

## TWENTY-EIGHTH DAY

Friday, March 7, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Audrey Ching, Chair of the Ministry for Christian Justice of the Hawaii Conference of the United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, D. Ige, Solomon, Tanaka and Taniguchi who were excused.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 509 to 512) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 509, transmitting H.C.R. No. 5, H.D. 1, which was adopted by the House of Representatives on March 6, 1997, was placed on file.

By unanimous consent, action on H.C.R. No. 5, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO SUBMIT TO THE LEGISLATURE FOR REVIEW A DRAFT OF THE STATE WELFARE PLAN INTENDED FOR SUBMITTAL TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 (PUBLIC LAW 104-193) BEFORE MARCH 31, 1997," was deferred until Monday, March 10, 1997.

Hse. Com. No. 510, transmitting H.B. No. 350, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1997, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 350, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 511, transmitting H.B. No. 1390, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1997, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 1390, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 512, transmitting H.B. No. 2060, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1997, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2060, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," passed First Reading by title and was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 106 to 125) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU TO ESTABLISH A CULTURAL INFORMATION CENTER TO PROMOTE THE CULTURES OF THE VARIOUS ETHNIC GROUPS OF HAWAII AND TO WORK WITH THE VARIOUS ETHNIC GROUPS STATEWIDE."

Offered by: Senator Tam.

No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM TO ASCERTAIN THE COSTS OF ADJUSTING THE POST RETIREMENT ALLOWANCE OF EACH RETIRANT IN THE EMPLOYEES' RETIREMENT SYSTEM IN ACCORDANCE WITH CHANGES IN THE CONSUMER PRICE INDEX FOR THE STATE."

Offered by: Senator Tam.

No. 108 "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO PROHIBIT THE PARTICIPATION OF AMERICAN CORPORATIONS IN THE DEFORESTATION OF TROPICAL RAINFORESTS."

Offered by: Senator Tam.

No. 109 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE."

Offered by: Senator Solomon.

No. 110 "SENATE CONCURRENT RESOLUTION REQUESTING A REEVALUATION OF HAWAII'S PREPAID HEALTH CARE ACT TO ENSURE A MORE EQUITABLE SHARING OF PREMIUM COSTS BETWEEN EMPLOYERS AND EMPLOYEES."

Offered by: Senator Slom.

No. 111 "SENATE CONCURRENT RESOLUTION URGING RESTRICTIONS ON AERIAL SPRAYING OF PESTICIDES, HERBICIDES, AND INSECTICIDES."

Offered by: Senator Levin.

No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE WHETHER MINORS SHOULD BE REQUIRED TO OBTAIN PARENTAL PERMISSION BEFORE HAVING THEIR BODIES PIERCED, AND WHETHER THE PRACTICE OF BODY PIERCING SHOULD OTHERWISE BE REGULATED FOR REASONS OF PUBLIC HEALTH AND SAFETY."

Offered by: Senator Levin.

No. 113 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO IMPOSE ONLY A SIMPLE PERMIT REQUIREMENT IN ORDER TO OBTAIN PERMISSION TO INTER FAMILY MEMBERS IN FAMILY BURIAL PLOTS UNDER STATE LAW."

Offered by: Senator Levin.

No. 114 "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.

No. 115 "SENATE CONCURRENT RESOLUTION REQUESTING LOCAL NEWSPAPERS TO PUBLISH A WEEKLY CRIME WATCH REPORT."

Offered by: Senator Levin.

No. 116 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO STUDY AND IMPLEMENT A PROCEDURE FOR THE CERTIFICATION OF LEGAL SPECIALISTS WITHIN THE STATE OF HAWAII."

Offered by: Senators Baker, Chumbley, Ige, D., Matsunaga, Metcalf, Taniguchi.

No. 117 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER PROVIDING IN-SERVICE TRAINING OPPORTUNITIES FOR SCHOOL-LEVEL CERTIFICATED PERSONNEL OVER THE SUMMER, SPRING, CHRISTMAS, AND INTERSESSION BREAKS, AND DURING NON-ACADEMIC STUDENT HOURS, WITH COMPENSATION."

Offered by: Senator Tam.

No. 118 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP A PLAN, SHORT-TERM OR LONG-TERM, ON ITS OWN OR THROUGH A TASK FORCE, TO REDUCE THE STATEWIDE STUDENT-TEACHER RATIO TO NOT MORE THAN TWENTY STUDENTS TO ONE TEACHER."

Offered by: Senator Tam.

No. 119 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH AND MAINTAIN KINDERGARTENS WITH A PROGRAM OF INSTRUCTION IN ALL SCHOOL ZONES, REGARDLESS OF THE NUMBER OF CHILDREN DEEMED ELIGIBLE TO ATTEND, AS A PART OF THE PUBLIC SCHOOL SYSTEM."

Offered by: Senator Tam.

No. 120 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO NOT REDUCE THEIR BUDGET FOR REPAIRS AND MAINTENANCE OF FACILITIES."

Offered by: Senator Tam.

No. 121 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION IMPLEMENT A MONITORING SYSTEM TO AID ADMINISTRATORS IN ADMINISTRATING THE DEPARTMENT'S CHAPTER NINETEEN RULES EVENLY AND CONSISTENTLY."

Offered by: Senator Mizuguchi, by request.

No. 122 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DEVELOP INNOVATIVE MEANS FOR THE MAINTENANCE AND REPAIR OF SCHOOL COMPUTERS."

Offered by: Senator Mizuguchi, by request.

No. 123 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION PROVIDE ONE LAB ASSISTANT FOR EVERY FIVE HUNDRED SCIENCE STUDENTS ENROLLED IN PUBLIC INTERMEDIATE AND HIGH SCHOOLS."

Offered by: Senator Mizuguchi, by request.

No. 124 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT RULES AGAINST TEACHER HARASSMENT FROM STUDENTS."

Offered by: Senator Mizuguchi, by request.

No. 125 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO ADOPT RULES TO PROVIDE FUNDING FROM THE UNIVERSAL SERVICE FUND FOR ASK-2000, AND TO CONSIDER FUNDING ASK-2000 FOR THE 1997-1999 FISCAL BIENNIUM."

Offered by: Senator Chun Oakland.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 40 to 57) were read by the Clerk and were deferred:

Senate Resolution

No. 40 "SENATE RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU TO ESTABLISH A CULTURAL INFORMATION CENTER TO PROMOTE THE CULTURES OF THE VARIOUS ETHNIC GROUPS OF HAWAII AND TO WORK WITH THE VARIOUS ETHNIC GROUPS STATEWIDE."

Offered by: Senator Tam.

No. 41 "SENATE RESOLUTION REQUESTING THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM TO ASCERTAIN THE COSTS OF ADJUSTING THE POST RETIREMENT ALLOWANCE OF EACH RETIRANT IN THE EMPLOYEES' RETIREMENT SYSTEM IN ACCORDANCE WITH CHANGES IN THE CONSUMER PRICE INDEX FOR THE STATE."

Offered by: Senator Tam.

No. 42 "SENATE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO PROHIBIT THE PARTICIPATION OF AMERICAN CORPORATIONS IN THE DEFORESTATION OF TROPICAL RAINFORESTS."

Offered by: Senator Tam.

No. 43 "SENATE RESOLUTION REQUESTING A REEVALUATION OF HAWAII'S PREPAID HEALTH CARE ACT TO ENSURE A MORE EQUITABLE SHARING OF PREMIUM COSTS BETWEEN EMPLOYERS AND EMPLOYEES."

Offered by: Senator Slom.

No. 44 "SENATE RESOLUTION URGING RESTRICTIONS ON AERIAL SPRAYING OF PESTICIDES, HERBICIDES, AND INSECTICIDES."

Offered by: Senator Levin.

No. 45 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE WHETHER MINORS SHOULD BE REQUIRED TO OBTAIN PARENTAL PERMISSION BEFORE HAVING THEIR

BODIES PIERCED, AND WHETHER THE PRACTICE OF BODY PIERCING SHOULD OTHERWISE BE REGULATED FOR REASONS OF PUBLIC HEALTH AND SAFETY."

Offered by: Senator Levin.

No. 46 "SENATE RESOLUTION REQUESTING THE COUNTIES TO IMPOSE ONLY A SIMPLE PERMIT REQUIREMENT IN ORDER TO OBTAIN PERMISSION TO INTER FAMILY MEMBERS IN FAMILY BURIAL PLOTS UNDER STATE LAW."

Offered by: Senator Levin.

No. 47 "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.

No. 48 "SENATE RESOLUTION REQUESTING LOCAL NEWSPAPERS TO PUBLISH A WEEKLY CRIME WATCH REPORT."

Offered by: Senator Levin.

No. 49 "SENATE RESOLUTION REQUESTING THE JUDICIARY TO STUDY AND IMPLEMENT A PROCEDURE FOR THE CERTIFICATION OF LEGAL SPECIALISTS WITHIN THE STATE OF HAWAII."

Offered by: Senators Baker, Chumbley, Ige, D., Matsunaga, Metcalf, Taniguchi.

No. 50 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER PROVIDING IN-SERVICE TRAINING OPPORTUNITIES FOR SCHOOL-LEVEL CERTIFICATED PERSONNEL OVER THE SUMMER, SPRING, CHRISTMAS, AND INTERSESSION BREAKS, AND DURING NON-ACADEMIC STUDENT HOURS, WITH COMPENSATION."

Offered by: Senator Tam.

No. 51 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP A PLAN, SHORT-TERM OR LONG-TERM, ON ITS OWN OR THROUGH A TASK FORCE, TO REDUCE THE STATEWIDE STUDENT-TEACHER RATIO TO NOT MORE THAN TWENTY STUDENTS TO ONE TEACHER."

Offered by: Senator Tam.

No. 52 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH AND MAINTAIN KINDERGARTENS WITH A PROGRAM OF INSTRUCTION IN ALL SCHOOL ZONES, REGARDLESS OF THE NUMBER OF CHILDREN DEEMED ELIGIBLE TO ATTEND, AS A PART OF THE PUBLIC SCHOOL SYSTEM."

Offered by: Senator Tam.

No. 53 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO NOT REDUCE THEIR BUDGET FOR REPAIRS AND MAINTENANCE OF FACILITIES."

Offered by: Senator Tam.

No. 54 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION IMPLEMENT A MONITORING SYSTEM TO AID ADMINISTRATORS IN

ADMINISTRATING THE DEPARTMENT'S CHAPTER NINETEEN RULES EVENLY AND CONSISTENTLY."

Offered by: Senator Mizuguchi, by request.

No. 55 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DEVELOP INNOVATIVE MEANS FOR THE MAINTENANCE AND REPAIR OF SCHOOL COMPUTERS."

Offered by: Senator Mizuguchi, by request.

No. 56 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION PROVIDE ONE LAB ASSISTANT FOR EVERY FIVE HUNDRED SCIENCE STUDENTS ENROLLED IN PUBLIC INTERMEDIATE AND HIGH SCHOOLS."

Offered by: Senator Mizuguchi, by request.

No. 57 "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT RULES AGAINST TEACHER HARASSMENT FROM STUDENTS."

Offered by: Senator Mizuguchi, by request.

#### STANDING COMMITTEE REPORTS

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 919) recommending that the Senate advise and consent to the nomination of LORNA A.N. ROSA to the Board of Directors of the Hawaii Hurricane Relief Fund, in accordance with Gov. Msg. No. 148.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 919 and Gov. Msg. No. 148 was deferred until Monday, March 10, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 920) recommending that the Senate advise and consent to the nomination of HOWARD A. OKITA to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 155.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 920 and Gov. Msg. No. 155 was deferred until Monday, March 10, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 921) recommending that the Senate advise and consent to the nomination of GUY H. KAULUKUKUL, Ph.D. to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 158.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 921 and Gov. Msg. No. 158 was deferred until Monday, March 10, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 922) recommending that the Senate advise and consent to the nomination of JACK KELLNER to the Board of Public Broadcasting, in accordance with Gov. Msg. No. 159.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 922 and Gov. Msg. No. 159 was deferred until Monday, March 10, 1997.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 923) recommending that the Senate advise and consent to the nomination of STEVEN J.

NISHIMURA to the Hawaii Housing Authority, in accordance with Gov. Msg. No. 147.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 923 and Gov. Msg. No. 147 was deferred until Monday, March 10, 1997.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 924) recommending that the Senate advise and consent to the nomination of BENJAMIN SAGUIBO to the Board of Directors, Housing Finance and Development Corporation, in accordance with Gov. Msg. No. 152.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 924 and Gov. Msg. No. 152 was deferred until Monday, March 10, 1997.

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

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

"Mr. President, last evening I was watching television and saw that our governor got on and more or less said that a lot of the problems that are happening in our state are really hard for his administration to be responsible for. The falling yen, tourism from the Mainland dropping and, of course, he has really no control over our shipping.

"Well, in actuality, Mr. President, there are a lot of things that we can take care of. And that kind of disturbed me, but this morning or last evening in the *Star-Bulletin*, I also read 'Exaggerating Hawaii's economic problems.' And they've more or less went along with the governor and said an informed person on Hawaii's economy is not in great shape, but we should be well aware that we're not really bad off. For instance, it says Hawaii's unemployment has only risen by 500. It went to 34,400. And that's not too bad because we're a little below the average on the Mainland. So we're in a little better shape than a lot of the other state, so we shouldn't worry about that.

"Also, 'The state continues to lose jobs -- 2,800 in January' and people are definitely going out of business. But that's not too bad, we shouldn't worry about that. Personal bankruptcies -- yes, we're going like crazy in bankruptcies. But I think overall, they're saying the economy should be overlooked and as long as you have a job, we're not to worry.

"Then I read this morning's paper, Mr. President. We're spending ... let's see how many billions ... I think it was some \$12 billion, plus we have another one-point-something billion that we're going to use for construction. And you and I were here not too long ago when Aileen Anderson was in charge of the budget and she was the billion dollar baby. Today we are at \$13 billion and we're not doing too bad. We're going to increase government a little more, I think, because when I looked at the state budget plan this morning, some of the highlights, priority-wise: education, higher education, health, human services, public safety, environmental protection, transportation, and guess what, economic development and others. Economic development is just a little above other things that we could do. That's planning, Mr. President.

"We have also a letter here, or another piece, that says what we're going to do to make sure that everybody is taken care of. We're going to have a payroll lag that will save us ... this is to make sure that we have assets. The payroll lag will give us \$51.5 million. Reducing the highway funds will give us \$24 million. Repeal of the 1 percent insurance premium tax credit for local companies, that will save us 10.4 million, and hiking the tax on each cigarette from 3 cents to 3.5 cents is another 4 million. That's how we're going to get some of the revenues.

We have some other things that we're going to take away tax credits for to help.

"It also says that Representative Garcia doesn't know how the House Republicans can be opposed to the way the budget is going and then they want more prison space. Well, I think they were talking about privatization. Now, we're going to privatize the marina, and DLNR can do that without going through the Legislature. I checked the law and that can be done. But they don't say which marinas they're taking. Is it ones that are going to be already profitable to the state or are they going to give them the gravy and will they go ahead and take care of others, or is that our responsibility? And can we privatize all of the things that we want?

"I think, Mr. President, that one of the reasons that I came to work today, and I wasn't feeling good and I wasn't going to, is because of my concern. We do have ways to make our state better. We do have to look at the changes that's happening all over the world and get ready for that. I don't care if the problems are in Japan or in Washington or wherever. Whenever we try to say go ahead and look at the future and work towards those goals, we don't do it. We put them off. We don't even know how many slips we're going to build ten years from now. What size those slips are going to be for the harbors. We don't have anything on record that we can say this is a long range plan. Everything we're doing is for the immediate. When the governor says he's building a building, it's a school building. I keep saying I'm for schools; I'm for construction having that building. But you're going to hire the teachers, and you're going to hire the cafeteria people. It's not revenue generating. And to read that we should not worry about it, and that the economy is fine, is not true!

"When I was running for another office, Mr. President, I asked because of the people selling out in Waikiki, T-shirts, couldn't they pay the same as the newspapers pay for their stands. Then I found out they don't pay for the stands. We pay for the sidewalks. That comes from private funds, but that's there to pay for their stands. They don't pay for the space that they're using on the sidewalks. Go down Alakea Street when you're going to Yong Sing or something for a fundraiser, and look at all of the different types of freebies that are out there, and how many square feet that they are taking. They would charge you and me for that, but these others don't have to pay. Any improvements, we pay for.

"So those are the reasons I came in today, Mr. President. Those are some of my frustrations, and I thank you for your time and I thank my colleagues. I didn't run over your lunch hour. Thank you."

#### ADJOURNMENT

At 11:49 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 10, 1997.