

FIFTEENTH DAY

Wednesday, February 11, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Calvin Chinen, Moanalua Gardens Missionary Church, after which the Roll was called showing all Senators present with the exception of Senator Iwase who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 160 and 161) were read by the Clerk and were placed on file:

Gov. Msg. No. 160, letter dated February 4, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of S.B. No. 2789, which makes a supplementary appropriation and authorization to allow the Department of the Attorney General to continue its legal representation of the Department of Hawaiian Home Lands under Chapter 674, HRS, for the period March 1, 1998, through June 30, 1998.

Gov. Msg. No. 161, letter dated February 5, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 3027, which makes an emergency supplementary appropriation for the purchase of the Waiahole Irrigation System.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 30) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND MAINTENANCE OF NATIVE HAWAIIAN RIGHTS TO PRACTICE TRADITIONAL HAWAIIAN CULTURAL PROTOCOL UPON LANDS, PRIVATE AND PUBLIC, AS AN INTEGRAL PART OF THEIR HEREDITARY CUSTOMS AND SURVIVAL."

Offered by: Senator McCartney.

SENATE RESOLUTION

The following resolution (S.R. No. 6) was read by the Clerk and was deferred:

Senate Resolution

No. 6 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT AND MAINTENANCE OF NATIVE HAWAIIAN RIGHTS TO PRACTICE TRADITIONAL HAWAIIAN CULTURAL PROTOCOL UPON LANDS, PRIVATE AND PUBLIC, AS AN INTEGRAL PART OF THEIR HEREDITARY CUSTOMS AND SURVIVAL."

Offered by: Senator McCartney.

STANDING COMMITTEE REPORT

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2025) recommending

that S.B. No. 2100, 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 S.B. No. 2100, S.D. 1, 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

FINAL READING

Conf. Com. Rep. No. 1 (S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 1 be adopted and S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, pass Final Reading, seconded by Senator D. Ige.

Senator D. Ige rose in support of the measure and stated:

"Mr. President, I rise to speak in favor of this measure.

"Mr. President, in a newspaper of general circulation has been fundamental and critical words to those individuals, groups and organizations bent and committed to watching the actions of government. They've been very critical because those words provide public notice so that agencies, individuals and groups can keep track of government actions that may impact them. This measure before us has been more than two years in the making and it's very, very critical in improving public notice on government actions.

"This measure does three things in improving public notice. First, it provides a consistent mechanism to insure that when government takes action, the public is adequately noticed. Right now there are more than 100 citations throughout the statutes that provide for public notice, and many of them are a little bit different. Once this measure is passed, it will be very clear what is required to provide public notice.

"The second thing that this measure does is that it improves allowing for public notice, especially for our neighbor island communities. A newspaper of general circulation oftentimes has lower circulation in neighbor island communities and counties than a newspaper of general circulation throughout the state. So, clearly, this measure provides for better notice on government actions, especially for our neighbor island communities.

"Third and most importantly, it does provide for competition in the method that notice is provided. Rather than a newspaper of general circulation, we now refer to any daily or weekly publication of statewide or county circulation. And the real focus is to allow for competition on how the mechanism and means to provide public notice on government action.

"Mr. President, I do believe that this measure provides the best balance of the public interest with providing efficient government, and urge everyone's approval.

Senator Slom also rose in support and said:

"Mr. President, I, too, rise to speak in favor of the bill.

"I'd just like to say that I think this bill goes a long way in moving us away from many of our monopolistic tendencies that we've had in our state. And I will predict that we are going to see not only more competition, but we're going to see a reduction in rates and a savings to not only the taxpayers in the state, but to all the people.

"But further, I think this bill recognizes new technologies and how we are changing in communicating. And finally, it recognizes that Honolulu is not the center of all doings for all people, particularly on the neighbor islands and gives them the right to get their own information from their own sources. So I urge my colleagues to support this bill, as well.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1 was adopted and S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Iwase, Metcalf, Taniguchi).

THIRD READING

S.B. No. 2775, S.D. 1:

On motion by Senator Aki, seconded by Senator Tam and carried, S.B. No. 2775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Iwase, Metcalf).

Senator Aki, for the Committee on Education, requested a waiver to Senate Rule 20 for S.B. No. 2278, and the Chair granted the waiver.

Senator Slom rose on a point of personal privilege and stated:

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

"I understand that you and the Speaker of the House and the Governor had a wonderful trip to San Francisco last weekend, and I was waiting to hear some of the results of that trip since I know that the purpose was to sell the Economic Revitalization Task Force package to those rating services that rate our bonded indebtedness. I didn't hear anything but I did read something in the paper last night, and I was a little concerned because the Star-Bulletin quoted Mr. Robert Kurtter, who is the senior vice president of Moody's Investors Service, and he said of the plan, quote: 'Don't come and tell us as a result economic development is going to surge. We'll believe that when we see it,' unquote. And then the Governor was quoted as bristling, Mr. President, bristling, and was quoted as saying that the analyst was incorrectly looking at the tax recommendations in isolation.

"Mr. President, I think that the Governor bristles far too easy and for the wrong reasons. He has bristled because of articles in Forbes, in Fortune, and U.S. News and World Report, and U.S.A. Today, and the Wall Street Journal, and Financial World, and Investors Business Daily, and The Economist, and the Christian Science Monitor. What do all these people know that we don't know, Mr. President? I think we're going about this in the wrong way. We've got to listen to the people and we've got to listen to small business, and we've got to listen to the people that say cut government spending, make changes and do them now. That's the real economic revitalization. And thank you, Mr. President."

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

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

"Mr. President, yesterday when I took the floor, I was going to mention the editorial that was in the paper and I forgot ... in yesterday morning's paper. But I'm very happy about it this morning because the evening's paper also had the editorial on the same thing. The morning paper said, 'Appointed school board: How else accountable?' And in the evening's paper it said, 'School board members should be appointed.'

"Mr. President, for years we have said that there should be a decentralization of the school board. We have tried very hard when I was in the House. I don't think that the people in Windward should be telling the people in Waianae what their schools should need. I think we have to decentralize so that the school boards are elected by those people in their districts.

"Secondly, Mr. President, when I first got elected, I volunteered to sit on the Education Committee. At that time I got to meet a very fine gentleman by the name of Charlie Clark. As you well know, he was the Superintendent of Public Instruction at the time, and he told me, 'Whitney, if there is anything you ever do, get the superintendent to be appointed.' Now, that's good common sense. Why would you want to appoint nine people that have a hard time getting along now? And who are they going to be really accountable to?

"If we decentralized and then turned around and allowed the Governor (by constitutional change, I'm sure) to appoint the superintendent, you then have one person and he or she has to be accountable. And if they're not, then they can be removed if the public is upset. Never mind this five-year contract that we're giving the superintendent now. If the Superintendent of Education does a good job, he or she would have a job for four years as long as the governor was there and appointed a person that's responsible. That's number one.

"And when we want to talk about common sense, Mr. President, I believe that now is not the time for us to be making new purchases of land, etc. Now is the time for us to consider selling off some of our long-term leases that we've had for many, many years, such as Town and Country Stables in Waimanalo. They've been there for a long, long while. Before that they were in Kapiolani Park when I was a young man, but they've been in Waimanalo for years. Why not consider selling that off and allow them to expand, and get some money back in our coffers. We could do that with other long leases. Why not go ahead and make some leases for people and give them a 55-year lease with a five-year no-lease at all for five years. Let them go to the bank so that they can go ahead and make some loans and hire some people and the counties would still get property tax and then we could go ahead and still get a gross income. Why can't we look at a phase-in for seven years.

"Mr. President, now is not the time for us to be buying. Now is the time that we should be even looking at building cultural parks for the people. Why not speak to the Hawaiian Chamber, the Japanese Chamber, the Portuguese Chamber, the Chinese Chamber. Talk to these people and see if we can get a cultural park for the tourists that you want to take care of now.

"Yes, we want to go ahead and improve our industry, but we're doing nothing with the land that we have now. We're not creating entrepreneurs for tomorrow. We can do many creative things and that's what we have to do now.

"Mr. President, I would hope that our administration becomes creative and innovative. And I think we can move ahead now and we have to go ahead and help the economy, rather than sit down and say what we're going to do with the Economic Revitalization Task Force comments. We can't buy their whole package, and a lot of things they've done is good and a lot of it is not acceptable. And we have to understand that.

"And I really don't want to take this floor everyday, Mr. President, but I get tired of writing press releases and letters to the editor that never get out there, so I figure that at least I can

get it into the Journal and I can talk to my colleagues, because maybe in that way we can get some ideas and move on some of the things that are necessary for our state.

"Mahalo."

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 3030 and 3043.

Senator D. Ige then explained:

"Mr. President, we missed the 72-hour notice by seven hours, yesterday, when we posted our public hearing. It has been duly noted and hearing notices have gone out, but we missed by seven hours."

The Chair granted the waiver.

ADJOURNMENT

At 11:57 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 12, 1998.