

TWELFTH DAY

Monday, February 3, 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 Pastor Peter Lee, All People Mission Church.

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:38 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 125, informing the Senate that he appointed Wayne C. Metcalf to the Senate, effective February 1, 1997, to fill the vacancy created by the resignation of Richard M. Matsuura from the State Senate, 2nd Senatorial District, and pursuant to Section 17-3, HRS, Mr. Metcalf's term will expire on General Election Day of 1998, was read by the Clerk and was placed on file.

A Committee on Credentials, having been appointed by the Chair, examined the Letter of Appointment of the Honorable Wayne C. Metcalf and submitted its findings to the Senate.

SPECIAL COMMITTEE REPORT

Senator Chumbley, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 2) as follows:

"The Honorable Norman Mizuguchi
President of the Senate
The Nineteenth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear President Mizuguchi:

Your Committee on Credentials begs leave to report that it has received Governor's Message No. 125 and has examined the credentials of the Honorable Wayne C. Metcalf and finds that he is fully qualified to fill the vacancy in the Senate, Second District, created by the resignation of Senator Richard M. Matsuura for the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997.

Respectfully submitted,

/s/ Avery B. Chumbley
/s/ Matt Matsunaga
/s/ Whitney Anderson"

Senator Ihara moved that Special Committee Report No. 2 be adopted, seconded by Senator Slom and carried.

The Committee on Credentials was thereupon discharged.

The Chair, at this time, appointed Senators Ihara and McCartney to escort the Honorable Robert G. Klein of the Hawaii State Supreme Court to the rostrum to administer the oath of office to the newly appointed member of the Senate.

The Senators escorted Associate Justice Klein to the rostrum and were thereupon discharged with thanks.

The Chair then appointed Senators Levin, Solomon, Taniguchi and Slom to escort the Honorable Wayne C. Metcalf to the rostrum.

Associate Justice Klein administered the oath of office to the newly appointed member of the Senate, the Honorable Wayne C. Metcalf.

Senator McCartney then rose and stated:

"Mr. President, on behalf of your Majority members, I'd like to take this opportunity to welcome the newest member of the Senate, our colleague from Hilo. We recognize that he fills the seat of our friend and colleague and now he comes into the Senate as a full member of the body. He's committed to working hard with us as a partner and a colleague to do what's right for the people of Hawaii, and the Majority stands ready to work with him as a partner to do what is right for the people of Hawaii.

"Congratulations, Senator."

Senator Slom also rose and stated:

"Mr. President, on behalf of the Minority, we too would like to welcome the new Senator. We know that he does have very difficult shoes to fill, but we stand ready to offer our assistance and hope that this will be a most productive and energetic service. Thank you."

Senator Levin then added:

"Mr. President, on Friday the good Senator from Palolo with great eloquence helped us bring closure to the long and distinguished career of Senator Matsuura. Today, the Senate, having called itself the people oriented institution working for the public good, must continue and carry on with the people's work. And so, today we mark the renewal of a legislative career of another Big Islander, our new Senator from Hilo.

"With all the attention that has been given to reform of 'high three', here is an individual who has given up the prestigious position of Insurance Commissioner after just two years, to come back to the institution where he first trained under and learned the legislative process from legends such as John Ushijima.

"Senator, you are returning to a new Senate marked by innovation, collaboration, and determination to deal with the difficult issues of the day. You already had your baptism under fire in the Judiciary Committee this morning, and tomorrow I look forward to co-chairing the Health Committee with you.

"On behalf of our Big Island constituents and on behalf of the entire Senate, welcome back to the Legislature and we wish you well.

"Thank you."

Senator Anderson then stated:

"Mr. President, I would feel remiss if I didn't say a few words for our new Senator.

"I've had the privilege of working with him in the House. He was my House chairman in Judiciary for four years and I enjoyed serving with him, and I know I'll enjoy serving with him in the Senate. Welcome."

Senator Baker rose and said:

"Mr. President, I, too, would like to welcome Senator Metcalf. Just the other day in our committee hearing he sat across the table as Insurance Commissioner Metcalf. We didn't get the chance to grill him on some of the issues before us at that particular time, so it's going to be good to work with him

now as a colleague. I look forward to having that expertise available to our body.

"And I know I join with all my former House colleagues who served with then-Representative Metcalf in the old days to say we appreciated your spirit of enthusiasm, commitment to public service, integrity and honesty then, and we look forward to that same spirit of collegiality here in the Senate."

The Chair then added:

"If there is no further discussion, I, too, would like to welcome Senator Metcalf. As a former Big Island native, I know he has Hilo and the Big Island etched in his heart. Welcome, Senator."

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

The Roll was then called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 123, 124 and 126) were read by the Clerk and were placed on file:

Gov. Msg. No. 123, letter dated January 28, 1997, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of Administration Proposals HMS-1(96), introduced as S.B. No. 1545, which makes an emergency appropriation for an electronic benefit transfer system; HMS-5(97), introduced as S.B. No. 1548, which makes an emergency appropriation for the state medical assistance program; and HMS-8(97), introduced as S.B. No. 1550, which makes emergency appropriations for the Randolph-Sheppard Revolving Account and for the blind shop revolving and handicraft fund.

Gov. Msg. No. 124, dated January 17, 1997, transmitting a report on the "1996 JOBS Opportunities and Basic Skills Program," prepared by the Department of Human Services, Self-Sufficiency and Support Division, pursuant to Section 346-276, HRS.

Gov. Msg. No. 126, informing the Senate that on January 31, 1997, he signed into law House Bill No. 230 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3) recommending that the Senate consent to the nomination of KENNETH E. ENRIGHT to the office of Judge, District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3 and Jud. Com. No. 2 was deferred until Tuesday, February 4, 1997.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 4) recommending that S.B. No.

630 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, the report of the Committee was adopted and S.B. No. 630, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 5) recommending that S.B. No. 81 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, the report of the Committee was adopted and S.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 6) recommending that S.B. No. 149 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, the report of the Committee was adopted and S.B. No. 149, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 5, 1997.

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. 25	Committee on Education, then to the Committee on Human Resources
No. 175	Committee on Health and Environment
No. 217	Committee on Human Resources, then to the Committee on Ways and Means
No. 250	Committee on Transportation and Intergovernmental Affairs, then jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means
No. 663	Committee on Water, Land, and Hawaiian Affairs, then jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means
No. 918	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 1210	Committee on Economic Development, then to the Committee on Ways and Means
No. 1650	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 1651	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and

Intergovernmental Affairs, then to the Committee on Ways and Means

No. 1666 Jointly to the Committee on Economic Development and the Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs

No. 1887 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

Senator Metcalf rose at this time and stated:

"During the years that I served as a member of the Senate staff and later as a member of the House of Representatives, I developed a deep respect for the Legislature as the institution of government that best expresses the public will and to which our communities' aspirations for a better future are most nobly expressed. I accept with honor and humility Governor Cayetano's appointment of me to the Senate, though given the circumstances, it is an honor that comes at a moment that is barren of joy. Senator Matsuura's contributions to this body and to the people of Hawaii have been both real and significant, and my wife and I will continue to keep Senator Matsuura and his family in our hearts and prayers.

"Mr. President and members of the Senate, thank you for your warm welcome."

At this time, Senator Taniguchi introduced Shirley Metcalf, wife of Senator Wayne Metcalf, who was seated on the floor of the Senate.

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

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

"Mr. President, I didn't plan on standing this week, but it came to my attention in the Sunday Advertiser on page A-30, I believe it was, that out of the 4,000-some-odd bills that we put in, 225 were from the administration, and they saw fit to list 19 Senate bills, but not one of them, not one of them, my colleagues, even came close to economic concerns of this state. And it is something that I feel is absolutely wrong when we're in a turmoil, as we are right now, and we're not even looking at economic benefits for this state. And I think that the administration in its address to the state said that was going to be one of the high priorities.

"I would hope that we would get on to our business and make sure that we provide jobs for our people. We've put in bills to look at harbors; we have put in bills to look at land leasing on our state lands; we have tried very hard. We've even put in bills for unicameralism so that we can come down with a few less people and maybe save the state some money and get rid of some of us that are not paying attention to what's really needed in this state.

"I have people that are out of work as contractors. They are not getting any benefits from this state because there are no jobs. We're paying over \$2,000 each household, over and above what we should for shipping in needed products. Because we are an island state, those are concerns that we should be looking at, ladies and gentlemen -- not sitting down and saying this is what's going to happen with same sex; this is what's going to happen with 'high three'; this is what's going to happen with this. Those are bills that we promised. But we should be getting on with the working of this Senate to make sure that we look at the concerns of the people out there that do not have jobs and food on their table.

"Thank you very much, Mr. President. I'm sorry that I had to get a little upset this morning."

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

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

"Mr. President, I rise to speak in regard to the letter published in the Star Bulletin, 1/30/97, entitled 'Legislators must focus on economic recovery,' signed by the present and past directors of the Department of Business, Economic Development, and Tourism (DBEDT). I find the letter puzzling.

"I, along with my colleagues in the Legislature, have been regularly disappointed by DBEDT's failure to support legislative economic development initiatives and in many cases actively oppose such initiatives. For example, last session the Senate introduced legislation to establish 'Renaissance Zones' in Hawaii, patterned after a program developed by Governor Engler in Michigan and described by an expert on enterprise zones at the Reason Foundation, a public policy research group in Los Angeles, as 'probably the most far ranging, far reaching enterprise legislation' yet acted on in any state. That bill was killed because our economic development agency (DBEDT), in the House, testified in opposition to it. It has been reintroduced again this year by Representative Herkes. I do not look forward to DBEDT's support.

"Last year also, we developed a program for a major stimulus to the economy of my district and the state, a whole new industry - Remote Sensing - with the potential to make Hawaii preeminent in the high-tech field. This initiative was killed by the administration after legislative passage because of DBEDT's lack of support and enthusiasm. Many of my colleagues have similar stories.

"DBEDT has demonstrated to us in the Legislature a 'Bunker mentality' and a similar 'us against them' posture toward the business and scientific communities. It is no wonder our state is ranked at the bottom of the nation in terms of a favorable climate towards business.

"Mr. President, as an addendum to my point of personal privilege, I'd like to bring to my colleagues' attention that there was an article that also appeared that says 'Hawaii lags in technology jobs, study finds. The high-technology industry employs more than 4 million Americans in 1995, with California and Texas leading the way and Hawaii ranking 47th among the 50 states.' Mr. President, this is no surprise when we're dealing with these kinds of negatives instead of an administration that is willing to help the Legislature in our efforts toward economic recovery.

"Thank you, Mr. President."

At this time, the Chair announced the appointment of Senator Metcalf as co-chair of the Committee on Health and Environment, and as a member of the Committee on Judiciary and the Committee on Education.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

ADJOURNMENT

At 12:06 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 4, 1997.