

## THIRTY-SECOND DAY

Thursday, March 16, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:32 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Kahu Tyrone Reinhardt, Kaulanapueo Church, Papa Ola Lokahi, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

The President announced that he had read and approved the Journal of the Thirty-First Day.

At this time, Senator Holt introduced and congratulated several representatives from Dole Intermediate School for being named as one of two 1994-1995 Blue Ribbon Schools. The guests were presented a congratulatory Senate certificate and leis.

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 199 to 210) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 199, dated February 28, 1995, transmitting a report prepared by the Business Services Division of the Department of Business, Economic Development, and Tourism in response to H.C.R. No. 400 (1994), requesting a study to determine the viability of developing incubation centers for small business, was placed on file.

Gov. Msg. No. 200, dated March 1, 1995, transmitting the 1994 Annual Report of the Hawaii State Commission on the Status of Women, pursuant to Section 367-3, HRS, was placed on file.

Gov. Msg. No. 201, dated March 1, 1995, transmitting a report prepared by the Department of Accounting and General Services in response to S.C.R. No. 9 (1994), requesting the Department of Accounting and General Services to report results to promote the purchase of products made from recycled materials, was placed on file.

Gov. Msg. No. 202, dated March 6, 1995, transmitting the 1993-1994 Annual Report prepared by the Department of Taxation pursuant to Chapter 231, HRS, was placed on file.

Gov. Msg. No. 203, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of WILLIAM D. HOSHIJO, term to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 204, submitting for consideration and confirmation to the Civil Service Commission, the nomination of AGNES P. PERREIRA, term to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 205, submitting for consideration and confirmation to the Convention Center Authority, the nomination of JEFF J. COELHO, term to expire June 30,

1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 206, submitting for consideration and confirmation to the Criminal Injuries Compensation Commission, the nomination of JUDY SOBIN, term to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 207, submitting for consideration and confirmation to the Education Commission of the States, the nomination of MEYER M. UEOKA, term to expire June 30, 1998, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 208, submitting for consideration and confirmation to the Board of Regents, University of Hawaii the nominations of JOHN A. HOAG, SHUNICHI KIMURA, BERT A. KOBAYASHI, AH QUON MCEL RATH, DONNA TANQUE, terms to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 209, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawaii, the nomination of J.N. MUSTO, Ph.D., term to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 210, submitting for consideration and confirmation to the Stadium Authority, the nomination of ROSS K. KAGAWA, term to expire June 30, 1996, was referred to the Committee on Executive and Judicial Appointments.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 202 to 219) were read by the Clerk and were referred to committees:

##### Senate Concurrent Resolution

No. 202 "SENATE CONCURRENT RESOLUTION URGING THE STATE TO IMPLEMENT A CAFETERIA BENEFITS PLAN FOR PUBLIC EMPLOYEES."

Offered by: Senator Ikeda.

Referred to: Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 203 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO IMPROVE EFFICIENCY, COST EFFECTIVENESS, AND ACCOUNTABILITY IN PROCESSING CLAIMS FILED AGAINST THE STATE FOR WORKERS' COMPENSATION BENEFITS."

Offered by: Senator Ikeda.

Referred to: Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 204 "SENATE CONCURRENT RESOLUTION URGING ALL HAWAII PUBLIC SCHOOLS TO IMPLEMENT A STUDENT CODE OF CONDUCT TO PROMOTE HARMONY, RESPECT, AND AMBITION IN THE PURSUIT OF ACADEMIC EXCELLENCE."

Offered by: Senator Chumbley.

Referred to: Committee on Education

No. 205 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PLANS AND A STRATEGIC TIMETABLE TO ADDRESS THE PROBLEMS FACED BY TEACHERS EMPLOYED AT RURAL OR AT-RISK SCHOOLS THROUGHOUT THE STATE."

Offered by: Senator Chumbley.

Referred to: Jointly to the Committee on Education and the Committee on Housing

No. 206 "SENATE CONCURRENT RESOLUTION URGING THE JUDICIARY TO EXPEDITE TRIALS INVOLVING CHILD VICTIMS OR CHILD WITNESSES."

Offered by: Senator Matsunaga.

Referred to: Committee on Judiciary

No. 207 "SENATE CONCURRENT RESOLUTION URGING THE CONTINUED DISCUSSION AND EXPLORATION OF ETHANOL AS AN ALTERNATIVE FUEL FOR TRANSPORTATION AND POWER GENERATION, AND APPROPRIATE INCENTIVES IN THE DEVELOPMENT OF THIS INDUSTRY."

Offered by: Senator Matsunaga.

Referred to: Committee on Economic Development

No. 208 "SENATE CONCURRENT RESOLUTION URGING THE JUDICIARY TO PROVIDE TRAINING FOR JUDGES ON THE APPLICATION OF THE HAWAII RULES OF EVIDENCE REGARDING THE COMPETENCY OF CHILD WITNESSES."

Offered by: Senator Matsunaga.

Referred to: Committee on Judiciary

No. 209 "SENATE CONCURRENT RESOLUTION ACKNOWLEDGING PUBLIC LAW 103-150, A JOINT RESOLUTION OF THE U.S. CONGRESS CONTAINING AN APOLOGY BY THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII, AND ADOPTING ITS FINDINGS."

Offered by: Senator Aki.

Referred to: Committee on Hawaiian Affairs, then to the Committee on Judiciary

No. 210 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, ASSISTED BY THE DEPARTMENT OF HEALTH, TO EXPLORE THE FEASIBILITY OF ESTABLISHING A UNIVERSAL HEALTH CARE PROGRAM FOR CHILDREN FROM BIRTH TO AGE SEVENTEEN."

Offered by: Senators McCartney, Matsunaga.

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

No. 211 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF CHILDREN AND YOUTH, WITH THE ASSISTANCE OF THE OFFICE OF YOUTH SERVICES AND THE DEPARTMENT OF

BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO PLAN AND CONVENE A SUMMIT FOR ASIAN AND PACIFIC CHILDREN AND YOUTH."

Offered by: Senator McCartney.

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

No. 212 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO USE ANUENUE ELEMENTARY SCHOOL AS A FACILITY FOR THE HAWAIIAN IMMERSION PROGRAM FACILITY."

Offered by: Senator McCartney.

Referred to: Committee on Education

No. 213 "SENATE CONCURRENT RESOLUTION REQUESTING AMFAC/JMB HAWAII, INC., OWNER OF THE OAHU SUGAR COMPANY, TO DONATE TWENTY ACRES UNDER AND AROUND ITS SUGAR MILL IN WAIPAHU, HAWAII, TO ESTABLISH A HAWAII HERITAGE CENTER AND PARK."

Offered by: Senators Kawamoto, Iwase, Kanno.

Referred to: Committee on Higher Education, Culture, and Arts

No. 214 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE AN ADVISORY MARITIME POLICY INVESTIGATIVE COMMISSION."

Offered by: Senators Anderson, Fernandes Salling, Ikeda, Iwase.

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

No. 215 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON SEX OFFENDER REGISTRATION LAWS."

Offered by: Senator Fukunaga.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 216 "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION ON THE FEASIBILITY OF INTEGRATING STATE AND COUNTY ELECTRONIC GEOGRAPHICAL INFORMATION SYSTEMS (GIS)."

Offered by: Senator Fukunaga.

Referred to: Committee on Communications and Public Utilities, then to the Committee on Transportation and Government Affairs

No. 217 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII ISLAND UNITED WAY TO TAKE THE LEAD IN ATTEMPTING TO ESTABLISH AND COORDINATE ONE OR MORE REGIONAL ACTION COUNCILS IN THE COUNTY OF HAWAII TO ASSIST STATE AGENCIES AND LEGISLATIVE COMMITTEES IN DESIGNING AND DELIVERING OPTIMUM HEALTH AND HUMAN SERVICES TO THE PEOPLE OF THE COUNTY OF HAWAII."

Offered by: Senator Levin.

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

No. 218 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE EFFICACY OF THE STATE'S COMMUNITY MENTAL HEALTH CENTER PROGRAM AND TO DETERMINE WHETHER THE SAME MENTAL HEALTH SERVICES COULD BE PROVIDED IN A MORE EFFICIENT AND COST-EFFECTIVE MANNER BY THE PRIVATE-SECTOR."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 219 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE METHODS OF DELIVERING MEDICAL SERVICES MORE EFFICIENTLY DURING WEEKENDS AND AFTER HOURS ON WEEKDAYS."

Offered by: Senator Levin.

Referred to: Committee on Health

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 178 to 192) were read by the Clerk and were referred to committees:

##### Senate Resolution

No. 178 "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF PLANS AND A STRATEGIC TIMETABLE TO ADDRESS THE PROBLEMS FACED BY TEACHERS EMPLOYED AT RURAL OR AT-RISK SCHOOLS THROUGHOUT THE STATE."

Offered by: Senator Chumbley.

Referred to: Jointly to the Committee on Education and the Committee on Housing

No. 179 "SENATE RESOLUTION URGING THE JUDICIARY TO EXPEDITE TRIALS INVOLVING CHILD VICTIMS OR CHILD WITNESSES."

Offered by: Senator Matsunaga.

Referred to: Committee on Judiciary

No. 180 "SENATE RESOLUTION URGING THE CONTINUED DISCUSSION AND EXPLORATION OF ETHANOL AS AN ALTERNATIVE FUEL FOR TRANSPORTATION AND POWER GENERATION, AND APPROPRIATE INCENTIVES IN THE DEVELOPMENT OF THIS INDUSTRY."

Offered by: Senator Matsunaga.

Referred to: Committee on Economic Development

No. 181 "SENATE RESOLUTION URGING THE JUDICIARY TO PROVIDE TRAINING FOR JUDGES ON THE APPLICATION OF THE HAWAII RULES OF EVIDENCE REGARDING THE COMPETENCY OF CHILD WITNESSES."

Offered by: Senator Matsunaga.

Referred to: Committee on Judiciary

No. 182 "SENATE RESOLUTION ACKNOWLEDGING PUBLIC LAW 103-150, A JOINT RESOLUTION OF THE U.S. CONGRESS CONTAINING AN APOLOGY BY THE UNITED STATES TO NATIVE HAWAIIANS FOR THE OVERTHROW OF THE KINGDOM OF HAWAII, AND ADOPTING ITS FINDINGS."

Offered by: Senator Aki.

Referred to: Committee on Hawaiian Affairs, then to the Committee on Judiciary

No. 183 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, ASSISTED BY THE DEPARTMENT OF HEALTH, TO EXPLORE THE FEASIBILITY OF ESTABLISHING A UNIVERSAL HEALTH CARE PROGRAM FOR CHILDREN FROM BIRTH TO AGE SEVENTEEN."

Offered by: Senators McCartney, Matsunaga.

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

No. 184 "SENATE RESOLUTION REQUESTING THE OFFICE OF CHILDREN AND YOUTH, WITH THE ASSISTANCE OF THE OFFICE OF YOUTH SERVICES AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO PLAN AND CONVENE A SUMMIT FOR ASIAN AND PACIFIC CHILDREN AND YOUTH."

Offered by: Senator McCartney.

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

No. 185 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO USE ANUENUE ELEMENTARY SCHOOL AS A FACILITY FOR THE HAWAIIAN IMMERSION PROGRAM FACILITY."

Offered by: Senator McCartney.

Referred to: Committee on Education

No. 186 "SENATE RESOLUTION REQUESTING AMFAC/JMB HAWAII, INC., OWNER OF THE OAHU SUGAR COMPANY, TO DONATE TWENTY ACRES UNDER AND AROUND ITS SUGAR MILL IN WAIPAHU, HAWAII, TO ESTABLISH A HAWAII HERITAGE CENTER AND PARK."

Offered by: Senators Kawamoto, Iwase, Kanno.

Referred to: Committee on Higher Education, Culture, and Arts

No. 187 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE AN ADVISORY MARITIME POLICY INVESTIGATIVE COMMISSION."

Offered by: Senators Anderson, Fernandes Salling, Ikeda, Iwase.

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

No. 188 "SENATE RESOLUTION REQUESTING A STUDY ON SEX OFFENDER REGISTRATION LAWS."

Offered by: Senator Fukunaga.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 189 "SENATE RESOLUTION REQUESTING AN EXAMINATION ON THE FEASIBILITY OF INTEGRATING STATE AND COUNTY ELECTRONIC GEOGRAPHICAL INFORMATION SYSTEMS (GIS)."

Offered by: Senator Fukunaga.

Referred to: Committee on Communications and Public Utilities, then to the Committee on Transportation and Government Affairs

No. 190 "SENATE RESOLUTION REQUESTING THE HAWAII ISLAND UNITED WAY TO TAKE THE LEAD IN ATTEMPTING TO ESTABLISH AND COORDINATE ONE OR MORE REGIONAL ACTION COUNCILS IN THE COUNTY OF HAWAII TO ASSIST STATE AGENCIES AND LEGISLATIVE COMMITTEES IN DESIGNING AND DELIVERING OPTIMUM HEALTH AND HUMAN SERVICES TO THE PEOPLE OF THE COUNTY OF HAWAII."

Offered by: Senator Levin.

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

No. 191 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY TO DETERMINE THE EFFICACY OF THE STATE'S COMMUNITY MENTAL HEALTH CENTER PROGRAM AND TO DETERMINE WHETHER THE SAME MENTAL HEALTH SERVICES COULD BE PROVIDED IN A MORE EFFICIENT AND COST-EFFECTIVE MANNER BY THE PRIVATE-SECTOR."

Offered by: Senator Levin.

Referred to: Committee on Health, then to the Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 192 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE METHODS OF DELIVERING MEDICAL SERVICES MORE EFFICIENTLY DURING WEEKENDS AND AFTER HOURS ON WEEKDAYS."

Offered by: Senator Levin.

Referred to: Committee on Health

### ORDER OF THE DAY

#### RE-REFERRAL OF HOUSE BILL

The President re-referred the following House bill that was received:

House Bill	Referred to:
No. 1273	Committee on Judiciary

#### RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 161	Committee on Judiciary

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

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

"Mr. President, some three-and-a-half weeks into this legislative session, on the Seventeenth Day of our session to be exact, the Senate finally received the governor's choices for 'advise and consent' although all had been selected by early January. Your committee scheduled the hearings shortly thereafter. The process has begun fairly and with appropriate deliberation. Thus, I was dismayed, to say the least, with yesterday's turn of events, namely the governor's outburst over the confirmation process. Such displays and accusations only serve to destroy any efforts to establish a positive working relationship between the Senate and the Executive so that we may collaboratively address the many tough issues before us. We should be focusing attention on problem solving, not backbiting. Unfortunately, the Senate's integrity and legitimate role of 'advise and consent' has been questioned.

"Mr. President, the charge to your committee on Executive and Judicial Appointments as outlined in the Senate rules was and is to thoroughly examine the qualifications, background, integrity and skills of the nominees. In my observation, that is what the committee and its chair have undertaken. Such a thorough review called for in our rules and expected by the Senate cannot be hasty or pro forma. Throughout the hearings, nominees have been treated with utmost dignity and respect. The questions, perhaps tough at times, have been fair, on target and have explored areas of legitimate concern.

"Mr. President, these nominees are expected to run large departments; their jobs are very demanding especially in these trying times when departments may be scaled back, functions consolidated, and programs downsized or eliminated. The Senate must be convinced that the nominees are indeed up to the task.

"With questions in the past regarding cronyism and governmental ethics, the Senate must also be assured that these nominees are of the highest caliber, the standard also professed by the administration. In my view, your committee and its chair have taken their responsibilities very seriously. There will be no rush to judgment or confirmation, nor should there be. On the other hand, if the Hawai'i State Senate conducted its confirmation hearings in the petty, disrespectful fashion or with the witchhunt mentality we have often witnessed at the federal level, then I believe the governor would have cause for complaint. Such conduct has not, and I am confident will not be the case.

"Mr. President, the deliberations of all your committees will proceed thoughtfully and diligently, ever mindful that we are here to do the people's business. It is most unfortunate that an attempt has been made to distract us from our purpose and to put a cloud over our legitimate legislative responsibilities.

"Thank you, Mr. President."

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

"Thank you, Mr. President. I would just like to thank the Majority Leader for her remarks. They were well stated and I would like to assure all of you here, my colleagues as well as my committee members, that we will be continuing the way we have been. And again, I wish to say that if you have any questions you would like to

transmit to the committee for consideration, please do so.  
Thank you."

**ADJOURNMENT**

At 11:52 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., Friday, March 17, 1995.