

FORTY-FIFTH DAY

Thursday, April 3, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Miss Reima Soli, St. Andrew's Priory, who was accompanied by the Reverend Dr. Beverly Dexter, after which the Roll was called showing all Senators present with the exception of Senators Aki and Solomon who were excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 565 to 569) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 565, returning S.B. No. 26, which passed Third Reading in the House of Representatives on April 2, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 26, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT AND GUARDIAN RESPONSIBILITY FOR MINOR," was deferred until Thursday, April 10, 1997.

Hse. Com. No. 566, returning S.B. No. 165, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 165, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES," was deferred until Thursday, April 10, 1997.

Hse. Com. No. 567, returning S.B. No. 382, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1997, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 382, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was deferred until Thursday, April 10, 1997.

Hse. Com. No. 568, returning S.B. No. 1575, which passed Third Reading in the House of Representatives on April 2, 1997, was placed on file.

Hse. Com. No. 569, informing the Senate that the amendments proposed by the Senate to H.B. No. 519, H.D. 1, were agreed to by the House, and H.B. No. 519, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 2, 1997, was placed on file.

STANDING COMMITTEE REPORT

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 1396) recommending that S.R. No. 77 be referred to the Committee on Judiciary.

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the report of the Committee was adopted and S.R. No. 77, entitled: "SENATE RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM

FOR STATE AGENCY DIRECTORS AND MANAGEMENT," was referred to the Committee on Judiciary.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM WEDNESDAY, APRIL 2, 1997

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

On motion by Senator Baker, seconded by Senator D. Ige and carried, H.B. No. 1, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

H.B. No. 345, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, H.B. No. 345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

H.B. No. 1216, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, H.B. No. 1216, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

H.B. No. 1864, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, H.B. No. 1864, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

THIRD READING

H.B. No. 939, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, H.B. No. 939, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

H.B. No. 1450, S.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, H.B. No. 1450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN

COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

H.B. No. 2239, H.D. 2:

By unanimous consent, action on H.B. No. 2239, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITY LINES," was deferred until Friday, April 11, 1997.

FINAL READING

S.B. No. 285, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 285, S.D. 1, and S.B. No. 285, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

S.B. No. 333, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 333, S.D. 1, and S.B. No. 333, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

S.B. No. 959, H.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 959 and S.B. No. 959, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRUDENT INVESTOR ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Solomon).

Senator Levin, for the Committee on Health and Environment, requested a waiver of the 72-hour Notice of a Public Hearing on H.B. No. 1690 as follows:

"Mr. President, I'd like to request a waiver of the 72-hour requirement for posting on H.B. 1690, 'Relating to Revenue Maximization.' This is a bill jointly referred to Ways and Means and Health and because of conflicting schedules we have scheduled it today for 1:30 p.m. We posted notice as of late Tuesday."

The Chair granted the waiver.

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

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

"I rise today to speak of the dead, Mr. President ... to read the obituaries ... to mourn the loss of Hawaii businesses and employers. The latest are two Oahu restaurants operated by Pacific Food Services, which has filed under Chapter 11, representing a loss of jobs for 60 more of our residents -- hard-working, tax-paying people. While Chapter 11 allows Pacific Food Services to try and regain a foothold in the business community, we all know that the odds are really against that. We can hope for the best, but in the case of the following

businesses, which filed Chapter 7 or liquidation bankruptcy in March alone, hope wasn't good enough for these struggling businesses.

"Let me read the names, Mr. President: Pacific Mystics; S.A.P. Enterprises; Scott's Horseshoeing; EPM Rental; Phase One Hair Design; Werner Electric; Yoko's Sales and Marketing; Pathfinder Business Services; Machado's VCR and TV Repair and Service; Parker Equipment, Maintenance & Service Company; Stone Yakiniku Restaurant; Order n' Save; Lucky H Enterprises; Filipino Variety Store; Hawaiian Divers; King Kamehameha Divers; CRC Services; Brandt Automotive; Pro-Line Paints; Techline Computer; Lord & Associates; Kilauea Secretarial and Notary Service; Herb's; Bob's General Services; and Island Studios.

"These are just the obituaries, Mr. President, for the month of March alone. In just three weeks, the lives of these 27 businesses, their owners, their families and their employees have been affected. That's nine businesses per week. That could be 468 more businesses in the year's time if the trend continues. And even our thumbs-up, positive economist from First Hawaiian Bank, Mr. 'Thumbs-Up' Laney has said that this trend is going to continue over the next five to ten months, at least.

"Mr. President, I'm dead serious about the death of Hawaiian businesses, particularly small businesses, because I know that it means fewer jobs, fewer opportunities, fewer tax revenues, fewer choices, and less hope for our state -- particularly our young people. As the U.S. economy grows and strengthens, as the economy and economic indicators from other states and cities continue to become more strong, we languish here with the same problems that we've had year after year -- high taxes, high regulations, high mandated benefits, low incentives for people in business. Statewide, Mr. President, Chapter 7 filings for business and individuals have reached an all-time high this year of 801 -- 65 percent higher than a year ago. Despite earlier, rosy predictions, 1997 is not a better year for these folks.

"I think all of us in this room are touched by people that have been impacted by the economic conditions. And yet those people who say that 'it's the economy, stupid!' are wrong -- it's the politics, stupid! And we have a responsibility and obligation to do something about it.

"We must have the leadership from this body and from this Legislature. We have to stop looking at band-aid cures and look at the cause of our problems, and most importantly, Mr. President and colleagues, we have to take action. We have less than 18 days in which to do it, but still we have time to turn our state around. I plead with all of you -- let's put our priorities first. They're not no-rules combat. They're not some of the other things that we discuss on a daily basis. It is the economy and it is economic incentives.

"Thank you, Mr. President."

ADJOURNMENT

At 11:57 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 4, 1997.