

FIFTY-THIRD DAY

Thursday, April 17, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Bruce Dusseault, The National Baha'i Center, after which the Roll was called showing all Senators present with the exception of Senator Matsunaga who was excused.

The President announced that he had read and approved the Journal of the Fifty-Second Day.

Senator Taniguchi, in celebration of Outrigger Hotels and Resorts' 50th Anniversary, introduced Jean Rolles, Pat Kelley, Bitsy Kelley, Colleen Heyer, Perry Sorenson, Barry Wallace, Mildred Courtney and Tony Del Piano.

Senator Kawamoto then introduced and congratulated Lieutenant General William M. Steele and welcomed him as the Pacific's new Commanding General of the United States Army. Accompanying General Steele was his wife, Pamela.

At this time, President Mizuguchi invited General Steele to address the members of the Senate and the audience and appointed Senators Kawamoto and Sakamoto to escort him to the rostrum.

General Steele addressed the members of the Senate and their guests as follows:

"Senate President Mizuguchi, Senator Kawamoto, other distinguished Senators of the Hawaii State Senate, it's really our privilege to be here with you today. I thank you for the recognition of my family and of the United States Army, but more important, I thank you for the warm welcome that you have extended to us in the 'Spirit of Aloha' and in the 'Spirit of Ohana.'

"We are very, very happy to be in Hawaii. We feel that we are honored to have a chance to live in your great state. Pam and I have moved 25 times in 30 years. We've been in many different places around the world and Pam, I think, has coined it best and said it best when she said that when we arrived in Hawaii late last year she finally, finally, has found the place where she was born to live. And I agree with her. It is a wonderful place. We are really privileged to live in your great state.

"I also have the honor of representing the 70,000 army family members that live in this great state. They are active duty soldiers; they are reserve component soldiers; they are national guard soldiers; all serving in the State of Hawaii, and they bring with them family members. They bring with them concern for the community, the same concern for the community that you have, and the same concern for this state that you have. We also have a large retirement community that lives here in Hawaii -- all started and served their time in the United States Army, all tolled about 70,000.

"We think that 70,000 members of the United States Army community in Hawaii are good members of the community and certainly the active component part of that community tries to be good neighbors and also good members of your community and state. It's been that way for almost 100 years since the United States Army has been in Hawaii. And I can pledge to you that during my tenure and the tenure of my successors that we are committed to being good members of this state and good neighbors in the local community where our children and our families live, where they go to school, where they attend church services, and where they work and labor in the communities.

"So, thank you again for your welcome. Thank you again for your aloha. And we are privileged again to be able to speak to you today and be in these chambers. Aloha and mahalo."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

HOUSE COMMUNICATION

Hse. Com. No. 816, informing the Senate that the Speaker on April 16, 1997, added Representative Garcia as a co-chairman and Representatives Chang and Meyer as additional managers on the part of the House at the conference on S.B. No. 286, S.D. 2 (H.D. 2), was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1715) recommending that H.C.R. No. 59 be adopted.

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the report of the Committee was adopted and H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO CONVENE A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 1998, WITH THE THEME 'IT TAKES A VILLAGE TO RAISE A CHILD,'" was adopted.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1716) recommending that the Senate advise and consent to the nominations of PETER FRITZ, LOURDES P. MUGAS, SHARON SHORE, ANNA MARIE SPRINGER, STEPHEN G. LARACUENTE, JEAN SANTOS and SARAH E. POTTER to the State Advisory Council on Rehabilitation, in accordance with Gov. Msg. No. 223.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1716 and Gov. Msg. No. 223 was deferred until Friday, April 18, 1997.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1717) recommending that the Senate advise and consent to the nominations of WARREN G. HAIGHT, ANTONE KAHAWAIOLAA JR., AGNES R. NAVARRO, SHIMEJI KANAZAWA, CAROL KIKKAWA-WARD and BEVERLY C. WONG to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 241.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1717 and Gov. Msg. No. 241 was deferred until Friday, April 18, 1997.

ORDER OF THE DAY

FINAL READING

S.B. No. 1016, H.D. 1:

On motion by Senator Solomon, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1016 and S.B. No. 1016, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1385, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1385 and S.B. No. 1385, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE WAR MEMORIALS AND VETERANS' CEMETERIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1553, S.D. 1, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1553, S.D. 1, and S.B. No. 1553, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1631, S.D. 2, H.D. 2:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1631, S.D. 2, and S.B. No. 1631, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1766, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1766, S.D. 1, and S.B. No. 1766, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY AND INTERNAL SECURITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

House Concurrent Resolution	Referred to:
No. 18, H.D. 1	Committee on Health and Environment
No. 40	Committee on Economic Development
No. 44	Committee on Economic Development
No. 48, H.D. 1	Committee on Transportation and Intergovernmental Affairs
No. 72	Committee on Economic Development
No. 125, H.D. 1	Committee on Health and Environment
No. 168, H.D. 1	Committee on Human Resources
No. 178	Committee on Health and Environment

No. 206, H.D. 2 Committee on Government Operations and Housing

No. 250, H.D. 1 Committee on Health and Environment

No. 257, H.D. 2 Committee on Economic Development

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

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

"I have two points. Firstly, I'm extremely relieved that the House and Senate conferees reached an agreement on H.B. Nos. 117 and 118, and I'd like to commend the Senate conferees and House conferees for their hard work in reaching these agreements.

"And our courts have created this mess by their reckless, judicial activism and the issue of same-sex marriage has been a divisive issue, divided this body, divided this community. For four years the Legislature has struggled with the issue of same-sex marriage, but at last an agreement has been reached and we have something we can give the voters to decide on. So with this constitutional amendment I believe we have taken a small step towards restoring people's faith in our government.

"On the second point, Mr. President, on the issue I raised yesterday on coordinated care, Act 234, where this body had passed legislation and the study was made but no rules came forward. I'd like to ask leadership to address that issue in the upcoming conference committee -- the issue of changing the date so that we have dates that are in the future, not in the past, and for certain we can act on something, and create some sort of framework so that in the community, the people who have been involved with this issue have, for certain, something that insures that in the future there will be action by this body, Mr. President.

"Thank you."

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

"Mr. President, I just would like to speak in support of the previous speaker. I, likewise, was very happy to read in the newspaper of the resolution of the same-sex marriage issue. However, I think I'm going to reserve my comments until I see the bill in its formal draft. I'm very happy that we were able to come to some agreement.

"I, too, Mr. President, in regards to the previous speaker's remarks on the second point, feel that the leadership should look at the statute. I was a part of that negotiation, Mr. President, and at that time Senator Milton Holt was the shepherd for the Senate. And, as you know, Mr. President, this has been a burning issue in this Legislature for over ten-plus years. I think that the compromises, especially when it came to the dates, was a very critical, critical point to the legislation because that's where we were able to give people some kind of relief. But unfortunately, the dates as stated in the statute, in the act, have been disregarded. I don't know by whom, whether it's the DLIR, the insurance commissioner, I don't know who it is, but whoever is responsible, Mr. President, I feel that at least the dates should be repealed and appropriate dates put into the act so that we can send a very strong message to the small businesses and to those who are affected by this legislation to tell them that, yes, we are serious in resolving this problem; yes, we are committed to come up with alternative recommendations; and yes, we are serious in promulgating rules. And I feel, Mr. President, that is a very appropriate request.

"Thank you very much."

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

"Mr. President, I'd like to thank the Senator from Moanalua and the Senator from Kohala for those statements and I think that those are very valid concerns that they are bringing up. I think we need to take that under advisement and work with them and with the co-chairs. I think they are important points and raise some questions that are really unanswered yet that the two Senators brought up. And I thank them for those comments and we will be taking those under advisement."

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

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

"It was very nice to honor all the good folks at Outrigger and the Outrigger ohana today, and I know that we all share in their success and we're very happy with the contributions they made to our community over the past 50 years.

"Unfortunately, Mr. President, again it is my duty to rise and speak about those businesses that we have lost again and these are just within the last two weeks since I gave you my last obituary report because for them it's too late. They won't be honored here at the Senate; they won't get any leis; they won't get any certificates; so let me read the list to you, Mr. President:

Victoria Enterprises in Wahiawa; Candy Snackshop and Washerette, Wahiawa; B&B Contractor Sales, Inc., Kahului, Maui; Hawaiian Pacific Design, Wahiawa; Brown Bookkeeping Service, Kaneohe; Lahaina Pool Service, Maui; Latitude Design Group, Honolulu; Excellent Desktop Publishing & Purple Palm Textile Arts, Kailua Kona on the Big Island; Lani's Upholstery in Kapaa, Kauai; Super Screen Hawaii and More or Less Beachware in Kahuku; R & J Paper Products in Kealahou; Pacific Vegetarian Cafe in Honolulu; Encore Consignment Boutique in Lahaina; and D Media in Honolulu.

"Notice, Mr. President, in just two weeks another 15 bankruptcies in our state and they affect every island; they affect everyone's pocketbook; they affect every family and employment. But add to the bankruptcy total, also, the following: Queens Medical Center is cutting out hundreds of vacant positions and letting almost one hundred warm bodies go. The local office of Price Waterhouse, one of the 'big six' accounting firms in the United States is closing its Hawaii office due to bad economic conditions, or, as I would say, bad political conditions. And note, Mr. President, that Hawaii will now be the only state in the Union that will not have all of the 'big six' accounting firms represented in the state. Also, another 'mom and pop,' The Gift Box in downtown Honolulu is closing and the proprietor said it just doesn't make any sense anymore to try and make ends meet because of the taxes and the high cost.

"Mr. President, another two weeks, another 15 names ... I think it's rally time. We've got till April 29. There are still things that we can do. We've gotten past the hurdle for same-sex marriage, but let's do what we were sent here to do. Let's improve our economy! Let's improve our business climate! Let's provide more take-home pay! Let's make Hawaii work again!

"Thank you, Mr. President."

RECONSIDERATION OF ACTION TAKEN

S.B. No. 226, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 10, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 226, S.D. 1, seconded by Senator D. Ige and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 226, S.D. 1, seconded by Senator D. Ige.

Senator Baker noted:

"Mr. President, S.B. No. 226 amends the education and licensure requirements for architects. The House corrected a couple of dates in the draft and also provided that the board would have an option of approving a similar form of training program in addition to the one specified in the Senate draft. The committee has no disagreement with that particular amendment made by the House."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 226, S.D. 1, and S.B. No. 226, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," was placed on the calendar for Final Reading on Friday, April 18, 1997.

S.B. No. 1506, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 11, 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1506, S.D. 1, seconded by Senator D. Ige and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 1506, S.D. 1, seconded by Senator D. Ige.

Senator Baker explained:

"The subject of S.B. No. 1506 is the Hawaii Employers' Mutual Insurance Company. The House included clarifying amendments requested by HEMIC but too late for Senate consideration. The amendment clarifies HEMIC's ability to make rate filings. This provision will make HEMIC much more effective for its employer members. The committee has no objection to that amendment made by the House."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1506, S.D. 1, and S.B. No. 1506, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," was placed on the calendar for Final Reading on Friday, April 18, 1997.

APPOINTMENT OF CONFEREES

S.B. No. 727, S.D. 2 (H.D. 1):

The President discharged Senators Kanno and Chun Oakland as managers and added them as co-chairmen on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 727, S.D. 2 (H.D. 1).

S.B. No. 1891, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1891, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Tanaka, co-chairmen, Chumbley, Fukunaga, Ihara, Slom as managers on the part of the Senate at such conference.

H.B. No. 143, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 143, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes

Salling, Fukunaga, co-chairmen, Tam, Anderson as managers on the part of the Senate at such conference.

H.B. No. 454, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 454, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Chumbley, Matsunaga, co-chairmen, Tanaka, Anderson as managers on the part of the Senate at such conference.

H.B. No. 636, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 636, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Chumbley, Matsunaga, co-chairmen, Tanaka, Anderson as managers on the part of the Senate at such conference.

H.B. No. 777, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 777, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, D., Ige, M., Baker, co-chairmen, Aki, Kanno, Matsunaga, Anderson as managers on the part of the Senate at such conference.

H.B. No. 780, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 780, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, D., Ige, M., Baker, co-chairmen, Aki, Solomon, Anderson as managers on the part of the Senate at such conference.

H.B. No. 793, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 793, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, D., Ige, M., Baker, co-chairmen, Aki, Solomon, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1287, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1287, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes Salling, Fukunaga, co-chairmen, Tam, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1309, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1309, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, D., Ige, M., Baker, co-chairmen, Aki, Matsunaga, Solomon, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1370, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1370, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Fernandes Salling, Fukunaga, co-chairmen, Tanaka, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1593 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1593 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes Salling, Fukunaga, co-chairmen, Tam, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1660, H.D. 2 (S.D. 1):

The President discharged Senator Ige, M. as a manager and added him as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1660, H.D. 2 (S.D. 1).

H.B. No. 1686, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1686, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes Salling, Fukunaga, co-chairmen, Tam, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1689, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1689, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes Salling, Fukunaga, co-chairmen, Tam, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1713, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1713, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Fernandes Salling, Fukunaga, co-chairmen, Tanaka, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1732, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1732, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Fernandes Salling, Fukunaga, co-chairmen, Tanaka, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1796, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1796, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes Salling, Fukunaga, co-chairmen, Matsunaga, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1797, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1797, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fernandes Salling, Fukunaga, co-chairmen, Matsunaga, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1843, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1843, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Metcalf, Levin, co-chairmen,

Tam, Slom as managers on the part of the Senate at such conference.

H.B. No. 1857, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1857, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Matsunaga, Chumbley, Fernandes Salling, Fukunaga, co-chairmen, Tanaka, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2207, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2207, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Fernandes Salling, Fukunaga, co-chairmen, Ihara, Tanaka, Anderson as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:17 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., Friday, April 18, 1997.