

FORTY-FOURTH DAY

Wednesday, April 5, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dr. Jon Bullock, Ke Anuenue O Ke Aloha Metropolitan Community Church, after which the Roll was called showing all Senators present with the exception of Senator Tam who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 247 to 255) were read by the Clerk and were placed on file:

Gov. Msg. No. 247, dated March 7, 1995, transmitting reports, "Preliminary Assessment of Potential Water Demand for Economic and Instream Uses in the Waiahole-Kualoa Region," and a status report on a rural agricultural community development planning project, prepared by the Office of State Planning, Office of the Governor, pursuant to Act 252, SLH 1994.

Gov. Msg. No. 248, dated March 8, 1995, transmitting the 1994 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority pursuant to Chapter 227D, HRS.

Gov. Msg. No. 249, dated March 9, 1995, transmitting a report, "Statistics of Hawaiian Agriculture 1993," prepared by Hawaii Agricultural Statistics Service.

Gov. Msg. No. 250, informing the Senate that on March 30, 1995, he signed into law House Bill No. 1971 as Act 8, entitled: "RELATING TO ADULTERATION OF DRUGS AND MEDICAL DEVICES."

Gov. Msg. No. 251, informing the Senate that on March 30, 1995, he signed into law Senate Bill No. 1566 as Act 7, entitled: "RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE."

Gov. Msg. No. 252, informing the Senate that on March 30, 1995, he signed into law Senate Bill No. 1692 as Act 8, entitled: "RELATING TO THE MEMBERS OF THE HAWAII HOUSING AUTHORITY."

Gov. Msg. No. 253, dated March 3, 1995, transmitting a report prepared by the Department of Business, Economic Development, and Tourism pursuant to Act 252, Section 18, SLH 1994, on the authorization of three positions in the State Tourism Office.

Gov. Msg. No. 254, dated March 9, 1995, transmitting the Convention Center Authority Marketing Report pursuant to H.C.R. No. 276 (1994).

Gov. Msg. No. 255, dated March 22, 1995, advising the Senate that in April 1994, the State employers reached a settlement on a four-year bargained agreement with the exclusive representatives of bargaining units 3, 4, and 13, Hawaii Government Employees Association, effective July 1, 1993, and requests that the Legislature approve the cost items as a whole; also requesting that the Legislature amend S.B. No. 1797 to appropriate or authorize funds to fund the Fiscal Biennium 1995-97 salary adjustments relating to the step movement plans negotiated, and to

provide approval, authorizations and appropriations for employees excluded from units 3, 4, and 13.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 39, from the State Auditor dated April 3, 1995, transmitting a report, "Follow-Up Report on a Financial Audit of the Department of Health," (Report No. 95-13), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 422 to 438) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 422, returning S.B. No. 75, which passed Third Reading in the House of Representatives on April 4, 1995, was placed on file.

Hse. Com. No. 423, returning S.B. No. 161, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1995, was placed on file.

Hse. Com. No. 424, returning S.B. No. 559, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1995, was placed on file.

Hse. Com. No. 425, returning S.B. No. 634, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1995, was placed on file.

Hse. Com. No. 426, returning S.B. No. 928, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1995, was placed on file.

Hse. Com. No. 427, returning S.B. No. 1396, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1995, was placed on file.

Hse. Com. No. 428, returning S.B. No. 107, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 107, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 429, returning S.B. No. 1214, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1214, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 430, returning S.B. No. 1467, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1467, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 431, returning S.B. No. 1484, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1484, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 432, returning S.B. No. 1665, S.D. 1, H.D. 1, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1665, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 433, returning S.B. No. 1683, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1683, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 434, returning S.B. No. 1688, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1688, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 435, returning S.B. No. 1751, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1751, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL WITHIN THE DIVISION OF CONSUMER ADVOCACY," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 436, returning S.B. No. 1774, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1774, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIRING OF ATTORNEYS," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 437, returning S.B. No. 1939, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1995, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1939, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," was deferred until Thursday, April 6, 1995.

Hse. Com. No. 438, transmitting H.C.R. No. 281, which was adopted by the House of Representatives on April 4, 1995, was placed on file.

By unanimous consent, H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO PROVIDE FOR THE SAFEGUARD AND CONTINUATION OF BENEFIT PROGRAMS FOR VETERANS DISABILITY COMPENSATION AND SOCIAL SECURITY DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES," was referred to

the Committee on Transportation and Government Affairs.

STANDING COMMITTEE REPORTS

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 1161) recommending that the Senate advise and consent to the nomination of EDWARD V. RICHARDSON as Adjutant General, in accordance with Gov. Msg. No. 133.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 1161 and Gov. Msg. No. 133 was deferred until Thursday, April 6, 1995.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 1162) recommending that the Senate advise and consent to the nomination of KALI K. WATSON as Chairperson, Hawaiian Homes Commission, in accordance with Gov. Msg. No. 134.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 1162 and Gov. Msg. No. 134 was deferred until Thursday, April 6, 1995.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 1163) recommending that the Senate advise and consent to the nomination of RAY K. KAMIKAWA as Director of Taxation, in accordance with Gov. Msg. No. 141.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 1163 and Gov. Msg. No. 141 was deferred until Thursday, April 6, 1995.

Senator Solomon, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1164) recommending that S.R. No. 202, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1164 and S.R. No. 202, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO PROVIDE THE SENATE WITH A CODE OF ETHICS FOR THE COMMISSION BEFORE THE SENATE'S ADJOURNMENT SINE DIE OF THE 1995 REGULAR SESSION; AND REQUESTING THE ATTORNEY GENERAL TO REVIEW ITS OPINION ISSUED MAY 8, 1992, WITH REGARDS TO THE APPLICABILITY OF THE STATE'S ETHICS CODE, CHAPTER 84, HAWAII REVISED STATUTES, TO THE JUDICIAL SELECTION COMMISSION," was deferred until Thursday, April 6, 1995.

ORDER OF THE DAY

MATTER DEFERRED FROM MONDAY, APRIL 3, 1995

ADOPTION OF RESOLUTION

Stand. Com. Rep. No. 1120 (S.C.R. No. 262):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 262, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT HONOKOHAU, HAWAII, FOR HARBOR EXPANSION AND RELATED PURPOSES," was adopted.

**MATTERS DEFERRED FROM
TUESDAY, APRIL 4, 1995**

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 1147 (S.R. No. 22, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 1147 and S.R. No. 22, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO JOIN IN A CONCERTED EFFORT IN AMENDING THE UNITED STATES CONSTITUTION TO PROHIBIT THE PHYSICAL DESECRATION OF THE UNITED STATES FLAG," were recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 1148 (S.C.R. No. 26, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 1148 and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO JOIN IN A CONCERTED EFFORT IN AMENDING THE UNITED STATES CONSTITUTION TO PROHIBIT THE PHYSICAL DESECRATION OF THE UNITED STATES FLAG," were recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 1149 (S.R. No. 187, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 187, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE THE HAWAII MARITIME INDUSTRY POLICY ADVISORY TASK FORCE," was referred to the Committee on Ways and Means.

Stand. Com. Rep. No. 1150 (S.R. No. 204, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 204, S.D. 1, entitled: "SENATE RESOLUTION URGING THE OFFICE OF VETERANS SERVICES OF THE STATE DEPARTMENT OF DEFENSE TO ASSIST THE KOHALA COMMUNITY TO ERECT A MONUMENT AT VETERANS FIELD," was adopted.

Stand. Com. Rep. No. 1151 (S.C.R. No. 234, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 234, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFICE OF VETERANS SERVICES OF THE STATE DEPARTMENT OF DEFENSE TO ASSIST THE KOHALA COMMUNITY TO ERECT A MONUMENT AT VETERANS FIELD," was adopted.

Stand. Com. Rep. No. 1152 (S.R. No. 245):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.R. No. 245, entitled: "SENATE RESOLUTION REQUESTING EITHER THE DEPARTMENT OF LAND AND NATURAL RESOURCES OR THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE THE HANAIEI BOATYARD ADJACENT TO THE STATE PIER AND WHARF FACILITY AND BOAT LAUNCH RAMP AT HANAIEI, KAUAI," was adopted.

Stand. Com. Rep. No. 1153 (S.C.R. No. 291):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.C.R. No. 291, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EITHER THE DEPARTMENT OF LAND AND NATURAL RESOURCES OR THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE THE HANAIEI BOATYARD ADJACENT TO THE STATE PIER AND WHARF FACILITY AND BOAT LAUNCH RAMP AT HANAIEI, KAUAI," was adopted.

Stand. Com. Rep. No. 1155 (S.R. No. 103, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 103, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE IMPROVEMENT OF MENTAL HEALTH SERVICES IN HAWAII," was adopted.

Stand. Com. Rep. No. 1156 (S.C.R. No. 117, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE IMPROVEMENT OF MENTAL HEALTH SERVICES IN HAWAII," was adopted.

Stand. Com. Rep. No. 1157 (S.R. No. 231, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.R. No. 231, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REPORT FROM THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM ON THE POTENTIAL FOR DEVELOPING AN EXPORT HEALTH INDUSTRY IN THE STATE," was adopted.

Stand. Com. Rep. No. 1158 (S.C.R. No. 269, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.C.R. No. 269, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM ON THE POTENTIAL FOR DEVELOPING AN EXPORT HEALTH INDUSTRY IN THE STATE," was adopted.

Stand. Com. Rep. No. 1159 (S.R. No. 232, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.R. No. 232, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A PLAN TO MARKET THE EXPERTISE AND EXCELLENCE OF HAWAII'S HEALTH CARE," was adopted.

Stand. Com. Rep. No. 1160 (S.C.R. No. 270, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.C.R. No. 270, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A PLAN TO MARKET THE EXPERTISE AND EXCELLENCE OF HAWAII'S HEALTH CARE," was adopted.

AGREE/DISAGREE

S.B. No. 893, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 893, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SERVICE FEES," was deferred until Thursday, April 6, 1995.

S.B. No. 1201 (H.D. 1):

By unanimous consent, action on S.B. No. 1201, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENTS OF STATE MONIES," was deferred until Thursday, April 6, 1995.

S.B. No. 1573, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 1573, S.D. 2 H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER REFERENCES IN CHAPTER 231, HAWAII REVISED STATUTES," was deferred until Thursday, April 6, 1995.

S.B. No. 1577, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 1577, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER," was deferred until Thursday, April 6, 1995.

RE-REFERRAL OF HOUSE BILL

The President re-referred the following House bill that was received:

House Bill	Referred to:
No. 1868	Jointly to the Committee on Communications and Public Utilities, the Committee on Judiciary and the Committee on Ways and Means

RE-REFERRAL OF SENATE RESOLUTION

The President re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 145	Committee on Agriculture, Labor, and Employment

Senator Aki, for the Committee on Ecology and Environmental Protection, requested a waiver of the required hours of notice of a public hearing on H.B. No. 22, H.B. No. 388 and H.B. No. 395, and the Chair granted the waiver.

Senator Fukunaga, chair of the Committee on Communications and Public Utilities, also requested a waiver of the required hours of notice of a public hearing on H.B. No. 471, H.B. No. 1186 and H.B. No. 1868, and the President granted the waiver.

Senator Ige, chairman of the Committee on Higher Education, Culture, and Arts, requested a waiver of the 72-hour Notice of a Public Hearing on H.C.R. No. 87, H.C.R. No. 123, H.C.R. No. 140 and H.C.R. No. 246, and the Chair granted the waiver.

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

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

"I was not going to do that but I saw an article from a councilman of ours, Councilman Steve Holmes. This is the same gentleman that a few years back wanted to take our Bayview Golf Course and make it a park. And the park, Mr. President, does not generate a dollar. But they were going to take a golf course, and I guess those people were going to have to be unemployed. According to the headlines, it says: 'Hotels may face tax rate hike.' And Councilman Holmes says there is a 100% chance that the categories that will be hit will be the hotels. Holmes said 'The hotels and commercial properties would most likely be the candidates for a rate increase because their assessed values have dropped more than other land categories.'

"And you know, just a few weeks back, Mr. President, I voted for allowing the counties to raise their tax if they so desired. And I said, as far as I was concerned, that was a home rule issue. Well let me tell you, Mr. President, it only means that the overcharge assessments are dropped because they were overcharged in the first place. And now Mr. Holmes is saying that the hotels are looking at a better chance of their land value. Well let me tell you, if somebody put up a hotel a few years back and it cost them \$20 million and today it is only worth \$13 million, I guess he feels that's a pretty good deal, so he wants to tax them more.

"If, in fact, that tax goes up, Mr. President, there are a lot of people who are going to be unemployed. That means the state is going to have to look at its unemployment tax going up and there are going to be other assessments. And I think all of us who were either appointed or elected have a responsibility to the people of the state. I think it's a shame when you have someone that will come out in the paper and say we are not going to bother the residential people because they vote, so we will hit the hotels because there is less chance of our being thrown out. That is the way it looks to me.

"Now, when he ran for councilman, he ran a very, very tight race. He was saying that other people were taking money from everybody. I think that this gentleman had better look at a common sense area for taxing people. And if, in fact, we are going to look at a tax increase then I think it belongs to all of us, across the board. So I wish my colleagues would look at this, and I think we're going to have to look at Councilman Holmes. I personally would not give Oahu another dime if they are not going to look at other types of revenue and are going to hit just one segment of the community.

"Thank you very much."

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

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

"Today from 2:30 to 4:30 p.m., there will be a 'Rally for Education' on the ewa lawn of the State Capitol. According to the invitation, the participants include the Board of Education, Department of Education, Hawaii State Teachers Association, Hawaii PTSA, Hawaii State Student Council and 'other friends of education.'

"I just have one question in regard to this event, Mr. President -- What is the purpose of this rally?

"If it is to demonstrate continuing support for education, then I contend that we, as Legislators should have been included in the list of participants. In the 'Report Card on American Education, 1994,' that was recently published by the American Legislative Exchange Council, it was stated that Hawaii was one of only eight states in the nation that increased spending for public

education between 1992 and 1994. The irony of all of this is that an analysis of student performance data nationwide compared with per pupil expenditures, average teacher salaries and other spending variables indicates no clear or direct relationship between spending and student performance. I am not suggesting that education spending cuts are justified, but I am saying that more than just dollars are required to achieve excellence in education in our state.

"The Hawaii State Legislature has been actively involved in systemic reform in pursuit of educational excellence in public schools under the leadership of Senator McCartney and Senator Ige for the last six years. All efforts have been focused on 'freeing the schools from bondage' so they can meet the needs of our students.

"Don't the last six years of education legislation demonstrate support for education, Mr. President?

"I am confident that there isn't one Senator seated in this room that would not support improved school facilities for our students. I am confident that there isn't one Senator seated in this room that would not support providing updated and current textbooks, instructional materials and equipment for our students. Isn't it true that our constituents call us with concerns that the Department of Education itself is not providing for the educational needs of our students? Those voiced concerns have lead the Senate to assume leadership by convening the Senate Sub-Committee on Youth Gangs and Campus Security. We do not participate in such committees because we lack care and concern for the youth of our state. I know every Senator here supports providing excellence in education in our public schools.

"If the rally is to demonstrate continued support for education as it states in the invitation, then I will be present to show my support, and I would encourage all of you to attend as well. But if the purpose of the rally is for other reasons, then I have a whole other set of questions and would not feel compelled to participate in the rally. Thank you, Mr. President."

Senator Ikeda then rose on a point of personal privilege as follows:

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

"This is in regard to the rally that is supposed to be held this afternoon, presumably in support of education. I am quite concerned by the fact that I was informed yesterday that at least where the Honolulu District is concerned, educational offices were sent a communication saying that they were expected to attend the rally. And if they were not going to make it, then they had to call to give their reasons why.

"I feel this is real coercion. I think that if the department wants people to support them at the rally, then it should be on a permissive basis. Staff should be allowed to do as they please. After all, this is still a free country. To coerce people in your employ to come to a rally is wrong. And I think the general public needs to know that this is happening. This should be stopped. I want to be sure the Department of Education does not retaliate against any of the people who determine, for whatever their reason, that they wish not to attend this rally.

"Thank you, Mr. President."

At 11:58 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 on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege to expand upon the points made by the Education chair and Ways and Means chair.

"Mr. President, it's great that there is a rally and people are coming to show their support for education because education is one of the most important issues in this state. And it's great that people are participating. I don't think any of us here have any objections to having a rally, but we have worked so hard on this issue of school empowerment, about trusting schools to do what is right for themselves.

"If you read this memo, and I'd like to request that this memo be inserted into the Journal for the record, it is contrary to school empowerment. It goes back to the top-down bureaucratic model that we have been so very much trying to change. And one sentence says: 'Educational officers are expected to attend the rally.' And there is another paragraph that says, 'Principals may grant early release, if needed, to accommodate teachers' transportation time to attend the rally.'

"Mr. President, I think that this is not about school empowerment -- this is about a top-down message and this is what we have been working on in educational reform to change.

"I would like to bless the rally and send everyone who attends the rally my best wishes, but it should be under circumstances where they want to be there and they feel they should be there. And I just want to insert this into the record to reiterate some of the remarks that the previous two speakers made on this issue. Thank you."

The Chair having so ordered, the attachment of the memo is identified as Exhibit "A."

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

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

"Mr. President, as a follow up to what the previous speakers have stated with regard to the rally, I too have my own two-cents worth on what is happening. This morning I attended, with some of the Senators and Representatives, a video conferencing session with students from the Central District. And apparently it is their impression that the House has cut \$22 million from the education budget and they are trying to pressure the Senate into not cutting any funds for education.

"Well, as I understood it, what is being cut is the \$45 million request by the Board of Education for additional funds. There is no cut to existing levels of funding, but rather there is a cut on the extra funds that are being requested by the Board of Education. But in my view, to be less than complete in their information to the students themselves, I think, is also an affront to the process that we are all committed to -- the process of truthfulness, full disclosure, honesty in information -- in order that we might be able to make the best decisions that we can under the circumstances.

"We all know there is a tremendous budget shortfall and that many departments would be very happy to get zero or to be back where they were last budget year. And yet we find that the Department of Education and the Board of Education are using every means possible not

just to hold the line, but to get an increase in their budget, which I think is very insensitive to the total fiscal situation that the state finds itself in. I think using the students or using misinformation, providing misinformation or giving them less than the full information and using the students to lobby their Senators and their Representatives with less than complete information, to me is not particularly playing fair. We all want to do what is best under the circumstances and all that we ask is that people, if they are going to give information, give complete information and be honest with the facts.

"Thank you, Mr. President."

Senator Anderson rose on a point of information as follows:

"Mr. President, I rise on a point of information for some of the speakers, if I may.

"For years we had resolutions that would have done a complete audit of the educational system -- the administration, the budget, the programs, the whole bit. And it was not allowed out. We had no hearings on those resolutions.

"The other morning at the HSTA breakfast, the teachers were concerned about their budget and I told them that we were looking at doing away with some of the frills that the educational superintendent had. We weren't looking at taking money away from the programs.

"But I think it's about time, Mr. President, if everybody is that concerned about what is happening in education, maybe next year we should either have a bill or a resolution to do a complete audit of the educational system. It's long overdue. We have wanted it for years but when the superintendent and others come from the department and say it is not needed, we all sit back.

"So let's not blame just one side. We are all to blame, ladies and gentlemen. We have to go ahead and look at what we really want. We cannot blame just one segment, is all I am saying. I will gladly write up the resolution, if you want, since I am not going to be able to be the chairman. I would love to write a resolution if you would go ahead and have it heard. Thank you."

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

"Mr. President, before I ask for a waiver on a Senate concurrent resolution, I just want to announce some good news. We had a hearing last night and the chairman of the Executive and Judicial Appointments Committee passed two out of three, which I thought was pretty good. We had a fair, impartial hearing and she did an excellent job. Thank you."

At this time, Senator Holt, chair of the Committee on Consumer Protection, requested a waiver of the 72-hour Notice of a Public Hearing on S.C.R. No. 134, and the Chair granted the waiver.

ADJOURNMENT

At 12:13 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 6, 1995.

BENJAMIN S. CAYetano
GOVERNOR

EXHIBIT "A"



HERMAN M. ALZAWA, PH.D.
SUPERINTENDENT

JOHN P. SOSA
DISTRICT SUPERINTENDENT

Avery,

We are being forced to attend this rally.

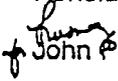
STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF DISTRICT SUPERINTENDENT
4967 KILAUEA AVENUE
HONOLULU, HAWAII 96819

HONOLULU DISTRICT

vs. - School Empowerment
- Top Down

March 30, 1995

Memo To: Honolulu District Educational Officers

From:  John P. Sosa, District Superintendent

Subject: Rally for Education - Wednesday, April 5, 1995
State Capitol Ewa Lawn, 2:30 - 4:30 PM

At the request of Superintendent Herman Alzawa, this memo is to reiterate the importance of the upcoming Rally for Education on April 5, 1995 and to convey the following key points from him.

- The rally is co-sponsored by the partnership of the DOE, HSTA, HGEA, and PTSA to express a unified message to the Governor and legislature that education must continue to be Hawaii's top priority.
- Educational officers are expected to attend the rally. Please call Laurie Wong or me if you are not able to attend.
- Please encourage your teachers, parents, and community members to attend and bring appropriate signs in line with the themes: Education is Priority #1; Put Our Children First; No \$ Cuts.
- Principals may grant early release, if needed, to accommodate teachers' transportation time to attend the rally.
- Principals are also encouraged to partner with other schools to pool non-state resources such as PTSA funds to book a bus to transport supporters to the rally.

Your usual cooperation and support are much appreciated.