

## NINETEENTH DAY

Wednesday, February 14, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Al Helder, Pacific Community Church, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga and Tanaka who were excused.

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

The following introductions were then made to the members of the Senate:

Senator Tam introduced the Chinese Chamber of Commerce 1996 Narcissus Festival Queen, Elyn Yao, and her court. The young ladies were presented Senate certificates and leis by various Senators.

The President, at this time, invited Queen Elyn Yao to address the members of the Senate and appointed Senators Tam, Liu and Aki to escort her to the podium.

Queen Elyn addressed the members of the Senate as follows:

"Thank you for having us all here today.

"I would like to say I am very honored to represent the Chinese Chamber of Commerce and the Chinese community in Hawaii. Our court is looking forward to an exciting year filled with new travels and new lifelong friendships, especially on our goodwill tour to China in June.

"We look forward to seeing all of you this weekend at the Chinese Chamber of Commerce's festivities for Chinese New Year -- the 'Year of the Rat' -- downtown in Chinatown, Friday and Saturday evening.

"Thank you for having us here."

At this time, Senator Chumbley introduced three representatives of the Coalition For A Drug-Free Hawai'i. All of the guests were presented Senate certificates and leis.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 161, letter dated February 13, 1996, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of Administration Proposal EDN-10 (96), S.B. No. 2769, relating to supplemental appropriations for fiscal year ending June 30, 1996, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 9, transmitting H.B. No. 2403, which passed Third Reading in the House of Representatives on February 13, 1996, was read by the Clerk and was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2403, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," passed First Reading by title and was referred to the Committee on Transportation and Government Affairs.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 21) was read by the Clerk and was referred to committee:

## Senate Concurrent Resolution

No. 21 "SENATE CONCURRENT RESOLUTION REAFFIRMING THE TEACHING OF CHARACTER EDUCATION IN HAWAII'S PUBLIC SCHOOLS AND REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A COMPREHENSIVE INSTRUCTIONAL PROGRAM ON CHARACTER TRAITS."

Offered by: Senators Kawamoto, Chumbley.

Referred to: Committee on Education

## SENATE RESOLUTION

The following resolution (S.R. No. 13) was read by the Clerk and was referred to committee:

## Senate Resolution

No. 13 "SENATE RESOLUTION REAFFIRMING THE TEACHING OF CHARACTER EDUCATION IN HAWAII'S PUBLIC SCHOOLS AND REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A COMPREHENSIVE INSTRUCTIONAL PROGRAM ON CHARACTER TRAITS."

Offered by: Senators Kawamoto, Chumbley.

Referred to: Committee on Education

## STANDING COMMITTEE REPORTS

Senators Iwase and Grauly, for the Committee on Planning, Land and Water Use Management and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1652) recommending that S.B. No. 2458, 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 joint report of the Committees was adopted and S.B. No. 2458, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE PATROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Ige, for the Committee on Planning, Land and Water Use Management and the Committee on Higher Education, Culture, and Arts, presented a joint report (Stand. Com. Rep. No. 1653) recommending that S.B. No. 2861, 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 joint report of the Committees was adopted and S.B. No. 2861, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF

HAWAII - WEST OAHU," 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. 1654) recommending that S.B. No. 2770, 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. 2770, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OPERATING EXPENSES OF THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1655) recommending that S.B. No. 2017, 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. 2017, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1656) recommending that S.B. No. 2027, 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. 2027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1657) recommending that S.B. No. 2789, 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. 2789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE OR UNENFORCEABLE HEALTH STATUTES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1658) recommending that S.B. No. 3034 pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 3034, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF TOBACCO," passed Second Reading and was referred to the Committee on Consumer Protection.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1659) recommending that S.B. No. 2186, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

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

S.B. No. 2186, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED CONTROL OF PROPELLED VEHICLES" passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1660) recommending that S.B. No. 2322, 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. 2322, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1661) recommending that S.B. No. 2331, 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. 2331, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1662) recommending that S.B. No. 2488 pass Second Reading and be referred to the Committee on Transportation and Government Affairs.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2488, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Transportation and Government Affairs.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1663) recommending that S.B. No. 2490, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Transportation and Government Affairs.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2490, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Transportation and Government Affairs.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1664) recommending that S.B. No. 2494, 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. 2494, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Graulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1665) recommending that S.B. No. 2882, 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. 2882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1666) recommending that S.B. No. 2886 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. 2886, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT OF INMATE MONEYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1667) recommending that S.B. No. 2925 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. 2925, entitled: "A BILL FOR AN ACT RELATING TO OPPORTUNITIES FOR THE COLLECTION OF TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grauly, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1668) recommending that S.B. No. 2987, 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. 2987, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRIAL JURORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1669) recommending that S.B. No. 1668 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. 1668, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES.," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Levin, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1670) recommending that S.B. No. 2388, 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 joint report of the Committees was adopted and S.B. No. 2388, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1671) recommending that S.B. No. 2558, 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. 2558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC AND SEXUAL VIOLENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1672) recommending that S.B. No. 2859, 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 majority of the Committee was adopted and S.B. No. 2859, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE OFFICE ON AGING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1673) recommending that S.B. No. 2712 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. 2712, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR CHILD FOSTER CARE PAYMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1674) recommending that S.B. No. 2718 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. 2718, entitled: "A BILL FOR AN ACT RELATING TO FOSTER PARENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1675) recommending that S.B. No. 2790 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. 2790, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1676) recommending that S.B. No. 2797, 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. 2797, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WOMEN, INFANT AND CHILDREN SERVICES (WIC)," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1677) recommending that S.B. No. 2856 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. 2856, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1678) recommending that S.B. No. 3097 pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 3097, entitled: "A BILL FOR AN ACT RELATING TO FREE NO-FAULT MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection.

Senator Tam, for the majority of the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 1679) recommending that S.B. No. 2227, 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 majority of the Committee was adopted and S.B. No. 2227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 1680) recommending that S.B. No. 2777, 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. 2777, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," 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. 1681) recommending that S.B. No. 2023, 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. 2023, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 1682) recommending that S.B. No. 2145 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. 2145, entitled: "A BILL FOR AN ACT RELATING TO 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. 1683) recommending that S.B. No. 2208 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. 2208, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL CONSTRUCTION PROJECTS," 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. 1684) recommending that S.B. No. 2210, 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. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," 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. 1685) recommending that S.B. No. 2211, 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. 2211, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL CONSTRUCTION PROJECTS," 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. 1686) recommending that S.B. No. 2311, 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. 2311, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CONTENT AND PERFORMANCE STANDARDS," 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. 1687) recommending that S.B. No. 2363 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. 2363, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," 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. 1688) recommending that S.B. No. 2371, 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. 2371, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 1689) recommending that S.B. No. 2500 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. 2500, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," 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. 1690) recommending that S.B. No. 2872 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. 2872, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," 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. 1691) recommending that S.B. No. 2209, 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. 2209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1692) recommending that S.B. No. 2323, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2323, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1693) recommending that S.B. No. 2324, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2324, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1694) recommending that S.B. No. 2325 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2325, entitled: "A BILL FOR AN ACT RELATING TO AMMUNITION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 15, 1996.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1695) recommending that S.B. No. 2326, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1696) recommending that S.B. No. 2379, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2379, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1697) recommending that S.B. No. 2416, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Grafty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1698) recommending that S.B. No. 2783, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2783, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1699) recommending that S.B. No. 2714 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2714, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION OF CHILD PLACING ORGANIZATIONS, CHILD CARING INSTITUTIONS, AND FOSTER BOARDING HOMES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 15, 1996.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1700) recommending that S.B. No. 2304, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1700 and S.B. No. 2304, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred until Thursday, February 15, 1996.

#### ORDER OF THE DAY

#### RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2522	Jointly to the Committee on Health and the Committee on Ways and Means
No. 2523	Jointly to the Committee on Health and the Committee on Ways and Means
No. 2688	Jointly to the Committee on Agriculture, Labor, and Employment and the Committee on Ways and Means
No. 2779	Jointly to the Committee on Health and the Committee on Ways and Means
No. 3151	Jointly to the Committee on Hawaiian Affairs and the Committee on Economic Development

At this time, Senator Kanno, chairman of the Committee on Agriculture, Labor, and Employment, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. No. 2688, and the Chair granted the waiver.

Senator Chumbley, chairman of the Committee on Education, also requested a waiver of the 72-hour Notice of a Public Hearing pursuant to Senate Rule 20 on S.B. No. 2087, and the Chair granted the waiver.

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

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

"Mr. President, as you know, I transmitted a letter to the Department of Education regarding their continued reluctance to provide detailed and timely responses to your Committee on Ways and Means. While the words of the letter were harsh, I felt compelled to speak out against what is clearly unacceptable practices.

"We are in a time of unprecedented fiscal austerity. The budget reductions imposed to date are staggering. We simply do not have the time to play 'cat and mouse' with the State budget.

"Mr. President, we have and we will make very difficult decisions. The impacts on people's lives and jobs are real. Your committee needs to do an exhaustive review of all State finances, and seeing as how education accounts for one out of every three general fund dollars, we must have accountability from the Department of Education.

"Your committee has never asserted that education in our State is over-funded. In fact, the request to the DOE that my letter addresses was an attempt to ascertain just where the shortfalls in our educational system were. The department's response, however, was both arrogant and ambiguous.

"Specifically, the following question was put to the department: 'What are the department's plans for dealing with the recurring shortfall?' The department offered the following response: 'Compulsory education requires that the department provide educational services for all students ages 6 to 18, special education 3 to 20. DOE has exhausted all internal cost-savings adjustments and needs to begin cutting instructional programs in EDN 100 unless additional funds are appropriated.'

"Mr. President, this is budgeting by ultimatum, and your committee will not stand for it.

"I would also like to add that we are not the only party which has met such intransigence when it comes to information regarding the education budget. I would like to insert into the Journal a copy of a recent correspondence between KGMB and the department concerning the difficulty it had in receiving information. I think you will see that this is not isolated behavior we are dealing with.

"Mr. President, your committee will not appropriate blindly. We know that our State and our children have real needs, but we are precluded from any effective decision-making when information is not provided. Mr. President, your committee wants -- no, your committee demands that moneys for education, just as with moneys for any other State purpose, be accounted for.

"Thank you, Mr. President."

The Chair having so ordered, the insertion of the correspondence between KGMB and the Department of Education is identified as Attachment "A."

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

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

"Mr. President, your Committee on Education fully agrees with the previous speaker, the chairman of the Ways and Means Committee; in fact, echoes many of her same concerns. The DOE has been less than forthright and timely in providing your Committee on Education with similar requests. In fact, I want to caution the department on some of the strong-arm messages that are coming out of the budget office to the various schools by threatening to cut from EDN 100 -- the classroom, Mr. President.

"This body took a very strong position in the last session on providing funds for the classroom and we will continue to do so and we also want to urge the Department of Education not to play games with the classroom dollars.

"Thank you."

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

"Mr. President, I am also rising on a point of personal privilege.

"Mr. President, I speak in support of the remarks of the previous speakers. I can remember the days when we argued on the floor the legislation which gave the department flexibility to have more control of their own funds, i.e., trying to make the education budget what was in those days called 'less political'.

"Mr. President, it is to my dismay and I think very discouraging to your members as we go through this procedure and we're not getting any kind of response. I just want to remind this body that what we give, we can take away. And I strongly recommend that perhaps we should revisit that whole issue on flexibility. Furthermore, to revisit the issue of whether we should go back to line item budgeting as opposed to lump sum.

"I have fervently argued against flexibility and lump sum, because I felt that the schools that were situated closer to the Central Office were the schools that would benefit the most, and the schools that were on the

neighbor islands would be the ones that would be hit the most negatively in terms of many of these programs. I receive many phone calls to this effect. It brings to mind a very, very small, what I call 'manini' appropriation that meant so much to so many. The DOE had sponsored a physical fitness event with our Stadium Authority and we were informed this morning that this no longer is happening. It is just an \$8,000 appropriation in which all the elementary school children were bussed to the stadium. Evidently this was a program that was strongly supported by the community because many parents attended. They would have push-up and sit-up contests and at the end everybody would receive a physical fitness certificate and it greatly encouraged good health to our young children.

"These are the kinds of programs that are being targeted for cutting from the budget. We're not informed of these cuts, Mr. President, unless we get a phone call from our constituency being that your committee does not see these appropriations like we used to before now that we're giving everything in lump sum.

"So I would urge this body, Mr. President, let's be courageous; let's try to turn the tide; let's try to return education back to the people where it rightfully belongs. Let's revisit these issues of flexibility and lump sum. I know politically that it might be a tough decision, but we're entitled to change our minds if the circumstances warrant and I think the circumstances do at this point in time.

"Thank you, Mr. President."

Senator Matsuura, rising on a point of personal privilege, then stated:

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

"This morning I received a letter from Mrs. Taring in India. She had an audience with His Holiness the Dalai Lama of Tibet. The Dalai Lama had requested that she thank all of us for the very warm reception extended to him when he visited the Senate chambers. He wanted to express his thank you. Mrs. Taring also expressed her appreciation because we did give her a certificate of recognition.

"Some of you may not know Mrs. Taring, but if you read the children's book I have written entitled 'Angels Masquerading on Earth,' Mrs. Taring is featured as one of the angels. She is a remarkable woman. She's the woman who took care of all the refugee children when China invaded Tibet. Families had to leave Tibet and many parents were killed by the Chinese soldiers; she took care of all the children. She was the highest ranking woman in Tibet. I helped teach at her refugee school. She had just two sets of clothes: one she wore and one she washed. In her letter she said it's been 36 years since they left Tibet and her one wish is to go back to Tibet. I promised her that I would introduce a resolution asking the Government of China to at least let the Tibetans go back to their country. I didn't realize that it's been 36 years but it's a long time to be away from your homeland.

"Thank you very much, Mr. President."

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

"Mr. President, this is also on a point of personal privilege.

"Mr. President, every year it has been my honor to deliver your Valentine message from the women of the Senate. So here it goes, Mr. President:

'Roses are red, violets are blue; mahalo for your flowers graciously set in a golden pot, too; but on to the serious moments of the day; we are working hard on all your bills, so do not dismay; we are counting on you to pull us through; so we will sign off for now, and I repeat, for now as Your True Blue; how long that lasts, will depend on you.' (Laughter.)

"Thank you."

The President responded:

"Thank you very much.

"The Chair extends a Happy Valentine's Day to all the staff and the Senators ... and the press also."

#### ADJOURNMENT

At 12:21 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 15, 1996.

ATTACHMENT "A"

December 7, 1995

Dr. Herman Aizawa  
 Superintendent of Education  
 HAWAII STATE DEPARTMENT  
 OF EDUCATION  
 P.O. Box 2360  
 Honolulu, HI 96804

DEC 14 10 54 AM '95

Dear Dr. Aizawa:

I am writing to inform you about a situation involving one of your employees, Mr. Greg Knudsen.

On December 3, 1995 our reporter, Bob Loy, submitted the enclosed routine written request for information to Mr. Knudsen and the Department of Education (D.O.E.). Mr. Loy's request was for one copy of the "School Status and Improvement Report—School Year 1994-1995" for each of the state's high schools. This is a 3-page public document that in some, if not all cases, is mailed to the homes of students served by the schools.

On December 5 Mr. Loy telephoned Mr. Knudsen who acknowledged receiving the request. Mr. Knudsen informed Mr. Loy that the request involved a massive amount of documents that had not yet been assembled. He further stated that if or when he was able to compile the information, he would make the information available for review, but he would not provide copies as requested. Mr. Knudsen stated that his department no longer had the staff to comply with such requests.

Mr. Loy reminded Mr. Knudsen that he is required to fulfill the request under Chapter 92F of the Hawaii Revised Statutes—The Uniform Information Practices Act (UIPA) and that KGMB would be pleased to pay for photocopying at the costs prescribed in the UIPA. Mr. Loy then stated that if Mr. Knudsen did not comply that KGMB would seek the intervention of the State Office of Information Practices to compel the D.O.E. to abide by the provisions of the UIPA. Mr. Knudsen responded that he was not going to "waste his time" for "some fishing expedition" but that he might be more inclined to comply with the request if Mr. Loy disclosed why he wanted the information. He further stated that he was not Mr. Loy's "gofer."

We believe Mr. Knudsen's behavior in this matter reveals a deliberate attempt to restrict access to public information and violates the UIPA. According to the observations and direct experience of our staff, this incident is part of a pattern of Mr. Knudsen failing to carry out what we believe are the responsibilities of his job to provide information to the public, including journalists. There is no telling how many members of the community, who are less likely to understand and demand their rights under the UIPA, have been deterred from their legitimate requests by Mr. Knudsen's unlawful control of the gateway to public information.



Dr. Herman Aizawa  
Page 2

December 7, 1995

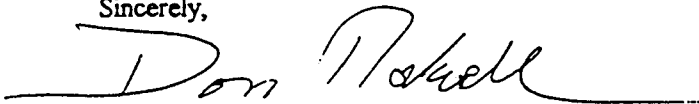
I am certain that you are aware that Mr. Knudsen is the husband of D.O.E. board member Karen Knudsen. We believe that relationship creates a conflict of interest preventing Mr. Knudsen from carrying out the responsibilities of his job, as exhibited in this and other incidents. Mr. Knudsen knows Mr. Loy is an investigative reporter and that any news stories produced as a result of his research might reflect poorly on the policies and actions of the D.O.E. and the State Board of Education, including his own wife.

We do not believe Chapter 92F allows Mr. Knudsen the discretion to base his level of compliance with provisions of the UIPA on the motive of individuals making lawful requests for information. As long as Mr. Knudsen remains in his position, and his wife remains as a board member or otherwise involved in D.O.E. activities, Mr. Knudsen's conflict will continue. This means the public will continue receiving information about the D.O.E.'s activities after Mr. Knudsen has determined whether the reason for requests for information meet his personal criteria.

We, therefore, ask you--as a service to the people of the State of Hawaii--to intervene in this matter and remove Mr. Knudsen from any position giving him authority to control access to D.O.E. information.

Thank you for your immediate attention to this serious matter.

Sincerely,



DON ROCKWELL  
News Director

DR/V  
Enclosures

cc: House Education Committee  
Senate Education Committee  
Governor Benjamin Cayetano  
State Ethics Committee  
Dick Grimm, General Manager, KGMB

TWO PAGE FAX

TO: GREG KNUDSON (fax) 586-3234  
FROM: BOB LOY 973-9889  
SUBJECT: SCHOOL STATUS AND IMPROVEMENT REPORT  
DATE: DECEMBER 3, 1995

ALOHA GREG,

THIS IS AN OFFICIAL REQUEST FOR INFORMATION UNDER THE STATE UNIFORM INFORMATION PRACTICES ACT.

PLEASE PROVIDE ONE COMPLETE COPY OF THE "SCHOOL STATUS AND IMPROVEMENT REPORT--SCHOOL YEAR 1994-1995" FOR EACH OF THE STATE'S HIGH SCHOOLS.

INCLUDED IN THIS FAX FOR YOUR EDIFICATION IS THE FRONT PAGE OF THE REPORT FOR KAILUA HIGH SCHOOL.

IF AT ALL POSSIBLE I NEED THEM BY WEDNESDAY, 12/6/95. I WILL BE HAPPY TO COME TO YOUR OFFICE TO PICK UP THE COPIES. PLEASE CALL ME WHEN THEY ARE AVAILABLE.

DON'T HESITATE TO CALL IF YOU HAVE ANY QUESTIONS.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT  
P. O. Box 2360  
Honolulu, HI 96804

**SCHOOL STATUS AND  
IMPROVEMENT REPORT**  
School Year 1994-95

**Kailua High School**

School No. 309, Grades 9-12

Windward District

Kailua High School offers its multi-ethnic student body an exciting learning environment. It seeks to meet the needs of all students by providing a varied and relevant curriculum and numerous student activities. Participation by all role groups is encouraged and nurtured through open communication and collaborative decision-making. Kailua High School was accredited in 1993 by the Western Association of Schools & Colleges for a period of six years. Kailua High School is operating under School/Community-Based Management.

**CONTEXT INDICATORS**

	1992-93	1993-94	1994-95
<b>A. Students</b>			
September enrollment	1,195	1,142	1,112
Students enrolled for entire school year	1,116 93%	1,104 97%	968 87%
Students receiving free or reduced cost lunch	216 18.1%	193 16.9%	252 22.7%
Students in special education programs	120 10.0%	126 11.0%	139 12.5%
Students with limited English proficiency	25 2.1%	29 2.5%	17 1.5%
<b>B. Certificated Staff</b>			
Administration & Student Services (FTE)	11.5	13.0	13.0
Teaching Staff			
Regular Instruction (FTE)	44.0	44.0	41.0
Special Education (FTE)	11.5	13.5	13.5
Supplementary Instruction (FTE)	12.5	13.5	14.5
Total: Teaching Full-Time Equivalent (FTE)	68.0	71.0	69.0
Students per Teaching Staff Member			
Regular Instruction	19.0	17.7	17.5
Special Education	10.4	9.3	10.3
Total number of persons assigned to teaching (headcount)	79	83	70
Teachers with 5 or more years in this school (headcount)	43	54	52
Number of principals at this school in the last five years			2
<b>C. Facilities</b>			
Classrooms available:	75	75	74
Number short (-) or over number needed	6	11	6
Ratio of school enrollment to rated classroom capacity (percent)	73.8%	71.6%	70.3%
Adequacy of other facilities (sq. ft.) in percent of state standard for school type and enrollment:	Per Design Enrollment	Per Actual Enrollment	
Library	73%	73%	73%
Cafeteria/Auditorium	154%	167%	175%
Administration	118%	120%	120%
Maintenance:			
Repair requests made	301	389	614
Repairs completed	218	328	554
Facility adequacy is rated as follows: 100% of standard or higher - adequate; 70% to 99% - marginal; less than 70% - inadequate.			