

SIXTEENTH DAY

Thursday, February 12, 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 the Reverend Sam Domingo, Harris United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 8 to 16) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 8, transmitting H.B. No. 2381, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2381, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 9, transmitting H.B. No. 2447, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 10, transmitting H.B. No. 2522, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2522, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTIES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 11, transmitting H.B. No. 2523, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL COUNTY REGISTER," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 12, transmitting H.B. No. 2530, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2530, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION," passed First Reading by title and was referred to the Committee on Judiciary, then to the

Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 13, transmitting H.B. No. 2707, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2707, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 2708, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 2779, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2779, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, informing the Senate that the House adopted the report of the Committee on Conference on S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, and that said bill passed Final Reading in the House of Representatives on February 11, 1998, was placed on file.

ORDER OF THE DAY

REFERRAL OF
SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a concurrent resolution that was offered on Wednesday, February 11, 1998:

Senate Concurrent Resolution	Referred to:
No. 30 Affairs	Committee on Water, Land, and Hawaiian Affairs

REFERRAL OF SENATE RESOLUTION

The President made the following committee assignment of a resolution that was offered on Wednesday, February 11, 1998:

Senate Resolution	Referred to:
No. 6 Affairs	Committee on Water, Land, and Hawaiian Affairs

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

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

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

"Mr. President, I received many frantic calls this morning due to an article in the West Hawaii newspaper. It was revealed that there are plans to shut down the Kohala Hospital emergency room. Mr. President, I am asking the co-chairs of the Health Committee to confirm if this is true. I am under the impression that when we passed the bill last session to establish the hospital corporation, the bill included language that made it clear that they could not make these kinds of decisions without legislative approval.

"Would the chair please clarify because as you can see, Mr. President, I'm very, very concerned and very upset by the calls that I have received."

The President posed the question and Senator Levin responded as follows:

"Thank you Mr. President. I'll be very happy to respond to my colleague.

"My colleague is absolutely correct. The current statute provides that no services can be cut back by the hospital corporation without approval by the Legislature. That language was specifically put in to protect our rural facilities and those of us who are concerned and care about services throughout the hospital system, which frankly includes all 25 members of this body, need to work together and to stick to that. And the corporation personnel have been informed and reminded time and again that they cannot cut back services. They are well aware of that provision.

"I cannot speak for the article in West Hawaii Today, but we certainly intend to stand firm on that position. Thank you."

Senator Solomon continued:

"Thank you very much, Mr. President. I would like to thank the co-chair of the Health Committee for reconfirmation of the statute."

"Mr. President, a common trend is developing as we progress this session, where we are leaving groups behind through budget reductions -- the welfare coalition, the pregnant mothers, prenatal care appropriations and now it's the hospital emergency rooms.

"Mr. President, I give credit to this legislative process. For the past decade, we have come up with so many creative pieces of legislation to establish revenue enhancement programs. We have created renaissance zones, free enterprise zones on the Big Island alone we have increased the number from five to nine. We have come up with numerous programs to encourage joint ventures between public and private businesses. We have really worked hard to increase our revenue opportunities so we in fact can boost our economy and create the needed funds to provide these much needed services.

"Mr. President, it's the neighbor islands and rural Oahu that suffer the most. We on the neighbor islands lack a rapid transit system which our senior citizens and those who cannot afford a vehicle can use to travel to access services. All I am hearing and reading every single day is that we are cutting back and cutting back and cutting back. But who suffers? Those who have been disenfranchised from the system. We cannot let that happen to us, Mr. President. We are the Democratic party. This is our party's na'au, the na'au, the heart and mind of our platforms. We've been sold a bill of goods persuading us to agree as we move forward to the year 2000, as we move into the global world of international eminence and prominence. We were told by the Democratic leadership that preceded us that all of Hawaii's people would move forward. I have never once ever believed that we would be leaving people behind and this is what we are doing, Mr. President.

"I am very concerned, emotional and passionate about this trend of events. It's the neighbor islands and rural Oahu that are left behind.

"We as Democrats have an obligation to reach out to those that cannot help themselves. This has been the strength of the Democratic Party. This has made Hawaii, Hawaii -- a special place in the world, a state that has put people first.

"And with that said, I am hoping that as we progress, we will look for innovative ways for revenue enhancements so we can all go into this new international world that we have envisioned for Hawaii.

"Thank you very much."

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

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

"Following up with the Senator from the Big Island and adding a personal note. We've heard about the Reubyn Buentipo Jr. case. It's in the paper again. Our company had an employee named Reubyn (with a 'y' in his name) Buentipo Sr. He worked for us. He was a good worker, not currently, years past. And we got slow, as construction does. Fortunately, we didn't get on Senator Slom's list, fortunately, but we got slow (Senator from Hawaii Kai, excuse me) and we had to lay him off. When we got busy, we called back but he wasn't able to work for us. So my point with bringing this up, Mr. President, is, I wonder if he were still working for us, or if he had worked for us over these last four or five years, would we be in this situation where the state is now being, according to the papers, sued by the father.

"I think we can look at solutions as bettering the system, which is very good. We also need to look at how can we provide jobs.

"And following up on the previous speaker, there's this book, The Party's Not Over, a New Vision for Democrats written by Jeff Faux. I'd like to read one paragraph from this book. Per Mr. Faux:

'We know how to produce full employment. We know how to rebuild the cities. We know how to clean up the air and water. We know how to reduce the power of money in politics. We do know how to raise the minimum wage, help the impoverished, and to make the rich pay their fair share. To play their role in forging the future, Democrats will have to regain the high moral ground, not with the message for America to accept what is, but with a plan to create what might be.'

"Mr. President, the small business caucus has put forth some measures that can help. There are also other measures that I feel can help. Some of you have heard some of the bills. I ask you to look at some of the solutions that are there. They are not grandiose. I would relate this analogy. I have an older brother, as many of you have older brothers, and when you're young they say, I'll help you across the street; I'll teach you how to play baseball; let's wrestle. At a certain point, when you get to be about 10 years old, when older brother says let's wrestle, it's no fun anymore because older brother is grabbing your head and saying, 'ha, ha.' For many of us who are struggling to keep our employees, to hire employees, we want big brother to let us walk and not smother us.

"So, some of the bills that we're proposing are to let small business keep their employees, to hire employees and have big brother -- in many cases regulators, in other cases rules -- get off our backs and let us work together in partnership to build what can be built, to continue to fund the hospitals, to continue to do many of the good things. So let's work together in that, Mr. President. Thank you."

Senator Aki then rose and said:

"I'd like to request that the comments made by the Senator from Kohala be incorporated as my own comments and I just wanted to add one further comment and that is that it seems that unless we start addressing the problems -- the real root problems of our state -- Hawaii will become a place only for the rich."

The Chair so ordered.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator M. Ige rose on a point of personal privilege as follows:

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

"Mr. President, you know the other day when the good Senator from Waianae asked for a waiver of the notice, I just appreciated the fact that you responded by saying, 'What Senate bills are you asking the waiver for?' I think, Mr. President, it would appear that there are certain Senators here that may be using the veil of the waiver as a veil to limit public debate by coming up with these bills at the very last minute. And I just want to commend you because I think that if this is true, we're not serving the public. By not having debate, we don't hear all sides of the issues and I think that is very unfair. So I sincerely hope you continue to, I guess, be judicious in trying to waive the 72-hour notice rule. And I just hope that we can continue to live up to the spirit and intent of that rule.

"Thank you."

ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 13, 1998.