

FORTY-FOURTH DAY

Wednesday, April 2, 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 the Reverend Jonathan Heierman, Joy of Christ Lutheran Church, after which the Roll was called showing all Senators present with the exception of Senators Baker and Solomon who were excused.

The President announced that he had read and approved the Journal of the Forty-Third Day.

The following introductions were made to the members of the Senate:

Senator Levin, with the assistance of Senators Metcalf and McCartney, introduced Don Robbs, Jim Becker, Jerri Chong, Carlos Molina, Stephen Komori, Ed Robello and Kei Yamamoto from Hawaii Public Television in honor of its 25th year of service to the people of Hawaii.

Senator M. Ige, with the assistance of Senators Sakamoto, Bunda and Iwase, introduced the Honolulu Japanese Junior Chamber of Commerce 45th Annual Cherry Blossom Festival Queen, Cheryl Koide, and her Court, First Princess Alyssa Nako, Princess Suzanne Yamada, and Miss Popularity and Congeniality Shawn Matsunaga. Accompanying the young ladies were Andrew Wang, president, and Alan Okimoto, pageant chair.

At this time, the President appointed Senators M. Ige, McCartney and Anderson to escort Queen Cheryl Koide to the rostrum where she addressed the members of the Senate and their guests as follows:

"On behalf of the Honolulu Japanese Junior Chamber of Commerce and the 45th Cherry Blossom Festival Court, I would like to just say that it is an honor to be here today to receive these prestigious proclamations. We are all very excited about our new responsibilities and we look forward to representing the Japanese community in Hawaii and the State of Hawaii during our travels to the U.S. Mainland and Japan.

"Once again, thank you for bestowing upon us this great honor, and thank you Senators for all of your hard work and dedication to better our State of Hawaii.

"Thank you."

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 277, dated March 18, 1997, transmitting the HFDC 1996 Annual Report and Combined Financial Statements prepared by Grant Thornton, Certified Public Accountants, and the Department of Budget and Finance, Housing Finance and Development Corporation, pursuant to Section 201E-40, HRS, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 552 to 564) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 552, transmitting H.C.R. No. 50, H.D. 1, which was adopted by the House of Representatives on March 31, 1997, was placed on file.

By unanimous consent, H.C.R. No. 50, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO EVALUATE THE COURT ANNEXED ARBITRATION PROGRAM," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 553, transmitting H.C.R. No. 205, which was adopted by the House of Representatives on March 31, 1997, was placed on file.

By unanimous consent, H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO URGE NATIVE HAWAIIANS TO PARTICIPATE IN AN EARLY CANCER DETECTION PROGRAM," was referred to the Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs.

Hse. Com. No. 554, transmitting H.C.R. No. 231, which was adopted by the House of Representatives on March 31, 1997, was placed on file.

By unanimous consent, H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO NOMINATE AND THE UNITED STATES SENATE TO CONFIRM AT LEAST ONE QUALIFIED RESIDENT FROM THE STATE OF HAWAII TO SERVE AS AN ACTIVE JUDGE ON THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," was referred to the Committee on Judiciary.

Hse. Com. No. 555, transmitting H.C.R. No. 267, H.D. 1, which was adopted by the House of Representatives on March 31, 1997, was placed on file.

By unanimous consent, H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON PLANS TO RELOCATE ANY PARTS OF THE INSTITUTE FOR ASTRONOMY TO THE BIG ISLAND," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 556, returning S.B. No. 1242, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR ORGANIZATIONS NEGOTIATING WORKERS' COMPENSATION BENEFITS," was deferred until Friday, April 4, 1997.

Hse. Com. No. 557, returning S.B. No. 1578, which passed Third Reading in the House of Representatives on March 31, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1578, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECYCLING," was deferred until Friday, April 4, 1997.

Hse. Com. No. 558, returning S.B. No. 140, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 1997, was placed on file.

Hse. Com. No. 559, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 139, H.D. 2, was placed on file.

Hse. Com. No. 560, transmitting H.C.R. No. 33, H.D. 2, which was adopted by the House of Representatives on April 1, 1997, was placed on file.

By unanimous consent, H.C.R. No. 33, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALTER THE CONTENT OF THE REQUIRED HEALTH CLASSES IN SECONDARY SCHOOLS," was referred to the Committee on Education.

Hse. Com. No. 561, transmitting H.C.R. No. 59, which was adopted by the House of Representatives on April 1, 1997, was placed on file.

By unanimous consent, H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO CONVENE A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 1998, WITH THE THEME 'IT TAKES A VILLAGE TO RAISE A CHILD,'" was referred to the Committee on Human Resources.

Hse. Com. No. 562, transmitting H.C.R. No. 152, H.D. 1, which was adopted by the House of Representatives on April 1, 1997, was placed on file.

By unanimous consent, H.C.R. No. 152, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DETERMINE STATE AND DISTRICT LEVEL MANAGEMENT AUTHORITY FOR THE HAWAIIAN STUDIES PROGRAM," was referred to the Committee on Education.

Hse. Com. No. 563, transmitting H.C.R. No. 239, H.D. 1, which was adopted by the House of Representatives on April 1, 1997, was placed on file.

By unanimous consent, H.C.R. No. 239, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING RECOGNITION AND DESIGNATION OF SURFING AND OUTRIGGER CANOE RACING AS OLYMPIC SPORTS," was referred to the Committee on Economic Development.

Hse. Com. No. 564, transmitting H.C.R. No. 258, which was adopted by the House of Representatives on April 1, 1997, was placed on file.

By unanimous consent, H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE DESIGNATION OF THE WAILOA STATE PARK AS THE PERMANENT SITE OF THE ANNUAL HAARI BOAT RACE," was referred to the Committee on Water, Land, and Hawaiian Affairs.

ORDER OF THE DAY

THIRD READING

H.B. No. 1, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW," was deferred until Thursday, April 3, 1997.

H.B. No. 345, S.D. 1:

By unanimous consent, action on H.B. No. 345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," was deferred until Thursday, April 3, 1997.

H.B. No. 1216, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1216, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," was deferred until Thursday, April 3, 1997.

H.B. No. 1864, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1864, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," was deferred until Thursday, April 3, 1997.

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

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

"Mr. President, we've been doing some research and recently we've been doing a lot of resolutions and bills on education and presenting awards, and we've been doing some research on former education processes that I thought I'd just like to bring up to date. It seems whenever we look at prisons and other things ... culturally, being part-Hawaiian ... they say we have the highest percentage of Hawaiians in jail. We have Hawaiians that are not able to read and hold jobs, so we did some research.

"Every legislative session, Mr. President, we are inundated with bills and resolutions to appropriate millions of dollars for our schools and high technology, and yet we continue to fall short of what we believe is scholastic achievements. And despite this failure, we want to pride ourselves on these advancements of our almost 21st century Hawaii and look with disparagement on the old Hawaii.

"In reality, an examination of education and schools in the 1840s and 1850s is a very humbling experience for us. And it shows that we're not so advanced after all.

"For example, we pride ourselves with the progress that SCBM has made in our schools. And we are now beginning to recognize and realize that parental involvement is the most important factor in the success of a student or of a school.

"In 1851, Mr. President, the Legislature enacted the first major education act. This is the preamble to that act: 'Whereas it is the right of parents, as far as possible, to have a voice in the management of their schools, wherein their own children are educated; and whereas the exercise of this right will be likely, not only to prevent arbitrary dictation on the part of school inspectors, but to increase the interest that all parents should feel in the public schools.' And that was in the laws of 1851, Mr. President.

"Also, today we are coming to recognize and to acknowledge that not every student is meant for academia -- that for many, vocational and technical skills are the answer to a productive and successful life.

"Well, Mr. President, if I may, in 1848 Mr. Richard Armstrong became Minister of Education and made a real contribution to one phase of the school curriculum. He included vocational training in the educational curriculum almost from the start of his administration. This was, at that time, a far advancement to any introduction of any such training in the United States.

"And to go further, Mr. President, today one of the most serious problems facing both the state and the nation is literacy or rather the functional illiteracy of our population -- a problem so critical that the President has called for an army of thousands of volunteers to ensure that our school children know how to read.

"Well, Mr. President, in contrast, a century and a half ago right here in Hawaii in 1846, 80 percent of all of the native people of Hawaii could read and write.

"I just thought that I would like to put this out because it is a very humbling experience. We seem to want to advance and we think we're achieving new goals and in reality there are people in the past who have had these problems who have taken care of them. And I think that we ought to look at the whole spectrum on where we're going and what we really want to achieve. In those days it was done without federal dollars. I know we have other costs today, but we have to look at the achievements that we're doing and how we can get there without all of these cost factors hampering us.

"Thank you so very much, Mr. President."

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

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

"Mr. President, I guess all of us cannot help but notice a lot of people around the capitol today. And according to the paper, it's the final push on the issue of same-sex marriage. As a member of the Judiciary Committee, I would like to ask either of the co-chairs a question, if I may."

The President posed the question to the chairmen of the Judiciary Committee and Senator Matsunaga having answered in the affirmative, Senator Bunda then inquired:

"I just would like Senator Matsunaga, if you're the designee, I would like to ask, What is the status of the conference that has been taking place with the House? As all of us know, this conference has been going on for a while and I think the members deserve to know what the status would be."

Senator Matsunaga responded:

"Thank you very much for the question.

"Yesterday, the House just transmitted to us a proposed re-draft of H.B. No. 117, which is the constitutional amendment to give the voters the option of voting on whether or not they want same-sex marriage. We're very optimistic. The House has finally moved off of its position and has recognized that the previous draft that they sent over was really not a clean draft. So the current draft is much cleaner. We're in the process of looking at it to see whether or not it is effective, and also fair. Once we review it, we will be getting back to the House. Thank you."

Senator Bunda then asked:

"My next question, Senator Matsunaga -- Is the next conference scheduled in the next few days or would it be put off until the deadline?"

Senator Matsunaga answered:

"The next conference will certainly be before the deadline. The deadline is on the 11th. We haven't yet scheduled it, but it will be scheduled."

ADJOURNMENT

At 12:12 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., Thursday, April 3, 1997.