

THIRD DAY

Friday, January 17, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:30 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Terrence Watanabe of the Cathedral of Our Lady of Peace after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling, McCartney, Nakasato, Reed and Wong who were excused.

The Chair announced that he had read and approved the Journal of the Second Day.

Senator Solomon introduced to the members of the Senate Jonathan Ikaika Tungpalan, son of Senator Tungpalan.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 83 to 87) were read by the Clerk and were placed on file:

Gov. Msg. No. 83, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 152 and H.C.R. No. 143 (1991), requesting the University of Hawaii to submit a report on its current efforts and recommendations to improve the delivery of programs and services to nontraditional students.

Gov. Msg. No. 84, dated December 30, 1991, transmitting a report prepared by the University of Hawaii in response to H.R. No. 245 and H.C.R. No. 221 (1991), encouraging the use of computerized archiving of the State of Hawaii, and H.C.R. No. 267 (1991), requesting the University of Hawaii Library with the State Public Library System and Department of Education to prepare a master plan for electronic information services.

Gov. Msg. No. 85, dated December 31, 1991, transmitting the "1991 Annual Update Report on Various Cost Options on Customary Fee Profiles for Non-Institutional Health Care Providers," prepared by the Department of Human Services pursuant to Section 346-59, HRS.

Gov. Msg. No. 86, dated January 6, 1992, transmitting the consultant study, "A Center for Excellence for Hawaii State Government," prepared by Sandra Potter-Marquardt for the Department of Personnel Services in response to Section 154 of Act 296, SLH 1991.

Gov. Msg. No. 87, dated January 7, 1992, transmitting the "Report to the Legislature Relating to Condominium Property Regime: Summary of Programs and Financial Information on the Condominium Management Education Fund," prepared by the Hawaii Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, in response to Act 283, SLH 1990.

INTRODUCTION OF SENATE BILLS

On motion by Senator Solomon, seconded by Senator Koki and carried, the following bills passed First Reading by title, and were referred to committees:

Senate Bill

No. 2337 "A BILL FOR AN ACT RELATING TO UNIVERSITY SYSTEM TUITION INCREASES."

Introduced by: Senators Kobayashi, B., McCartney.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2338 "A BILL FOR AN ACT RELATING TO MARINE AND COASTAL RESOURCES."

Introduced by: Senators Matsuura, Holt.

Referred to: Jointly to the Committee on Science, Technology and Economic Development and the Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means.

No. 2339 "A BILL FOR AN ACT RELATING TO THE COURT ANNEXED ARBITRATION PROGRAM."

Introduced by: Senators Matsuura, McCartney.

Referred to: Committee on Judiciary.

No. 2340 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senators Matsuura, Nakasato.

Referred to: Committee on Judiciary.

No. 2341 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AN INDUSTRIAL ENTERPRISE."

Introduced by: Senators Matsuura, Holt.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2342 "A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE DATA."

Introduced by: Senators Matsuura, Blair.

Referred to: Committee on Judiciary.

No. 2343 "A BILL FOR AN ACT RELATING TO STATE AGRICULTURE LOAN MEDIATION PROGRAM."

Introduced by: Senators Matsuura, Chang.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2344 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senators Matsuura, Nakasato, Aki.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2345 "A BILL FOR AN ACT RELATING TO CRIMINAL DATA."

Introduced by: Senator Matsuura.

Referred to: Committee on Judiciary.

No. 2346 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC."

Introduced by: Senators Matsuura, Yamasaki, Kobayashi, A.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2347 "A BILL FOR AN ACT RELATING TO THE ECONOMIC DEVELOPMENT OF COFFEE."

Introduced by: Senators Matsuura, McCartney.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2348 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senators Matsuura, Hagino.

Referred to: Committee on Transportation and Intergovernmental Relations.

No. 2349 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MANOA INNOVATION CENTER."

Introduced by: Senators Matsuura, McCartney.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

No. 2350 "A BILL FOR AN ACT RELATING TO CAPITAL GAINS"

Introduced by: Senator Crozier.

Referred to: Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means.

No. 2351 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION AND PLANTING OF XEROPHYTIC PLANTS ALONG THE LANDSCAPE OF STATE FREEWAYS."

Introduced by: Senator Crozier.

Referred to: Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means.

No. 2352 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senator Crozier.

Referred to: Committee on Employment and Public Institutions, then to the Committee on Ways and Means.

No. 2353 "A BILL FOR AN ACT RELATING TO TRUSTS."

Introduced by: Senator Crozier.

Referred to: Committee on Judiciary.

No. 2354 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO SEAGULL SCHOOLS."

Introduced by: Senator Crozier.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means.

No. 2355 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF AN EWA REGIONAL LIBRARY."

Introduced by: Senator Crozier.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2356 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Senator McMurdo.

Referred to: Jointly to the Committee on Health and Human Services and the Committee on Tourism and Recreation.

No. 2357 "A BILL FOR AN ACT RELATING TO FALSE PUBLISHED STATEMENTS."

Introduced by: Senator Matsuura.

Referred to: Committee on Judiciary.

No. 2358 "A BILL FOR AN ACT RELATING TO SALVAGED VEHICLES."

Introduced by: Senator Matsuura.

Referred to: Committee on Transportation and Intergovernmental Relations.

No. 2359 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Matsuura, Ikeda.

Referred to: Committee on Transportation and Intergovernmental Relations, then to the Committee on Ways and Means.

No. 2360 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senator Crozier.

Referred to: Committee on Employment and Public Institutions, then to the Committee on Ways and Means.

No. 2361 "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE."

Introduced by: Senators Ikeda, Iwase, Cobb, Kobayashi, A., Koki.

Referred to: Committee on Consumer Protection and Business Regulation.

No. 2362 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KOHALA HOSPITAL."

Introduced by: Senator Solomon.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means.

No. 2363 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Senator Solomon.

Referred to: Jointly to the Committee on Housing and Hawaiian Programs and the Committee on Planning, Land and Water Use Management.

No. 2364 "A BILL FOR AN ACT RELATING TO WEST HAWAII."

Introduced by: Senator Solomon.

Referred to: Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means.

No. 2365 "A BILL FOR AN ACT RELATING TO BONE MARROW DONORS."

Introduced by: Senator Reed.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means.

No. 2366 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Reed.

Referred to: Committee on Transportation and Intergovernmental Relations.

No. 2367 "A BILL FOR AN ACT RELATING TO BLOOD BANKS."

Introduced by: Senator Reed.

Referred to: Committee on Health and Human Services.

No. 2368 "A BILL FOR AN ACT RELATING TO THE SALE OF PROPHYLACTICS."

Introduced by: Senator Reed.

Referred to: Committee on Health and Human Services.

No. 2369 "A BILL FOR AN ACT RELATING TO THE EXPORT OF RAW KOA WOOD."

Introduced by: Senator Reed.

Referred to: Committee on Agriculture and Environmental Protection.

No. 2370 "A BILL FOR AN ACT RELATING TO NEWSPAPERS."

Introduced by: Senator Reed.

Referred to: Committee on Consumer Protection and Business Regulation, then to the Committee on Ways and Means.

No. 2371 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KEAHOE AGRICULTURAL PRODUCT MARSHALLING AND PROCESSING CENTER."

Introduced by: Senator Chang.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2372 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESEARCH PROJECTS AT THE LOW ELEVATION EXTENSION DEMONSTRATION FARM, MAUI."

Introduced by: Senator Chang.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2373 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF PINEAPPLE."

Introduced by: Senator Chang.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2374 "A BILL FOR AN ACT RELATING TO A PERMANENT COUNTY EXTENSION AGENT IN KAUAI FOR THE DIVERSIFIED CROPS PROGRAM."

Introduced by: Senator Chang.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2375 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH AN AGRICULTURAL WEATHER NETWORK ON MAUI."

Introduced by: Senator Chang.

Referred to: Committee on Agriculture and Environmental Protection, then to the Committee on Ways and Means.

No. 2376 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL ADMINISTRATION FOR PAHOA, HONOKAA, KOHALA, AND KA'U SCHOOLS."

Introduced by: Senators Levin, Solomon.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2377 "A BILL FOR AN ACT RELATING TO THE PROPOSED HILO JUDICIARY COMPLEX."

Introduced by: Senator Blair, by request.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means.

No. 2378 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO HAWAII PUBLIC RADIO."

Introduced by: Senators Levin, Tungpalan.

Referred to: Committee on Culture, Arts and Historic Preservation, then to the Committee on Ways and Means.

No. 2379 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Senators Levin, Kobayashi, B., McCartney.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2380 "A BILL FOR AN ACT MAKING A GRANT-IN-AID TO THE COUNTIES TO PROVIDE FOR THE LOSS OF PROPERTY TAX REVENUES RESULTING FROM RECLASSIFICATION OF PARCELS OF WATERSHED AND FOREST PROPERTY."

Introduced by: Senators Levin, Matsuura, Solomon.

Referred to: Committee on Planning, Land and Water Use Management, then to the Committee on Ways and Means.

No. 2381 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Senators McMurdo, Koki, Levin.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means.

No. 2382 "A BILL FOR AN ACT RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES."

Introduced by: Senators McMurdo, Levin.

Referred to: Committee on Health and Human Services.

No. 2383 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators McMurdo, Koki, Levin.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means.

No. 2384 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."

Introduced by: Senator Reed.

Referred to: Committee on Legislative Management.

No. 2385 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A 50 METER SWIMMING POOL FACILITY FOR LOKELANI INTERMEDIATE SCHOOL AT MAUI."

Introduced by: Senator Reed.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2386 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LANDSCAPING AND A SPRINKLER SYSTEM AT LOKELANI INTERMEDIATE SCHOOL AT MAUI."

Introduced by: Senator Reed.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2387 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF AN AGRICULTURE BUILDING FOR LOKELANI INTERMEDIATE SCHOOL AT MAUI."

Introduced by: Senator Reed.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2388 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A LIBRARY FACILITY AT LOKELANI INTERMEDIATE SCHOOL AT MAUI."

Introduced by: Senator Reed.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2389 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INSTALLATION AND CONSTRUCTION OF A LOCKER AND SHOWER FACILITY AT LOKELANI INTERMEDIATE SCHOOL AT MAUI."

Introduced by: Senator Reed.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2390 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A MULTIPURPOSE BUILDING TO BE USE AS A CAFETERIA, GYMNASIUM, AND OFFICE WITH ADJACENT ROOMS FOR COMMUNITY NEEDS FOR LOKELANI INTERMEDIATE SCHOOL ON MAUI."

Introduced by: Senator Reed.

Referred to: Committee on Education, then to the Committee on Ways and Means.

Senator Levin then rose to speak on a point of personal privilege and stated:

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

"In the news this morning, the Republican Party is questioning my residence in the First Senatorial District. The request is apparently being made to you, Mr. President, and to the attorney general to investigate. If appropriate, Mr. President, I would like to ask you to please accept that request because an investigation will show that, in fact, I do live in my legislative district and this issue can be put to rest quickly. If the Republican Party had contacted me I could have given them this information too but they did not choose to ask me.

"For the record, I do own a house in Hilo outside of my district. About three years ago, when our tenant moved out, my wife moved into the house to make repairs and to fix the place up. She has made a lot of sacrifices over the years to allow me to continue in public service and when she decided to stay there longer than expected, I could not object. When I am home, I spend the week in my apartment and on some but not all weekends, I stay in the house. My one and only residence is my rented apartment and that apartment is at 77 Keokeao Loop in the First Senatorial District.

"I would welcome your efforts or those of the attorney general or anyone else to verify this matter so that my constituents and colleagues can be assured that there is no legitimate basis for questioning my residence. Thank you, Mr. President."

The Chair responded:

"Senator Levin, as far as the Chair is concerned, we have not received the request as yet but we will abide by your request."

Senator B. Kobayashi also rose to speak on a point of personal privilege as follows:

"Mr. President, I'd like to correct a matter for the public record. I have before me a copy of the morning newspaper in which the Senate President is quoted as follows: 'Wong scolded his colleagues, saying those who voted for the \$10 billion budget last year should not cast stones. Sen. Russell Blair asked Wong, "Is the inference that if we dislike one item in the budget, we should vote against the whole budget?" Wong said, "yes," if one dislikes that one item intensely enough.'

"I also happen to have before me a rough copy of yesterday's proceedings in which the Chair is quoted as not having said 'yes.' I would make this unofficial and rough copy of the transcript from yesterday available to members of the Senate but I assure you that the Senate President is not quoted as having said 'yes' in response to Senator Blair's question. Thank you very much."

Senator Crozier also rose on a point of personal privilege as follows:

"Mr. President, yesterday, I read from the book written by Lucien Young who was a lieutenant on the 'Boston' and the title of the book was 'Boston at Hawaii.' He talks about the history of Kalakaua and Queen Liliuokalani and primarily the overthrow. Today is the actual date, the 99th anniversary of the date of the overthrow of Queen Liliuokalani. I won't go into a long dissertation but I would just like to show my colleagues or read from this book so that my colleagues can understand the flavor of the documents that the congressmen were reading in Washington when they were talking about annexation because Kuykendall had not written his book yet, which all of us had to read in Hawaiian 101. They read the 'Boston at Hawaii.' I will just jump through this and just make some observations so that we can understand how the congressmen thought.

"Lt. Young characterizes the hula and King Kalakaua and quote, 'He would have songs chanted by the native women at the great functions of the court which was simply exaltations of his power to employ and to gratify the baser passions and wherever his train of attendants sang obscene songs and danced lewd dances.' This thing goes through the whole book in that tone. Any opportunity Lt. Young had to take King Kalakaua down or Queen Liliuokalani further down he did.

"Yesterday, I talked about how in 1887 in the 'Bayonet Revolution' how the mostly haole American merchants forced the king to re-write the constitution, whereby, only citizens who possess an annual income of \$600.00 or unencumbered property of a value of \$3,000 could vote, which practically gave the whites choice of half the legislature. And imagine how many Hawaiians were not allowed their right to participate, their right to vote. He glorifies that in the book. He thought that was the right thing to do. The pagans had no right to vote, just the men of finances, the men of wealth under the American or Western concepts.

"He also slurs Queen Liliuokalani and talks about her character. 'She was addicted to the grossest social vices while her amours were open, flagrant and notorious. When not under the gaze of her Christian friends, she delighted to take part in just such debaucheries as savage orgies as her royal brother Kalakaua had so frequently

indulged in before her.' He also refers to her ethnicity. He implies that she may not have been pure Hawaiian.

"He's talking about Kalakaua and the relationship between the Kamehamehas and let me quote, 'The reason for this was due to the fact that Liliuokalani was not a Kamehameha but only a sister of Kalakaua and granddaughter, if she may be legitimate, of the first man who was hanged for murder in the Hawaiian Islands. And if not legitimate, as claimed by a great number of the residents of Hawaii, she was only a daughter of an American Negro cobbler named "Blossom."'

"Mr. President, this goes on and on and on all the way through the book and continues to attack their characters.

"I talked about, yesterday, how they marched through the streets and in here he refers to the palace square. The palace square is that area right outside the palace grounds where the Hawaiian Electric building is today.

"The book goes on to say, 'The political agitation and uneasiness was so great that during the entire stay of the "Boston" in those waters it was impolitic for her to leave the harbor of Honolulu except on two short occasions and as a reminder of the force constantly present, a battalion of troops was landed once a week and was marched through the streets to the old baseball grounds for drills.'

"In other words, the Hawaiian government and the Hawaiian people for 20 years, not only from the 'Boston' but for every other ship that came in, made a point to march their troops around Honolulu. Just to let the people of Hawaii know that even though they were still a nation, they were at the whim of the United States.

"Queen Liliuokalani makes a speech the evening before the overthrow and Lt. Lucien Young describes her condition when she made the speech and states, 'Her manner and general appearance was such as to convince me that I was right in the opinion that I had formed that she was reading her proclamation, namely, that she was under the influence of some intoxicant rather than a mere excitement. This opinion was brought out later in the day when a very high and distinguished official who had been near her person all afternoon said to me "We have at last induced her to postpone her coup and if she had not been full of gin we would have accomplished it long ago."'

"Mr. President, you can see over and over again this is the way the Hawaiians were viewed by Lt. Young and he tried to convey that message to the congress. I guess it had an impression.

"But let me talk about the final act or the reason for the overthrow. There were three reasons. One, that she had passed two bills - one was to allow opium houses in Hawaii and the other was to allow for lottery to be legalized in Hawaii. But the most important one was the constitution. She tried to impose a new constitution. The one thing that really upset them was that all the whites theretofore possessing voting rights should be disenfranchised except those married to native women. In other words, six years prior to that the Hawaiians were disenfranchised and she was now trying to allow the Hawaiian people to vote and when they were disenfranchised six years ago, for a white man to become a citizen of Hawaii all they had to do was be here for one year. Just one year and say that they support the king or queen and they could vote, yet, denying the Native Hawaiians who had been here since antiquity the opportunity to participate. So she was just trying to right a wrong.

"Today we reflect on the 99th anniversary of Queen Liliuokalani and, Mr. President, I would like my

colleagues and everyone else to think about that. I am an American and I'm proud to be an American, but a wrong was done and we need to correct that wrong. Thank you."

Senator Solomon also rose on a point of personal privilege and stated:

"Mr. President, I also rise to speak on a point of personal privilege and this is in support of the remarks of the previous speaker.

"Mr. President, I would like to remind my colleagues that the overthrow of the Hawaiian kingdom was an illegal act of American aggression against the Hawaiian people. The Hawaiian people were stripped of their civil rights and the problem we are confronted with today, Mr. President, is how will these issues be clarified and rectified.

"After much research, we have come to know that when Queen Liliuokalani abdicated her throne, this was her personal decision. She never once, never once, Mr. President, gave up the civil liberties of the Hawaiian people. The point being that the overthrow was an act of American aggression. It was an act of American imperialism and it was not due to the incompetence of the alii as portrayed by the many readings as reiterated by the previous speaker. These are the issues, Mr. President, that we hope to resolve and I am proud that this Legislature is moving in this direction.

"We, Mr. President, passed the right to sue legislation. We have set up the native claims board to rectify claims against the State of Hawaii. We are now looking at Hawaiian entitlement legislation to rectify our ceded land issues as well as to clarify what is owed the Office of Hawaiian Affairs as well as the Department of Hawaiian Home Lands. We are now in the federal level looking at the issue of sovereignty and trying to clarify what is meant by the Hawaiian trust in terms of violation and the fiduciary duty. Also to clarify these fiduciary duties with regard to the state's obligation as well as the Federal Government's.

"Mr. President, we live in exciting times for the Hawaiian people and it is my hope that we, this Legislature, stand firm - 'onipaa' - and steadfast so that we can within our tenure here try to rectify and resolve these problems. Thank you very much."

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

"Mr. President, I rise on a point of personal privilege. The subject again is asbestos because there was a media report last night that I saw on television that indicated that two out of the three firms doing asbestos repair work or removal were in bankruptcy and, yesterday, I said this thing has a life of its own. I'd just like to share with my colleagues another example.

"In 1990 the Legislature appropriated \$1.6 million to complete a survey of state buildings to determine where there was asbestos. Unfortunately, a number of our state departments failed to report all of the facts and, during the survey and its report being made afterwards, it was discovered that some departments had failed to include all of the buildings in their inventory on their list so an amendment was needed to increase the scope of the survey and the amount to be paid and an additional \$61 thousand had to be appropriated for that purpose.

"I am quoting from the report on the asbestos surveys of state-owned facilities by the Department of the Attorney General, State of Hawaii. I would further note, Mr.

President, that firms that are involved in asbestos removal or repair definitely have a vested financial interest because it's more expensive, more time consuming and more profitable for them to remove asbestos than it is to encapsulate it. Yet, most of the ships from the WW II mothball fleet that have asbestos had an encapsulation process done to prevent further damage or spillage or danger. Encapsulation involves a plastic-like spray which works quite well in the air-conditioning, ventilation systems as well as the gun turrets and other areas that are subject to considerable stress and vibration.

"Throughout all of this, it appears that the remarks yesterday concerning whether or not we should vote 'yes' or 'no' on any one item if taken to its logical extreme would mean anytime any Senator has a disagreement with any one item in the budget that Senator should vote 'no' and I've always taken a different approach that, generally, you try to look at the budget as an overall document. Does it go in the right direction, are there more things you support than oppose and does the appropriation really mean something? If an appropriation means nothing, in terms of executive flexibility, then I think it's incumbent upon us to oppose it if we oppose that philosophy. On the other hand, if there are more things in the budget that an individual supports or if we have a budget like was done in 1979 where it was divided into parts 'A' and 'B' then it is quite worthy of support because then the Legislature has very clearly prioritized what ought to be spent, what ought not to be spent, or what is discretionary and left the discretionary part only to the governor. In 1979 when the budget was passed, all items in part 'A' were mandatory and no item in part 'A' could be cut unless the part 'B' funds were totally eliminated. It took a long time to achieve that but it was a workable document.

"If, on the other hand the Senate President truly wants us to be so discriminating as to pick out one item in the budget and vote 'no' that's all too easy to do. I prefer not to take that approach. But when it comes to the continual appropriations, and I can pretty well rest assured that we are going to be asked to spend more money on this move this year, perhaps, it would be best to put that as a separate item due to its controversy and due to the previous remarks and then let us vote that issue up or down. Thank you, Mr. President."

ADJOURNMENT

At 12:01 o'clock p.m., on motion by Senator Solomon, seconded by Senator George and carried, the Senate adjourned until 9:30 o'clock a.m., Tuesday, January 21, 1992.