

THIRTIETH DAY

Tuesday, March 12, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dr. George R. Crisp, Wahiawa United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Grauly, Ihara and Tam who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 209 and 210) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 209, advising the Senate of the withdrawal of the nomination of JOSEPH LIU MAN HIN to the Advisory Committee on Pesticides, under Gov. Msg. No. 197, dated March 7, 1996, was placed on file.

In compliance with Gov. Msg. No. 209, the nomination listed under Gov. Msg. No. 197 was returned.

Gov. Msg. No. 210, dated February 20, 1996, transmitting a report, "Strategies to Facilitate the Development and Use of Renewable Energy Resources in the State of Hawaii," prepared by the Public Utilities Commission in response to S.C.R. No. 40 (1994), was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 152 to 167) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 152 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HOTEL ASSOCIATION AND THE HAWAII VISITORS BUREAU TO COLLABORATE WITH THE MUSICIANS ASSOCIATION OF HAWAII LOCAL NO. 677 AND THE HAWAII ACADEMY OF RECORDING ARTS TO PROMOTE AND PERPETUATE THE HAWAIIAN ENTERTAINMENT INDUSTRY."

Offered by: Senator McCartney.

No. 153 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE WHETHER TO ERECT NOISE SUPPRESSION WALLS ALONG THE H-1 FREEWAY IN WEST OAHU."

Offered by: Senators Kawamoto, Iwase, Kanno.

No. 154 "SENATE CONCURRENT RESOLUTION REQUESTING THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PRESENT ITS PROPOSALS TO THE WINDWARD COMMUNITY ADVISORY COMMITTEE ON TRANSPORTATION."

Offered by: Senators Liu, Anderson, McCartney.

No. 155 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON THE HAWAIIAN LANGUAGE IMMERSION PROGRAM, NA KULA KAIAPUNI HAWAII."

Offered by: Senators Chumbley, Baker, Bunda, Levin, Matsunaga, McCartney, Solomon.

No. 156 "SENATE CONCURRENT RESOLUTION CONCERNING A CONCERTED STATE EFFORT TO DEVELOP HAWAII AS A WORLD CENTER FOR HEALTH."

Offered by: Senators Kawamoto, Baker, Levin, Mizuguchi.

No. 157 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PROVIDE AN ATHLETIC TRAINER FOR EACH SCHOOL COMPLEX."

Offered by: Senators Kawamoto, Chumbley, Holt.

No. 158 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO SEEK ASSISTANCE FROM THE COUNTY WATER SUPPLY AGENCIES AND UTILITY COMPANIES IN SOLICITING DONATIONS FOR SUPPORT OF PUBLIC LIBRARIES."

Offered by: Senator Levin.

No. 159 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF FINANCE TO USE THE FEDERAL LOCATOR SYSTEM FOR UNCLAIMED PROPERTY."

Offered by: Senator Levin.

No. 160 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO INCLUDE PLANS FOR RELEVANT HEALTH AND HUMAN SERVICES-RELATED TRAINING IN REQUESTS FOR PROPOSALS AND TO ESTABLISH MINIMUM REQUIREMENTS FOR THE ONGOING TRAINING OF DEPARTMENTAL STAFF."

Offered by: Senator Levin.

No. 161 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INVOLVE THE ADVISORY BOARDS OF THE SMALL BOAT HARBORS BEFORE TAKING ANY FURTHER RULEMAKING ACTION."

Offered by: Senator Tam.

No. 162 "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE DEPARTMENTS TO PHASE OUT THE USE OF GOVERNMENT-OWNED PASSENGER MOTOR VEHICLES TO PERFORM STATE BUSINESS BY ENCOURAGING STATE EMPLOYEES TO USE THEIR PERSONAL VEHICLES."

Offered by: Senator Tam.

No. 163 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO DETERMINE WHICH STATES STATUTORILY PROVIDE FOR VOLUNTARY COMMUNITY SERVICE WORK BY RECIPIENTS OF PUBLIC ASSISTANCE."

Offered by: Senator Tam.

No. 164 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT

INTERIM COMMITTEE ON EDUCATION BUDGET REFORM."

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

No. 165 "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO IMPLEMENT VIOLENCE PREVENTION CURRICULUM AS PART OF THEIR CORE CURRICULUM."

Offered by: Senators Chumbley, Grauly, Anderson, Bunda, Kawamoto, Matsuura, McCartney, Solomon, Tam.

No. 166 "SENATE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A PUBLIC/PRIVATE PARTNERSHIP FOR THE COORDINATION AND DELIVERY OF EARLY CHILDHOOD EDUCATION AND CARE SERVICES."

Offered by: Senators Chumbley, Matsuura, Baker, Bunda, Grauly, Ihara, Kawamoto, Levin, Matsunaga, Tam.

No. 167 "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO EXPEDITIOUSLY RESPOND TO THE UNMET EDUCATIONAL NEEDS OF HAWAII'S DEAF, HARD-OF-HEARING, AND DEAF-BLIND STUDENTS."

Offered by: Senators Chumbley, Tam, Bunda, Kawamoto, Matsunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 119 to 130) were read by the Clerk and were deferred:

Senate Resolution

No. 119 "SENATE RESOLUTION URGING THE HAWAII HOTEL ASSOCIATION AND THE HAWAII VISITORS BUREAU TO COLLABORATE WITH THE MUSICIANS ASSOCIATION OF HAWAII LOCAL NO 677 AND THE HAWAII ACADEMY OF RECORDING ARTS TO PROMOTE AND PERPETUATE THE HAWAIIAN ENTERTAINMENT INDUSTRY."

Offered by: Senator McCartney.

No. 120 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE WHETHER TO ERECT NOISE SUPPRESSION WALLS ALONG THE H-1 FREEWAY IN WEST OAHU."

Offered by: Senators Kawamoto, Iwase, Kanno.

No. 121 "SENATE RESOLUTION REQUESTING THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PRESENT ITS PROPOSALS TO THE WINDWARD COMMUNITY ADVISORY COMMITTEE ON TRANSPORTATION."

Offered by: Senators Liu, Anderson, McCartney.

No. 122 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO REVIEW AND SET COST REDUCING

GUIDELINES FOR STATE AGENCY ANNUAL REPORT PRODUCTION."

Offered by: Senator Ige.

No. 123 "SENATE RESOLUTION CONCERNING A CONCERTED STATE EFFORT TO DEVELOP HAWAII AS A WORLD CENTER FOR HEALTH."

Offered by: Senators Kawamoto, Baker, Levin, Mizuguchi.

No. 124 "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PROVIDE AN ATHLETIC TRAINER FOR EACH SCHOOL COMPLEX."

Offered by: Senators Kawamoto, Chumbley.

No. 125 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO SEEK ASSISTANCE FROM THE COUNTY WATER SUPPLY AGENCIES AND UTILITY COMPANIES IN SOLICITING DONATIONS FOR SUPPORT OF PUBLIC LIBRARIES."

Offered by: Senator Levin.

No. 126 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF FINANCE TO USE THE FEDERAL LOCATOR SYSTEM FOR UNCLAIMED PROPERTY."

Offered by: Senator Levin.

No. 127 "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO INCLUDE PLANS FOR RELEVANT HEALTH AND HUMAN SERVICES-RELATED TRAINING IN REQUESTS FOR PROPOSALS AND TO ESTABLISH MINIMUM REQUIREMENTS FOR THE ONGOING TRAINING OF DEPARTMENTAL STAFF."

Offered by: Senator Levin.

No. 128 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INVOLVE THE ADVISORY BOARDS OF THE SMALL BOAT HARBORS BEFORE TAKING ANY FURTHER RULEMAKING ACTION."

Offered by: Senator Tam.

No. 129 "SENATE RESOLUTION REQUESTING ALL STATE DEPARTMENTS TO PHASE OUT THE USE OF GOVERNMENT-OWNED PASSENGER MOTOR VEHICLES TO PERFORM STATE BUSINESS BY ENCOURAGING STATE EMPLOYEES TO USE THEIR PERSONAL VEHICLES."

Offered by: Senator Tam.

No. 130 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO DETERMINE WHICH STATES STATUTORILY PROVIDE FOR VOLUNTARY COMMUNITY SERVICE WORK BY RECIPIENTS OF PUBLIC ASSISTANCE."

Offered by: Senator Tam.

ORDER OF THE DAY

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 3391, H.D. 1 Jointly to the Committee on Consumer Protection and the Committee on Ways and Means

No. 3819, H.D. 2 Committee on Consumer Protection, then to the Committee on Ways and Means

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

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

"Mr. President, today we anticipate hearing from the Council on Revenues with their latest revenue projections for the remainder of the year and for the next. But unless something quite dramatic has happened, even though we've seen a slight rise in tourism in this last quarter, I'm afraid that the headline in this afternoon's paper is probably going to be reflected in the Council's report. The headline reads: 'Isle economy weakest in the nation.' A survey shows that Hawaii will have the poorest growth of any state. And as you go on down through the article, the survey notes that our economy's performance is very, very weak, but toward year's end will start to creep toward recovery.

"Despite those improvements, we will rank last among the 50 states for employment growth and 49th for gross state product growth in the period from 1994 to 1999. These numbers don't bode well for our State budget. I think it serves as a call to all of us, as we have noted earlier on this floor, what we all need to be focusing on is the economy.

"Mr. President, I know your chair of Ways and Means and her committee will be very diligent in their deliberations on the budget we have just received from the House. The money committee is up to the challenge. But I would ask all committee chairs to very meticulously scrutinize the bills that remain in your committees and pass out those that are going to work with WAM and help provide for economic development and economic activity to get our State economy moving again. Unless we address those fundamental issues, all else pales.

"Thank you, Mr. President."

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

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

"I quite agree that the economy should and is the first thing that the whole community and the whole state is worried about. However, in the Star-Bulletin they have, 'Same-sex arguments touch on Holocaust.' I stood on this floor and went down to the courts to listen to what was going to happen. And we have an AG who says the holocaust is something that he feels is a civil rights thing and he is not going to in any way be intolerant. They're supposed to represent us, and they're not even bringing in any witnesses. They're going to use Mr. Foley's expert witnesses. Now this is the group of attorneys that represent us!

"I did say that as a Hawaiian it bothered me because they were putting down that Hawaiians were tolerant. And I went and got this book yesterday on 'Stolen Kingdom.' We were a sovereign nation and in 1840 we had laws and it was recognized -- not European laws or laws of the United States, but Hawaiian laws. And they said that there was nothing in the courts yesterday that had any relevance to tolerance and we had those laws.

"When it came to the idea that they are going to have to represent us and there had to be a compelling interest,

I then told them we had 300 HRS sections that are going to be put on a possible cost to all of us. And I mentioned, I think, about ten or twelve including public employees' pensions and retirement, public lands and taxes. I think that's a compelling interest. And yet people said, don't intervene, that we had no right; that as legislators, we have other means and other methods to get involved.

"I don't believe now and I didn't believe it yesterday that the Attorney General is representing us. And I believe that this is not like any other law where you're looking at a 50-50 proposition where 50 percent are for and 50 percent are against. This happens to be 80-20 or 90-10, and I'm asking everybody here to at least consider the constitutional amendment because that's the only way that we're going to allow the people a chance to vote the way they see fit and obtain what they want. They're not asking you to use all of the information that you have collected and represent them. They're saying they no longer trust us in this particular issue. They want a voice. So I personally went down and I signed the papers and I will intervene because it is a very, very important issue, and I think that all of us here have to understand that it is a people's issue.

"Thank you very much."

Senator Holt rose on a point of information and said:

"Mr. President, for the members information, we had a bill that we referred, H.B. No. 3391, H.D. 1, 'Relating to Motor Vehicles,' which is the House auto insurance reform bill. And just for your information, in the last two years we have seen about six proposals to reform the out-of-control auto insurance system -- one by the Senate, which we all know about; three by the administration, they started with gas plus and they moved last year to the shifting of prepaid to the employers with a recovery threshold, and then this year they had a proposal to unbundle the medical options and then with an offset; and two by the House, one last year which was a choice bill and which was shelved this year and the House simply threw a tort measure in, which we will be hearing tomorrow morning.

"This issue is something that I would like to make note of for the record that the Senate is serious. We fully have it positioned; we're not jumping all over the place trying to find ways to reform the system; and we think we should do it this session. Thank you."

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Baker, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 13, 1996.