

## FOURTEENTH DAY

Wednesday, February 5, 1997

## SENATE RESOLUTION

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Darrow Aiona, St. Mark's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

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

Senator Matsunaga, on behalf of himself and Senators McCartney and Chun Oakland, introduced Chanelle Arisue, Michelle Saoit and Rose Mae Rosales the grand prize winner and merit winners, respectively, of the "Spark Matsunaga Peace Poster Contest." Accompanying the young ladies was Mr. Tom Tanji, District Governor of the District 50 Lions Club which sponsored the contest.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 139 to 142) were read by the Clerk and were placed on file:

Gov. Msg. No. 139, letter dated February 1, 1997, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of Administration Proposal HTH-31(97), introduced as S.B. No. 1583, which appropriates a designated sum to the Hawaii Health Systems Corporation, Department of Health, for the operation of the Community Hospital System.

Gov. Msg. No. 140, dated January 22, 1997, transmitting a report on the Public Utilities Commission Special Fund for fiscal year 1995-1996, pursuant to Section 269-33, HRS, and Act 226, SLH 1994.

Gov. Msg. No. 141, dated January 22, 1997, transmitting the "Hawaii Aquaculture Advisory Council 1996 Report," prepared by the Department of Land and Natural Resources Division of Aquatic Resources pursuant to Section 189G-3, HRS.

Gov. Msg. No. 142, dated January 23, 1997, transmitting the 1995-1996 Annual Report prepared by the Hawaii Labor Relations Board pursuant to Section 89-5, HRS.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 18) was read by the Clerk and was disposed of as follows:

## Senate Concurrent Resolution

No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE MAYORS OF THE SEVERAL COUNTIES TO DESIGNATE FEBRUARY 9 TO 15, 1997 AS 'NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK.'"

Offered by: Senator Aki.

On motion by Senator Aki, seconded by Senator McCartney and carried, S.C.R. No. 18 was adopted.

The following resolution (S.R. No. 4) was read by the Clerk and was disposed of as follows:

## Senate Resolution

No. 4 "SENATE RESOLUTION REQUESTING THE GOVERNOR AND THE MAYORS OF THE SEVERAL COUNTIES TO DESIGNATE FEBRUARY 9 TO 15, 1997 AS 'NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK.'"

Offered by: Senator Aki.

On motion by Senator Aki, seconded by Senator McCartney and carried, S.R. No. 4 was adopted.

At this time, Senator Aki rose to speak on the resolutions as follows:

"Mr. President, I want to thank the members of the Senate for allowing Senate Resolution No. 4 to be adopted today.

"Mahalo and thank you on behalf of the many people who are involved in an innovative video entitled, 'Watch It! Don't Dodge It!', which emphasizes safety in crossing streets.

"This is a homegrown educational video complete with supplemental curriculum to enhance child safety awareness. National Child Passenger Safety Awareness Week is February 9 to 15 and this year's program 'Patterns for Life' extends beyond safety seat and seat belt issues to include safe habits for young pedestrians and bicyclists.

"Kanani Burgess of Maili, Wai'anae, a freshman at Sacred Hearts Academy, came up with this idea for the 10-minute video. Her sister Angela was injured in a pedestrian accident on Farrington Highway in 1992. She was struck by a van as she was trying to cross a bus stop where there was no traffic signal.

"Fortunately, Angela is well, but still has traumatic memories.

"Funding for the video was provided by the State Department of Health, Injury Prevention and Control Program, with technical assistance from the University graduate students: Mary Kelly, Helen Kwak and Eva Deocampo.

"This video empowered the children of Wai'anae to speak out on traffic safety issues. The success of this project lay in the premise of capturing the children's fears and concerns about traffic safety. The 'Wai'anae Pedestrian Safety Project' started as a backyard initiative and activated community involvement.

"Contributions from various local businesses and agencies were solicited. The generosity poured out to support the children in delivering their powerful traffic safety message. There were several extremely hot summer weekends where the children of Wai'anae came together to decide on a script, rehearse their lines and finally run the cameras. Odee's story was used to portray the seriousness of these lessons. Accidents involving the bus were of key concern to the children and the need to express what they face daily in their own language was of equal importance.

"Consequently, the film 'Watch It! Don't Dodge It' captures our keiki's making smart choices in traffic. They emphasize the need to 'wise up' in various traffic related situations. The children of Wai'anae have taken the lead in bringing about traffic safety awareness and education. Non-profit organizations such as Learning Disability Association of

Hawaii and Hawaii Families as Allies have agreed to sponsor traffic safety workshops in the prevention of disabilities. The children now challenge the state, city and other communities to follow their lead to make our streets safer.

"Mr. President, I would like to thank you for allowing the many people who were involved in this worthwhile project to be recognized for their accomplishments.

"Here today, and sitting in the gallery, are 75 individuals who supported the efforts. I would like to publicly recognize some of them: Halau O Mililani, Officer Choy, Officer Kawasaki, Disa Hauge, Maili Elementary School, Glen Kila and the Neighborhood Board of Wai'anae, USC NC PAC, Col. Lee, and parents of the Wai'anae community who eagerly supported this effort."

#### STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 12) recommending that S.B. No. 9 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 9, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR AUGUST AHRENS ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 13) recommending that S.B. No. 10 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 10, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A RETAINING WALL ABOVE WAIPAHU HIGH SCHOOL'S ATHLETIC FIELD," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 14) recommending that S.B. No. 11 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 11, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AUGUST AHRENS ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 15) recommending that S.B. No. 19 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 19, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LEHUA ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 16) recommending that S.B. No. 20 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 20, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NOISE ABATEMENT AT PEARL CITY ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 17) recommending that S.B. No. 21 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 21, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PURCHASE AIR CONDITIONERS FOR PEARL CITY ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 18) recommending that S.B. No. 126 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 126, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPLACEMENT OF TERMITE-DAMAGED FURNITURE AND SHELVING AT THE WAHIAWA PUBLIC LIBRARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 19) recommending that S.B. No. 426 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the majority of the Committee was adopted and S.B. No. 426, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 20) recommending that S.B. No. 445, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the majority of the Committee was adopted and S.B. No. 445, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CULTURE AND ARTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 21) recommending that S.B. No. 969 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No. 969, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 22) recommending that S.B. No. 981 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.B. No.

981, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 23) recommending that S.B. No. 1000 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the majority of the Committee was adopted and S.B. No. 1000, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 149:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 149, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, February 4, 1997:

Senate  
Concurrent  
Resolution

Referred to:

No. 8 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education

No. 9 Committee on Health and Environment, then to the Committee on Ways and Means

No. 10 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs

No. 11 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development

No. 12 Jointly to the Committee on Education and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 13 Jointly to the Committee on Health and Environment and the Committee on Water, Land, and Hawaiian Affairs

No. 14 Committee on Transportation and Intergovernmental Affairs

No. 15 Jointly to the Committee on Education and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 16 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. 17 Jointly to the Committee on Human Resources and the Committee on Education

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

"Mr. President, may I also rise on a point of personal privilege? Something has been bothering me and rather than discuss it tomorrow I'd just like to make a statement.

"We have been elected by the people to pass legislation for the benefit of our state and its people. Along with this considerable honor and public trust comes the duty to uphold the Constitution and serve the public welfare. Over the years, our predecessors have created laws and statutes that address the needs and wishes of the people. These have been incorporated into the Hawaii Revised Statutes.

"Our government has provided special facilities for the disabled, general assistance for those in need, tuition waivers for seniors and veterans, after-school care for students, and yes, special benefits for families and married couples. The favored status given marriage and families in the law is a reflection of the will of the people.

"Recently, some people have made claim to rights and benefits based on the fact that another group has been given these benefits. They claim to deserve these benefits and privileges simply because others have them. Where will it all end?

"Mr. President, the Hawaii Revised Statutes, laws made by this body over the years, have done what representative governments have always done -- our predecessors have given more rights and benefits to one group or individual persons based on some rationale -- either economic, moral, or for common civil order.

"Our state and our country have always valued the family and sought to protect and maintain traditional marriage, children and the family unit. The special rights and benefits granted to families, children and marriage are not civil rights. These are special rights that protect the foundation of our homes, our schools, our communities, our state and our nation.

"May we all be clear as to what values and institutions we hold dear and why we protect them. Hawaii's only hope is strong families ... Hawaii's only hope is strong families.

"Thank you, Mr. President."

### ADJOURNMENT

At 12:09 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, February 6, 1997.