

## THIRTY-FIRST DAY

Wednesday, March 12, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Tom Van Culin, St. Matthew's Episcopal Church, after which the Roll was called showing all Senators present.

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

Senator Kawamoto introduced the following representatives of the Advisory Committee on Minority Veterans: Dorothy Pocklington, Chair, Subcommittee on Health; Richard Begay, Native American; Horace Grace, African American; Ron Armstead, African American; Thomas Kaulukukui, Jr., Native Hawaiian/Pacific American; David Cooper, Chair; and Willie Hensley, African American, Director of the Center for Minority Veterans.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 161 to 173) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 161 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A FATHERHOOD TASK FORCE TO PROMOTE STRONG FAMILIES THROUGH POSITIVE FATHERING."

Offered by: Senator Chun Oakland, by request.

No. 162 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A STATE LIBRARY TASK FORCE."

Offered by: Senator Tam.

No. 163 "SENATE CONCURRENT RESOLUTION URGING CONSIDERATION OF A BREAK-DOWN SYSTEM OF AWARDED FEDERAL CONSTRUCTION PROJECTS IN HAWAII."

Offered by: Senators Kawamoto, Aki, Bunda, Iwase, Kanno, Mizuguchi.

No. 164 "SENATE CONCURRENT RESOLUTION REQUESTING A NEW DISCUSSION ON A RAPID TRANSIT PLAN FOR OAHU."

Offered by: Senators Kawamoto, Aki, Bunda, Iwase, Kanno, Sakamoto.

No. 165 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIPAHO CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER."

Offered by: Senators Kawamoto, Aki, Bunda, Ige, D., Iwase, Kanno.

No. 166 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE

REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR CONTRACEPTIVE SERVICES."

Offered by: Senator Levin.

No. 167 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTIVE SURGERY."

Offered by: Senator Levin.

No. 168 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF HEALTH INSURANCE COVERAGE FOR MATERNITY."

Offered by: Senator Levin.

No. 169 "SENATE CONCURRENT RESOLUTION SUPPORTING SHIP OPERATIONS AT THE UNIVERSITY OF HAWAII."

Offered by: Senators Matsunaga, Taniguchi, Aki.

No. 170 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTY LIQUOR COMMISSIONS TO REVIEW THE IMPACT OF CURRENT WRITTEN NOTIFICATION REQUIREMENTS FOR TRANSFERS OF CLASS 5 LIQUOR LICENSES."

Offered by: Senator Sakamoto.

No. 171 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII STATE LIBRARY SYSTEM."

Offered by: Senator Tam.

No. 172 "SENATE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REPORT ON PROGRESS MADE TO REDUCE BACKLOG ON SICK LEAVE ADJUSTMENTS FOR RETIREES."

Offered by: Senator Tam.

No. 173 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE HAWAII STATE LIBRARY BOOK CONTRACT WITH BAKER AND TAYLOR."

Offered by: Senator Tam.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 83 to 89) were read by the Clerk and were deferred:

Senate Resolution

No. 83 "SENATE RESOLUTION URGING CONSIDERATION OF A BREAK-DOWN SYSTEM OF AWARDED FEDERAL CONSTRUCTION PROJECTS IN HAWAII."

Offered by: Senators Kawamoto, Aki, Iwase, Kanno, Mizuguchi, Sakamoto.

No. 84 "SENATE RESOLUTION REQUESTING A NEW DISCUSSION ON A RAPID TRANSIT PLAN FOR OAHU."

Offered by: Senators Kawamoto, Aki, Bunda, Iwase, Kanno, Sakamoto.

No. 85 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIPAĀU CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER."

Offered by: Senators Kawamoto, Bunda, Ige, D., Iwase, Kanno.

No. 86 "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO DEVELOP A JOINT BROCHURE TO INFORM CONSUMERS AND PROVIDERS ABOUT ACCESS TO MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES UNDER THE QUEST PROGRAM, INCLUDING THOSE AVAILABLE ON THE ISLAND OF HAWAII."

Offered by: Senators Levin, Chun Oakland.

No. 87 "SENATE RESOLUTION REQUESTING THE STATE AND THE COUNTY OF HAWAII TO CONDUCT AN INVESTIGATION INTO ALLEGATIONS OF THE STARVATION AND ABUSE OF WILD HORSES IN WAIPĀU VALLEY."

Offered by: Senator Levin.

No. 88 "SENATE RESOLUTION SUPPORTING SHIP OPERATIONS AT THE UNIVERSITY OF HAWAII."

Offered by: Senators Matsunaga, Taniguchi, Aki.

No. 89 "SENATE RESOLUTION REQUESTING THE COUNTY LIQUOR COMMISSIONS TO REVIEW THE IMPACT OF CURRENT WRITTEN NOTIFICATION REQUIREMENTS FOR TRANSFERS OF CLASS 5 LIQUOR LICENSES."

Offered by: Senator Sakamoto.

**STANDING COMMITTEE REPORTS**

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 926) recommending that H.B. No. 519, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 519, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH" passed Second Reading and was placed on the calendar for Third Reading on Friday, March 14, 1997.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 927) recommending that H.B. No. 1717, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1717, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE MEDICAL ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 928) recommending that H.B. No. 1718 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1718, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF PAYMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 929) recommending that H.B. No. 1719 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1719, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT AND FOR THE BLIND SHOP REVOLVING AND HANDICRAFT FUND," 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. 930) recommending that S.C.R. No. 38, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO CAPITAL PUNISHMENT," was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 931) recommending that S.R. No. 10, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 10, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY RELATING TO CAPITAL PUNISHMENT," was referred to the Committee on Judiciary.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 932) recommending that H.B. No. 100, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 100, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE" passed Second Reading and was placed on the calendar for Third Reading on Friday, March 14, 1997.

**ORDER OF THE DAY**

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 11, 1997:

Senate Concurrent Resolution	Referred to:
No. 145	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Education, then to the Committee on Ways and Means
No. 146	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 147 Committee on Education, then to the Committee on Human Resources

No. 148 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. 149 Committee on Economic Development, then to the Committee on Ways and Means

No. 150 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Economic Development

No. 151 Committee on Human Resources, then to the Committee on Judiciary

No. 152 Committee on Judiciary

No. 153 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means

No. 154 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 155 Committee on Health and Environment, then to the Committee on Human Resources

No. 156 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 157 Committee on Economic Development, then to the Committee on Judiciary

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Tuesday, March 11, 1997:

Senate Resolution Referred to:

No. 72 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 73 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 74 Committee on Education, then to the Committee on Human Resources

No. 75 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. 76 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Economic Development

No. 77 Committee on Human Resources, then to the Committee on Judiciary

No. 78 Committee on Judiciary

No. 79 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 80 Committee on Health and Environment, then to the Committee on Human Resources

**RE-REFERRAL OF HOUSE BILL**

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 1624, H.D. 1 Committee on Human Resources, 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. 25 Committee on Health and Environment, then to the Committee on Education

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

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

"Mr. President, I see in this morning's paper that a permit was okayed for a recycling plant in Waimanalo. We've been working on this for quite a while. We've been meeting with the Department of Health and others. And in this morning's paper it says that 'The state Department of Health is ready to re-issue an operating permit to Unisyn Biowaste Technology, a move that has many Waimanalo residents livid.' It also says that a Mr. John Harder of the Health Department's Solid Waste Management told about 20 residents at a Monday night Waimanalo Neighborhood Board meeting that the permit was going to be granted even though they were opposed to it, and it would be within a month. Then it goes on to say that the state will evaluate that plan after a year to determine if it should be there or not.

"A 'Waimanalo farmer, Jim Andrews accused the Department of Health of ignoring the wishes of the community.'

"Mr. President, we've been working on this for quite a while. There's many, many people in Waimanalo that have been opposed to this. I've got all kinds of documentation. We checked with the laws that are on the books now. There is a bill to allow this to stay there, but composting is already allowable on ag lands.

"Also, I see that the governor or the Department of Land and Natural Resources is going to disallow a Mr. Fuller who has a place called Puamalia. They won't give him any type of commercial activities on his property and it is ag. But they're going to do something like this that's not permissible. It is opposed -- everybody's been opposed to it; it is a commercial enterprise; and it's wrong.

"That's just some of the things this morning, Mr. President, that has me a little frustrated, and you know I normally don't stand on this floor.

"I also read an editorial. And the editorial this morning in the Advertiser says, OHA money; Audit affects negotiations. And if I may just briefly read this: 'A recent audit that praises the investment strategy of the Office of Hawaiian Affairs may turn out to be a mixed blessing. OHA is doing a relatively good job of managing its portfolio, now valued at more than \$245 million .... That's big money.' This goes on to say, '...'

perhaps, to help persuade some lawmakers that OHA no longer needs a steady 20 percent.'

"Let me remind you, Mr. President, that the Advertiser a few years ago sold for \$250 million. And we passed a concurrent resolution in the House, when I was there -- it was my resolution -- asking if, in fact, both newspapers are still after 20 years subject to the Failing Newspaper Act. I thought it was the people's right to know and that also becomes where the newspapers would become competitive. But they fought that. Now it's all right for OHA -- \$245 million is a hell of a lot of money, and so is \$250 million for a failing newspaper.

"Also, Mr. President, while I'm up, I went to a meeting last night. There was a group of people there. It would be easy to sit down and say it's Republicans versus Democrats. And I had all the documentation that I needed as far as the CIPs and what we're looking at and what's wrong with government. But I have a hard time doing that. So I talked about leadership. And one of the things that bothers me about leadership is there is none here. If we have a governor who is looking at our state going down the tubes and he has departments putting small businesses out of business, that's a tragedy. When he can say that a stand alone casino on the Big Island that is tied to a referendum so that the people have a chance to vote, he will veto that -- then that's wrong. He is no longer a legislator that is representing a small district. He represents this state. We represent small districts, but as State Legislators we also look at everything. But for him to say he's going to veto this without even looking at how many jobs it will provide, is it going to be that we can get revenue, to just come out and say I'm going to veto that if it comes across so that the bill dies, is wrong. That's not leadership. Any referendum that we have, I think, is fair for our people.

"For these reasons, I'm standing today, Mr. President. I'm a little frustrated. I know you don't notice that but at times I do get that way. But that's because we do need to move our state to find out that we're lacking another \$250 million and Ways and Means is going to cut and so is the Finance Committee in the House, and the people that we're going to have to make sure try to get some services.

"In WAM one day I turned around and said, if in fact schools are not going to get the money, then maybe we should look at having the children pay a book rental fee. And the head of the Democratic Party said, 'You don't understand, Senator. Our children need books.' Well, I went to school and paid a book rental fee, and I had books. I didn't have xeroxed copies. And that's what's happening now. The DOE and others are utilizing the money elsewhere. Even though we put it in for books, they're not getting it. So maybe with leadership we might need to have all of us look at the possibility of those young people going to a public school, paying a fee for a book rental fee that doesn't have to be outrageously high, and those children that cannot afford to pay -- those are the ones we take care of, not everybody in the whole world. That's the strategy we've been using for years. We have to take care of everybody.

"I also, with my colleague over here, put in a bill for unicameralism. It wasn't Sam Lee's unicameral that he put in the House every year using Vermont. We used Hawaii as a base. We would dump 25 of us. That would be 25 legislators going and all their staff. That's a cut. That's saving some type of government. That's what we have to look at -- How are we going to provide the money needed to run this state?

"I thank you very much for listening, Mr. President. Thank you, colleagues."

#### ADJOURNMENT

At 12:02 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 13, 1997.