

FOURTEENTH DAY

Tuesday, February 10, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Bill Stonebraker, Calvary Chapel of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Tam who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 7) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 2524, H.D. 1, which passed Third Reading in the House of Representatives on February 9, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2524, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 6, transmitting H.B. No. 2531, H.D. 1, which passed Third Reading in the House of Representatives on February 9, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 7, transmitting H.B. No. 2770, which passed Third Reading in the House of Representatives on February 9, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2770, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed First Reading by title and was referred to the Committee on Economic Development.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 25 to 29) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY."

Offered by: Senator Baker.

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

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' BOATING AND OCEAN RECREATION PROGRAM."

Offered by: Senators Baker, Chumbley, Kawamoto, Taniguchi.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 27 "SENATE CONCURRENT RESOLUTION ENDORSING THE RECOMMENDATIONS OF THE AD HOC COMMITTEE ON DOMESTIC AND SEXUAL VIOLENCE AND REQUESTING ANNUAL PROGRESS REPORTS ON THE DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE CONTINUUM OF CARE FOR VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE."

Offered by: Senators Baker, Chun Oakland, Fernandes Salling, Solomon, Fukunaga.

Referred to: Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means

No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY."

Offered by: Senators Baker, Chun Oakland, Fernandes Salling, Solomon, Fukunaga.

Referred to: Jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 29 "SENATE CONCURRENT 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."

Offered by: Senators Baker, Chun Oakland, Fernandes Salling, Solomon, Fukunaga.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2107, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2107, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HISTORICAL CHINESE CENTER," 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. 2022) recommending that S.B. No. 3130 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3130, entitled: "A BILL FOR AN ACT RELATING TO FILM PRODUCTION FUNDING," 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. 2023) recommending that S.B. No. 3064 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3064, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," 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. 2024) recommending that S.B. No. 2934, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING FROM DISCIPLINARY ACTIONS FOR JUST CAUSE," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2010 (Jud. Com. No. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 2010 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of GEORGE Y. KIMURA for Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Section 604-2, Hawaii Revised Statutes, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the nominee and stated:

"Mr. President, I rise in support of the nominee.

"Mr. President, George Kimura holds an AB and LLB degree from Tulane University. He has served as a Per Diem District Court Judge for the First Circuit for the past 13 years. In addition, Mr. Kimura has served as a lecturer for Small Claims Court and as an Adjunct Professor in Criminal Justice at Chaminade University.

"Testimony was submitted to your committee in support of the nominee which indicated that during his tenure as a Per Diem Judge, Mr. Kimura has consistently demonstrated a keen knowledge of the law, but more importantly, has applied the law in a just and equitable manner. Testifiers further acknowledged that Mr. Kimura is notable for his ability to communicate well with a wide variety of people -- rich and poor, of every ethnicity and background.

"Mr. President, I urge all my colleagues to consent to this nomination. Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, D., Tam).

At this time, Senator Matsunaga introduced Judge Kimura to the members of the Senate. (Judge Kimura, who was seated in the gallery with his family, then rose to be recognized.)

REFERRAL OF SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a concurrent resolution that was offered on Friday, February 6, 1998:

Senate Concurrent Resolution	Referred to:
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No. 24	Jointly to the Committee on Human Resources, the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
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RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
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No. 2058	Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
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At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

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

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

"Mr. President, I'm afraid that again I have to read the newspapers. They don't always print everything that I like but I do read them. I see that the state is going to take the beach fight to court. I think we missed the point. We are already broke and yet we're going to take over Ka Iwi Ridge and take it to court. I watched last night on television. Some of the so-called constituents or taxpayers said what a great deal it is. Well, I happen to remember, Mr. President, I believe it was in 1991, Councilman John Henry Felix asked the federal government to take from Hanauma Bay all the way over to Makapuu and make it a national park. They very wisely said that we cannot take care of what we have now, why should we take on an additional burden?

"Mr. President, there is a time when we have to realize that we have champagne taste with a beer budget. That's about where we're at and we can't keep borrowing for everything we want. You and I can't have everything we want and there's no way in the world that the governor should say we're going to take this over at 87 cents a square foot. Now, I don't know about you, but I paid a helluva lot more for the property that I had to buy in Kailua from Bishop Estate because it was a public purpose, they put the land reform act in.

"I feel cheated, Mr. President, because as a taxpayer I'm going to have to pay some of this burden. But as a beneficiary, as a person who has Hawaiian ancestry, my family before me, myself, my daughter and my grandchildren are going to be denied the Bishop Estate taking care of the resources that

they're supposed to for the benefit of Hawaiians. I think that this is terribly unfair.

"I said the other day that Bishop Estate has already given up 1,300 acres and we are now going to steal more land. I don't think it's fair. I don't think we can afford it. And if we're going to do anything, this morning's paper said that we're cutting back a million dollars in prenatal programs for high-risk pregnant women. If we have money to spend, let's spend it on something that's worthwhile and stay out of the courts and trying to fight for people's property that you want to take over.

"Thank you very much, Mr. President."

ADJOURNMENT

At 11:53 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., Wednesday, February 11, 1998.