

THIRTEENTH DAY

Tuesday, February 7, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Larry Engel, Hawaii Conference of Seventh-Day Adventists, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 117 to 120) were read by the Clerk and were placed on file:

Gov. Msg. No. 117, letter dated February 6, 1995, as provided in Section 9, Article VII, of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of Administration Proposal S.B. No. 1680, which amends Act 289, SLH 1993, as amended by Act 252, SLH 1994, appropriating a designated sum to the Department of Health for the provision of child and adolescent mental health programs.

Gov. Msg. No. 118, letter dated February 3, 1995, as provided in Section 9, Article VII, of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of Administration Proposal S.B. No. 1596, which makes an emergency appropriation for the state workers' compensation program.

Gov. Msg. No. 119, letter dated February 3, 1995, as provided in Section 9, Article VII, of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of Administration Proposal S.B. No. 1594 for the fiscal year 1994-1995, which makes a supplementary appropriation for the Department of Public Safety.

Gov. Msg. No. 120, letter dated February 6, 1995, as provided in Section 9, Article VII, of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of Administration Proposals S.B. No. 1682/H.B. No. 1984 and S.B. No. 1690/H.B. No. 1992, which amend Act 252, Section 3, SLH 1994.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 28, from the Department of Agriculture, dated January 31, 1995, transmitting the department's Market Development Activity Report for the calendar year 1994, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORT

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 8) recommending that S.B. No. 1247 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chumbley, seconded by Senator Kawamoto and carried, the report of the Committee was adopted and S.B. No. 1247, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL BUSINESS MANAGERS AT EACH SCBM HIGH

SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 331	Jointly to the Committee on Transportation and Government Affairs and the Committee on Communications and Public Utilities, then to the Committee on Judiciary

No. 916	Jointly to the Committee on Communications and Public Utilities and the Committee on Consumer Protection, then to the Committee on Ways and Means
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No. 926	Committee on Hawaiian Affairs, then to the Committee on Consumer Protection
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Senator Solomon rose on a point of personal privilege and stated:

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

"Mr. President, I have noted with dismay the negative reaction of our U.S. House Representatives to the bill introduced by Representative Elton Gallegly, a bill of very real concern to the State of Hawaii.

"Representative Gallegly's bill will amend the Hawaii Statehood Act of 1959 to include within the territory of the State of Hawaii seven islands specifically excluded at the time of Statehood. This territory -- Midway Island, Johnston Atoll, Howland Island, Baker Island, Palmyra Atoll, Kingman Reef and Jarvis Island together with three miles of territorial sea surrounding each should become part of the territory of our State.

"This should have been 'an easy call' for our House Representatives. Their objections appear to be hasty and ill-considered.

"Our State is presently comprised of 132 islands, reefs and shoals stretching 1,523 miles across the Pacific. We are the Pacific Basin State because of our geography. We are also the Ocean State with all the implications for our future role, economically and scientifically, in the life of our nation.

"More than 30 years ago John A. Burns came to this legislature with a bill providing for the State to purchase the island of Niihau. He recognized our destiny as the Pacific and Ocean State. That bill was intended to give the State ownership as well as jurisdiction over one small island in our archipelago. Then the price was too high -- now we are offered the prospect of acquiring jurisdiction of a total of seven islands and atolls and also the potential of acquiring ownership of several of them from the federal government for free.

"The question is not whether we should support Representative Gallegly's bill but why a similar bill was not introduced by our House Delegation? I suggest that our Representatives check with our Law of the Sea Institute at the law school and with the Department of Business, Economic Development and Tourism and

indeed, with the concerned members of this legislature before further opposing this important legislation.

"As Scott Allen, Associate Director of the Law of the Sea Institute has stated: 'The Gallegly Bill, which would re-establish historic boundaries and ties in modern law, raises again the necessity to master the arts, skills and sciences of the sea if we are to realize our ocean potential.'

"Thank you, Mr. President."

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

Senator Holt also rose on a point of personal privilege and stated:

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

"Mr. President, I'm in receipt of a memo that you transmitted to us dated February 6 from the Governor of the State, and it preceded a transmittal which he provided to the Senate with a listing of his budget decisions. One of the items in there which I personally have problems with is the deletion of the general fund support for the King Kamehameha Celebration Commission. Mr. President, this one is in AGS 818 and deletes only \$98,000 for both years. The bill was heard -- and this was a bill heard in the House yesterday with lots of testimony -- but in addition to that bill we had a budget transmittal from the administration which would delete this commission.

"I would just like to state for the record some of the more important points that were made at the hearing by various individuals and organizations in the community and have this body take this action into consideration when we start doing our 'advise and consent' on certain cabinet officials. In particular, the Royal Order of Kamehameha has indicated that this action will relieve the State from its long-standing responsibility to sustain and support this annual celebration to honor Hawaii's greatest hero and statesman. This holiday is the most time honored event in our islands' history. It was established in December 22, 1871 by King Kamehameha V and continued in various forms until 1916 when they had the first parade, and on until 1939 when the Territorial Legislature created the first permanent commission. Later it was assumed by the State after statehood in 1959.

"By relieving itself of this responsibility, the State of Hawaii and this administration is sending an alarming message that we no longer consider Kamehameha I to be Hawaii's greatest hero and statesman. And we cannot accept that. We believe the administration has demonstrated poor judgment, gross negligence and a cavalier attitude of insensitivity toward the moral, historical, cultural and spiritual values which contribute to the rich legacy of living in Hawaii.

"Although not specifically stated, this transmittal implies that the celebration and the commission is primarily a Hawaiian affair and is focussed on honoring a Hawaiian hero and therefore it should be administered, managed and paid for by Hawaiians.

"Those who oppose this action strongly resent this underlying racist attitude, especially when directed toward Hawaiians in general and Kamehameha I, in particular. Those who advocate the bill that was proposed and the budget cut with it's underlying implications are strongly ignorant of the hero it honors. Kamehameha I had a firm

control of his kingdom and welcomed people from all parts of the world. He established international trade; he promoted racial understanding and tolerance; and he nurtured a continued attitude of Aloha for strangers in these islands. We say that we pride ourselves as the leader among the 50 states for cultural sensitivity and racial tolerance and now the administration has the audacity to dishonor the very statesman who set that historical precedence which we now enjoy.

"If passed by this body (by the budget committees), this action will reinforce bureaucratic madness at its best and encourage historical hypocrisy at its worst.

"In 1959 when Hawaii became the 50th state, Kamehameha I was the people's choice to represent all of us in the hallowed Statutory Hall in Washington, D.C. At that time, did King Kamehameha I represent only the ethnic Hawaiians? No. He represented all of us and the cost of that representation was a public responsibility, not a private affair. Have we so quickly forgotten all the wonderful praises we cited in selecting Kamehameha and sending him to Washington as a cultural hero from Hawaii in perpetuity?

"I just want to further say that the administration has stated that alternative sponsors are available to assume this role, and we believe that they're talking about OHA. We have already confirmed that OHA is opposed to this. So, Mr. President, I would like to stand and state for the record that we hope the Senators here will take this action and this message in their review of the cabinet appointments. Thank you."

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

"Thank you, Mr. President, also on a point of personal privilege.

"Mr. President, just to support the remarks of the previous speaker and also to note that in all my years serving on the Ways and Means Committee -- and I've served under Ariyoshi's administration, Waihee's, and now, of course, Cayetano's -- that this is the first time, to my amazement, that the Governor goes to the press and releases his budget. We on the Ways and Means Committee were in a very precarious situation because we were finding out about the different cuts that were being proposed as the media contacted our various offices to get our reaction. As you well know, in all my years I've served in the Legislature I have always been a very strong proponent of Hawaiian issues. I was very surprised when the appropriation for the Kamehameha Day celebration was part of the Governor's consideration for cutting.

"I'm hoping, Mr. President, in your deliberations as President of the Senate, that some communication is sent upstairs so that we are no longer caught in this kind of a quandary where the Governor is communicating his budget to the Legislature through the arms of the press, instead of communicating to our respective committees. That is why, Mr. President, we do have a Committee on Ways and Means in the Senate, as well as a Committee (in the House) on Finance.

"As far as the previous speaker's remarks, there is no doubt in my mind, Mr. President, that you're going to be seeing, and this is what worries me as a native Hawaiian and as a Senator, polarization in our community when we say that people of racial backgrounds have an obligation to fund their respective celebrations. Well where does this end, Mr. President, where does this end? Are we going to say that the cultural presentations relating to the Japanese communities should be funded by the Japanese community; funding for the Filipino cultural presentations

be supported by the Filipino community? Where does all of this end? I don't understand the rationale for such recommendations. I think that the Governor should be very considerate when making these recommendations on cultural activities; that he understands the political implications, as well as, the political realities when we in this body deliberate on these kinds of issues. In other words, these issues are very far reaching, and Hawaii has always been known to the world as being the melting pot and with a philosophy of racial harmony. And these kinds of cultural activities in which various cultures can represent their culture can be promoted through legislative appropriations.

"So again, Mr. President, speaking in support, I hope that my colleagues will seriously take that into consideration because we're not just looking at \$98,000 and this sets a very serious precedence for future funding of these kinds of cultural activities. I feel, Mr. President, very strongly that the State of Hawaii owes this not only to the Hawaiian people, but owes it to its own sense of well-being.

"Thank you very much."

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 8, 1995.