Hawaii must compete in the national and global economies. To do so, Hawaii itself must be vitalized by competition, be it in transportation, banking, publishing, communications or any of the other important sectors comprising our economy. Let us seek assurance that the competition is genuine, market-produced competition, not protection behind a regulatory shield.

"Tourism, our economic base, offers sound illustration. For many of the postwar years, it was sufficient to buy ads, build hotels and pack 'em in. That is not good enough any more.

"Increasingly it has become apparent that we must tailor our offerings to a variety of prospective travelers. Thus, we are building a convention center for that special audience, welcoming visitors from Asia and the Pacific basin countries, seeking diversity in air routes and addressing western Europe. We should not stop there.

"As the chairman of the Committee on Tourism and Recreation pointed out in a recent article, ecotourism would invite travelers to experience the wonders of nature first hand, especially those interested in visiting and studying Hawaii's unique habitats. And cultural tourism programs would attract people who want to learn more about our history and our cultural heritage. The further development of sporting events as major visitor attractions is also promising.

"There are plentiful opportunities for taking Hawaii's message to the world. We should take advantage of the goodwill of those outstanding athletes and celebrities who maintain homes in the islands. Many are willing to endorse island vacations.

"We also should make a real effort to overcome the disarray that 30 years of near-continuous construction has produced at Honolulu International Airport. To the airiness of the terminal and concourses should be added furnishings that capture the essence of the islands and give our visitors a memorable sense of place. Marketing distinctive island products within the terminal will contribute to its atmosphere.

"In recent months, several long established mainland visitor destinations have experienced episodes of violence involving tourists. There is also carnage in old neighborhoods of other mainland cities, and national polls show that fear for their personal safety is now the foremost concern of citizens. Hawaii must be vigilant against the threats to the safety and security of visitors and residents alike. I strongly support President Clinton's proposal to increase police presence across the nation. Moreover, I encourage the Senate Judiciary Committee to seriously review the proposals for tough new controls on the purchase of handguns.

"The Judiciary Committee is already at work on other fronts, such as campaign financing reform. Closely related to the building of public trust are proposals to strengthen the ethics statutes, adopt a Senate Code of

Ethics, and improve public access to the institutions, instrumentalities, and processes of government.

"I have left for the last an issue that has been continuously before us in one form or another since Hurricane Iniki swept over Kauai. That issue is insurance. So extensive are the complaints about the insurance industry that I am convinced of the need for a thorough review of its business practices.

"We are confronted with the collapse of a key sector of the insurance business: homeowners' insurance. After the storm damages were assessed, insurers simply walked away from Kauai and some will not now write homeowners' insurance anywhere in the state. In spite of the determined efforts of the Legislature last session, the industry has not made insurance accessible or affordable. Eventually, every homeowner in Hawaii will be adversely affected.

"I am asking the chairman of the Committee on Consumer Protection to advise me on a course of action which will shed light on all factors impacting on homeowners' insurance.

"Hawaii is a magical place. The green of its mountains and uplands, the gush of waterfalls, the drama of lava flows, the moist breath of the trades, the crash of surf on headlands, the glow of sunbeams and colors of rainbows. All these contribute to making Hawaii a marvelous place.

"No less important is the legacy of human experience that shapes this island society. It proceeds from the oneness with the land of the original Hawaiians and is enriched by the tolerance that is now in practice.

"Our response to this great Hawaiian gift must be equally generous as native Hawaiians seek out a new and rewarding future. All of us who live here should respect and support their hopes and aspirations.

"This is our grand heritage. It cannot be replaced at any cost. Once gone, it is forever lost.

"But we have the time and opportunity and resources to sustain our natural legacy, order our commerce, and make harmonious our lives. Let us begin."

Senator George, Minority Leader of the Senate, then responded as follows:

"Mr. President, honorable colleagues, distinguished visitors, friends:

"To say that this is a remarkably different opening day is an understatement. At this stage in the legislative biennium, we would usually be measuring our progress against the goals we established a year ago, and charting our course toward their completion.

"Rather like the end of half time in a football game.

"Only this time, instead of resuming play, we're beginning a whole new contest -- with the old players on the bench. A whole new team, with a new quarterback calling the shots. A new playbook and perhaps even new goalposts.

"But I've probably carried the game analogy far enough. Or maybe too far. Because what we're talking about isn't a game, it's government -- and the stakes are too high for a spectator sport.

"Our business here today is to talk about the problems and issues before us, and how we expect to get a handle on them.

"It's safe to say, Mr. President, that we pretty much agree on what the issues are. We've agreed for a very long time on the catalog of problems -- the same ones we've hoped to diminish for a lot of years; a lot of opening day speeches. If there's been any change at all, it's been to recognize that the same old problems are bigger -- and worse.

"But now I'm getting a sense that we may be getting closer to agreement on how to solve our problems. And I credit you, my Democrat colleagues, with this most hopeful of circumstances. Many of you are showing symptoms of having been infected with Republican ideas.

"This brings me to a statement by John Griffin in a newspaper column a couple of weeks ago. He said, 'Ruling Democrats have failed at leadership and Republicans have offered dubious alternatives.'

"I'll leave it to the public to decide whether or not Griffin is right about Democrats.

"But I take serious objection to his characterization of Republican ideas as 'dubious alternatives.'

"For a very long time Republican ideas have been put forward in this Legislature, some of them very good ideas indeed. They have usually been unnoticed; a few have received modest committee hearings; an occasional proposal reaches the floor and is advanced to decent burial in the other chamber. Some few even become laws.

"A large number of them, in good Hawaiian tradition, were hanaia by a Democrat parent and enfolded in a Democrat bill, promoted into law with its birth parentage forgotten.

"Let me remind you of some of the Republican alternatives that are a long way from 'dubious.' (Maybe it's that word that really got to me. My dictionaries translate it as 'ambiguous, vague, rousing suspicion, shady' or 'of questionable ethics or taste' -- come on, Griffin! Give us a break!)

"Well, back to some of those Republican ideas. School/community based management. Whistle-blower protection. Campaign and ethics reforms. Broad-based tort reform. Protection of trees. Workers' comp reform. Privatization. Initiative. Sunshine laws. Term limits. Down-sizing government.

"In offering these alternatives, we weren't just speaking for ourselves, and certainly not just for Republicans. In calling our alternatives 'dubious,' Griffin forgets that they are often what a significant majority of Hawaii's people want.

"Mr. President, esteemed colleagues, the minority is far more than what you see before you. Sometimes we speak for all the people who didn't vote for you in your districts; for all the people who disagree with you on any one of a great number of issues; for all the people who think they might have a better idea and feel they haven't gotten your attention.

"I'm pretty sure, Mr. President, that quite a few ideas that started on this side of the aisle will be offered, discussed and finally voted on this year.

"And on those good ideas, and any other good ideas you come up with, you'll have our support.

"Count on us."

Senator Chang then moved to defer elections of the Vice President and Second Vice President of the State Senate until Thursday, January 20, 1994, seconded by Senator Solomon and carried.

At this time the President called upon the Reverend Abraham Akaka to give the closing prayer.

INTRODUCTION OF SENATE BILLS

On motion by Senator Chang, seconded by Senator Reed and carried unanimously, the following bills passed First Reading by title and were placed on the calendar for further consideration on Tuesday, January 25, 1994:

Senate Bill

No. 2000 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL AND MANAGEMENT OF THE EUROPEAN BROWN SNAIL."

Introduced by: Senator Hagino.

No. 2001 "A BILL FOR AN ACT RELATING TO WATER."

Introduced by: Senator Hagino.

No. 2002 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF AGRICULTURAL LEASE MANAGEMENT AUTHORITY."

Introduced by: Senator Hagino.

No. 2003 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."

Introduced by: Senator Hagino.

No. 2004 "A BILL FOR AN ACT RELATING TO RIGHTS OF CREDITORS."

Introduced by: Senator Hagino.

No. 2005 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF RESEARCH PROJECTS AT THE LOW ELEVATION EXTENSION DEMONSTRATION FARM ON MAUI."

Introduced by: Senators Tanaka, Hagino.

No. 2006 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DESIGN, AND CONSTRUCTION FOR THE LIBRARY/ADMINISTRATION EXPANSION PROJECT AT HEEIA ELEMENTARY SCHOOL."

Introduced by: Senator McCartney.

No. 2007 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF SCHOOLS."

Introduced by: Senator McCartney.

No. 2008 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE "BUDDY SYSTEM" PILOT PROJECT."

Introduced by: Senator McCartney.

No. 2009 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO THE MOLOKAI COOLING PLANT."

Introduced by: Senators Baker, Hagino.

No. 2010 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A SLAUGHTERHOUSE ON MOLOKAI."

Introduced by: Senators Baker, Hagino.

No. 2011 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A RIGHT HAND TURN LANE ONTO KAMEHAMEHA HIGHWAY FROM WAIMANO HOME ROAD."

Introduced by: Senators Tungpalan, Iwase.

No. 2012 "A BILL FOR AN ACT RELATING TO HOME CARE."

Introduced by: Senator Tungpalan.

No. 2013 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CRISIS INTERVENTION PROJECT FOR THE ELDERLY."

Introduced by: Senator Tungpalan.

No. 2014 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY AND DRUGS."

Introduced by: Senator Tungpalan.

No. 2015 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Tungpalan.

No. 2016 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CENTER FOR DISABILITY STUDIES."

Introduced by: Senator Tungpalan.

No. 2017 "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII."

Introduced by: Senator Tungpalan.

No. 2018 "A BILL FOR AN ACT RELATING TO HARASSMENT BY STALKING."

Introduced by: Senator Kobayashi, B.

No. 2019 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Iwase, Matsuura.

No. 2020 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Iwase, Kanno.

No. 2021 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARENT-COMMUNITY NETWORKING CENTERS IN CENTRAL OAHU SCHOOL DISTRICT."

Introduced by: Senator Iwase.

No. 2022 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT

PROJECTS IN THE CENTRAL OAHU SCHOOL DISTRICT."

Introduced by: Senator Iwase.

No. 2023 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."

Introduced by: Senator McCartney.

No. 2024 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR DRAINAGE IMPROVEMENTS ON KAMEHAMEHA HIGHWAY AT PULAMA ROAD."

Introduced by: Senator McCartney.

No. 2025 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator McCartney.

No. 2026 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator McCartney.

No. 2027 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator McCartney.

No. 2028 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senators Matsuura, Matsunaga.

No. 2029 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senators Matsuura, Matsunaga.

No. 2030 "A BILL FOR AN ACT RELATING TO COURT COSTS IN TRAFFIC CASES."

Introduced by: Senators Matsuura, Kobayashi, A.

No. 2031 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Matsuura, Kobayashi, A.

No. 2032 "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER."

Introduced by: Senators Matsuura, Kobayashi, A.

No. 2033 "A BILL FOR AN ACT RELATING TO PORTABLE FIRE EXTINGUISHERS."

Introduced by: Senators Matsuura, McCartney.

No. 2034 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Matsuura.

No. 2035 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII CONSTITUTION, TO CHANGE THE TERM LIMITS FOR LEGISLATORS."

Introduced by: Senator Matsuura.

No. 2036 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senators Matsuura, Matsunaga.

No. 2037 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senators Matsuura, Matsunaga.

No. 2038 "A BILL FOR AN ACT RELATING TO THE LEGISLATURE."

Introduced by: Senator Matsuura.

No. 2039 "A BILL FOR AN ACT RELATING TO LIQUOR SALES."

Introduced by: Senator Matsuura.

No. 2040 "A BILL FOR AN ACT RELATING TO AIRPORT LANDING FEES."

Introduced by: Senators Fernandes Salling, Tanaka.

No. 2041 "A BILL FOR AN ACT RELATING TO ADMISSION TO PSYCHIATRIC FACILITY."

Introduced by: Senator Kobayashi, B.

No. 2042 "A BILL FOR AN ACT RELATING TO RETURN OF MERCHANDISE."

Introduced by: Senator Holt, by request.

No. 2043 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Holt.

No. 2044 "A BILL FOR AN ACT RELATING TO COMMUNITY COLLEGES."

Introduced by: Senator Holt.

No. 2045 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PEER EDUCATION PROGRAM."

Introduced by: Senator Kobayashi, B.

No. 2046 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INSTALLATION OF A NEW COMPRESSOR FOR THE KAMUELA VACUUM COOLING PLANT."

Introduced by: Senators Solomon, Hagino.

No. 2047 "A BILL FOR AN ACT RELATING TO THE IMPORTATION OF MICROORGANISMS."

Introduced by: Senator Hagino.

No. 2048 "A BILL FOR AN ACT RELATING TO THE HAWAII CHILD, ADOLESCENT, AND ADULT MENTAL HEALTH CORPORATION."

Introduced by: Senator Kobayashi, B.

No. 2049 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AIDS RELATED SERVICES."

Introduced by: Senator Kobayashi, B.

No. 2050 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."

Introduced by: Senator Matsuura.

No. 2051 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Matsuura.

No. 2052 "A BILL FOR AN ACT RELATING TO THE HAWAII WORKERS' COMPENSATION STATE FUND."

Introduced by: Senator Matsuura.

No. 2053 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Matsuura.

No. 2054 "A BILL FOR AN ACT RELATING TO TRUSTEES."

Introduced by: Senator Matsuura.

No. 2055 "A BILL FOR AN ACT RELATING TO JUDGES."

Introduced by: Senator Matsuura.

No. 2056 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VI, SECTIONS 3 AND 4, OF THE HAWAII CONSTITUTION, TO RESTRUCTURE THE COMPOSITION OF THE JUDICIAL SELECTION COMMISSION AND THE APPOINTMENT PROCESS OF JUSTICES AND JUDGES."

Introduced by: Senator Matsuura.

No. 2057 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION, TO CHANGE THE NUMBER OF APPOINTEES TO THE JUDICIAL SELECTION COMMISSION APPOINTED BY THE GOVERNOR, THE HOUSE OF REPRESENTATIVES, AND THE SENATE."

Introduced by: Senator Matsuura.

No. 2058 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO CHANGE THE NUMBER OF NOMINEES FOR JUDICIAL APPOINTMENTS FROM THE JUDICIAL SELECTION COMMISSION TO THE GOVERNOR FROM A MINIMUM OF SIX TO A MINIMUM OF THREE AND A MAXIMUM OF SIX."

Introduced by: Senator Matsuura.

No. 2059 "A BILL FOR AN ACT RELATING TO PHYSICIANS."

Introduced by: Senator Matsuura.

No. 2060 "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE."

Introduced by: Senators Matsuura, Kobayashi, A.

No. 2061 "A BILL FOR AN ACT RELATING TO THE LEGISLATURE."

Introduced by: Senator Matsuura.

No. 2062 "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE."

Introduced by: Senators Matsuura, Solomon.

No. 2063 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION TO THE HAWAII STATE COMPENSATION MUTUAL INSURANCE FUND."

Introduced by: Senators Matsuura, Solomon.

No. 2064 "A BILL FOR AN ACT RELATING TO THE JUDICIAL SELECTION COMMISSION."

Introduced by: Senators Matsuura, Grauly.

No. 2065 "A BILL FOR AN ACT MAKING AN AMENDMENT TO ARTICLE VI, SECTION 3, TO PROVIDE THAT ALL CIRCUIT COURT JUDICIAL NOMINEES HAVE SIGNIFICANT LITIGATION EXPERIENCE."

Introduced by: Senators Matsuura, Grauly.

No. 2066 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."

Introduced by: Senators Matsuura, Matsunaga, McCartney.

No. 2067 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Matsuura, Matsunaga.

No. 2068 "A BILL FOR AN ACT RELATING TO THE DISPENSING OF PRESCRIPTION DRUGS."

Introduced by: Senators Matsunaga, Matsuura.

No. 2069 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE PRESCRIPTIONS."

Introduced by: Senators Matsunaga, Matsuura.

No. 2070 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

Introduced by: Senator Matsuura.

No. 2071 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Matsuura, McCartney, Iwase, Grauly, George, Hagino, Matsunaga.

No. 2072 "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM LOANS."

Introduced by: Senators Matsunaga, Iwase, Grauly, George, Hagino, McCartney, Matsuura.

No. 2073 "A BILL FOR AN ACT RELATING TO PERJURY."

Introduced by: Senator Matsuura.

No. 2074 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF PAPAYAS."

Introduced by: Senators Matsuura, Solomon, Levin.

No. 2075 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPLACEMENT OF

HOMES ON HAWAIIAN HOME LANDS IN THE PANAWEA RESIDENTIAL LOTS."

Introduced by: Senators Matsuura, Solomon, Levin.

No. 2076 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Hagino.

No. 2077 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senator Hagino.

No. 2078 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PRESERVE AND RECONSTRUCT A TYPICAL HAWAIIAN COFFEE FARM."

Introduced by: Senators Solomon, Chang, Fukunaga, George, Graulty, Hagino, Holt, Kobayashi, A., Levin, Matsunaga, Matsuura.

No. 2079 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOMASS RESEARCH."

Introduced by: Senators Solomon, Chang, Fukunaga, George, Graulty, Hagino, Holt, Kobayashi, A., Levin, Matsunaga, Matsuura.

No. 2080 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF UNIVERSITY PARK AT THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Senators Solomon, Chang, Fukunaga, George, Graulty, Hagino, Holt, Kobayashi, A., Levin, Matsunaga, Matsuura.

No. 2081 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY SCHOOLS FOR ADULTS."

Introduced by: Senators Solomon, Chang, Fukunaga, George, Graulty, Hagino, Holt, Kobayashi, A., Levin, Matsunaga, Matsuura.

No. 2082 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HAWAII BIOLOGICAL SURVEY."

Introduced by: Senators Solomon, George, Graulty, Hagino, Holt, Kobayashi, A., Matsuura.

No. 2083 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH."

Introduced by: Senator Kobayashi, B.

No. 2084 "A BILL FOR AN ACT RELATING TO LEAHI HOSPITAL."

Introduced by: Senator Kobayashi, B.

No. 2085 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Tanaka.

No. 2086 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Tanaka.

No. 2087 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Tanaka.

No. 2088 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Senator Tanaka.

No. 2089 "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Tanaka.

No. 2090 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CONSTRUCTION OF WAIKELE ELEMENTARY SCHOOL."

Introduced by: Senator Iwase.

No. 2091 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NATIONAL WOMEN IN MILITARY SERVICE MEMORIAL BUILDING FUND."

Introduced by: Senators Fukunaga, Ikeda, Kobayashi, A., Solomon, Tungpalan, Baker, Fernandes Salling, George.

No. 2092 "A BILL FOR AN ACT RELATING TO SOLICITATIONS OF USED MERCHANDISE."

Introduced by: Senator Kobayashi, B.

No. 2093 "A BILL FOR AN ACT RELATING TO COMMUNITY EDUCATION."

Introduced by: Senator McCartney.

No. 2094 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FULL-TIME TEACHERS FOR THE DEPARTMENT OF EDUCATION'S COMMUNITY SCHOOLS FOR ADULTS."

Introduced by: Senator McCartney.

No. 2095 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARENT-COMMUNITY NETWORKING CENTERS."

Introduced by: Senator McCartney.

No. 2096 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXPANSION OF THE FAMILIES FOR R.E.A.L. (RESOURCES AND EARLY ACCESS TO LEARNING) PROGRAM."

Introduced by: Senator McCartney.

No. 2097 "A BILL FOR AN ACT RELATING TO IMPACT FEES."

Introduced by: Senator McCartney.

No. 2098 "A BILL FOR AN ACT RELATING TO ACT 364, SESSION LAWS OF HAWAII 1993."

Introduced by: Senator McCartney.

No. 2099 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Kobayashi, B.

No. 2100 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

Introduced by: Senator McCartney.

In closing, the members of the Senate and guests joined hands and sang "Hawaii Aloha."

No. 2101 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT THE PERMIT PROCESS FACILITATION ACT."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

ADJOURNMENT

At 4:30 o'clock p.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 20, 1994, on a rising vote and observing a moment of silence in memory of the late Mary Kaulalani Purdy Waihee, mother of Governor John Waihee.

No. 2102 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

No. 2103 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

No. 2104 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Senator Matsunaga, by request.

No. 2105 "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

No. 2106 "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

No. 2107 "A BILL FOR AN ACT RELATING TO STATE PLANNING."

Introduced by: Senators Matsunaga, Fukunaga, Chang.

No. 2108 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Matsunaga, by request.

No. 2109 "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES."

Introduced by: Senator Matsunaga.

No. 2110 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Matsunaga.

No. 2111 "A BILL FOR AN ACT RELATING TO CREDITORS' RIGHTS."

Introduced by: Senator Matsunaga, by request.

No. 2112 "A BILL FOR AN ACT RELATING TO MICROORGANISMS."

Introduced by: Senator Hagino.

No. 2113 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."