

TWENTY-THIRD DAY

Wednesday, February 22, 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 Canon Ken Perkins, retired clergyman of the Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Grauly who was excused.

The President announced that he had read and approved the Journal of the Twenty-second Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 149 to 167) were read by the Clerk and were placed on file:

Gov. Msg. No. 149, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 272, Section 29, SLH 1994, on the progress of the education restructuring effort.

Gov. Msg. No. 150, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 272, SLH 1994, on the final implementation plan for facilities improvement.

Gov. Msg. No. 151, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 364, Section 22, SLH 1993, on SCBM schools' classroom cleaning projects.

Gov. Msg. No. 152, dated January 10, 1995, transmitting the annual report prepared by the Department of Education on the Teacher Education Coordinating Committee for 1993-94.

Gov. Msg. No. 153, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to H.C.R. No. 461 (1994), on the feasibility of using open-captioned television.

Gov. Msg. No. 154, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to H.C.R. No. 156 (1994), on the acquisition of the new Kihei Elementary School.

Gov. Msg. No. 155, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 134, Section 3, SLH 1994, on the performance of the Hawaii Young Scholars Program.

Gov. Msg. No. 156, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 252, Section 84.1, SLH 1994, on the School Repair and Maintenance (R & M) Program.

Gov. Msg. No. 157, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to H.C.R. No. 97 (1994), on a comprehensive physical education program.

Gov. Msg. No. 158, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 272, Section 20, SLH 1994, on the Performance Standards and Implementation Plan.

Gov. Msg. No. 159, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 252, Section 73.3, SLH 1994, on the transfer of funds out of the incentive and innovative grant funds.

Gov. Msg. No. 160, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 272, Section 25, SLH 1994, on an educational status report.

Gov. Msg. No. 161, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 252, Sections 78 and 78.1, SLH 1994, on interprogram transfers of appropriated funds.

Gov. Msg. No. 162, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 289, Section 79, SLH 1993, on the status of school-based budgeting in the DOE.

Gov. Msg. No. 163, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 364, Section 13, SLH 1993, on the operations of the incentive and innovation grant review panel.

Gov. Msg. No. 164, dated January 10, 1995, transmitting a report prepared by the Department of Education in response to Act 252, Section 82.1, SLH 1994, on special education programs and school-based health centers.

Gov. Msg. No. 165, dated January 26, 1995, transmitting a report, "PACE Hawaii at Maluhia Annual Report."

Gov. Msg. No. 166, dated January 31, 1995, transmitting a report prepared by the Department of Health pursuant to Act 41, SLH 1992, establishing the Primary Health Care Incentive Program and the Primary Care Roundtable.

Gov. Msg. No. 167, dated February 1, 1995, transmitting the annual report prepared by the State Council on Mental Health, Department of Health, pursuant to Section 329-2, HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 32 and 33) were read by the Clerk and were placed on file:

Dept. Com. No. 32, from the State Auditor dated February 16, 1995, transmitting a report, "Study of the Families Together Initiative, Final Report."

Dept. Com. No. 33, from the State Auditor dated February 17, 1995, transmitting a report, "A Preliminary Study of a Proposed Department of Housing."

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 26 to 31) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 26 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE STATE

LEGISLATURE TO JOIN IN A CONCERTED EFFORT IN AMENDING THE UNITED STATES CONSTITUTION TO PROHIBIT THE PHYSICAL DESECRATION OF THE UNITED STATES FLAG."

Offered by: Senators Kawamoto, Liu, McCartney.

Referred to: Committee on Judiciary

No. 27 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE SURPLUS OF HAWAII STATE GENERAL FUND REVENUES FOR THE PAST TEN YEARS."

Offered by: Senator Aki.

Referred to: Committee on Ways and Means

No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP SCHOOL COMPLEX PLANS FOR THE BIG ISLAND'S PUNA DISTRICT BASED ON THE LOCATION OF ALL EXISTING SUBDIVISIONS AND THEORETICAL BUILD-OUT POPULATIONS OF ONE HUNDRED FIFTY THOUSAND AND THREE HUNDRED THOUSAND."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 29 "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE AGENCIES INVOLVED IN THE DELIVERY OF SERVICES TO, OR THE DESIGNING OF INFRASTRUCTURE FOR, THE BIG ISLAND'S PUNA DISTRICT TO CONDUCT PERIODIC INTERAGENCY PLANNING MEETINGS THAT ARE OPEN AND ACCESSIBLE TO, AND SENSITIVE TO THE NEEDS OF, PUNA RESIDENTS."

Offered by: Senator Levin.

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

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CREATE AND OVERSEE A TASK FORCE TO CONSIDER THE ESTABLISHMENT OF A STATE-LEVEL VIOLENCE PREVENTION AND REDUCTION COUNCIL."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Judiciary

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO IMPLEMENT IMPROVEMENTS TO THE MEDICAID SYSTEM."

Offered by: Senator Levin.

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

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 22 to 25) were read by the Clerk and were referred to committees:

Senate Resolution

No. 22 "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE STATE LEGISLATURE TO JOIN IN A CONCERTED EFFORT IN AMENDING THE UNITED STATES CONSTITUTION TO PROHIBIT THE PHYSICAL DESECRATION OF THE UNITED STATES FLAG."

Offered by: Senators Kawamoto, Liu, McCartney.

Referred to: Committee on Judiciary

No. 23 "SENATE RESOLUTION REQUESTING THE TRANSFER OF TITLE OF WASHINGTON PLACE FROM THE HAWAII STATE GOVERNMENT TO THE QUEEN LILIUOKALANI TRUST."

Offered by: Senator Aki.

Referred to: Committee on Hawaiian Affairs, then to the Committee on Ways and Means

No. 24 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP SCHOOL COMPLEX PLANS FOR THE BIG ISLAND'S PUNA DISTRICT BASED ON THE LOCATION OF ALL EXISTING SUBDIVISIONS AND THEORETICAL BUILD-OUT POPULATIONS OF ONE HUNDRED FIFTY THOUSAND AND THREE HUNDRED THOUSAND."

Offered by: Senator Levin.

Referred to: Committee on Education

No. 25 "SENATE RESOLUTION REQUESTING ALL STATE AGENCIES INVOLVED IN THE DELIVERY OF SERVICES TO, OR THE DESIGNING OF INFRASTRUCTURE FOR, THE BIG ISLAND'S PUNA DISTRICT TO CONDUCT PERIODIC INTERAGENCY PLANNING MEETINGS THAT ARE OPEN AND ACCESSIBLE TO, AND SENSITIVE TO THE NEEDS OF, PUNA RESIDENTS."

Offered by: Senator Levin.

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

STANDING COMMITTEE REPORT

Senator Fukunaga, for the Committee on Communications and Public Utilities, presented a report (Stand. Com. Rep. No. 460) recommending that S.B. No. 643, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Communications and Public Utilities.

On motion by Senator Fukunaga, seconded by Senator Chumbley and carried, the report of the Committee was adopted and S.B. No. 643, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was recommitted to the Committee on Communications and Public Utilities.

At this time, Senator Ige, chairman of the Committee on Higher Education, Culture, and Arts, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. No. 637 as follows:

"Mr. President, I'd like to request a waiver of the 72-hour hearing notice to hear and have decision-making on S.B. No. 637. This is a short form bill and the purpose would be to flush out the bill and have it recommitted."

The Chair granted the waiver.

ADJOURNMENT

Senator Matsuura rose on a point of personal privilege as follows:

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

"I was hoping that Senate resolution 16 and Senate concurrent resolution 20 would be up for a floor vote. The reason why it's important to pass both of these resolutions is that all of the public utilities commissioners are going to the NARUC meeting in Washington D.C. next week. I feel that we should have these resolutions passed so that all the public utilities commissioners from all 50 states will have an opportunity to look at our resolutions. (I might as well give my speech in support of these resolutions now, and why I feel they are important.)

"All of us are aware of the State's jurisdiction of the ocean. Hawaii has a 3-mile jurisdiction while other states like Florida, Texas, Louisiana, Mississippi and Alabama have a 12-mile jurisdiction of the ocean.

"I have been trying for the past 12 to 14 years to convince Congress to have a uniform 12-mile state jurisdiction. However, Congress has no desire to extend the State of California's jurisdiction because of the federal revenues that will be lost from the off-shore oil wells in California that are within the 12-mile zone.

"We are all aware of the tremendous economic impact telecommunications has on Hawaii. We may have missed the train to be the telecommunications hub of the Pacific, but it is still not too late to at least try to be the telecommunications hub of the Pacific. A person must be illiterate not to understand the impact of telecommunications on education.

"Harvard and Stanford are known for their outstanding law schools. Hawaii is famous for its excellence in the fields of astronomy and ocean science and technology. We need to share these resources not only within the United States but also throughout the world. This will happen soon with the use of telecommunications as a teaching tool to exchange information to develop excellence in all fields of studies.

"Senate Resolution 16 and Senate Concurrent Resolution 20 are important because for the first time, a state is laying claim to the EEZ looking skyward. When I was in American Samoa, I learned that it was proper for a person to ask permission from the village chief before entering the ocean under his jurisdiction. I asked one of those chiefs how far was his EEZ. His reply was 'As far as my eyes can see.'

"Someone asked me a similar question, 'How far do you envision Hawaii's EEZ to be looking skyward?' My reply was 'From the land beneath the ocean and above the ocean that stretches from Hawaii to Midway Island and looking skyward to where God is.' That is Hawaii's EEZ space.

"The Federal Communications Commission has already generated money in excess of \$4 billion using some of the 50 states' air space. Therefore, it is only fair, proper, and honorable for the federal government to share that new source of revenue with all of the states in the United States for educational purposes.

"These two resolutions are only the first step toward the development of the telecommunications infrastructure to enhance telecommunications as a tool for all the educational institutions in the United States. Thank you."

At 11:50 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, March 2, 1995.