

TWENTIETH DAY

Thursday, February 15, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:37 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Robert Wasner, Windward Unity Church, after which the Roll was called showing all Senators present with the exception of Senator Nakasato who was excused.

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

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

Senator Crozier introduced a group of fifth grade students from Pohekea Elementary School in Ewa Beach and their teacher Ms. Donna Ai, accompanied by Mrs. Crozier.

Senator Matsuura, on behalf of Senate President Wong, welcomed and introduced the delegation from the Association of Pacific Island Legislators (APIL), seated on the floor of the Senate, as follows:

"Mr. President, we're very honored in having the officers of the Association of Pacific Island Legislators here with us this morning. They are: Senator Herminia Dierking of Guam, president; Congressman Manuel C. Sablan of the Saipan Legislature, vice president; Senator Robert Ruecho from the Island of Yap, secretary; Senator Hiroshi Yamamura of the Marshall Islands, treasurer. The executive secretary of the association is Mr. Joaquin Camacho from Guam.

"Mr. President, Senator Dierking would like to make a presentation of a resolution to you at this time."

All of the officers and the executive secretary of APIL rose to be recognized.

At this time, the Chair invited Senator Dierking to the podium and she presented a resolution to the Chair and members of the Senate as follows:

"Thank you, Mr. President. I think it's always an honor to come and meet all the other colleagues from across the wide water of ours, and we welcome you and lead you to come join us to make these islands a better world for all of us living.

"This is a resolution, S.C. 16 DOD-3, cordially extending the State of Hawaii an invitation to join the Association of Pacific Island Legislators as a full-fledged member. And so, Mr. President, on behalf of the association, I would like to present this resolution to you and hope that you will meet us in Guam in July for full membership and join with us, with those ten entities, that we are in together to make a better world for all of us.

"Thank you very much."

The Chair, on behalf of the Senate, thanked Senator Dierking for the invitation to join the Association of Pacific Island Legislators.

At this time, Senator Hagino welcomed and introduced the student representatives of the Kahuku High School football team, seated on the floor of the Senate, and remarked as follows:

"Mr. President and fellow Senators, the communities on the North Shore of this island can boast of many things ... a beautiful coastline with breathtaking surf, lush scenery, picturesque and historic spots, a hard working dedicated Senator, and the list goes on. And yet, for 17 long years, the community of Kahuku experienced a drought that left everyone hoping and dreaming for an end to that drought.

"The Kahuku High School football team, comprised of nearly 40 courageous and determined young men, managed to fulfill the dream that their school and community shared since 1972. That elusive dream was to win the OIA football championship.

"These remarkable players were asked by Coach Doug Semones, when he first took the helm as head coach, to list their goals and aspirations collectively as a team, and also as individuals. The consensus of their reply was to win the championship and to represent their school playing in the prep bowl. Well, they won, and they played.

"This scrappy team, with their great desire to win, sustained a string of seven wins and one loss to take them to the prep bowl. Although each player deserves to be declared a champion, several individuals executed yeoman performances during the season and were named to the all-star team. They are: Sean Makaiau, defensive back; Shawn Tanuvasa, defensive back; Datsun Nihipali, line backer and punter; Mark Atuaia, running back (who also, by the way, was named the state top offensive player of the year); Henry Crawford, line backer; Sunu Tialino, offensive line; Paka Pula, offensive line; Charles Scott, defensive line; and Itula Mili, wide receiver.

"Our congratulations go to these individuals and the team for their outstanding performances. With us today to represent their teammates are seniors: Shawn Tanuvasa, Sean Makaiau, Henry Crawford, and James Tai Hook.

"Mr. President and fellow Senators, I'm proud and honored to present to you these fine representatives of the Kahuku High School Red Raiders."

The students rose to be recognized and were presented with leis by various Senators.

Senator Hagino continued:

"Also, Mr. President, without the patient, tough, hard driving leadership of a reliable and skillful coaching staff, whatever accomplishments a team makes would not be possible. The dedication and commitment of the following coaches certainly deserve to be acknowledged. They are: Keala Santiago, Pita Olomua, Garth Spurrier, Salesa Maiava, Matt Loo, Fatu Fiso, Wayne Fonoimoana, Telephon'e Amua, Tim Burroughs and Glen Alo.

"We have recognized and praised the achievements of the team and also the coaching staff that led the Red Raiders to the OIA championship. However, we would be remiss if we did not highlight the person behind the men who brought the championship within reach and finally captured it.

"Mr. President, Coach Douglas Semones' selection as the Star Bulletin's OIA East Division Coach of the Year was more than an honor merely bestowed upon him. It was an honor he earned and deserved. Coach Semones first came to Hawaii to watch his high school teammate

Vai Sikahema play in the 1987 Pro Bowl. He decided to stay and took a job as defensive coordinator before taking over as head coach of the Kahuku Red Raiders. Realizing and understanding the strength of character of his team, he set out to motivate and challenge them to the utmost. His dynamic coaching inspired his players on a blazing trail that led to the long-sought championship.

"Although he was a rookie head coach, Doug Semones fought and beat the odds and in the process, managed to capture not only the OIA championship, but also the hearts and respect of his team, his peers, his school, and his community. It is my privilege to present a champion in his own right, Coach Douglas Semones."

Mr. Semones rose to be recognized and was presented the congratulatory Senate certificate and lei.

Senator McCartney, as a Castle High School graduate, extended his congratulations to Coach Semones and the Kahuku High School football team for their accomplishment.

Senator Mizuguchi, on behalf of Senator Nakasato, made the following introduction:

"Mr. President, this year marks the 90th anniversary of the founding of the Honolulu Japanese Chamber of Commerce. The Honolulu Japanese Chamber of Commerce has become one of the state's major business organizations, representing a cross section of business, industry and professional leaders who collectively seek solutions to community problems which can best be solved by group action.

"We in the Senate would like to recognize and commend the Honolulu Japanese Chamber of Commerce for its significant contributions to the community and would like to congratulate and extend our best wishes to the directors, officers and members of the chamber on its 90th anniversary.

"Mr. President, representing the Honolulu Japanese Chamber of Commerce, on the Senate floor, are Mr. Wayne Miyao, chairman of the board, and Mr. Ronald R. Ushijima, president."

Messrs. Miyao and Ushijima rose to be recognized and were presented the congratulatory Senate certificate by Senator Mizuguchi. Senators Ikeda and Solomon presented the leis.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 127 to 133) were read by the Clerk and were referred to committees:

Gov. Msg. No. 127, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Deborah Merritt, for a term to expire June 30, 1994, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 128, submitting for consideration and confirmation to the Board of Pharmacy, the nominations of Todd Kiyoshi Inafuku and Robert La Madrid, terms to expire June 30, 1994, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 129, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of Patsy K. Young, for a term to expire June 30, 1996, was referred to the Committee on Energy and Natural Resources.

Gov. Msg. No. 130, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of Melvin K. Kumasaka, for a term to expire June 30, 1994, was referred to the Committee on Health.

Gov. Msg. No. 131, submitting for consideration and confirmation to the Hawaii Housing Authority, the nominations of Richard M. Iga and Janet Yagi Buen, terms to expire June 30, 1994, was referred to the Committee on Housing and Hawaiian Programs.

Gov. Msg. No. 132, submitting for consideration and confirmation to the Criminal Injuries Compensation Commission, the nomination of Jacob "Jake" Manegdeg, for a term to expire June 30, 1994, was referred to the Committee on Human Services.

Gov. Msg. No. 133, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of John A. Chanin, for a term to expire June 30, 1994, was referred to the Committee on Judiciary.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 32, from the Comptroller, Department of Accounting and General Services, dated February 13, 1990, transmitting the "Aloha Stadium Master Plan Update - February 1990," prepared by Pacific Planning & Engineering for the Department of Accounting and General Services, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 8 to 12) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 8, transmitting H.B. No. 2069, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1990, was placed on file.

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 2069, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 9, transmitting H.B. No. 2477, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1990, was placed on file.

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 2477, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT FOR GOODS AND SERVICES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 10, transmitting H.B. No. 2638, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1990, was placed on file.

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 2638, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed First Reading by title and was referred to the Committee on Government Operations.

Hse. Com. No. 11, transmitting H.B. No. 2894, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1990, was placed on file.

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 2894, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANT, SUBSIDY, AND PURCHASE OF SERVICE CONTRACTS," passed First Reading by title and was referred to the the Committee on Government Operations.

Hse. Com. No. 12, transmitting H.B. No. 2990, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 1990, was placed on file.

On motion by Senator Blair, seconded by Senator Reed and carried, H.B. No. 2990, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 50 to 52) were read by the Clerk and were referred to committees:

Senate
Concurrent
Resolution

No. 50 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO OBTAIN SINKHOLE SITES CONTAINING INFORMATION RELATING TO EARLY HAWAIIANS."

Offered by: Senator Crozier.

Referred to: Committee on Energy and Natural Resources

No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN EXAMINATION OF EXECUTIVE BRANCH PROCEDURES AND MECHANISMS TO ENSURE THE ENTITLEMENTS OF HAWAIIAN BENEFICIARY PROGRAMS IN THE DISPOSITION OF CULTIVATED SUGARCANE LANDS AND CEDED LANDS."

Offered by: Senator Crozier.

Referred to: Committee on Housing and Hawaiian Programs

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REASSIGN THE ADMINISTRATIVE RESPONSIBILITY OF CERTAIN HISTORIC AND CULTURAL PROPERTIES FROM THE STATE PARKS DIVISION TO THE HISTORIC PRESERVATION DIVISION."

Offered by: Senators Solomon, Aki, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Matsuura, McCartney, Menor, Mizuguchi.

Referred to: Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Culture, Arts and Historic Preservation

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 44 and 45) were read by the Clerk and were referred to committees:

Senate
Resolution

No. 44 "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO OBTAIN SINKHOLE SITES CONTAINING INFORMATION RELATING TO EARLY HAWAIIANS."

Offered by: Senator Crozier.

Referred to: Committee on Energy and Natural Resources

No. 45 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REASSIGN THE ADMINISTRATIVE RESPONSIBILITY OF CERTAIN HISTORIC AND CULTURAL PROPERTIES FROM THE STATE PARKS DIVISION TO THE HISTORIC PRESERVATION DIVISION."

Offered by: Senators Solomon, Aki, Hagino, Holt, Ikeda, Kobayashi, A., Kobayashi, B., Koki, Matsuura, McCartney, Menor, Mizuguchi.

Referred to: Jointly to the Committee on Tourism, Recreation and Planning and the Committee on Culture, Arts and Historic Preservation

STANDING COMMITTEE REPORTS

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2970 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2970, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS AND PROGRAMS AT HONOLULU COMMUNITY COLLEGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2612, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2624, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2624, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A HAWAIIAN LANGUAGE CENTER AT MAUI COMMUNITY COLLEGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2626, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2626, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SCHOOL/UNIVERSITY PARTNERSHIP SCHOOL SUCCESS PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2629, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2629, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A HAWAIIAN LANGUAGE CENTER AT KAUAI COMMUNITY COLLEGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2638, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2638, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TEACHER EDUCATION PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2902, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2902, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EDUCATION OF MORE SOCIAL WORK STUDENTS ON THE NEIGHBOR ISLANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2022) recommending that S.B. No. 3141, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2405 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2405, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR DESIGN AND CONSTRUCTION OF A SMALL BOAT RAMP AND BACK-UP FACILITIES AT KAHALUU FLOOD CONTROL PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2524 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2524, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND DESIGN OF A BOAT RAMP AT KAPA'A COUNTY BEACH PARK, NORTH KOHALA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2025) recommending that S.B. No. 2526 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2526, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT OF A REGIONAL RECREATION PLAN FOR THE MAHUKONA COASTAL AREA, NORTH KOHALA, HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2633 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2633, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INABA PARK AT KONAWAENA SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2665 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2665, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DESIGN AND CONSTRUCTION FOR TWO SEMI-CYLINDRICAL SKATEBOARD RAMPS FOR KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2670 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2670, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAHA PARK IMPROVEMENTS, KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2752 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2752, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIMEA POOL IMPROVEMENTS, KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2775 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2775, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRODUCING A COMPREHENSIVE REGIONAL PLAN FOR THE HANA DISTRICT, COUNTY OF MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2973 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2973, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BEAUTIFICATION OF WAIKIKI AND SURROUNDING AREAS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2974 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2974, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESTORATION OF SAND ON PUBLIC BEACHES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 3002 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3002, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF LANDS IN THE AKOAKOA POINT-POLOLU AREA ON THE ISLAND OF HAWAII," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2301, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2301, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE ALA MOANA BEACH AND AUTHORIZE DREDGING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Tourism, Recreation and Planning, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2621, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2621, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INFRASTRUCTURE IMPROVEMENTS, PLANS AND DESIGN AT THE OLD KONA AIRPORT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2273, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2273, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICERS AND EMPLOYEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 21, 1990.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2275, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF THE OFFICE OF HAWAIIAN AFFAIRS OFFICERS AND EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Crozier, for the Committee on Housing and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 3120, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McCartney, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 3481, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3481, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAUAI VETERANS' CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2648, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2648, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FINANCIAL AID PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2041) recommending that S.B. No. 2695 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2695, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2042) recommending that S.B. No. 3009 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3009, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FILM NARRATIVE TO DOCUMENT THE HISTORY AND TRADITIONS OF HULA ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2043) recommending that S.B. No. 3317 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3317, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO COMMISSION A STATUE OF MOTHER MARIANNE COPE OF MOLOKAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 3371 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3371, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESTORATION

AND RENOVATION OF HAWAII THEATRE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 2045) recommending that S.B. No. 3373 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3373, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LYMAN HOUSE MEMORIAL MUSEUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2784 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2784, entitled: "A BILL FOR AN ACT RELATING TO A COMPREHENSIVE, STATEWIDE RABIES AWARENESS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2047) recommending that S.B. No. 3006 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3006, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WEST HAWAII FORESTRY AND WILDLIFE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2048) recommending that S.B. No. 2475, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Energy and Natural Resources.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2475, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Energy and Natural Resources.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2049) recommending that S.B. No. 2792, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2792, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL WINE CONFERENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2050) recommending that S.B. No. 2823, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2823, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A TREE PLANTING/REFOREST STATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 3465, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3465, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF A SEED HARVESTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2052) recommending that S.B. No. 2757, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2757, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESEARCH TO CONTROL TARO SOFT ROT AND HARD ROT (GUAVA SEED)," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Business Development and Pacific Relations, presented a report (Stand. Com. Rep. No. 2053) recommending that S.B. No. 1576, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Business Development and Pacific Relations.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1576, S.D. 1 entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed First Reading and was recommitted to the Committee on Business Development and Pacific Relations.

Senator McCartney, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2054) recommending that S.B. No. 3303, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3303, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIHOLE VALLEY," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 2282:

On motion by Senator Menor, seconded by Senator Levin and carried, S.B. No. 2282, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Wong, R., Nakasato).

S.B. No. 2283:

On motion by Senator Menor, seconded by Senator Levin and carried, S.B. No. 2283, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nakasato, Wong, R.).

S.B. No. 3019:

On motion by Senator Menor, seconded by Senator Levin and carried, S.B. No. 3019, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nakasato, Wong, R.).

S.B. No. 3091, S.D. 1:

On motion by Senator Menor, seconded by Senator Levin and carried, S.B. No. 3091, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS FOR LEGISLATIVE RELIEF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nakasato, Wong, R.).

RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 1569	Committee on Ways and Means
No. 1576, S.D. 1	Committee on Business Development and Pacific Relations, then to the Committee on Ways and Means
No. 2559	Committee on Ways and Means
No. 2673	Committee on Agriculture, then to the Committee on Consumer Protection and Commerce
No. 3021	Committee on Judiciary
No. 3065	Committee on Health, then to the Committee on Judiciary
No. 3367, S.D. 1	Committee on Judiciary, then to the Committee on Ways and Means
No. 3392	Committee on Education, then to the Committee on Ways and Means
No. 3402	Committee on Culture, Arts and Historic Preservation, then to the Committee on Judiciary
No. 3424	Committee on Ways and Means
No. 3491	Committee on Ways and Means

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

Senator McCartney rose to introduce to the members of the Senate former Representative John Medeiros who was sitting in the gallery.

Senator Reed rose to speak on a point of personal privilege as follows:

"Mr. President, this Legislature has spent nearly \$2 million in the past year on computers and phone lines ostensibly to increase public access to and public involvement in the legislative process. But the legislative process is no more open today than it was last year or the year before or the year before that.

"In effect, Hawaii's taxpayers have shelled out \$2 million for equipment that enables them to find out that their input is falling on deaf ears.

"The politicians' show of increasing public access is simply that: a show; a 'shibai.'

"The Save Sandy Beach Initiative Coalition put out a news release yesterday, and this morning a citizen wrote a letter that was published in the Advertiser's editorial pages, both of which hit at the heart of the problem -- controversial bills are held in committee by chairmen who ignore public input. The citizen who wrote the letter referred to our committees as graveyards for bills.

"Last year, I stood before this body and decried the lack of public access. I said that this Legislature would not become truly open and responsive to the people of Hawaii until we abolish what I called the 'All-Powerful Chairman System.' When I repeated that charge at a public meeting on Molokai, our honorable senior senator from Maui correctly pointed out that this system was also in place 35 years ago when the Republicans held power.

"I don't argue with that. I don't apologize for Republicans 35 years ago -- or for that matter for those of today. Regardless of the long history of the system, or the fact that both parties have exploited it, the All-Powerful Chairman System is not healthy. It discourages or even prevents openness.

"When I was first elected 4 years ago, I stood and naively looked out at these faces and attempted in floor debate to change minds. It took but one night of voting for me to understand that minds are not changed in floor debate. Minds are not changed in these chambers because they're made up in caucus, behind closed doors; and the minds, too, are closed. Floor discussion here in the Senate is for constituents, for the record, not for persuasion.

"The public comes to testify before committees every bit as naively as I stood here in my first year attempting to change minds. I feel sadness for members of the public when I watch them earnestly attempt to persuade committee chairmen. The testifiers are not actually being listened to. They are not going to change minds. Their input has no impact. The system is not open because the politicians' minds are closed.

"This past week, Mr. President, the chairman of your Energy and Natural Resources Committee held a hearing on S.B. 2558 that would have provided funds for a referendum so that residents of the Puna District could decide for themselves whether or not to allow construction of a geothermal plant in their community. The chairman of that committee certainly could not be described as 'open' on the issue of geothermal. We all know he is the Senate's most vocal advocate of geothermal development.

"Two Big Island residents went to the trouble and expense of flying to Oahu and securing ground transportation to the Capitol to testify in favor of the referendum bill. Five representatives of the geothermal industry or state agencies in favor of geothermal development testified against the referendum.

"There was no way this pro-geothermal chairman was going to pass out of his committee a bill allowing the people of Puna to say 'no' to a geothermal plant. But he allowed testimony and then announced that he would kill the bill because, as he explained, more people had testified against it than for it. We all know that's a charade.

"Are we to believe that this adamantly pro-geothermal chairman would have passed out the bill if four more Puna residents had shown up to testify? Would the chairman have passed the bill out for a vote by this entire Senate if the testimony had been six to five in favor of allowing Puna residents to make the decision? Of course not.

"My purpose is not to single out any particular chairmen, and I apologize to this chairman if he takes offense by misconstruing my intent. I do so merely to illustrate the reality of the farce.

"And we all know that the chairmen aren't solely to blame. The majority of the Senate expects chairmen to protect them; to shield them from controversial issues. Chairmen are expected to kill bills that most senators did not want to vote on publicly.

"I believe that the people of Hawaii deserve to know where their elected officials stand on every issue. What are we all so afraid of? The worst thing that can happen is that we won't be re-elected. Surely, being out of office is less painful than being in office and afraid to take a stand on an issue.

"Mr. President, I urge you to institute genuine legislative reform. Abolish the All-Powerful Chairman System. Bring the issues of initiative, abortion, leasehold lands, and all other controversial issues out in the open for a vote on the floor of the Senate.

"In closing ... no amount of computers and access lines will serve to open this legislative process until legislators themselves become open.

"The reality is that most legislators have come to identify with their colleagues and, as a result, have forgotten who they serve. They have come to treasure the office rather than the service.

"I know that my remarks today are unwelcome. And I'll be surprised if the defenders of the status quo don't out-do themselves rising on points of personal privilege to counter my blasphemous thoughts. But there is no one familiar with this legislative process who does not hear the truth in my criticism.

"I criticize to encourage reform. On behalf of the people who hired us to represent them, I urge this majority to implement genuine legislative reform in order to create a process that is truly open to the people.

"Thank you, Mr. President."

Senator Matsuura responded to the previous speaker's remarks and said:

"Mr. President, since the previous speaker alluded to my committee and my chairmanship I have to say something to answer some of his allegations.

"Let me just say, yes, it is true, I am pro-geothermal. But that doesn't mean that I pass all pro-geothermal bills. At the hearing yesterday, I shelved four pro-geothermal bills. The allegation that I pass pro-geothermal bills and kill anti-geothermal bills is incorrect. I look at the merits of each bill.

"The previous speaker mentioned one specific bill that I held. It is true there were more persons testifying against that measure than those who were for it. Those that were for it were people who represented the rain forest group.

"As the chairman, by my having that bill set for a hearing is an indication of openness because people who are in favor or against the measure had their chance to express their views on that bill. The reason why I held that bill is because the state has made a policy decision to encourage geothermal development (and I'm not going to explain to you all the merits of geothermal because I've already done that). The state has made a policy decision that we must go forward to develop our alternative energy resources to produce electricity.

"This bill would have called for a referendum to stop geothermal development in the Puna district. You must understand what these geothermal developers have gone through. They've already gone through all the permitting system; they have gone through three public hearings; they have gone through four contested cases; they have gone through several legal challenges in the court of law. Is it fair now to have a vote ... a referendum of the residents of Puna district to decide whether to stop the geothermal development?

"If we are going to allow this to happen in Puna, the residents in Waianae may say, 'All right, we've had it.' They have Kahe Point down there producing most of the electricity for the island. They also have the oil refinery that produces all of our gasoline. What will we do if they passed a referendum to shut down PRI and the Kahe generation plant? What about the residents who have transmission lines going through their properties? Pearl City is a good example of it.

"Are we going to let each individual community decide what we want in our community without looking at the total picture? Those are some of the reasons why I held the referendum bill back. I felt that there is a greater need, in terms of meeting the needs of the State of Hawaii. That's one of the reasons why I'm willing to share the energy on the Big Island with the other islands. Individuals who represent the Sierra Club from Maui have come to see me because they don't want the cable to go to their island. That's terrific. If the people of Maui don't want the electricity, produced on our island, to go to Maui, terrific! I can support that! And if the people of Honolulu don't want the geothermal energy, that's all right too! Then, we can justify keeping all of the electrical generation on the Big Island. However, the need is here; the need is on Maui, and I'm willing to stick my neck out to share that geothermal resource with the rest of the islands. We are one family and we have to think as a family.

"Are we going to pass this bill to allow referendum? If the geothermal resource was somewhere else, that's fine. But if you look at the scientific data, the geothermal resources are in the Puna district.

"The people of Puna must realize that we've appropriated funds for new roads for them, a new school, etc. Where do you think the money is coming from? Do you think it's coming from the revenues generated in the Puna district? It's coming from this island, Oahu! This is one of the reasons why I say that we must share our

resources and look at the whole state as one 'ohana.' That's the reason why I held the referendum bill back.

"In regard to the accusation that I have the votes to pass or kill a bill before the hearing, look at the 'unagi' bill. I really don't know if I have enough votes to pass the 'unagi' bill. If you think that I already got five votes you may be wrong. I don't know if I'm going to have four 'samurais' to join with me, let alone one.

"Now, the media ... I noticed all the television cameras in the gallery and I knew something was going to happen. I want the media to present the facts. I want them to report the news. Again, I repeat, don't market the news and above all never create the news.

"Thank you very much, Mr. President."

Senator Crozier added his response:

"Mr. President, before our eloquent Majority Floor Leader responds to the well thought out comments by our Minority Floor Leader, I'd like to get into the act just a bit.

"I appreciate the Minority Floor Leader's comments about the process and about how who are supposed to participate in the process, but I'd like to just take the Minority to task. He did quite a good job of taking us to task. I'm sure many of us are sitting here reflecting. But I would like to challenge them, our Minority or our 'loyal opposition.'

"It is their role to keep us on the edge to make sure that what we're passing through ... to have some kind of comments coming from the other side.

"Mr. President, earlier, I commented that this is the 20th day of this Legislature. Bills are already passing third reading. I think, since the beginning, we heard our Minority Leader give quite good remarks on opening day and then our Minority Leader or the 'loyal opposition' made some remarks on the A+ bill. But, I think, after that or in between that nothing else has been said. Today, we passed some bills on third reading. Our Minority just sat here. Why are you sitting here? It is your job to reflect on what we're trying to pass. Is it good, or is it bad? Please, Minority, participate. We need your input.

"Mahalo, Mr. President."

Senator Blair then added his remarks as follows:

"Mr. President, in response to the remarks of the Minority Floor Leader, I'd like to point out the difference between 'process' and 'product.' I think his remarks denigrate the work that was done during the interim and the changes that we made, by failing to acknowledge the truly remarkable changes that have been made to the legislative process. At this time last year, bills were being heard without copies having been printed and made available to the public and the hearing notices were going out very late. In many cases waivers of the 48-hour notice requirement were occurring, by the scores, on a daily basis.

"This year, anyone who's paying attention at all would notice the dramatic difference. Hearing notices are published, in many instances, a week before the hearing. Some chairmen have taken the time, to summarize the bills on the hearing notices, rather than simply list the titles. There have been no problems with availability of bills. Any fair assessment would find that the process has been very much improved. The public's ability to give input is dramatically improved. In the 16 years that I've

been here, I've not seen a more dramatic turnaround or a better adherence to the principle of openness.

"On the process side, we have much to be proud of; so I can't let those remarks go uncontested. When you consider the examples that the Minority Floor Leader used to support his thesis that the process has not been improved, the fallacy of confusing process with results becomes apparent.

"Reference was made to the bill to restore to the counties the power to zone by initiative, but Senator McCartney scheduled that hearing well in advance and on a Saturday, to maximize the public's input. His committee's hearing went from 9:00 o'clock in the morning to 2:00, or even after 2:00 o'clock in the afternoon, without a break, accepting public testimony for five hours. The bill was reported out of committee. I don't see that that is an intelligent example of the public's input being denied. Perhaps he's anticipating something down. Mr. President, this body's track record on its handling of both the statewide and county level initiative issues has been exemplary. I commend Senator McCartney, in particular, for his recent handling of the county initiative bill. The Minority Floor Leader should join me in that commendation.

"The other example which allegedly proved the thesis that the process has not improved is the death of a bill dealing with Puna. I think the continuing fallacy of the logic is obvious. Had that bill been reported out of the committee, it would not have received many votes on the floor. Are we going to let the minority who are citizens of a particular district make a decision based upon parochial interests, to the detriment of the majority's needs and the good of the entire state? The same logic would have us delegating to individual senators the decision on any project that was located in their district. In which case, Senator McMurdo would decide if a convention center was going to be located in Waikiki. We would not have the convention center in her district, based upon her public statements. We would not have it in anyone's district. Many needed projects would be vetoed by such deference to parochialism.

"I applaud both Senator McCartney's committee and Senator Matsuura's committee for their adherence to an open process and for the wisdom of the decisions. If the Minority Floor Leader confuses his preference as to how a committee should have disposed of a bill with a condemnation of the process, he is committing a logical error.

"However, I grant the Minority Floor Leader his point that chairmen tend to have too much power. I point out, however, that this is partly a product of the decision, made back in 1950, as to the size of this body. National studies suggest that the optimal size of a legislative body is between 100 and 150 members, but the combined membership of our House and the Senate is only 76. A consequence of this is that, while we deal with the same issues that a state like California deals with, and have the same range of issues which are as controversial here, we apportion the workload over far fewer members. We have only 25 members in our Senate. As a consequence, and I'll take for example last Saturday morning, I was scheduled to be at Senator McCartney's hearing on county initiative; at a hearing on changing the native Hawaiian blood quantum; and at a hearing on the A+ program. I managed to make only two out of the three.

"Some people fail to realize that, despite our best efforts, the workload imposed upon us by the community's demands on our time and the constitutional restrictions on the size of the Senate prevent members from attending all of the committee meetings they would like to attend. As a

consequence, members often have to rely on the recommendations of the chairmen. One of the unfortunate consequences of the small size of the Senate is that it tends to result in chairmen having more power than would be optimal. But I don't think that that can be blamed upon a Machiavellian disposition of our chairmen.

"I hope that if the Minority Floor Leader is serious, he will join with me in a bipartisan effort at the next constitutional convention to increase the size of the Senate so that we can have better attendance at committee hearings and so that the membership will be a greater counterweight to the chairman and the problem which he and I perceive to exist for different reasons will no longer trouble either of us.

"Thank you."

Senator B. Kobayashi also rose to remark:

"Mr. President, I'd like to rise on a point of personal privilege.

"In regard to previous comments, I have two areas of comments, one regarding committee hearings and the second concerning the so-called 'all powerful committee chairman system.'

"Committee hearings are only as good as the people who attend and the chairman and legislators who are there. For me, committee hearings are a valuable source of input, and they do have impact on decisions made by me and, I'm sure, by many other chairmen. Committee hearings, however, are not the only opportunity for input. Very often committee hearings serve as the opportunity to further discuss a matter with an interested party whose interest in the issue was not known prior to the committee hearing.

"Of interest is the fact that we all like to listen to new ideas, but being able to craft those new ideas into workable, practical language within the time frame that we have and within the budget we have is sometimes not possible. So when we have very long committee hearings, as we have had of recent to meet our lateral deadline, and are beset with many dozens of issues which require dollars, we listen but we cannot always respond favorably to grant each and every interested party hundreds and thousands and even millions of dollars as they would wish. So, the listening has to be compromised by our abilities to respond favorably and some times that is handicapped by lack of finances.

"On the second topic of the all powerful committee chairmen, I would remind several members of this body and the Minority that some of us do feel that the chairmen are too powerful. I would note, however, that the power of the chairman is ingrained in the tradition and practice of this body and not necessarily in Senate rules. For myself, I have discussed the possibility and urged the Senate President to consider amendments in the Senate rules when we organized a year and a half ago to allow for a majority of the committee to rule on all matters affecting the committee. A one sentence change in our Senate rules could, in effect, allow a majority of the committee members to petition and get from the chairman circulation of committee reports, hearings on bills, and even passage of bills out of committee.

"I would urge that members of the Minority and others who are interested in this sort of change keep up the effort in future years to secure such a change. Eventually, I think, we will get such a change. It did not occur the last time we organized, but hopefully, it will soon."

Senator Cobb added:

"Mr. President, I rise on a point of personal privilege. In doing so, I make it very clear I am no defender of the administration, the Democratic Party as it exists or the establishment as it is known. I think I am the only Senator that has successfully challenged both the Legislature and the incumbent administration in court and prevailed -- once on the subject of sign waving and once on the subject of the question of whether or not an individual has to resign to run. In one case it went to federal court; in the other case it went to the Supreme Court of the State of Hawaii.

"I would start off by pointing out that the newspapers have already done a pretty good job of accountability of legislators by their surveys on such issues as abortion, parental consent, initiative, and a variety of other issues. And in a number of cases, a substantial number of legislators did respond, although not all.

"I was asked today, right here on the floor of the Senate, by a reporter from the Honolulu Star Bulletin whether or not I own a gun. Presumably that is in response to a bill that is now pending on gun ownership. And my response is 'yes, I own several.' I don't own automatic weapons, and for the record, I favor a ban on automatic and assault weapons. I don't see any purpose in them, except for killing. I see no legitimate hunting purpose. But I gave a direct answer to a direct question.

"I would point out also the remarks about minds being made up on the floor are flatly in error. I can recall three bills in my career in the Senate when my remarks on the floor of this Senate made a difference and my colleagues listened. One was on dental hygienists; another was on a psychology bill to allow for HMSA coverage for psychologists; and a third was on prophylactics in vending machines. On the first two bills, I was warned in the caucus I had no more than ten votes in favor of the bill, and I made the decision, take it to the floor and vote it up or down. In each of those two instances, going to the floor with no more than 10 votes, both measures passed by a margin of 15 ayes to 10 noes. That's a change of five votes on the floor, after debate. I cite that experience because I have had it happen to me personally.

"I would further point out that when a recommendation for a change of chairmanship system is made, and I agree with the remarks of the Senator from the Thirteenth District on that issue, those advocating the change have the burden of proof and the burden to be specific. What exactly would we replace it with; would we have a committee of the whole; would we have a discharge petition mechanism; would we have a provision allowing for majority rule within a committee? The idea has some merit but let's get down to specifics so that we can see whether or not it's workable. It's not enough to say 'I want to have something changed.' The obligation is then to say, 'how we want to change it.'

"As for openers, I agree with the remarks very much of the Majority Floor Leader and will point out in addition that there's now a fax machine in the Sergeant-at-Arms office to accommodate public testimony from anywhere in Hawaii, and for that matter anywhere in the world. And I note that the waiver of the 48-hour notice is now not the rule, it is very much the exception. And that in itself is a big change from last year.

"Finally, Mr. President, if someone says that public testimony does not have impact, I can recall well over a dozen bills in my brief career where the testimony of the public changed minds in committee. And I recall last Saturday when I sat through 3-1/2 hours of testimony on

the bill on blood quantum. I went into it completely open-minded. I learned from those who testified and perhaps the time will come in the near future that I'll have an opportunity to share what I learned in committee with my colleagues. That I can bear witness from the bills that I have cited already that floor debate did make a difference; that Senators listened and actually changed their votes even though I was told 'you don't have the votes on the floor.' We may have an opportunity to address that again on a very slippery bill involving eels, and I look forward to it.

"Thank you, Mr. President."

Senator George also rose to speak on a point of personal privilege and said:

"If I may, Mr. President, if you'll bear with my croaking voice: The Senator to my rear has chosen to take this occasion as an assignment of responsibility on the part of the Minority that we are supposed to have a response because bills are coming up for third reading. I think I could prolong these meetings considerably if there has to be a Minority response to every bill. Obviously, I'd be glad to do that if I felt a useful purpose would be served.

"My understanding is, when I sign a committee report free and clear and when my colleagues to my left have done the same thing, it is hardly necessary for us to rise to the occasion and praise Caesar. I can assure the colleague sitting behind me that if indeed we do not approve of measures which is sponsored by the Majority, we will undertake to be very vocal, indeed, and attempt to bury Caesar, and I hope that his appraisal is correct that floor debate, spirited floor debate, will aid us in killing measures of which we do not approve.

"Thank you, Mr. President."

Senator Crozier, in response, stated:

"Mr. President, just to respond to the previous speaker. I do hope that they will begin to really study all the bills that are being passed and do make comments. Because when I came over here, the House was quiet compared to the Senate in floor debates and I looked forward to participating in much of the dialogue that had transpired prior to my arriving. But since I've been here the Senate has been very quiet and I am hoping that the loyal opposition will take us to task so that we will have an opportunity to prove to the people that we know what we are doing; we're trying to do what is best for the people of Hawaii.

"Thank you."

The Chair then made the following observation:

"Members of the Senate, I feel that the discussion this morning was very beneficial. We have difficult decisions that must be made this session. The Chair commends all of the speakers this morning for the decorum and courtesy extended to each other and ask that it continue in future discussions and debates."

ADJOURNMENT

At 12:41 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 16, 1990.