

FIFTEENTH DAY

Thursday, February 9, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Auxiliary Captain Margie Frederick, The Salvation Army, after which the Roll was called showing all Senators present with the exception of Senator Liu who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 121 to 123) were read by the Clerk and were placed on file:

Gov. Msg. No. 121, dated January 20, 1995, transmitting the Department of Agriculture's Annual Report for the Fiscal Year ending June 30, 1994.

Gov. Msg. No. 122, dated January 24, 1995, transmitting the 1994 report prepared by the Department of Agriculture pursuant to Sections 153-3, 155-14 and 219-4, HRS.

Gov. Msg. No. 123, dated January 25, 1995, transmitting a report prepared by the Department of Land and Natural Resources in response to Section 196D-11, HRS, on geothermal development permitting.

HOUSE COMMUNICATION

Hse. Com. No. 3, transmitting H.C.R. No. 2, which was adopted by the House of Representatives on January 19, 1995, was read by the Clerk and was placed on file.

On motion by Senator Ihara, seconded by Senator Anderson and carried, H.C.R. No. 2, relating to the dates of the mandatory recess and other recesses of the Regular Session of 1995, pursuant to Article III, Section 10 of the Constitution of the State of Hawaii, was adopted.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 15 to 17) were read by the Clerk and were disposed of as follows:

Senate Concurrent Resolution

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A JOINT MONITORING PROGRAM ON THE ISLAND OF HAWAII TO IMPROVE NATURAL RESOURCE MANAGEMENT EFFORTS."

Offered by: Senator Iwase.

Referred to: Committee on Planning, Land and Water Use Management

No. 16 "SENATE CONCURRENT RESOLUTION EXTENDING THE CHILD WELFARE SERVICES REFORM TASK FORCE TO DEVELOP A BLUEPRINT FOR REFORM IN CHILD PROTECTIVE SERVICES."

Offered by: Senator Gaulty.

Referred to: Committee on Human Services, then to the Committee on Judiciary

No. 17 "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE PEOPLE OF KOBE, JAPAN."

Offered by: Senators Fernandes Salling, Tanaka, Mizuguchi, Solomon, Aki, Anderson, Baker, Bunda, Chumbley, Fukunaga, Gaulty, Holt, Ige, Ihara, Ikeda, Iwase, Kanno, Kawamoto, Levin, Liu, Matsunaga, Matsuura, McCartney, Tam, Taniguchi.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, S.C.R. No. 17 was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 13 and 14) were read by the Clerk and were referred to committees:

Senate Resolution

No. 13 "SENATE RESOLUTION REQUESTING ESTABLISHMENT OF A JOINT MONITORING PROGRAM ON THE ISLAND OF HAWAII TO IMPROVE NATURAL RESOURCE MANAGEMENT EFFORTS."

Offered by: Senator Iwase.

Referred to: Committee on Planning, Land and Water Use Management

No. 14 "SENATE RESOLUTION EXTENDING THE CHILD WELFARE SERVICES REFORM TASK FORCE TO DEVELOP A BLUEPRINT FOR REFORM IN CHILD PROTECTIVE SERVICES."

Offered by: Senator Gaulty.

Referred to: Committee on Human Services, then to the Committee on Judiciary

STANDING COMMITTEE REPORTS

Senator Gaulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 19) recommending that S.B. No. 86 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 86, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gaulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 20) recommending that S.B. No. 163 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 163, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gaulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 21) recommending that S.B. No. 83, 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 Anderson and carried, the report of the Committee was adopted and S.B. No. 83, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gaulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 22) recommending that S.B. No. 233, 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 Anderson and carried, the report of the Committee was adopted and S.B. No. 233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gaulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 23) recommending that S.B. No. 772, 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 Anderson and carried, the report of the Committee was adopted and S.B. No. 772, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPECIAL PROSECUTION UNITS AND VICTIM WITNESS PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 24) recommending that S.B. No. 1006 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 1006, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 25) recommending that S.B. No. 1155 pass Second Reading and be referred to the Committee on Transportation and Government Affairs.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 1155, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," passed Second Reading and was referred to the Committee on Transportation and Government Affairs.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
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No. 942	Jointly to the Committee on Judiciary and the Committee on Education, then to the Committee on Ways and Means
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No. 1570 Jointly to the Committee on Communications and Public Utilities and the Committee on Housing, then to the Committee on Ways and Means

Senator Anderson rose on a point of personal privilege and stated:

"Mr. President, may I rise on a point of personal privilege? This is more or less for clarification.

"Mr. President, I listened to my colleagues the other day -- Senator Holt and Senator Solomon -- and I watched television and saw the Governor and yesterday I heard from Senator Baker. But nowhere did I see or hear what the \$98,000 does.

"The clarification I want to make is that only \$58,000 is really spent on the Kamehameha Day parade, and that's for the islands' statewide program. I think that's the point we have to clarify. There are one-and-a-half positions that take up the other \$40,000. (I wanted to find out, but because I'm not on the Ways and Means Committee, I had to look it up.) I think it's important for people to understand that it's not a \$98,000 position that we are looking at.

"Also, the Governor did say that we should not be emotional and I didn't want to be, but he also said that there is no Kuhio Day Commission. For the information of the group here, in the early 1960's our president of the Kailua Hawaiian Civic Club, James Trask, Sr., started a Kuhio Day parade, and Charles Kauhane from the Kamehameha Day parade was upset because he thought we were going to come to the State for money, which we did not. However, the parade died.

"On Kuhio's centennial I was the president of the Kailua Hawaiian Civic Club. I promised the members that we would have a Kuhio Day parade on the centennial because we had purchased, over the years, the pa'u and everything else. We sold the district president, Mary K. Robinson, on the idea that the district should take it over. So they bought all of the uniforms and pa'u that we had and we had a Kuhio Day centennial in Kailua. We then moved it around the island. But because of the expense, Mr. President, it was dropped.

"In a position like the Kamehameha Day parade, which everybody enjoys, I believe that you need someone at the helm who is strong administrative-wise and is able to work with everyone because it entails a lot of work and planning. In fact, I've ridden in parades and the Commission could only give in those days maybe \$30 to a whole section. Then they started to say, 'Well, maybe we can give \$5 or so for feed for your horses.' It's a very expensive event because it has grown and thousands and thousands of people enjoy it.

"I just wanted to clarify that, Mr. President, and I thank my colleagues for their time."

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

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

"Mr. President, just to inform you that your Chairman on Tourism as well as the Vice-Chairman are writing a letter to the Honorable Janet Reno, Attorney General of the United States, to clarify the Justice Department's position on state gambling legislation.

"As you know, Mr. President, recently the U.S. Attorney for Hawaii, Mr. Steven Alm, directed unsolicited

communications to members of the Hawaii Legislature expressing opposition to the pending legislation before us concerning the legalization of gambling. And in furtherance of that opposition he has issued releases from his office to the local and national media.

"We are writing this letter, Mr. President, to determine first, whether the United States Attorney for Hawaii, Mr. Alm, was in fact setting out official United States Justice Department policy in opposing gambling legislation in the various states; and second, if so, what is the legal justification for such Justice Department involvement in the state legislative process. And of course, we are requesting a prompt reply.

"I just would like to remind my colleagues that the 10th Amendment to the United States Constitution is alive and well in Hawaii; and that the amendment reserves all powers to the states, except those expressly delegated to the Federal Government.

"Mr. President, we must be vigilant to resist federal encroachment on these reserved powers. Thank you very much."

Senator Holt then rose on a point of personal privilege as follows:

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

"Mr. President, I want to clarify some statements that have been made by our chief administrator, the Governor. As I understand in the press, in defense of his budget getting down to us, he has alluded that all of his cabinet came on board on January 3 and that he's only had a month to work on the budget.

"I have an article here by Ann Botticelli dated December 9, 1994: 'Former Cayetano aide Anzai first cabinet appointment. Governor Ben Cayetano made his first cabinet appointment yesterday naming attorney and former legislative and management analyst Earl Anzai as the state budget director. Anzai, 53, began work immediately.' Quotes the Governor: 'It's important for the next budget director to hit the ground running because budget planning is underway in all state departments.'

"I just wanted to clarify for the record that the budget director was on board in early December. Thank you."

ADJOURNMENT

At 11:46 o'clock a.m., on motion by Senator Ihara, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 10, 1995.