

EIGHTH DAY

Monday, February 2, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Leelamma Palazzotto, St. Stephen's Diocesan Center, 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 Seventh Day.

SENATE RESOLUTION

The following resolution (S.R. No. 5) was read by the Clerk and was referred to committees:

Senate Resolution

No. 5 "SENATE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF SENATE PROCEEDINGS."

Offered by: Senators Mizuguchi, Ihara, Levin, McCartney.

Referred to: Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Thursday, January 29, 1998:

Senate Bill Referred to:

No. 3148 Jointly to the Committee on Government Operations and Housing, the Committee on Transportation and Intergovernmental Affairs, the Committee on Economic Development and the Committee on Human Resources, then to the Committee on Ways and Means

No. 3149 Committee on Economic Development, then to the Committee on Ways and Means

No. 3150 Jointly to the Committee on Water, Land, and Hawaiian Affairs, the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3151 Committee on Commerce, Consumer Protection, and Information Technology

No. 3152 Committee on Judiciary

No. 3153 Committee on Commerce, Consumer Protection, and Information Technology

No. 3154 Committee on Economic Development, then to the Committee on Ways and Means

No. 3155 Committee on Health and Environment, then to the Committee on Ways and Means

No. 3156 Committee on Economic Development, then to the Committee on Ways and Means

No. 3157 Committee on Transportation and Intergovernmental Affairs

No. 3158 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means

No. 3159 Committee on Commerce, Consumer Protection, and Information Technology

No. 3160 Committee on Ways and Means, then to the Committee on Judiciary

No. 3161 Committee on Commerce, Consumer Protection, and Information Technology

No. 3162 Committee on Commerce, Consumer Protection, and Information Technology

No. 3163 Committee on Economic Development, then to the Committee on Ways and Means

No. 3164 Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3165 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 3166 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology, the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3167 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary

No. 3168 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 3169 Committee on Education, then to the Committee on Ways and Means

No. 3170 Committee on Judiciary

No. 3171 Committee on Health and Environment, then to the Committee on Judiciary

No. 3172 Committee on Education, then to the Committee on Ways and Means

No. 3173 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 3174 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 3175 Committee on Education, then to the Committee on Ways and Means

No. 3176 Committee on Ways and Means

No. 3177 Committee on Education, then to the Committee on Ways and Means

- No. 3178 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3179 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3180 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3181 Committee on Transportation and Intergovernmental Affairs
- No. 3182 Committee on Education, then to the Committee on Ways and Means
- No. 3183 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3184 Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means
- No. 3185 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3186 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3187 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3188 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3189 Committee on Human Resources, then to the Committee on Government Operations and Housing
- No. 3190 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3191 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3192 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3193 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3194 Jointly to the Committee on Education and the Committee on Ways and Means, then to the Committee on Judiciary
- No. 3195 Committee on Government Operations and Housing, then to the Committee on Transportation and Intergovernmental Affairs
- No. 3196 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3197 Committee on Education, then to the Committee on Ways and Means
- No. 3198 Committee on Education, then to the Committee on Ways and Means
- No. 3199 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3200 Jointly to the Committee on Human Resources, the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3201 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3202 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3203 Committee on Ways and Means
- No. 3204 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3205 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3206 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3207 Jointly to the Committee on Health and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3208 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3209 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3210 Committee on Ways and Means
- No. 3211 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3212 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3213 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3214 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3215 Committee on Economic Development
- No. 3216 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3217 Committee on Ways and Means
- No. 3218 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3219 Jointly to the Committee on Economic Development and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3220 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3221 Committee on Education, then to the Committee on Ways and Means
- No. 3222 Committee on Ways and Means

- No. 3223 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3224 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3225 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3226 Committee on Ways and Means
- No. 3227 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3228 Committee on Health and Environment, then to the Committee on Judiciary
- No. 3229 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3230 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3231 Committee on Ways and Means
- No. 3232 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3233 Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3234 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3235 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3236 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3237 Committee on Ways and Means
- No. 3238 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3239 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3240 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3241 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 3242 Committee on Ways and Means
- No. 3243 Committee on Education, then to the Committee on Ways and Means
- No. 3244 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3245 Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3246 Committee on Ways and Means
- No. 3247 Committee on Human Resources, then to the Committee on Judiciary
- No. 3248 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3249 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3250 Committee on Education, then to the Committee on Ways and Means
- No. 3251 Committee on Health and Environment, then to the Committee on Human Resources
- No. 3252 Jointly to the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3253 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3254 Committee on Ways and Means
- No. 3255 Committee on Education, then to the Committee on Ways and Means
- No. 3256 Committee on Education, then to the Committee on Ways and Means
- No. 3257 Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3258 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Education, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE BILLS

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

- | Senate Bill | Referred to: |
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| No. 2035 | Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Judiciary |
| No. 2047 | Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2048 | Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2353 | Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means |
| No. 2400 | Jointly to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology |
| No. 2422 | Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs |

No. 2496 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3027 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 3048 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources, the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 3092 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources and the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 3120 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

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

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

"Mr. President, I guess it was on Thursday, there was an article in the papers that the state buy Waiahole ditch system. I was a little upset over that and I wrote a press release. I wasn't really disappointed because we were going to buy it. What bothered me, Mr. President, and I sent out the press release, is that in 1916 when they diverted the water from the windward side, they've been able to use that water all these years and now we're going to spend some \$10 million to purchase it back. I have said that Amfac made millions of dollars, and the other sugar companies. They can either donate that land or we should put it under condemnation. I don't think that we should be paying \$10 million.

"Also, the governor says that it's really a good deal -- it's 400 acres, fee simple conservation land, rolling stock, equipment, and etc. That's one of the reasons why it's such a good deal.

"Over the weekend they now have that they want to buy Kaiwi Ridge for \$11 million. Now, Kaiwi Ridge is ocean front property, Mr. President -- ocean front. And they're going to pay, or they want to pay, almost the same as they are paying Amfac for conservation land. I don't think it's fair and I did some checking. The Bishop Estate has donated over 1300 acres of land. They gave Hanauma Bay, Koko Head where the Job Corps is, and Sandy Beach, plus they've done others on the neighbor islands.

"We also have Makapuu which is Hawaiian Home Lands. And you have the park in Waimanalo that's Hawaiian Home Lands. I think the Hawaiians have done enough to try to work with the community. So when you say that you're going to buy back for \$10 million conservation land, I think that it's terrible to then offer \$11 million for ocean front, and that's the reason that I'm taking the floor today.

"Also, while we're at it with Hawaiians and what's happening, in Waimanalo you have some homes that were supposedly low-income. They were going to be sold to the people that lived on it. They've been there for 30 years. They are encumbered lands under our laws. They're ceded. Under HUD, they don't care because they consider it public lands. But let me tell you, after reading and going over it, what we're afraid of is we're going to lose \$8 million of federal money.

Now, who the hell gives a darn about losing \$8 million of HUD money when you're taking away a person's home. Now, these low-incomes are not apartments; they're not town houses. They're individual dwellings -- single family dwellings. And you're saying, 'Sorry about that; we can't find the records; you could have bought this back; so we're going to tear down the homes, you'll be displaced; we will build new ones -- maybe \$250,000 or more -- and you can buy that.' Again, I don't think it's fair. It's not right. We have our laws and we should enforce them.

"Thank you very much, Mr. President and my colleagues."

Senator M. Ige then rose and said:

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

"Mr. President, if the words of Senator Anderson could be entered into the Journal as though they were my own, except for the idea of the condemnation. I have a problem with government condemning lands. But I do, too, think that Amfac should give us that ditch as a gesture of good will.

"I'd also like to not include the words regarding Waimanalo homes, since that is in Senator Anderson's district.

"Thank you."

ADJOURNMENT

At 11:44 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 3, 1998.