

FOURTEENTH DAY

Wednesday, February 8, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Connell, St. Barnabas Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators Solomon and Tanaka who were excused.

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

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 29, from the Public Utilities Commission, Department of Budget and Finance, dated February 6, 1995, transmitting a report pursuant to Act 209, SLH 1994, regarding emergency rate action for nonfossil fuel producers of energy, was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 7 to 14) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 7 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE ANALYSIS ON THE REGULATION OF NUTRITIONISTS."

Offered by: Senator Holt.

Referred to: Committee on Consumer Protection, then to the Committee on Ways and Means

No. 8 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF HAWAIIAN ELECTRIC INDUSTRIES, WHICH IS IN PART UNDER THE REGULATION OF THE PUBLIC UTILITIES COMMISSION, TO DETERMINE THE FEASIBILITY OF RATEPAYER OWNERSHIP AND OF THE IMPACT OF DIVERSIFICATION."

Offered by: Senators Solomon, Fernandes Salling.

Referred to: Committee on Communications and Public Utilities, then to the Committee on Ways and Means

No. 9 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO SUPPORT SENATOR DANIEL K. AKAKA'S FEDERAL LEGISLATION (S. 2428) TO PROVIDE FOR THE MANAGEMENT OF THE AIRSPACE OVER UNITS OF THE NATIONAL PARK SYSTEM."

Offered by: Senators Solomon, Levin, Matsuura.

Referred to: Committee on Transportation and Government Affairs

No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF DEPARTMENT OF EDUCATION TO DEVELOP A SYSTEMATIC AND STRATEGIC PLAN OF ACTION AND TIMETABLE TO

CONSTRUCT COVERED PLAY AREA/COURTS AT SELECTED HILO-AREA SCHOOLS."

Offered by: Senators Solomon, Levin, Matsuura.

Referred to: Committee on Education

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING LUMP-SUM BUDGETING AUTHORITY TO THE DEPARTMENT OF HUMAN SERVICES."

Offered by: Senator Matsuura.

Referred to: Committee on Human Services, then to the Committee on Ways and Means

No. 12 "SENATE CONCURRENT RESOLUTION REQUESTING THAT ALL STATE AGENCIES THAT PROVIDE SERVICES TO THE PUBLIC REVIEW THEIR SERVICE DELIVERY PROGRAMS TO ENSURE THE INCLUSION OF ALL QUALIFIED LIMITED ENGLISH AND NON-ENGLISH SPEAKING CLIENTS IN THEIR SERVICE PROGRAMS AND TO DEVELOP PLANS TO ADDRESS ANY DEFICIENCIES IDENTIFIED."

Offered by: Senator Matsuura.

Referred to: Jointly to the Committee on Health and the Committee on Human Services

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY, THE HOUSING FINANCE AND DEVELOPMENT CORPORATION, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, AND THE COMMUNITY DEVELOPMENT AGENCY OF EACH COUNTY TO INVESTIGATE THE ADOPTION OF A POLICY OF INCORPORATING UP TO TWENTY PERCENT ASSISTED LIVING UNITS IN EACH OF THEIR HOUSING DEVELOPMENTS."

Offered by: Senator Matsuura.

Referred to: Committee on Housing

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO EXAMINE THE OREGON MEDICAID WAIVER SYSTEM FOR ASSISTED LIVING FACILITIES AND TO CONSIDER ITS APPLICATION TO HAWAII."

Offered by: Senator Matsuura.

Referred to: Committee on Human Services, then to the Committee on Ways and Means

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 9 to 12) were read by the Clerk and were referred to committees:

Senate Resolution

No. 9 "SENATE RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO SUPPORT SENATOR DANIEL K. AKAKA'S FEDERAL LEGISLATION (S. 2428) TO PROVIDE FOR THE MANAGEMENT OF THE AIRSPACE OVER UNITS OF THE NATIONAL PARK SYSTEM."

Offered by: Senators Solomon, Levin, Matsuura.

Referred to: Committee on Transportation and Government Affairs

No. 10 "SENATE RESOLUTION REQUESTING THE STATE OF DEPARTMENT OF EDUCATION TO DEVELOP A SYSTEMATIC AND STRATEGIC PLAN OF ACTION AND TIMETABLE TO CONSTRUCT COVERED PLAY AREA/COURTS AT SELECTED HILO-AREA SCHOOLS."

Offered by: Senators Solomon, Levin, Matsuura.

Referred to: Committee on Education

No. 11 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING LUMP-SUM BUDGETING AUTHORITY TO THE DEPARTMENT OF HUMAN SERVICES."

Offered by: Senator Matsuura.

Referred to: Committee on Human Services, then to the Committee on Ways and Means

No. 12 "SENATE RESOLUTION REQUESTING THAT ALL STATE AGENCIES THAT PROVIDE SERVICES TO THE PUBLIC REVIEW THEIR SERVICE DELIVERY PROGRAMS TO ENSURE THE INCLUSION OF ALL QUALIFIED LIMITED ENGLISH AND NON-ENGLISH SPEAKING CLIENTS IN THEIR SERVICE PROGRAMS AND TO DEVELOP PLANS TO ADDRESS ANY DEFICIENCIES IDENTIFIED."

Offered by: Senator Matsuura.

Referred to: Jointly to the Committee on Health and the Committee on Human Services

STANDING COMMITTEE REPORTS

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 284 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 284, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FORESTRY AND WILDLIFE RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 10) recommending that S.B. No. 287 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 287, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 11) recommending that S.B. No. 428, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 428, S.D. 1, entitled: "A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR A WATER QUALITY PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 12) recommending that S.B. No. 452, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 452, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 13) recommending that S.B. No. 569, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 569, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A WATER SOURCE DEVELOPMENT PLAN FOR THE KA'U DISTRICT OF THE COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 14) recommending that S.B. No. 865, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 865, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY IMMUNITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 15) recommending that S.B. No. 194 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 194, entitled: "A BILL FOR AN ACT RELATING TO INCENTIVE AND INNOVATION GRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 16) recommending that S.B. No. 371 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 371, entitled: "A BILL FOR AN ACT RELATING TO INCENTIVE AND INNOVATION GRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 17) recommending that S.B. No. 425 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and

S.B. No. 425, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONTINUOUS IN-SERVICE TRAINING FOR TEACHERS OF THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 18) recommending that S.B. No. 541, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 541, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SCHOOL FACILITIES FOR RECREATIONAL AND COMMUNITY PURPOSES," passed Second Reading and was referred to the Committee on Ways and Means.

At this time, Senator Baker rose on a point of personal privilege as follows:

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

"As a member of the Majority party to which the Governor also belongs, I came into this legislative session hoping for cooperation between the executive and legislative branches because we have difficult decisions to make. I was prepared to cut the Governor some slack because he is new to this role and getting used to it and many of his cabinet choices are quite new to government. Aware that the Governor is a product of this body, I anticipated he would remember his legislative roots and not perpetuate the complaints he had as a Senator with previous administrations -- no communication; no consultation.

"The events of recent weeks have dimmed that hope. The Governor has proposed a budget in a manner and containing cuts that many of us feel ill-considered and inappropriate. He labels our legitimate concerns as emotional and blames the Legislature for the current fiscal predicament. He has challenged us to come up with something better.

"Mr. President, that is what your committees are doing. We are scrutinizing the administration's requests, asking the hard questions and expecting honest, complete and accurate answers and information. Our approach is proactive. I believe my colleagues are well-grounded in reality and appreciate the magnitude of the task ahead. Under the leadership of you, Mr. President, and the Ways and Means Chair, we will craft a budget and other policies that will be fair to all our citizens without pitting one group against another. We do not need to be reminded by the executive to look at the big picture; that is what we were elected to do.

"If the Governor wishes to embark on a new course, engage us in meaningful dialog and open lines of communication, without the media as an intermediary, that would be a welcome departure from the course on which we appear to be headed.

"But let there be no mistake, this body and our colleagues upstairs understand well the legislature's role as a co-equal branch of government. We will assert that role and proceed with our responsibilities.

"Mr President, we are prepared in these tough times to make the hard choices.

"Thank you."

Senator Matsuura also rose on a point of personal privilege and said:

"Mr. President, may I be permitted to speak on a point of personal privilege?

"Mr. President, as chairman of the Human Services Committee, one automatically becomes the chairperson for the Food Bank program. I attended the meeting today to kick off this program, and I want all my colleagues to know that the food bank program starts on March 1st. Contrary to previous practices -- now that I'm chair of this food bank drive -- I'm going to make a new ruling. The person who donates the least (I'm talking about monetary contributions) will automatically become the chairman of the Food Bank drive the following year. (Laughter.)

"But on a more serious note, Mr. President, when I was a freshman at Oregon State in 1950, I remember my agronomy professor telling me that when a person doesn't eat for five days, he's going to steal; if a person doesn't eat for six days, he's going to fight; if a person doesn't eat for seven days, he's going to kill. Some of you may smile, but at that time the realization or the truth of what he said didn't register until I went to India back in 1960. I have gone through and experienced the different stages where people don't eat; where there are riots; where people are killed, etc. I have seen the hunger of people. I know first hand that my agronomy professor's statement is absolutely correct.

"Unfortunately for me, as chairman of the Human Services Committee, I get to listen to all the needs of all these unfortunate people. It's hard to look a quadriplegic square in the eyes when he says, 'You will never know what it's like to be in this chair,' or face a woman who says, 'I've been on drugs; I was a prostitute,' and tells you why she was driven out by her own family and now lives in Waikiki as a homeless person.

"Hunger is one of the things that I never realized would exist in a state like Hawaii, but it does exist. And that's one of the reasons why I think this food drive is a worthy cause. I'm asking all of you to at least take a look into what you can do to help.

"The way I contribute is that my campaign headquarters in Hilo is set up, literally set up, as an emergency center in case of earthquakes, hurricanes or any disaster. All my campaign people have food products stored; they have fire extinguishers; you name it, they are prepared. When recycling the food that you had stored for emergencies, it is a very good practice to give the old stock to the Food Bank.

"Mr. President, as chairman of this Food Bank Drive, I solicit your cooperation and agreement that the person who contributes the least amount of money will be chairman of the Food Bank Drive next year.

"Some of you may wonder, but this year is a little different because all the neighbor islands are doing their own Food Bank. Please mark your monetary contributions, including your staff's, indicating where you want it to go -- whether it's to Kauai, to the Big Island, etc. The goal for those of you who are on Oahu is 175,000 pounds of food and \$175,000. But as far as the challenge is concerned, it is strictly based on monetary contributions because I'm not going to count and weigh the cans of spam, the rice, etc. I don't want to get saddled with that kind of job.

"And just as an incentive to all of my colleagues, the winner (the one who gives the most money) will receive two dozen orchids and a set of my children's books which

is a collector's item. I hope this will be a great incentive to help the needy.

"Thank you very much."

The Chair responded as follows:

"Our two previous Human Services committee chairs did a commendable job in providing food and donations for our people of Hawaii through the Food Bank. Your recommendation to name the next chair will be taken under advisement, Senator, however, it will be the prerogative of the Chair to name the Food Bank chairman. We should try to give as much as we can both in terms of products as well as monetary gifts. The next chairmanship will not be contingent on the dollar amounts given. That prerogative is up to the Senate President. But let us all cooperate and let us again give from our hearts."

ADJOURNMENT

At 11:51 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., Thursday, February 9, 1995.