

THIRTY-FIRST DAY

Wednesday, March 13, 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 Jonathan Heierman, Joy of Christ Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senators Aki and Bunda who were excused.

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

Senator Liu introduced the 1996 Miss Chinatown Hawaii Scholarship Pageant Queen, Christina Lin. Accompanying Miss Lin were representatives of the Chinatown Merchants Association and the Honolulu Chinese Jaycees. A Senate certificate and leis were presented to all of the guests.

Senator Ige, on behalf of Senator Aki, introduced a team of students from Waianae High School whose mass media production earned them an Honorable Mention Award at the national Student Video Challenge sponsored by the Cable News Network. Accompanying the students was teacher/advisor Candy Suiso. All of the guests were then presented leis and a Senate certificate.

At this time, the Chair invited Queen Christina Lin to address the members of the Senate and appointed Senators Liu and Tam to escort her to the rostrum.

Queen Christina addressed the members of the Senate as follows:

"Good morning everyone -- Senate President Norman Mizuguchi, Senator Michael Liu, distinguished members of the Senate, and honored guests:

"It is my great honor and privilege to be here today and also to be representing the Chinese community. I want to thank the Senate for having us today.

"And finally, I want to wish everyone a Happy Chinese New Year and may the 'Year of the Rat' bring good health and prosperity to you and your family. Thank you."

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 211 to 214) were read by the Clerk and were placed on file:

Gov. Msg. No. 211, dated February 20, 1996, transmitting a report, "Hawai'i Community-Based Economic Development Grant & Loan Program," prepared by the Department of Business, Economic Development, and Tourism, Business Services Division, in response to H.C.R. No. 252 (1995).

Gov. Msg. No. 212, dated February 28, 1996, transmitting the "Report on State Positions Assigned to Ranges SC-1, SC-2, and SC-3," prepared by the Department of Human Resources Development pursuant to Section 77-13, HRS.

Gov. Msg. No. 213, dated February 28, 1996, transmitting the "Independent Auditors' Report and Funds Report, State of Hawaii, Housing Finance and Development Corporation," prepared by Grant Thornton, Certified Public Accountants, and the Housing Finance Development Corporation, Department of Budget and Finance, pursuant to Section 201E-40, HRS.

Gov. Msg. No. 214, dated January 24, 1996, transmitting a report prepared by the Department of Health pursuant to Act 218, Section 30, SLH 1995, requesting a report from the Director of Health on the status of all positions at Hawaii State Hospital and the efforts to fill vacant positions.

HOUSE COMMUNICATION

Hse. Com. No. 419, returning S.B. No. 1557, S.D. 2, which passed Third Reading in the House of Representatives on March 12, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1557, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," was deferred until Thursday, March 14, 1996.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 168 to 183) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 168 "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES."

Offered by: Senator Ige.

Referred to: Jointly to the Committee on Higher Education, Culture, and Arts and the Committee on Communications and Public Utilities

No. 169 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY, WITH A VIEW TOWARDS MODIFYING, THE 2.0 GRADE POINT AVERAGE RULE FOR STUDENTS TO PARTICIPATE IN CO-CURRICULAR ACTIVITIES."

Offered by: Senators Kawamoto, Chumbley, Holt, Mizuguchi.

Referred to: Committee on Education

No. 170 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE HAWAII STATE TEACHERS ASSOCIATION AND TO ADOPT A POLICY TO PAY SCHOOL ATHLETIC COACHES AT THE SAME, APPROPRIATE HOURLY RATE AS PART-TIME, TEMPORARY TEACHERS."

Offered by: Senators Kawamoto, Holt, Mizuguchi.

Referred to: Jointly to the Committee on Education and the Committee on Agriculture, Labor, and

Employment, then to the Committee on Ways and Means

No. 171 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO INITIATE DEVELOPMENT OF A COMPREHENSIVE AGRICULTURAL WATER DELIVERY MANAGEMENT SYSTEM FOR DIVERSIFIED AGRICULTURE AREAS."

Offered by: Senators Solomon, Baker, Chumbley, Kanno, Anderson, Iwase.

Referred to: Committee on Agriculture, Labor, and Employment, then to the Committee on Planning, Land and Water Use Management

No. 172 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO CONSIDER THE DEVELOPMENT OF AN EDUCATION AND RESEARCH CENTER AT THE NATURAL ENERGY LABORATORY OF HAWAII IN WEST HAWAII."

Offered by: Senators Solomon, Baker, Chumbley, Kanno, Anderson, Iwase.

Referred to: Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means

No. 173 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO AUTHORIZE A CHECKOFF ON THE FEDERAL INCOME TAX RETURN FOR DONATIONS TO A STATE ENVIRONMENTAL FUND."

Offered by: Senator Levin.

Referred to: Committee on Ecology and Environmental Protection, then to the Committee on Ways and Means

No. 174 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADMINISTER THE GENERAL EDUCATION DEVELOPMENT EXAMINATION FOR QUALIFIED INDIVIDUALS AT AGE SIXTEEN."

Offered by: Senator Chumbley.

Referred to: Committee on Education

No. 175 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW AND REVISE THE SCHOOL CODE AND DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES TO REFLECT RECENT SYSTEMIC REFORMS."

Offered by: Senator Chumbley.

Referred to: Committee on Education

No. 176 "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII CONGRESSIONAL DELEGATION TO HOMEPORTR THE U.S.S. MISSOURI (B-66) IN BATTLESHIP ROW."

Offered by: Senator Ikeda.

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

No. 177 "SENATE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF CULTURAL AND COMMERCIAL RELATIONSHIPS BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF CEBU."

Offered by: Senators Bunda, Aki, Grauly, Mizuguchi, Anderson, Baker, Chumbley, Fukunaga, Holt, Ige, Ihara, Ikeda, Iwase, Kanno, Kawamoto, Levin, Liu, Matsuura, McCartney, Solomon, Tam, Tanaka, Taniguchi.

Referred to: Committee on Transportation and Government Affairs

No. 178 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT STATE GOVERNMENT FUNDS AND TO EVALUATE FISCAL MANAGEMENT PRACTICES OF STATE GOVERNMENT."

Offered by: Senator Tam.

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

No. 179 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND UPDATE ITS DEPARTMENTAL JOB DESCRIPTIONS."

Offered by: Senator Tam.

Referred to: Jointly to the Committee on Ecology and Environmental Protection and the Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 180 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ALLOCATE A PORTION OF ENVIRONMENTAL LITIGATION AWARDS TO THE STATE ENVIRONMENTAL RESPONSE REVOLVING FUND."

Offered by: Senator Tam.

Referred to: Jointly to the Committee on Ecology and Environmental Protection and the Committee on Judiciary, then to the Committee on Ways and Means

No. 181 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE ALA WAI MARINA ON OAHU AND THE SMALL BOAT HARBORS ON MAUI AND HAWAII, PARTICULARLY THOSE OF LAHAINA AND HONOKOHAU."

Offered by: Senator Ihara.

Referred to: Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 182 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE EXTENT OF THE PROBLEM OF ELDER ABUSE IN URBAN HIGH RISE NEIGHBORHOODS AND RECOMMEND ACTIONS TO FURTHER CURB SUCH ABUSE."

Offered by: Senators Ihara, Matsuura.

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

No. 183 "SENATE CONCURRENT RESOLUTION RELATING TO A UNITED NATIONS HEADQUARTERS IN HAWAII."

Offered by: Senator Ihara.

Referred to: Committee on Transportation and Government Affairs

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 131 to 143) were read by the Clerk and were referred to committees:

Senate Resolution

No. 131 "SENATE RESOLUTION REQUESTING THE SENATE PRESIDENT TO REQUEST THE STATE AUDITOR, OR CONTRACT WITH AN INDEPENDENT AUDITOR, TO CONDUCT A FINANCIAL AUDIT OF THE SENATE."

Offered by: Senator Matsuura.

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

No. 132 "SENATE RESOLUTION REQUESTING THE COORDINATION OF EFFORTS TO MAKE UNIVERSITY OF HAWAII LIBRARY COLLECTIONS AVAILABLE ON A SYSTEMWIDE AND STATEWIDE BASIS THROUGH MODERN DISTRIBUTED DIGITAL STORAGE SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES."

Offered by: Senator Ige.

Referred to: Jointly to the Committee on Higher Education, Culture, and Arts and the Committee on Communications and Public Utilities

No. 133 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY, WITH A VIEW TOWARDS MODIFYING, THE 2.0 GRADE POINT AVERAGE RULE FOR STUDENTS TO PARTICIPATE IN CO-CURRICULAR ACTIVITIES."

Offered by: Senators Kawamoto, Chumbley, Holt, Mizuguchi.

Referred to: Committee on Education

No. 134 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE HAWAII STATE TEACHERS ASSOCIATION AND TO ADOPT A POLICY TO PAY SCHOOL ATHLETIC COACHES AT THE SAME, APPROPRIATE HOURLY RATE AS PART-TIME, TEMPORARY TEACHERS."

Offered by: Senators Kawamoto, Holt, Mizuguchi.

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

No. 135 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO INITIATE DEVELOPMENT OF A COMPREHENSIVE AGRICULTURAL WATER DELIVERY MANAGEMENT SYSTEM FOR DIVERSIFIED AGRICULTURE AREAS."

Offered by: Senators Solomon, Baker, Chumbley, Kanno, Anderson, Iwase.

Referred to: Committee on Agriculture, Labor, and Employment, then to the Committee on Planning, Land and Water Use Management

No. 136 "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO CONSIDER THE DEVELOPMENT OF AN EDUCATION AND RESEARCH CENTER AT THE NATURAL ENERGY LABORATORY OF HAWAII IN WEST HAWAII."

Offered by: Senators Solomon, Baker, Chumbley, Kanno, Anderson, Iwase.

Referred to: Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means

No. 137 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO AUTHORIZE A CHECKOFF ON THE FEDERAL INCOME TAX RETURN FOR DONATIONS TO A STATE ENVIRONMENTAL FUND."

Offered by: Senator Levin.

Referred to: Committee on Ecology and Environmental Protection, then to the Committee on Ways and Means

No. 138 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADMINISTER THE GENERAL EDUCATION DEVELOPMENT EXAMINATION FOR QUALIFIED INDIVIDUALS AT AGE SIXTEEN."

Offered by: Senator Chumbley.

Referred to: Committee on Education

No. 139 "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF CULTURAL AND COMMERCIAL RELATIONSHIPS BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF CEBU."

Offered by: Senators Bunda, Aki, Grauly, Mizuguchi, Anderson, Baker, Chumbley, Fukunaga, Holt, Ige, Ihara, Ikeda, Iwase, Kanno, Kawamoto, Levin, Liu, Matsuura, McCartney, Solomon, Tam, Tanaka, Taniguchi.

Referred to: Committee on Transportation and Government Affairs

No. 140 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND UPDATE ITS DEPARTMENTAL JOB DESCRIPTIONS."

Offered by: Senator Tam.

Referred to: Jointly to the Committee on Ecology and Environmental Protection and the Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 141 "SENATE RESOLUTION REQUESTING THE JUDICIARY TO ALLOCATE A PORTION OF ENVIRONMENTAL LITIGATION AWARDS TO THE STATE ENVIRONMENTAL RESPONSE REVOLVING FUND."

Offered by: Senator Tam.

Referred to: Jointly to the Committee on Ecology and Environmental Protection and the Committee on Judiciary, then to the Committee on Ways and Means

No. 142 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE EXTENT OF THE PROBLEM OF ELDER ABUSE IN URBAN HIGH RISE NEIGHBORHOODS AND RECOMMEND ACTIONS TO FURTHER CURB SUCH ABUSE."

Offered by: Senators Ihara, Matsuura.

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

No. 143 "SENATE RESOLUTION RELATING TO A UNITED NATIONS HEADQUARTERS IN HAWAII."

Offered by: Senator Ihara.

Referred to: Committee on Transportation and Government Affairs

ORDER OF THE DAY

REFERRAL OF HOUSE BILLS

The President made the following committee assignment of House bills received on Thursday, March 7, 1996:

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| House Bill | Referred to: |
| No. 3241, H.D. 1 | Committee on Housing |
| No. 3291, H.D. 1 | Committee on Consumer Protection |
| No. 3338 | Committee on Transportation and Government Affairs |
| No. 3344, H.D. 2 | Committee on Ways and Means |
| No. 3401, H.D. 1 | Committee on Consumer Protection |
| No. 3406, H.D. 2 | Committee on Consumer Protection |
| No. 3408, H.D. 1 | Committee on Consumer Protection |
| No. 3409, H.D. 1 | Committee on Consumer Protection |
| No. 3527, H.D. 1 | Committee on Agriculture, Labor, and Employment |
| No. 3550, H.D. 1 | Committee on Ways and Means |
| No. 3558, H.D. 1 | Committee on Ways and Means |
| No. 3561, H.D. 1 | Committee on Ways and Means |
| No. 3567, H.D. 1 | Committee on Ways and Means |
| No. 3570, H.D. 1 | Committee on Ways and Means |

REFERRAL OF

SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 12, 1996:

Senate Concurrent Resolution Referred to:

No. 152 Jointly to the Committee on Higher Education, Culture, and Arts and the Committee on Tourism and Recreation

No. 153 Committee on Transportation and Government Affairs

No. 154 Committee on Transportation and Government Affairs

No. 155 Committee on Education, then to the Committee on Ways and Means

No. 156 Committee on Health, then to the Committee on Economic Development

No. 157 Committee on Education, then to the Committee on Ways and Means

No. 158 Committee on Education, then to the Committee on Ways and Means

No. 159 Committee on Ways and Means

No. 160 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 161 Committee on Tourism and Recreation, then to the Committee on Judiciary

No. 162 Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 163 Committee on Human Services, then to the Committee on Ways and Means

No. 164 Committee on Education, then to the Committee on Ways and Means

No. 165 Jointly to the Committee on Education and the Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means

No. 166 Committee on Education, then to the Committee on Ways and Means

No. 167 Committee on Education, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, March 12, 1996:

Senate Resolution Referred to:

No. 119 Jointly to the Committee on Higher Education, Culture, and Arts and the Committee on Tourism and Recreation

No. 120 Committee on Transportation and Government Affairs

No. 121 Committee on Transportation and Government Affairs

No. 122 Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 123 Committee on Health, then to the Committee on Economic Development

No. 124 Committee on Education, then to the Committee on Ways and Means

No. 125 Committee on Education, then to the Committee on Ways and Means

No. 126 Committee on Ways and Means

No. 127 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 128 Committee on Tourism and Recreation, then to the Committee on Judiciary

No. 129 Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 130 Committee on Human Services, then to the Committee on Ways and Means

RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 3293, H.D. 1 Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 3332 Committee on Agriculture, Labor, and Employment, then to the Committee on Ways and Means

No. 3919, H.D. 3 Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 3979 Committee on Consumer Protection, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate
Concurrent
Resolution Referred to:

No. 146 Committee on Human Services

RE-REFERRAL OF SENATE RESOLUTION

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

Senate
Resolution Referred to:

No. 115 Committee on Human Services

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 H.B. No. 2514, H.B. No. 3432 and H.B. No. 3433, and the Chair granted the waiver.

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

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, there was an article that appeared in today's paper, 'Makua eviction notices posted; 60 families have few housing options.' And as the article continues, it says that 'The response to state officials from many of the campers was: Been there, done that, asked for help -- and came up empty.'

"'I don't have many options left -- I don't have any options left,' a woman who identified herself a Lokahi Maluhia said, studying the eviction notice as state officials moved on down the beach.'

"Mr. President, this is a real sad state of affairs. Although I am not condemning DLNR for the action they took, because they themselves really had no other option and the eviction notices were served, but the problem that I have and the pilikia that I have with all of this is that, why aren't there options, Mr. President? What is our present administration doing about all of this? How many persons have been living there for months and months? How many persons living there are of Hawaiian ancestry? The Department of Hawaiian Home Lands could possibly come up with an alternative for them.

"This is an option that is real; options such as this make sense for these people. In my manao I wonder where that poor woman is going with her six-month old baby?

"Mr. President, your committees in the Senate have tried to wrestle with the reality of the homeless, and it's unfortunate that we cannot come up with options for these kinds of persons that really need help. These persons got a list of state agencies that are available to help them. I'm hoping that these agencies would really assist them so their cries for help will be answered and Hawaii can become what our state motto has been, 'Ua mau ke ea o ka aina i ka pono -- The life of the land is perpetuated in righteousness.'

"And, Mr. President, with that I'd like to ask if you could, perhaps, write letters to the proper departments and ask if they're coming up with solutions for these persons so there would be no need for people to wander around and live in places like Kapiolani Park, Aala Park or wherever else. I want to state that I went to visit that camp in Makua and saw families living there, not just individuals -- these are families that have made this their home, their life. I would appreciate, Mr. President, if you could express the urgency of this problem to the administration, from the Senate, so that we can come up with alternatives and assist these persons. And maybe the headlines will read next week that we found places for these people to live on until we can help them get back on their feet and get going with their lives.

"Thank you."

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., Thursday, March 14, 1996.