

NINTH DAY

Tuesday, February 3, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Ernest Ono, St. Mary's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Anderson who was excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 135, submitting for consideration and confirmation as Administrator of the State Procurement Office, the nomination of LLOYD I. UNEBASAMI, term to expire June 30, 2002, was read by the Clerk and was referred to the Committee on Government Operations and Housing.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

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| Senate Bill | Referred to: |
| No. 2353 | Committee on Judiciary |
| No. 2355 | 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 |

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 7, "Requested Letter of Explanation" from Senator James Aki, dated February 2, 1998, was read by the Clerk and was placed on file.

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

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

"Yesterday, I had the words of one of our most dedicated citizens, a person who holds a great deal of respect in the community and in this body, Ms. Marilyn Bornhorst who is the head, I believe, of the Democratic Party, Mr. President. And Ms. Bornhorst, I think, finally has seen the light and she came out and made some very positive statements about voting against the 34 percent increase in the general excise tax since it will be bad for small business; it will be bad for retirees; it will be bad for individuals and poor people.

"And so, in light of this collaboration, Mr. President, since I see that we're all coming closer together, I did order a new supply, a larger supply of badges and I would like to make them available, of course at no cost, to my colleagues, and the line can start over here. We'll have a minority caucus meeting right after this.

"Thank you again, Mr. President."

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

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

"During the rally in which the Hawaiian groups were present here in the rotunda, there was some discussion in reference to the PASH bill and we Senators were targets of that discussion. I think the person who was initiating those concerns represented Ka Lahui. In the interim, I did have a meeting with Mililani Trask who I consider is the primary mover behind the Ka Lahui movement. I did assure Mililani then and I would like to assure all my colleagues that as far as the Senate is concerned, we do not have any bill before this body in reference to our native gathering rights. However, we did make a commitment that we would like to see the dialogue continue.

"I would like to commend the Office of State Planning for summarizing the actions taken on this matter. The document is available for your consideration. I would advise that you or one of your staff read the document, as the document has come up with a good consensus of the various community groups, including the financial community, the title companies and different practitioners who are participating in the process. Your co-chairs hope that in 1999 we may be able to revisit the issue and come up with a piece of legislation that will preserve and protect Native Hawaiian rights, as well as provide predictability and certainty of issues associated with the PASH decision.

"I would like to put all my colleagues on notice that if you have people out there or organizations out there that are confused as to what the Senate position is on this matter, do not hesitate to refer them to my office because we are preparing a position statement on the progress of this issue. And again, I would like to assure all my colleagues that we are still in the process of dialoguing with interested parties. We are hoping that we can come up with a piece of legislation that can accomplish our goals so that in the end we want to be able to support a piece of legislation that will recognize Native Hawaiian gathering rights and at the same time bring some certainty and provide some answers for problems which the developers might encounter as they pursue their goals and objectives.

"With that, Mr. President, thank you very much."

ADJOURNMENT

At 11:44 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., Wednesday, February 4, 1998.