

EIGHTEENTH DAY

Tuesday, February 17, 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 Larry Engel, Kapolei Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senator D. Ige who was excused.

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

At this time, Senator Tam introduced Rose Tom, the 1997 Model Chinese Mother of the Year, and Lawrence Ing, the 1997 Chinese Citizen of the Year. Accompanying Mrs. Tom were her daughter Sylvia Tanabe, and son Dr. Philip Tom.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 168 to 175) were read by the Clerk and were placed on file:

Gov. Msg. No. 168, dated January 26, 1998, transmitting a report prepared by the Department of Health pursuant to Chapters 128D and 128E, HRS, on the activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund.

Gov. Msg. No. 169, dated February 2, 1998, transmitting the 1997 Barbers Point Naval Air Station Redevelopment Commission Annual Report, pursuant to Act 359, SLH 1997.

Gov. Msg. No. 170, dated February 10, 1998, transmitting a report, "The Department of Human Services Story 1998," the Department's annual report for FY 1997.

Gov. Msg. No. 171, letter dated February 9, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2857, which makes a supplementary appropriation and authorization to allow the Department of Health to continue its operations of the Child and Adolescent Mental Health Division under Chapter 321, HRS.

Gov. Msg. No. 172, letter dated February 10, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 3051, which makes a supplementary appropriation and authorization to allow the Hawaii Health Systems Corporation to prevent the reduction or discontinuance of services at the facilities under the control of the corporation for this fiscal year.

Gov. Msg. No. 173, letter dated February 11, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2862, which provides an emergency appropriation from existing Department of Health Special Funds for the period of March 1, 1998, through June 30, 1998.

Gov. Msg. No. 174, letter dated February 10, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2861, which makes a supplementary appropriation and authorization to allow the Department of

Health to fund the January 1, 1998, through June 30, 1998, contract cost for emergency ambulance services on the islands of Maui, Molokai, and Lanai, under Section 321-228, HRS.

Gov. Msg. No. 175, letter dated February 12, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2813, which makes a supplementary appropriation in fiscal year 1997-98 for the Unclaimed Property Program, authorized by Chapter 523A, HRS.

HOUSE COMMUNICATION

Hse. Com. No. 17, transmitting H.B. No. 2734, which passed Third Reading in the House of Representatives on February 13, 1998, was read by the Clerk and was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2734, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 32) was read by the Clerk and was referred to committees:

Senate Concurrent Resolution

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE HOMELESS MENTALLY ILL."

Offered by: Senator Matsunaga.

Referred to: Jointly to the Committee on Health and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2091 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. 2091, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PERFORM A DRAINAGE STUDY OF THE MAKIKI DRAINAGE DITCH FLOODING PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2098 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. 2098, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAUKAULA STREAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2497 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. 2497, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO INSTALL WATER PIPES AND REROUTE CONNECTION FROM THE PEARL CITY CULTURAL CENTER TO PEARL CITY HIGH SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2123 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. 2123, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2314 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. 2314, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2467, 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. 2467, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FUNDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2739, 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. 2739, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF FINES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2782 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. 2782, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 3029, 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. 3029, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL IDENTIFICATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 2317 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. 2317, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SECURITY PERSONNEL IN THE COURTS OF THE STATE," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

REFERRAL OF SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a concurrent resolution that was offered on Friday, February 13, 1998:

| | |
|------------------------------------|---|
| Senate Concurrent Resolution | Referred to: |
| No. 31 | Committee on Health and Environment, then to the Committee on Ways and Means |

REFERRAL OF SENATE RESOLUTION

The President made the following committee assignment of a resolution that was offered on Friday, February 13, 1998:

| | |
|----------------------|---|
| Senate Resolution | Referred to: |
| No. 7 | Committee on Health and Environment, 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: |
| No. 536 | Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means |
| No. 2599 | Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology |

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

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

"I understand that the governor now has come forward and said that he has changed yet another one of his firm positions. This one being that he would like to allow the public and the people to decide, particularly on the issue of gambling and so forth. And I would remind the body and the governor that our esteemed colleague, the Minority Leader, made this speech in his plea on our opening day, and of course, repeating the long-held Republican position that it is the people that should be by initiative, referendum, and recall be able to speak up. So I'm very happy that the governor has come around to this position.

I'm sure it's shared by the Majority leadership, and we welcome the people's participation.

"Thank you, Mr. President."

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

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

"Just to give my colleague's a point of information, I was called recently to find out why we would even say that the people have a right to vote when it has to be a referendum that changes the constitution. And I just want to reiterate again, it's an advisory referendum. It is legal. We do have an AG's opinion. It was used last in 1939. So the excuse that some people are using that we have to change the constitution and they'd love to do it, however, they can't do it right now, is not true.

"Also, Mr. President, I did bring this up in 1991, I believe, in the House and it was killed the last night of the session. And I would hope that people will go ahead and look at all of the different bills that are in, consider them, let the people vote, and there's all kinds of information from other states on different types of, I guess you would call it, adult entertainment that we have, so that they won't make any mistakes on drafting a bill.

"Thank you very much, Mr. President."

ADJOURNMENT

At 12:01 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., Wednesday, February 18, 1998.