

## NINTH DAY

Wednesday, January 29, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Brother Lamont Lindsey, The Church of Jesus Christ of Latter-Day Saints, after which the Roll was called showing all Senators present with the exception of Senators D. Ige and Matsuura who were excused.

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

At 11:40 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.

## ORDER OF THE DAY

REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, January 21 and Tuesday, January 28, 1997:

Senate Concurrent Resolution	Referred to:
No. 2	Committee on Judiciary, then to the Committee on Ways and Means
No. 3	Committee on Human Resources, then to the Committee on Ways and Means
No. 4	Committee on Government Operations and Housing, then to the Committee on Human Resources
No. 5	Committee on Health and Environment, then to the Committee on Ways and Means
No. 6	Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

## REFERRAL OF SENATE RESOLUTION

The President made the following committee assignment of a resolution that was offered on Tuesday, January 28, 1997:

Senate Resolution	Referred to:
No. 3	Committee on Health and Environment, then to the Committee on Ways and Means

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

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

"Thank you, Mr. President. Within the past 24 hours we've learned of yet another senseless and tragic loss of life due to domestic violence because the system that was designed to protect women has failed, and failed miserably.

"Ms. Arlene Marzan obtained a TRO. She did what she was supposed to do to get help from the system. Actually, her abuser was convicted. She filed another TRO; there was

another conviction. She took respite in a shelter. She did all of the things that we advise victims of domestic violence to do. But nevertheless, she was gunned down by her abuser who happened to be her estranged spouse.

"Just yesterday, we also learned from a report filed by the attorney general that sex assault is increasing in our community.

"Mr. President and colleagues, domestic violence and other acts of violence to resolve disputes really have no place in our state, in any of our communities.

"I call upon our Judiciary chairs to expedite the hearings on measures that are before their committee which seek to improve the legal and systemic safeguards for women in this state.

"I would also ask the members of our Ways and Means Committee headed by our very able co-chairs not to let the departments or the Judiciary forget that they have an obligation to support the women's shelters throughout our state and to support the prevention and treatment programs that are so necessary to assist victims of domestic violence.

"Finally, I encourage all of us to do whatever we can to support the violence prevention curriculum initiative that the Legislature helped move forward last year by joint resolution. It's coming back before us for implementation. This is an effort to establish an integrated violence prevention curriculum in our schools in recognition that violence can be prevented; that it takes an unacceptable toll on our children and communities and that simply reacting to the outcomes of violence is far too costly for our pocketbooks and the quality of our life.

"By addressing violence prevention in our schools, K-12, in a comprehensive, coordinated and integrated way, we can begin to impact the cycle of violence that results in sexual assaults, domestic abuse, child abuse, gang and other community violence.

"Mr. President, we have a lot of pressing needs in our community, but I submit that breaking the cycle of violence must be among our top priorities.

"Thank you."

Senator Matsunaga also rose on point of personal privilege as follows:

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

"I'd like to thank the Senator from Maui for raising the issue of domestic violence. It is of great concern to the co-chairs of the Judiciary Committee and we certainly agree with her 100 percent that it should be a priority item. I'd like to reassure her that we are going to move forward and hear many good measures on domestic violence. Amongst them, one will be to establish a domestic violence fatality review team, which will look at some of the causes for these tragic incidents and perhaps give us an insight on how we can prevent these breakdowns from occurring in the future.

"We also have a measure to look at preventing DAG and DANC pleas for domestic violence offenders. We are also looking at the expungement of records and whether that is appropriate in domestic violence situations. We are also looking at restraining orders and whether the words 'recent incidents' are applicable or if it should be deleted from the judge's discretion in issuing these restraining orders.

"So, I would like to again thank the Senator from Maui for raising these issues and reassure her and my colleagues that we are going to devote full attention to domestic violence this session. Thank you."

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

"Mr. President, I rise on a point of personal privilege and as a response to the previous speaker.

"I would like to ask the previous speaker what he meant when he referred to domestic violence as accidents? If he could clarify his position on that because I don't think that domestic violence can be in that category. I also don't think domestic violence can be in the category of 'crimes of passion.' I think that we've come a long way on this issue and these are the kinds of categories or stereotypes that we should refrain from placing domestic violence into.

"I would appreciate it if he would please explain what is meant by classifying domestic violence situations as accidents.

"Thank you."

Senator Matsunaga responded:

"Thank you very much for the question. My father used to say that I mumbled, and perhaps the prior speaker misheard me. I said domestic violence incidents, not accidents. I'll try to articulate a little better in the future.

"Thank you."

#### HOUSE COMMUNICATION

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive a House communication transmitting H.B. No. 230, H.D. 1, relating to the authorization of funds for the expenses of the Legislature. In consequence thereof and subsequent to its recessing at 11:48 o'clock a.m., the Senate took the following action:

Hse. Com. No. 6, transmitting H.B. No. 230, H.D. 1, which passed Third Reading in the House of Representatives on January 29, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 230, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 12:37 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Thursday, January 30, 1997.