

## SEVENTEENTH DAY

**Monday, February 10, 1997**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Rob Gross, Mountain View Community Church, after which the Roll was called showing all Senators present.

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

Senator Bunda introduced Dr. Torao Tokuda, Chairman of the Tokushukai Group in Japan. Accompanying Dr. Tokuda was Dr. Ruth Ono, Vice President of Queens Health Systems, and her husband Al Ono.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 164 and 165) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 164, dated February 3, 1997, transmitting the 1996 Annual Report prepared by the Department of Hawaiian Home Lands pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended, was placed on file.

Gov. Msg. No. 165, submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nominations of: STANLEY H. ROEHRIG, term to expire June 30, 1999; and DONALD C.W. KIM and LILY K. YAO, terms to expire June 30, 2001, was referred to the Committee on Education.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 12 to 19) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 12, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 117, was placed on file.

Hse. Com. No. 13, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 118, H.D. 1, was placed on file.

Hse. Com. No. 14, transmitting H.B. No. 113, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 113, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 323, which passed Third Reading in the House of Representatives on February 6, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 323, entitled: "A BILL FOR AN ACT RELATING TO GRAND JURY COUNSEL," passed

First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, transmitting H.B. No. 462, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 462, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINES FOR LATE FILERS OF FINANCIAL INTERESTS DISCLOSURES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 17, transmitting H.B. No. 463, which passed Third Reading in the House of Representatives on February 7, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 463, entitled: "A BILL FOR AN ACT RELATING TO FRIVOLOUS CHARGES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 675, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 675, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRST DEGREE ROBBERY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 19, transmitting H.B. No. 1760, which passed Third Reading in the House of Representatives on February 7, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 1760, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

## STANDING COMMITTEE REPORTS

Senators Baker and D. Ige, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 47) recommending that S.B. No. 146, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator McCartney moved that Stand. Com. Rep. No. 47 be adopted and S.B. No. 146, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Anderson.

Senator Slom then rose to request that his remarks in opposition to the measure be inserted into the Journal.

The Chair having so ordered, Senator Slom's remarks read as follows:

"Mr. President, I vote no and speak in opposition to this bill for second reading.

"Senate Bill No. 146 (SSCR 47) would impose the Transient Accommodations Tax on time share units the same as transient rentals. I will oppose any and all tax increases this Session since the tax burden is the proximate cause of Hawaii's economic distress and our hostile business climate. We need to cut taxes, not add to, or increase them. Additionally, I believe

there is a clear distinction between time shares, which represent ownership, and are the basis of a sale, and hotel or other transient rentals."

The motion was then put by the Chair and carried, the report of the majority of the Committee was adopted and S.B. No. 146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TRANSIENT OCCUPANCY TAX," passed Second Reading, with Senator Slom voting "no," and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 48) recommending that S.B. No. 325 pass Second Reading and be referred to the Committee on Judiciary.

Senator McCartney moved that Stand. Com. Rep. No. 48 be adopted and S.B. No. 325 pass Second Reading and be referred to the Committee on Judiciary, seconded by Senator Anderson.

Senator Slom rose in opposition and requested that his remarks against the measure be inserted into the Journal.

The Chair having so ordered, Senator Slom's remarks read as follows:

"Mr. President, I vote no and speak in opposition to this bill for second reading.

"Mr. President, while I certainly want to see enforcement of laws relating to domestic abuse, and even expansion of law to protect victims of abuse, I believe that SSCR 48 (S.B. No. 325) goes too far in allowing any government employee of State Human Services to enter a person's residence or business where abuse is 'suspected,' without the need for a warrant. There is no crisis situation described here that would not permit a timely issuance of judicial warrant. And to allow any employee the right of access without liability invades not only privacy, but common sense."

The motion was then put by the Chair and carried, the joint report of the Committees was adopted and S.B. No. 325, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading, with Senator Slom voting "no," and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 49) recommending that S.B. No. 1183 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 1183, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IN-HOME ELDERLY SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 50) recommending that S.B. No. 947, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE PRESCHOOL OPEN DOORS EARLY CHILDHOOD EDUCATION AND CHILD CARE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 51) recommending that S.B. No. 1557, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE" passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 12, 1997.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 52) recommending that S.B. No. 1631, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 53) recommending that S.B. No. 1503 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1503, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Kawamoto and Sakamoto, for the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 54) recommending that S.B. No. 633, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS," passed Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 55) recommending that S.B. No. 815, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 815, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE PEST CONTROL RESEARCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 56) recommending that S.B. No. 836, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 836, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 57) recommending that S.B. No. 843, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 58) recommending that S.B. No. 853, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 853, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 59) recommending that S.B. No. 1012 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1012, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 60) recommending that S.B. No. 1013 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1013, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 61) recommending that S.B. No. 1134, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1134, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR DETECTION OF ALIEN PEST SPECIES AT THE STATE'S PORTS OF ENTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 62) recommending that S.B. No. 1424, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1424, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAX EXEMPTION FOR EXPORTED SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 63) recommending that S.B. No. 1429, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 64) recommending that S.B. No. 1433 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1433, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 65) recommending that S.B. No. 1951 pass Second Reading and be referred to the Committee on Ways and Means.

Senator McCartney moved that Stand. Com. Rep. No. 65 be adopted and S.B. No. 1951 pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Anderson.

Senator Slom then requested that his remarks in opposition to the measure be inserted into the Journal.

The Chair having so ordered, Senator Slom's remarks read as follows:

"Mr. President, I vote no and speak in opposition to this bill for second reading.

"Mr. President, I vote no on SSCR 65 (S.B. No. 1951), which would repeal the sunset of the General Excise Tax exemption offered to proponents of a Hawaii stock or commodity exchange many years ago. There have been no takers for an exchange because the business climate is so negative and tax burden so high. The answer is not to dangle a tax incentive to one, specific, non-existent business venture, but to lower taxes for all existing, job-creating, income producing businesses in this state. If this were done, all business would improve and possibly an exchange would begin in response to a better overall business climate and level playing field.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, the report of the majority of the Committee was adopted and S.B. No. 1951, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, with Senator Slom voting "no," and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 66) recommending that S.B. No. 1304 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1304, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 12, 1997.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 67) recommending that S.B. No. 1578 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1578, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECYCLING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 12, 1997.

**ORDER OF THE DAY**

**THIRD READING**

S.B. No. 175:

By unanimous consent, action on S.B. No. 175, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until Tuesday, February 11, 1997.

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, February 6, 1997:

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| Senate<br>Concurrent<br>Resolution | Referred to:   |
| No. 19                             | Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means |
| No. 20                             | Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means |
| No. 21                             | Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs                                  |
| No. 22                             | Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs                                  |

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Thursday, February 6, 1997:

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| Senate<br>Resolution | Referred to:   |
| No. 5                | Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means |
| No. 6                | Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means |

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

At this time, Senator Bunda, for the Committee on Government Operations and Housing, requested a waiver of the 72-hour Notice of a Public Hearing on the following bills: S.B. No. 35, S.B. No. 131, S.B. No. 548, S.B. No. 905, S.B. No. 907, S.B. No. 1464 and S.B. No. 1885, and the Chair granted the waiver.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator Ihara rose on a point of information as follows:

"Mr. President, for the members' information, I'd like to explain the Government Operations' hearing waiver. The Government Operations and Housing Committee actually did file a hearing notice, which contained several bills, on February 6 and it was inadvertently not posted until this morning. It was distributed but not posted on the bulletin board, so the waiver was necessary. The hearing will be held at three o'clock tomorrow."

Senator Tam, for the Committee on Education, also requested a waiver of the 72-hour Notice of a Public Hearing on S.B. No. 214, and the Chair granted the waiver.

**ADJOURNMENT**

At 12:05 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 11, 1997.