

TWENTIETH DAY

Thursday, February 15, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lieutenant Kim Evans, Pearl Harbor Naval Station, Religious Ministries Department, after which the Roll was called showing all Senators present with the exception of Senator McCartney who was excused.

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

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 162 and 163) were read by the Clerk and were placed on file:

Gov. Msg. No. 162, dated January 22, 1996, transmitting a report prepared by the Department of Health pursuant to Chapter 128D, HRS, on the activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and use of the Environmental Response Revolving Fund (ERRF).

Gov. Msg. No. 163, dated January 31, 1996, transmitting a report prepared by the Department of Health in response to H.C.R. No. 227 (1995), requesting the Department of Health to analyze the impacts caused by agricultural activities in the Kaiaka-Waiialua Bay Hydrological Unit on Marine Species in the Kaiaka-Waiialua Bay.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 10 to 23) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 10, transmitting H.B. No. 2401, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2401, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 11, transmitting H.B. No. 2601, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2601, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 12, transmitting H.B. No. 2603, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2603, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 13, transmitting H.B. No. 2620, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2620, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 2622, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2622, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 2868, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 2868, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, transmitting H.B. No. 3046, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3046, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 17, transmitting H.B. No. 3047, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3047, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL DAMAGE TO PROPERTY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 3339, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3339, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECT ASSESSMENTS," passed First Reading by title and was referred to the Committee on Transportation and Government Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 19, transmitting H.B. No. 3365, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3365, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 20, transmitting H.B. No. 3367, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3367, entitled: "A BILL FOR AN ACT RELATING TO STATE INVESTMENTS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 21, transmitting H.B. No. 3370, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3370, entitled: "A BILL FOR AN ACT RELATING TO STATE TREASURY CASHIERING," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 22, transmitting H.B. No. 3566, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 3566, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC FILING OF TAX RETURNS," passed First Reading by title and was referred to the Committee on Communications and Public Utilities, then to the Committee on Ways and Means.

Hse. Com. No. 23, transmitting H.B. No. 4075, which passed Third Reading in the House of Representatives on February 14, 1996, was placed on file.

On motion by Senator Ihara, seconded by Senator Liu and carried, H.B. No. 4075, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed First Reading by title and was referred to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1701) recommending that S.B. No. 2524, 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. 2524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1702) recommending that S.B. No. 2985, 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. 2985, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1703) recommending that S.B. No. 2340, 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. 2340, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1704) recommending that S.B. No. 2344 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. 2344, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1705) recommending that S.B. No. 2992 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. 2992, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chumbley and Fukunaga, for the Committee on Education and the Committee on Communications and Public Utilities, presented a joint report (Stand. Com. Rep. No. 1706) recommending that S.B. No. 3217, 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. 3217, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1707) recommending that S.B. No. 2157 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. 2157, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW POLICE DEPARTMENT HEADQUARTERS/CIVIL DEFENSE EMERGENCY OPERATING CENTER FOR THE COUNTY OF KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1708) recommending that S.B. No. 2158 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. 2158, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL

OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAUAI CAPITAL IMPROVEMENT PROJECTS RELATED TO HURRICANE INIKI DAMAGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1709) recommending that S.B. No. 2159 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. 2159, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE COUNTY OF KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1710) recommending that S.B. No. 2385 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. 2385, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PHASE ONE OF THE KAUPAKUEA HOMESTEAD ROAD IMPROVEMENT PROJECT; KAUPAKUEA, HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1711) recommending that S.B. No. 2613 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. 2613, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WEST HAWAII VETERANS CEMETERY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1712) recommending that S.B. No. 2615 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. 2615, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1713) recommending that S.B. No. 2762 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. 2762, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE STATE SUPPORT FOR THE DEVELOPMENT OF THE

PACIFIC DISASTER CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1714) recommending that S.B. No. 2824, 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. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1715) recommending that S.B. No. 2897, 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. 2897, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADJUDICATION OF VEHICULAR TRAFFIC VIOLATIONS AT PUBLIC AIRPORTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1716) recommending that S.B. No. 2913 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. 2913, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIABILITY OF CONTRACTORS CONTRACTING WITH THE STATE OR COUNTIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1717) recommending that S.B. No. 3006 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. 3006, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR VIDINHA STADIUM TRACK, COUNTY OF KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1718) recommending that S.B. No. 3007 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. 3007, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a

report (Stand. Com. Rep. No. 1719) recommending that S.B. No. 210 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. 210, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR FLOOD CONTROL PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1720) recommending that S.B. No. 2686 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. 2686, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECT ASSESSMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1721) recommending that S.B. No. 2898 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. 2898, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Aki, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1722) recommending that S.B. No. 2327 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. 2327, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1723) recommending that S.B. No. 2614 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. 2614, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Aki, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1724) recommending that S.B. No. 2627 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. 2627, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1725) recommending that S.B. No. 2628 pass Second Reading and be referred to the Committee on Planning, Land and Water Use Management.

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. 2628, entitled: "A BILL FOR AN ACT RELATING TO THE QUALIFICATIONS OF MEMBERS OF THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Planning, Land and Water Use Management.

Senator Aki, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1726) recommending that S.B. No. 2711 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. 2711, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Ikeda, for the Committee on Hawaiian Affairs and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1727) recommending that S.B. No. 2867, as amended in S.D. 1, pass Second Reading and be recommitted jointly to the Committee on Hawaiian Affairs and 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. 2867, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUES DERIVED FROM THE PUBLIC LAND TRUST PAYABLE TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was recommitted jointly to the Committee on Hawaiian Affairs and the Committee on Ways and Means.

Senator Aki, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1728) recommending that S.B. No. 2665 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. 2665, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 1996.

ORDER OF THE DAY

THIRD READING

S.B. No. 2325:

On motion by Senator Graulty, seconded by Senator Chumbley and carried, S.B. No. 2325, entitled: "A BILL FOR AN ACT RELATING TO AMMUNITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson, Liu). Excused, 1 (McCartney).

S.B. No. 2714:

On motion by Senator Matsuura, seconded by Senator Graulty and carried, S.B. No. 2714, entitled: "A BILL

FOR AN ACT RELATING TO CERTIFICATION OF CHILD PLACING ORGANIZATIONS, CHILD CARING INSTITUTIONS, AND FOSTER BOARDING HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (McCartney).

Stand. Com. Rep. No. 1700 (S.B. No. 2304, S.D. 1):

Senator Ikeda moved that Stand. Com. Rep. No. 1700 be adopted and S.B. No. 2304, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Ikeda rose in support of the measure and stated:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, in your speech on opening day, you had said that tough times call for tough choices. With the passage of this bill, I feel that the Senate is dismissing the prevailing political winds and doing what is right and responsible for the people of Hawaii.

"I took no joy in passing this bill from my committee. I have seen the faces of those receiving general assistance, and I am fully aware of the ramifications of our committee's decision. But, Mr. President, I feel that this measure is the best opportunity available to provide some meaningful relief to those in need.

"Were we to fund general assistance at the levels of benefits currently for all recipients, we would need over \$8 million this year, and \$22 million for next year. This would represent a growth of 50 percent in this program alone. We simply cannot sustain the status quo.

"Knowing this, we sought to provide full assistance to those in greatest need. With this measure, Mr. President, families with children will still receive full benefits under the program. Without this measure, the levels of everyone's benefits would be cut across the board, and benefits for all would run out before the year's end. This was the decision your committee was faced with.

"The legislature has been assailed, especially by those in the lofty chairs of the Honolulu Advertiser's editorial board, as being cold and unflinching in our decisions. Rather than offer up genuine alternatives, they provide simplistic cliches and make nebulous references to 'cutting obsolete pre-Statehood programs.' Eight million here, twenty-two million there, it's just a matter of cutting somewhere else.

"Where would you like us to cut I ask? Over the past three years the University of Hawaii is facing almost \$45 million in budget cuts, the Department of Business Economic Development and Tourism has had its budget reduced by almost \$20 million; the Department of Health has had its budget slashed by more than \$37 million. Even the Department of Education has had its budget cut by almost \$25 million.

"My response to these voices is that my door is always open. If you have specific reductions to bring to the table, obsolete pre-Statehood programs, the committee will welcome your suggestions wholeheartedly. Mr. President, I fear, however, that this is only the beginning of a barrage of second guessing and armchair quarterbacking. We cannot, however, be drawn into hollow debates. We must continue to press forward and do what is right and not what is comfortable. The well-being of our State demands it.

"I therefore ask my colleagues to support this measure. Thank you, Mr. President."

Senator Levin rose in opposition to the measure as follows:

"Mr. President, I rise to speak in opposition to this bill.

"I do so understanding the difficult choices that we face and with great respect for the decisions that have been made by the committees in bringing this bill to the floor. Nevertheless, I cannot help but feel that we need to do more with respect to protecting the safety net that we have provided for our people, proudly provided for our people, over the past many years.

"I have some statistics that I requested from the Department of Human Services as to the people who are on general assistance, and I thought I would like to share them with my colleagues. These are statistics based, I gather, on a one-month survey, so they may vary from month to month, but I assume that they are fairly accurate over a broad period of time.

"Fifty-two percent of the people on general assistance are born in Hawaii; they are not newcomers to the State. Ninety-two percent have lived in Hawaii at least two years before applying for assistance; so the image that we have sometimes, of people getting off the plane and going down to the Welfare Office, applies to very few of these individuals. Forty percent of all general assistance recipients are on welfare less than one year; so this is not a permanent situation for many people. Seventy-eight percent are on general assistance for less than two years; so more than three-quarters are on less than two years. Thirteen percent of the general assistance cases have some earned income, meaning that these individuals or these families are trying to make a go of it, but they cannot earn enough to get out of poverty, to keep their families intact or to be able to pay for a roof over their heads.

"There were about 13,600 recipients of general assistance in July of 1995, the month that these statistics came from. Eighteen hundred of those individuals were under the age of five. A thousand were between the ages of six and twelve. Another 345 were between the ages of 13 and 17. So what this measure will do will be to knock off 3,145 children from the general assistance rolls, either if they have already received six months' worth of assistance or when they do get to that six months figure. And of the balance of the 13,000, there were another 975 adults at the other end of the spectrum who are over the age of 55. And of course we know that general assistance is for individuals who are disabled, so we are talking about people who are over the age of 55 and who are disabled -- 975 such people will be taken off our rolls.

"I'd like to read an excerpt from a column that appeared in the New York Times by one of its columnists. The columnist had been in Africa, and upon returning to the United States was thinking about the comparisons. None of this relates specifically to Hawaii but he's referring to the United States. He says:

'We have something so special compared with almost every country in the world, but if we want to preserve it we have to pay for it. I don't know exactly where the budget compromises should come and there is certainly truth to the argument that to preserve our social safety nets, they have to be reformed and probably reduced in scope,' but we do need to do something.

'They don't worry about big government in Liberia. They don't worry about government at all -- thanks to the gangs and war lords who rule most of the land.

Employers don't have to fret at all about pesky workers' safety rules in Angola, let alone services for the handicapped. The 70,000 Angolans who have had limbs blown off by land mines during 25 years of civil war seem to make do just fine on their own. You see them limping around the streets of Luanda, hustling for food and using tree limbs as a substitute for the human variety. They sure looked happy to me. And in Rwanda and Burundi no one is asked to pay for Head Start, unemployment insurance, Medicaid, national service, or student loan programs. Instead they just have a brutal competition for scarce land, energy and water.'

[It's too bad that some people] 'never go on congressional junkets' (he's referring again to the national legislature). 'Too bad. They might want to come to Africa and glimpse what happens to countries where there is no sense of community, no sense that people owe their government anything; no sense that anyone is responsible for anyone else, and where everyone, rich or poor, is left to the tender mercies of the global marketplace.'

"The bill we have before us is meant to deal with the current crisis that we have, and I do not deny that there is a crisis. As this columnist has said, I don't know exactly where the budget compromises should come, and I think that the point made by the Ways and Means chair is absolutely valid. Those of us who would like to see this program funded should come up with alternatives and I don't have them. But the fact is that, hopefully, this is a temporary crisis. Hopefully we will come out of it, next year or the year after. This bill is not a temporary measure. There is no drop-dead clause. This bill will limit general assistance forever, unless and until we choose to change our statutes to repeal the six month limitation. I think that's unfortunate, and I think that what we apparently feel we must do, if we must do it, is also unfortunate.

"Thank you."

Senator Matsuura rose in support of the measure and said:

"Mr. President, as chair of Human Services, it's been always very difficult to make cuts in welfare benefits like this, especially when we have been very generous as a state. Once you give the benefits, it's very hard to take back. I just want to make a few comments on the other side of the coin so you don't feel so bad.

"There are two types of programs that deal primarily with these physically handicapped and mentally handicapped. There's the federally funded program, funded 100 percent by federal funds, that's called SSI. Those that are physically handicapped, mentally handicapped, they are already taken care of by the SSI program. They're all enrolled in the SSI program. The Department of Human Services with the assistance of Legal Aid are trying to get people on general assistance to SSI. Those who are in the so-called waiting period in which they most likely would be enrolled in the SSI, we have another fund that takes care of them financially. Once they are enrolled in the SSI program the federal government pays back to the state all the monies that we have already given to that individual. We are not neglecting the people who are handicapped. Believe me, I'm the last one that would want to cut the benefits from those who deserve to be helped because they truly need the help.

"The State of Hawaii is one of 22 states that have this general assistance program. General assistance funds are 100 percent state funded. No federal funds are involved.

I don't know what the other 28 states do to take care of their physically and mentally handicapped people who don't qualify for SSI. If we had the monies, I think we would continue with our generous benefits. However, because we are short of funds, we have to cut back.

"If you look at this bill you will find that some of the beneficiaries have been eliminated. The children who are being cared for by mothers, fathers, and 'hanai' parents qualify. They are the ones that qualify for benefits. We have eliminated grandfather, grandmother, brother, sister, step-father, step-mother, uncle, aunt, first cousin, nephew and niece from the definition of caregivers. In other words, we are cutting down the people who are entitled to general assistance. We are not being heartless. It's just the financial situation in which we find ourselves in. And as I said, we are taking care of the children. The children and single parents are taken care of by another welfare program called the AFDC, which is funded half by the federal government and half by the state. I don't want you to feel that we are hurting the people who are poor and in need of help.

"I'll be voting 'aye' on this bill and if it was really unfair, I would be voting 'no', in fact, this bill wouldn't have come out of my committee. So I urge all of you to vote 'aye' on this measure. Thank you."

Senator Liu rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this bill, but also to point out that in sections of this bill we have revisited this issue because of a ruling by the court -- frankly, a ruling which I think is indicative of rulings lately by various segments of the court, not just the circuit level, but also at higher levels that go much further than need be, I believe, than is required by reading of the law. I truly believe that the Legislature had the discretion last year to make distinctions as they felt was necessary in this area and that what we simply have here, to a large degree, is unnecessary meddling in legislative affairs, in setting policy, rather than interpreting the law as it should be.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1700 was adopted and S.B. No. 2304, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Levin). Excused, 1 (McCartney).

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2112	Jointly to the Committee on Consumer Protection and the Committee on Ways and Means
No. 3244	Jointly to the Committee on Consumer Protection and the Committee on Ways and Means

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

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

"Mr. President and members of the Senate, I rise today on a point of personal privilege because I recently

received a letter from the U.S. Attorney, District of Hawaii, inviting me to attend a panel discussion on the impact of legalized gambling on Hawaii, sponsored by the U.S. Attorney's office and the Honolulu Police Department at which workshop at least five mainland speakers were scheduled to appear. I assume that the expenses of this scheduled panel discussion are to be defrayed by the sponsors including the travel expenses of those mainland speakers. Last year after the U.S. Attorney for the District of Hawaii on more than one occasion in his official position sought to influence our debate on the legalization of gambling by appearances before the Legislature and by way of press releases relative to the subject, I contacted the Honorable Janet Reno to determine whether in fact the federal government had a policy in regard to the legalization of gambling in the various states and was informed by her that, no, in fact the U.S. Government did not have such a policy and that the U.S. Attorneys were not authorized to speak on that subject in an attempt to influence legislation in the various states. We are engaged in a new legislative session and the practices of the U.S. Attorney for the District of Hawaii continue unabated in this regard.

"Mr. President, regardless of what one's position is on the issue of legalization of gambling in Hawaii there is no justification for the involvement of the federal government in attempting to influence the deliberation of this body on a matter of purely local concern. We must be eternally vigilant to protect the sovereignty of the States as guaranteed by the Tenth Amendment. Mr. President, I intend to again contact Attorney General Reno to insure that this type of interference is terminated.

"Additionally, Mr. President, I request that this body refer the subject of Mr. Alm's activities to the State Ethics Commission to determine whether he has complied with the provisions of Chapter 97, having to do with the registration of lobbyists, and if he has not, that proper action be taken pursuant to the penalties section of that Chapter.

"Thank you, Mr. President."

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

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

"I'd like to have Senator Solomon's comments put into the Journal as though they were my own, and I'd like to add that I believe the people that come in to testify have a very direct concern or input of the committees that they've gone to in both houses. And that was one of the reasons that I thought if they are going to influence the votes of the individuals as far as the Senate and the House of Representatives, then in fact, we should have an advisory type of referendum which we do have that opportunity to have.

"But over and above that, I asked Mr. Alm before if he, in fact, is taking care of the job that he was put in office for and is watching all of the drugs that are coming into this state and taking care of the real necessity of his particular job, and I don't think that he is doing that, Mr. President. So I do thoroughly agree with the Senator from Hawaii. And I thank you very much."

ADJOURNMENT

At 12:07 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., Friday, February 16, 1996.