

SEVENTEENTH DAY

Monday, February 12, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Richard Bice, Central Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 157 and 158) were read by the Clerk and were placed on file:

Gov. Msg. No. 157, dated January 16, 1996, transmitting a report prepared by the Department of Human Services pursuant to H.C.R. No. 222 (1995), requesting the Department of Human Services to establish a pilot project to enable the Waianae Coast Coalition for Human Services to develop an alternative funding structure for the provision of services to the Waianae Community.

Gov. Msg. No. 158, dated January 12, 1996, transmitting a report prepared by the Department of Health pursuant to Act 178, SLH 1990, relating to respite care programs at Waimano Training School and Hospital and in the community.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 18) was read by the Clerk and was referred to committees:

Senate Concurrent Resolution

No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE AND PROMOTE WHEELCHAIR ACCESS FOR RECREATIONAL PURPOSES ON APPROPRIATE ROADS, TRAILS, AND ACCESSES."

Offered by: Senator Baker.

Referred to: Jointly to the Committee on Tourism and Recreation and the Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

SENATE RESOLUTION

The following resolution (S.R. No. 11) was read by the Clerk and was referred to committees:

Senate Resolution

No. 11 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE AND PROMOTE WHEELCHAIR ACCESS FOR RECREATIONAL PURPOSES ON APPROPRIATE ROADS, TRAILS, AND ACCESSES."

Offered by: Senator Baker.

Referred to: Jointly to the Committee on Tourism and Recreation and the Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Communications and Public Utilities, presented a report (Stand. Com. Rep. No. 1628) recommending that S.B. No. 2869, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2869, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Fukunaga, for the Committee on Communications and Public Utilities, presented a report (Stand. Com. Rep. No. 1629) recommending that S.B. No. 2923 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2923, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC FILING OF TAX RETURNS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Communications and Public Utilities, presented a report (Stand. Com. Rep. No. 1630) recommending that S.B. No. 3053 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 3053, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MOLOKAI TELEMARTETING PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 1631) recommending that S.B. No. 659, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Ecology and Environmental Protection.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 659, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was recommitted to the Committee on Ecology and Environmental Protection.

Senator Ige, for the Committee on Higher Education, Culture, and Arts, presented a report (Stand. Com. Rep. No. 1632) recommending that S.B. No. 2067, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Higher Education, Culture, and Arts.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was recommitted to the Committee on Higher Education, Culture, and Arts.

Senator Gaulty, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1633) recommending that S.B. No. 675, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was recommitted to the Committee on Judiciary.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1634) recommending that S.B. No. 2074, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation and Government Affairs.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was recommitted to the Committee on Transportation and Government Affairs.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
-------------	--------------

No. 659, S.D. 1	Committee on Ecology and Environmental Protection, then to the Committee on Judiciary
-----------------	---------------------------------------------------------------------------------------

No. 2067, S.D. 1	Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means
------------------	-------------------------------------------------------------------------------------------

No. 2074, S.D. 1	Committee on Transportation and Government Affairs, then to the Committee on Ways and Means
------------------	---------------------------------------------------------------------------------------------

Senator Solomon rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege to alert this body in regard to a dramatic and vital piece of legislation now in committee. I refer to S.B. No. 662 having to do with economic development, now before Chairman Matsunaga's committee scheduled for hearing tomorrow. This bill provides for the creation of renaissance zones and is patterned after one of the most innovative steps yet to be taken in the area of economic development. In this case by the Michigan State Senate in passing a bill that would abolish all state and local income and property taxes in specified areas singled out for economic development.

"My district, as you know Mr. President, has areas in which more than 10 percent of workers are unemployed. Such level of unemployment represents true misery and anxiety. Hawaii as a state ranks at the bottom of many indices in terms of economic development. Specifically, we are the lowest in the nation in terms of economic growth; we are the lowest in the nation in terms of job creation. It is no coincidence, Mr. President, that at the same time we are also the lowest in the nation in terms of the availability of tax and financial incentives.

"This bill, patterned after the Michigan senate bill, is a welcomed tool to revitalize the most depressed areas of our State. This bill may be the key to such revitalization. We as a nation have unsuccessfully tried social spending for more than two decades. Senator Edward Kennedy last week announced that the Senate Democrats would outline the first of a series of economic development initiatives they plan to offer in the senate this spring and spoke in favor of the use of tax and financial incentives to encourage companies in their job creation activities.

"I recommend this initiative for favorable consideration when that legislation reaches the floor and suggest that there is no matter of higher priority before this year's legislature than bills such as this which have to do with fighting the economic malais which beset our State at this time. Thank you, Mr. President."

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

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

"I thoroughly agree with the former speaker that we have to look at bills that are going to help this economy, but I'd like to share something with you. On Thursday, I had heard about four days prior that I had an uncle that had lung cancer and I stopped by to see him on Thursday. He had lost a lot of weight, and I told him that I had heard that he was fooling around saying that he was sick and I wanted to know what was going on. He asked if I would come back and give you a message. He was with the Pearl Harbor Shipyard here but he moved up to Los Angeles. He had frequently gone to Las Vegas and even after he retired and came home he had gone up to Vegas. And at that time I told him I had stopped by to see him because we were going to have a hearing on gambling. And he said, if anything else Whitney, would you please go back and vote for shipboard gambling, because I don't think I can go back to Vegas. On Friday morning, about six o'clock, I received a call that he passed away at two o'clock in the morning.

"What bothered me was that I had gone to the hearings and I had read over the weekend and after a lot of research, Mr. President, my staff was able to find a way that we could do (after 20 years) a referendum whereby the people of this state would be able on an advisory capacity, not binding, to tell us if they were for or against any form of gambling. And we've denied them that, as we've always denied any type of referendum. I don't think that the people are being trusted by the very people that they've elected, and that really bothers me because you all feel that it's all right for them to elect you but you don't want to give them the chance of a referendum to say how they honestly feel about an issue, and then come back and decide that they're right or wrong with information that we've gathered. And if you vote against them, you can tell them -- I vote against this because or I'm voting for this because....

"Anyway, Mr. President, that has been something that's frustrated me and I think that it's time that if we're going to allow the people of this State some kind of input, an advisory referendum is not a bad idea.

"Thank you very much for listening."

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

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

"Mr. President, former Honolulu Advertiser Editor George Chaplin took the Legislature to task this weekend over the issue of legalized gambling.

"He said legislative leadership is dreaming, facing an illusion: that Hawaii's appeal is a composite of sun, surf and scenery, and that we should focus on beauty and people.

"Let me say for the record, Mr. President, that I think Mr. Chaplin, among others, missed last Tuesday's hostage-taking wake-up call.

"I am talking about the 'illusion' of thousands of working-class men and women who are ill-equipped for today's employment market. The downturn in the economy has only served to exacerbate their limited job opportunities and plummeting income levels.

"Mr. President, we are not contemplating an illusion. We are facing up to the reality of hard times and a growing gap between the rich and the poor.

"Ironically, the very helping organizations and programs that normally might offset the dilemma of people in need of help are the first to feel the cut of the budget ax.

"It is precisely this one-dimensional weakness of a Hawaii economy heavily dependent on tourism that erodes opportunity, creates hardship and undermines revenues.

"Far from dismissing legal gaming as disruptive to the tourism economy, we should explore it as a real-world answer to the fundamental problem of creating new jobs.

"The alternative is public and private layoffs, budget-balancing on the backs of the poor and a growing sense of powerlessness over our most basic affairs.

"Illusion?

"No, Mr. President, I don't think so. This is hard-edged reality, and it will test our talents to the utmost. The vitality of island society is at stake. Thank you."

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

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

"Mr. President, I think the Committee on Human Services has been given perhaps the most difficult task of being at the point of a lot of the short-falls in the state budget. If you look at the editorials, Letters to the Editor, etc., the focus is on welfare reform. The Human Services Committee, with four strong samurai, have taken a shellacking every Monday, Wednesday and Friday from welfare recipients. I have to admit that when one takes this kind of wacking, it's very hard and it's very disheartening because what they are saying is correct. We may be saving a penny now, but we will pay dearly later.

"I went to see a movie yesterday and I recommend that all of you go to see this movie entitled 'Mr. Holland's Opus.' I think it will give you a ray of hope looking at that movie. Recently, the Judiciary chairman took us to the prison for a visit. When the question was asked, how many of you are here because of drugs, all the hands went up. Drugs are out of control! I sit in the Judiciary hearings listening to the shortage of prison space, and I see the cutbacks. It takes two years to help people who are on drugs. Our committee is cutting treatment time to

six months. I know it's the wrong decision, but what can we do? We just don't have the funds.

"My committee may be labeled as the bad people because of the major hard decisions we made in cutting back. We didn't want the Ways and Means Committee getting the same shellacking after us.

"Mr. President, when I looked at that movie and I looked for a solution, there was only one solution. And if I had but one wish, somehow -- I don't know how we would do it and I don't know how we could get the community to react and back us up -- we must target the drug dealers, those guys who are making money bringing in the drugs and distributing it to those who are really sick. If we can target them and get the community to go after those kinds of guys and somehow get enough pressure to catch those guys, we can at least ask them or even beg them to stop their activities for two years to give us a chance to survive financially. I look at long-term care and everywhere I turn I can see nothing but bankruptcy for the State. But the thing that is going to help the State the most is if we can curb the distribution of drugs.

"I guess in making this speech this morning I'm just asking the public for help. I don't care who the drug distributors are, just tell them to please help us -- stop doing it for two years. Give all of us a chance to recover financially, because if not, if they continue on with their drug activities, they're going to lead us to bankruptcy. I'm asking, begging that if you're going to continue, then I'm assuming that you have no mercy, and if we ever catch you guys, we will have no mercy on you also.

"Thank you."

Senator Holt, rising on a point of personal privilege, then said:

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

"Mr. President, I was going to comment on the cartoon in our newspapers, but I defer to the Majority Leader to explain that game you were playing with the Speaker of the House.

"I do have one thing to say -- it's a pretty historic day for me to stand up here and say something good about a subject that I've been very critical about. This past weekend, there was an article in the newspaper, a very positive article, and the subject of that article was none other than one of our own who's been working here in the Senate for many years, someone that we've gotten to know real well. The article that was written about Ben Villafior was something special to me and, I'm sure, special to you. At this time I'd like to have the body acknowledge the subject of the wonderful article that the newspaper wrote." (Mr. Villafior stepped forward to be recognized.)

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 13, 1996.