

SIXTEENTH DAY

Friday, February 7, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:44 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Hal Weidner, Spiritual Life Center, after which the Roll was called showing all Senators present with the exception of Senators Koki, Nakasato and Wong who were excused.

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

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

Senator Ikeda introduced the Reverend Douglas Olson and Mrs. Ivy Olson as follows:

"Mr. President, it gives me great pleasure to have some very distinguished guests this morning. I would like to tell you a little bit about them.

"As you recall, last year the governor's proposal to place cabins, which he called his homeless villages, in our communities created quite a controversy and, at that time, many of us objected to the fact that the community was not involved in the decision-making. Well, as we deliberated over this plan and tried to come up with one that was more suitable to our needs as well as to those of the homeless families, we came across a program that was already in existence.

"Three years ago, Ivy Olson, with the assistance of the congregation of Calvary-By-The-Sea Lutheran Church, created a program to assist homeless people. It is called 'The Angel Network.' It started off modestly with Ivy and Doug providing shelter in their own home for up to twelve homeless people. But there were so many more who needed help so the congregation of Calvary-By-The-Sea Lutheran Church took up the cause to locate and place and subsidize these families. 'The Angel Network' has become a very important role model for the state in its efforts to shelter the homeless. It was also a major contributing factor in persuading the Honolulu City Council to allow the Hawaii Kai community to develop their own alternative to the governor's homeless village program.

"By example, 'The Angel Network' has proven that caring people can make a significant difference in alleviating the problem of homelessness in Hawaii.

"Mr. President, recently, 'The Angel Network' held their first formal fund raiser and I have to tell you that I was most impressed by the success stories of some of the people who have been helped by Ivy, Doug and Calvary-By-The-Sea Lutheran congregation. There are people who are now on their feet and who are very successful business people in the community and I'm sure they're giving back as much as they have received.

"It gives me great pleasure, Mr. President, to introduce to you and this honorable body the Reverend Doug Olson and Ivy Olson.

"Also with them is Mr. Scott Kimsey who has been described by the Olsons as 'Mr. Do-It-All,' big brother, and board member of 'The Angel Network.'"

The honorees rose to be recognized and were presented leis by Senators A. Kobayashi, George and McCartney.

Reverend and Mrs. Olson were presented the Senate certificate of recognition by Senator Ikeda.

Senator Tungpalan introduced Ms. Kinau Kamali'i who was seated in the audience.

Senator Reed introduced Mr. Buck Joiner, a resident of Kihei, Maui, who was also seated in the audience.

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

The Senate reconvened at 11:56 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 144 to 146) were read by the Clerk and were placed on file:

Gov. Msg. No. 144, dated January 21, 1992, transmitting the "Hawaii Ocean Resources Management Plan Technical Supplement," prepared by the Department of Business, Economic Development and Tourism for the Hawaii Ocean and Marine Resources Council in accordance with Chapter 228, HRS.

Gov. Msg. No. 145, dated January 15, 1992, transmitting the "Report to the Legislature on Mandatory Continuing Education Requirements for Real Estate License Renewal - Interim Evaluations and Recommendations," prepared by the Hawaii Real Estate Research and Education Center, College of Business Administration, University of Hawaii.

Gov. Msg. No. 146, dated February 4, 1992, transmitting an interim report, "The Impact of Direct Retailing of Motor Fuel by Refiners and Distributors on the Consumer," submitted by the Department of Commerce and Consumer Affairs in response to Section 3, Act 295, SLH 1991.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 23, a report, "Non-Adversarial Resolution of Native Hawaiian Family Land Titles," January 1992, from the Native Hawaiian Legal Corporation, in response to H.C.R. No. 145 (1991), was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1622) recommending that S.B. No. 2421 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2421, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF TRANSIENT ACCOMMODATIONS TAX REVENUES TO THE COUNTIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakasato, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 1623) recommending that S.B. No. 2452 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2452, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR PLACEMENT OF UTILITY WIRES, CABLES, AND RELATED EQUIPMENT UNDERGROUND IN THE AREA OF THE DIAMOND HEAD BIKEWAY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1624) recommending that S.B. No. 2223, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTHERS AND INFANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1625) recommending that S.B. No. 2399, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1626) recommending that S.B. No. 2463, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2463, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MATERNAL AND CHILD HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator McMurdo, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1627) recommending that S.B. No. 2884, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2884, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR THE STATE MEDICAL ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 129, S.D. 1:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 129, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF CONVICTED PERSONS," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hagino, Nakasato, Koki, Wong, R.).

S.B. No. 2200:

On motion by Senator Blair, seconded by Senator Holt and carried, S.B. No. 2200, entitled: "A BILL FOR AN ACT RELATING TO THE DEFRAUDING OF CARRIERS OF PASSENGERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Hagino, Nakasato, Koki, Wong, R.).

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2657	Jointly to the Committee on Education and the Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means
No. 2796	Committee on Ways and Means
No. 2999	Committee on Ways and Means
No. 3006	Committee on Ways and Means
No. 3245	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 3337	Jointly to the Committee on Education and the Committee on Housing and Hawaiian Programs, then to the Committee on Ways and Means

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

"Mr. President, in the past couple of days I received quite a few compliments, not because I've done anything great, but because of my looks. (Laughter.) To me, it's a compliment; to the other person it's an insult.

"Today, in meeting the Olsons, I was introduced by Senator Ikeda as Senator McCartney so I feel quite honored that I look as young and as dashing as the young gentleman. I received even a higher honor yesterday evening as I was walking through the halls. The good Senator's son, Bricen, who was carried by his mother, looked at me and said, 'Daddy, daddy!' What more can I say?"

Senator McCartney interjected:

"Mr. President, I would like to respond to the good Senator's point of personal privilege.

"Mr. President, as I get on in my years, if I look as good as he, I will be proud to look like the good Senator from Makalo."

Senator Tungpalan also rose to speak on a point of personal privilege and stated:

"Mr. President, I know this is Friday and I know that we wanted to start a wonderful tradition but I hope that you will allow me a few remarks because my heart is heavy and I know my colleagues will understand.

"I was disappointed, along with several others, about the remarks made by Mr. Timothy Glidden of the Department of Interior at the meeting in Washington, D.C., over our Senator Inouye's bill to allow lawsuits.

"Mr. President, Congress has long recognized that the native Hawaiians are an indigenous group, no different than Indians or any other aboriginal group. Senator Inouye said at the hearing yesterday, 'We are not chartering unexplored territory when we talk about trust and when we talk about the body of law that defines the status of the native people of this country. We are now being asked to distinguish the body of law that affects the native people of the United States from those legal artifices that are being constructed to defend against any role by the United States in assisting the native people of Hawaii. It is an argument and a distinction that, in my view, the United States in all clear conscience cannot and should not make.'

"Mr. Glidden's remark is a glaring example of how past administrations have treated and ignored the rights of native Hawaiians. The recommendation of the Native Hawaiians Study Commission by our many people who were sent there, Kinau Kamali'i for one, were disregarded and trampled. It is fine to make statements that we support the return of Kahoolawe during election year. It is fine to say that we recognize native Hawaiians and their presence here as indigenous people but it is quite another thing when representatives of our national government speak against such obligations and trusts after the election is over.

"How long do we have to stand this kind of 'b.s.'? We're sick and tired! I implore our colleagues on the Republican side of this chamber to join with us and petition both the President and Congress to change the route and the way things have been going on. Thank you."

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

"Mr. President, speaking in support of the previous speaker.

"'Every action of our lives touches on some chord that will vibrate in eternity.' This was said by Edwin Hubbell, chaplain, 1814-1880.

"Mr. President, just in follow-up, this is the day that the Hawaiians got 'bushwacked.'

"Thank you."

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

"Mr. President, keeping up with the short tradition of saying something good on Friday.

"A couple of days ago, on Wednesday, three of us went to a conference and not knowing fully what to expect we did not know that it was going to be so impressive. It was really a 'knock your socks off' type of event.

"Here in Hawaii we had representatives from 33 or 35 states looking over the Healthy Start program, a Hawaii-developed child abuse prevention program. These representatives from these many states came to learn more about our system and in so doing hoping to duplicate a healthy start program in their own states, if at all possible.

"Two things that were most impressive. For one, this many individuals came and also that along with them

came several of the national leaders on child abuse prevention. Representatives were in the audience from the U.S. Advisory Committee on Child Abuse and Neglect and also from the National Committee for the Prevention of Child Abuse. It should be noted that Healthy Start received awards and accolades from the previous groups that I mentioned, and also from the U.S. Congress, in particular the chair of the U.S. House Select Committee on Children, Youth and Families, Congresswoman Patricia Schroeder from Colorado. It also received attention and praise from the American Medical Association and the American Academy of Pediatrics and, so, it is a very highly regarded program.

"Secondly, it seems often that we don't recognize programs in our own back yard and I'm not sure that this body has ever fully recognized the fact that this program had a very obscure start in 1985, seven years ago, from a line item that was introduced and pushed by the one person whose name is Senator Yamasaki and since then that program has grown both in stature and in recognition. I think that this is something good that can be said this Friday.

"We have a program that is nationally regarded that has received the praise of many of the most respected leaders and groups in the child abuse and prevention field and with a little luck this program may be duplicated elsewhere. Part of the announcement that we heard on Wednesday was that the Ronald McDonald Children's Charity has pledged a million dollars over the next three years to be contributed to the National Committee for the Prevention of Child Abuse to help duplicate our Healthy Start program across the nation. It was in part through the generous support of Maurice Sullivan of Foodland Super Markets that the million dollars have been made available.

"So, good news for Friday. Thank you, Mr. President."

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

"Mr. President, I would like to add a little further to what Senator Kobayashi has been saying. We had a hearing in the afternoon because we were overlapping with what was going on downtown and they asked if we could move our bill on Healthy Start until about 3:00 o'clock. Sure enough, at 3:00 o'clock we were visited by the president (not Bush), this very nice lady who was president of this organization on child abuse, and several attendees of the forum. Also, Linda Coble came in to testify. There was not one testimony against the Healthy Start bill and I would like to thank Senator Yamasaki and Dr. Calvin Sia for their wisdom in realizing how important this was going to be for our future.

"There is one thing that came out in the hearing which I thought was particularly interesting and that is, although Healthy Start does not have a substance abuse component, they have found out that the families with whom they have dealt that there has been a significant drop in those who abuse substances.

"Thank you very much."

The Chair, at this time, interjected:

"Senators, you are not limited to saying good things only on Fridays. You can say it everyday."

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

"Mr. President, I would like to follow-up on the comments earlier relative to the outlandish remarks that were received from some federal bureaucrats yesterday.

"Any suggestion by Washington bureaucrats that the federal government has no obligation to native Hawaiians is offensive to all of us. Offensive to anybody who knows the facts and history. Obviously, we must continue a bipartisan non-partisan attack and effort to enlighten those in Washington. This is not a new dilemma. In 1976, George Helm, Francis Kauhane and other Hawaiian activists who were protesting the bombing of Kahoolawe went to Washington during President Carter's administration and were unable to get a meeting with any top level people that included President Carter's people as well as our congressional delegation. George Helm came back furious about it, saying that 'No one in Washington even knows native Hawaiians exist.' Obviously, our congressional delegation has not made Hawaiian rights a high priority. So this is something that we must keep pressure on and we must not allow the bureaucrats in Washington to maintain a stance of no responsibility. We must also not allow this issue to become one where we point fingers at Washington and attempt to suggest that that is where the entire fault lies. Obviously, there is ignorance and apathy there that we must correct. The pressure must also be applied here at home and we must keep it at both levels."

Senator Cobb, also on a point of personal privilege, stated:

"Mr. President, just on a point of historical fact, while President Carter was elected in November of 1976 he was never in office until January 20, 1977. There was no Carter Administration in Washington in 1976.

"Secondly, I'd like to point out (I was discussing this with my colleague to my left) that during my recent travels in Siberia I encountered a rather obscure Eskimo tribe in the far reaches of the Yakut region of Eastern Siberia. They had petitioned the government in Moscow for the right to control their own lands and had been given that right, including the severance tax on oil and the right to manage their own affairs, and set up whatever they wanted including gambling or anything else. It strikes a rather responsive chord to what a number of our American Indians are doing in Minnesota and other areas, even if in some cases they are challenged by state governments. They are the indigenous people; they have the right to do that just as our native Hawaiians have a right to do that. And if it takes some head-pounding on the bureaucrats in Washington, regardless of party, I think we should be doing it."

Senator Reed responded:

"Mr. President, just for the sake of correcting the record.

"George Helm's trip to Washington was indeed in early '77. I thank the Senator for the correction."

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

"Mr. President, could the Clerk enter the personal remarks of the Senator from Kohala and the Senator from Pearl City-Waipahu as those of my own?"

The Chair so ordered.

HOUSE COMMUNICATION

On motion by Senator Solomon, seconded by Senator Reed and carried unanimously, the Clerk was authorized

to receive the House communication transmitting the House bill relating to the authorization of funds for the expenses of the Legislature prior to 12:00 o'clock midnight. In consequence thereof and subsequent to its recessing at 12:18 o'clock p.m., the Senate took the following action:

Hse. Com. No. 4, transmitting H.B. No. 72, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 1992, was placed on file.

On motion by Senator Solomon, seconded by Senator Reed and carried, H.B. No. 72, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

ADJOURNMENT

At 3:45 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, February 10, 1992, on a rising vote and a moment of silence in memory of the late Jack Freitas Sr. of Makawao, Maui.