

TWENTY-FOURTH DAY

Wednesday, March 4, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Darrow Aiona, St. Marks Episcopal Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Third Day.

At this time, Senator Slom introduced student "shadow" Stephanie Aveiro.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 176 to 182) were read by the Clerk and were placed on file:

Gov. Msg. No. 176, dated February 17, 1998, transmitting The Research Corporation of the University of Hawaii's 1997 Annual Report, pursuant to Section 307-6, HRS.

Gov. Msg. No. 177, dated February 17, 1998, transmitting the Kaneohe Bay Regional Council Evaluation Report, prepared by the Office of Planning, Coastal Zone Management Program, pursuant to Act 317, SLH 1993.

Gov. Msg. No. 178, informing the Senate that on February 26, 1998, he signed into law Senate Bill No. 1285 as Act 2, entitled: "RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES."

Gov. Msg. No. 179, dated February 13, 1998, transmitting the 1997 Annual Report of the Hawaii Community-Based Economic Development Technical and Financial Assistance Program, prepared by the Department of Business, Economic Development, and Tourism, Business Support Division, pursuant to Section 210D-14, HRS.

Gov. Msg. No. 180, dated February 18, 1998, transmitting The 1997 Annual Report of the Environmental Council, "Environmental Report Card, 1997: An Assessment of Hawaii's Environmental Health," prepared by the Environmental Council and the Office of Environmental Quality Control.

Gov. Msg. No. 181, dated February 24, 1998, transmitting the 1997 Compliance Resolution Fund Annual Report, prepared by the Department of Commerce and Consumer Affairs pursuant to Section 26-9, HRS.

Gov. Msg. No. 182, dated February 25, 1998, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 1997, prepared by the Comptroller pursuant to Section 40-5, HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 22 and 23) were read by the Clerk and were placed on file:

Dept. Com. No. 22, from the University of Hawaii dated February 20, 1998, transmitting an amended report, "1996-1997 Report on Tuition Waivers," pursuant to Section 304-16.5, HRS.

Dept. Com. No. 23, from the State Auditor dated February 25, 1998, transmitting correction pages to Report No. 98-5, "Fiscal Accountability Audit of the Department of Education:

The Public and the Schools Need to Know the True Costs of Education."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 33) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 29, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1577, H.D. 2, was placed on file.

Hse. Com. No. 30, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1647, H.D. 1, was placed on file.

Hse. Com. No. 31, transmitting H.B. No. 2411, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2411, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING," passed First Reading by title and was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 32, transmitting H.B. No. 2897, which passed Third Reading in the House of Representatives on February 23, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2897, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 33, transmitting H.B. No. 2871, which passed Third Reading in the House of Representatives on February 24, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2871, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed First Reading by title and was referred to the Committee on Human Resources.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 33 to 40) were read by the Clerk and were referred to committees or deferred:

Senate Concurrent Resolution

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AUDITOR STUDY THE IMPACTS UPON THE COST OF LIVING THAT RESULT FROM THE CURRENTLY PRACTICED COMMERCIAL AND INDUSTRIAL LAND-LEASEHOLD SYSTEM."

Offered by: Senators Chun Oakland, Aki, McCartney, Mizuguchi, Tam, Taniguchi.

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

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER."

Offered by: Senators Bunda, Iwase, Kawamoto.

Referred to: Committee on Education

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE FEDERAL GOVERNMENT."

Offered by: Senator Ihara.

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF TAX PREPARERS."

Offered by: Senator Chumbley.

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO APPROPRIATE FUNDS TO PAY THE UNITED STATES DEBT TO THE UNITED NATIONS."

Offered by: Senator Metcalf.

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW ITS POLICY OF VACCINATING STUDENTS IN PUBLIC SCHOOLS INCLUDING ITS CURRENT PROGRAM OF VACCINATING STUDENTS FOR HEPATITIS B AND TO CONSIDER OTHER VENUES FOR ITS ADMINISTRATION."

Offered by: Senator Metcalf.

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMMISSION AN INDEPENDENT REPORT ON THE PROGRESS MADE BY THE STATE IN IMPLEMENTING THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY."

Offered by: Senator Metcalf.

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AND THE COUNTY OF HAWAII CONSTRUCT A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO."

Offered by: Senator Metcalf.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 8 to 13) were read by the Clerk and were referred to committees or deferred:

Senate Resolution

No. 8 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DELAY THE INCREASE IN RENT FOR PRIVATE PIERS AND BUOYS UNTIL THE INVENTORY IS COMPLETE."

Offered by: Senator Ige, M.

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

No. 9 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE

THAT ARE MANDATED BY THE FEDERAL GOVERNMENT."

Offered by: Senator Ihara.

No. 10 "SENATE RESOLUTION REQUESTING CONGRESS TO APPROPRIATE FUNDS TO PAY THE UNITED STATES DEBT TO THE UNITED NATIONS."

Offered by: Senator Metcalf.

No. 11 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW ITS POLICY OF VACCINATING STUDENTS IN PUBLIC SCHOOLS INCLUDING ITS CURRENT PROGRAM OF VACCINATING STUDENTS FOR HEPATITIS B AND TO CONSIDER OTHER VENUES FOR ITS ADMINISTRATION."

Offered by: Senator Metcalf.

No. 12 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMMISSION AN INDEPENDENT REPORT ON THE PROGRESS MADE BY THE STATE IN IMPLEMENTING THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY."

Offered by: Senator Metcalf.

No. 13 "SENATE RESOLUTION REQUESTING THAT THE STATE AND THE COUNTY OF HAWAII CONSTRUCT A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO."

Offered by: Senator Metcalf.

STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2421) recommending that S.B. No. 2509, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2509, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2422) recommending that S.B. No. 2903 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2903, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2423) recommending that H.B. No. 1649, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2423 and H.B. No. 1649, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERJURY," was deferred until Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep.

No. 2424) recommending that S.B. No. 1081, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1081, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2425) recommending that S.B. No. 2771 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2771, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2426) recommending that S.B. No. 2772, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORK," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2427) recommending that S.B. No. 2773, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2773, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2428) recommending that S.B. No. 2895 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2429) recommending that S.B. No. 588, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was recommitted to the Committee on Judiciary.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2430) recommending that the Senate advise and consent to the nomination of LLOYD I.

UNEBASAMI as Administrator of the State Procurement Office, in accordance with Gov. Msg. No. 135.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2430 and Gov. Msg. No. 135 was deferred until Thursday, March 5, 1998.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2420 (Gov. Msg. No. 139):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2420 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of JOHN H. RADCLIFFE to the Board of Trustees, Hawai'i Public Employees Health Fund, term to expire June 30, 1999, seconded by Senator Kanno.

Senator Kanno rose in support of the nominee and said:

"Mr. President, I rise to speak in support of the nomination.

"Mr. President, your Committee on Human Resources had a public hearing and believe very strongly that Mr. Radcliffe will do a good job as a member of the Board of Trustees of the Public Employees Health Fund.

"John Radcliffe holds a Master's Degree in Philosophy of Education. He has extensive experience in government and community affairs and labor/management relations in Hawaii since 1975. He is currently the Associate Executive Director of the University of Hawaii Professional Assembly and a consultant to various business organizations. Most notably, Mr. Radcliffe has been actively involved in numerous professional and community organizations such as serving on the Aloha United Way Board of Directors; Executive Committee, Boy Scouts of America, Aloha Council; and Chair, Hawaii Coalition on the Federal Budget, to name a few.

"Mr. President, I urge my colleagues to vote 'aye.'"

Senator McCartney also rose in support and stated:

"Mr. President, I rise to speak in favor of the nominee.

"Mr. President, my relationship with John Henry Radcliffe goes back a long ways, and I know that he'll serve the Public Employees Health Fund very well.

"I just want to share that John was a school teacher back in Wisconsin and he helped organize one of the first unions for teachers back then. He was one of the organizers of the NEA and did a lot of work in improving the quality of education and benefits for teachers back in the 70's. He was one of the rebels in the teacher movement. Hawaii got one of those rebels when they hired him as executive director of HSTA. He came in and the first day on the job, Charlie Toguchi, his staff member, said he'd quit, now that John Radcliffe was hired, but he managed to convince Charlie to stay on.

"And my memory of John is that he gave me my first real job. When I was 24 years old and had no experience, he took a chance and hired me. So I'll forever be grateful for that. And by working with him all these years, I know that he is a committed individual. He has a lot of passion for what he does, and he genuinely cares about the people of Hawaii and what's good for the state. And I think he'll do a great job on the Board of Trustees of the Public Employees Health Fund. Therefore, I ask my colleagues to wholeheartedly support his nomination.

"Thank you."

Senator Baker rose to support the nominee and said:

"Mr. President, I, too, rise in support of this nominee and would ask that the remarks of the good Senator from Kahaluu please be included in the Journal as though they were my own with one slight difference.

"I worked with John Radcliffe when he and I both were employed by the National Education Association back in the early 70's in Washington, DC. I know Mr. Radcliffe to be a very thoughtful and conscientious labor advocate and community minded individual. I'm confident he'll do an excellent job on the Board of Trustees of the Hawaii Public Employees Health Fund.

"Thank you, Mr. President."

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., Metcalf).

RE-REFERRAL OF SENATE BILLS

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

| Senate Bill | Referred to: |
|-----------------|---|
| No. 588, S.D. 1 | Jointly to the Committee on Judiciary and the Committee on Human Resources, then to the Committee on Ways and Means |
| No. 1273 | Jointly to the Committee on Judiciary and the Committee on Ways and Means |
| No. 2382 | Committee on Ways and Means |

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

| Senate Resolution | Referred to: |
|-------------------|--|
| No. 5 | Committee on Commerce, Consumer Protection, and Information Technology |

Senator Baker, for the Committee on Ways and Means, requested a waiver to Senate Rule 20 for S.B. Nos. 1559, 1587, 2207, 2210, 2211, 2307, 2439, 2643, 2730, 2875, 2902, 2920, 2922, 2983, 3129, 3177, 3201, 3232, and 3239, and H.B. No. 1868, and the Chair granted the waiver.

Senator Baker then requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 2292 and 2363, and the Chair granted the waiver.

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

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

"Mr. President, I was frustrated enough last week when I came in that I started writing a 5-page or 4-page deal on different articles that came out in the newspapers. When I got to work, I found out that we were on recess and I had forgotten. I put that aside but I was still upset. More or less what it said is that we are lacking leadership in the State of Hawaii. And I blame the departments and I blame the governor.

"And I'll start, before I hit the rest, on October 2nd, Mr. President. I took a trip up to Waimanalo because after the storm there was a tree that fell and it broke a portion of the flume that was there. They were going to put it out for bid and

maybe by 1999 it might be repaired. So I went up to look at it and I walked into the water and all it was is that part of the cement was broken. The tree is large but it was not touching. I asked if we could somehow or another, because the cement was being eroded, put a piece of steel or concrete and then put a pvc pipe that would allow the water to run. Could that be done temporarily? No problem, they would look at it. Then after my on-site review of this, they told me they would be done by February. Well, I got a letter here from one of the farmers. They're told to look at the water problem before summer comes along. It hasn't even gone into bid yet. Evidently, it was turned over to the engineering department of the Department of Land and Natural Resources. So we're still waiting, and I don't think it's fair to those farmers in Waimanalo. But let's forget Waimanalo for a moment.

"I also received a letter recently -- primary source of papaya, major North American tropical fruit markets -- and I'm sure it went to all of you. I believe it's from Kauai. It gives you a map. In 1989 the whole continent was buying papayas from Hawaii ... 1997, Mr. President, Hawaii, Brazil, Costa Rica -- used to be only Hawaii. Hawaii and Mexico -- it used to be only Hawaii. There's one section that isn't even buying from us anymore. Then there's Hawaii and Costa Rica; then there's a whole East Coast that doesn't buy one bit of papaya from us. Our ag is going down the tubes. The rest of this state is going down the tubes.

"So, since I was so frustrated with my 5-page that I didn't do, I did go to Lincoln's Dinner and I wrote a speech that said the greatest loss that Hawaii has suffered in recent years is not economics. Our greatest loss has been the lack of leadership exhibited by the majority party which has total control of the executive, legislative and judicial branches -- our state government -- a control they have exercised for the past 40 years. And I could go on and on with that speech, but I don't want to go ahead and get my colleagues a little tired and weary of my always standing.

"There's also another ... this morning's paper, and I named it 'Mismanagement of state funds.' They're still pursuing the AG's office with Bishop Estate. They believe that the trustees and others are not doing their duty and they have come and used their own money and they need more money. But on top of that, it's okay to down-zone one of the last coastlines that is very valuable to \$11 million that others say is worth \$80 million. Are they worried about Bishop Estate and the trustees' funds? Are they helping Hawaiians? I think not.

"Also, Hawaii Housing wants to remove the Waimanalo people for \$8 million of HUD money. If these people are moved out, they have no place to go. Then they're going to build new low-income housing, which these people can't afford, and maybe a lot of other people. And what happens to them?

"I've read where Kauai is closing the sugar. Every other group is laying off people. We're going to have more and more people in the coffers for the state. And what do I hear? The ridiculous statement that we have an election year and we have to watch what we're doing. I have a group here that speaks against legalized gambling. Her name is Dorothy Bobilin and she's opposed, along with the League of Women Voters, Honolulu Police Department, Hawaii News Services, Council of Churches, Church of Jesus Christ, a whole bunch of them. Well, the bill that we talked about for any type of gambling has a referendum. These people have as much right to vote as everybody else in this state.

"And what happens? People are afraid to move it because they say it's an election year. Well, let me say right now, I plan on running for higher office. I'm not afraid to bite the bullet that the newspapers say we should pass anything that the Economic Revitalization Task Force comes from. You either take a stand or you don't. And I have to, like the rest of you. If you run, you have to depend on money. That's what does it. If

I don't have the money, I don't run. If you lose, you lose, but our state is losing. We're going down the tubes and nobody seems to give a damn. We have a bill to help the contractors and the local people here. People are afraid because they have fax machines going like crazy. There's only one bill, and if we can get it amended so that we take care of our people, I'll sure as hell vote for it.

"We've got to do something. You know, we can't just sit back and say, next year it'll be a better year because it's not an election year. It'll be an election year for somebody. Somebody will be worrying.

"Thank you very much, Mr. President. I'm glad I got rid of some of my frustrations, but I would hope that the Department of Ag and the Department of Land and Natural Resources -- which is almost putting another 30 groups of people out of business, they want to control all the waters and not do a damn thing that helps any of us -- I would hope that we all sit back and look at those different departments and that the governor, if he so feels that some of these people should be removed, he put them in there, he should remove them. If not, I think a whole bunch of us are going to be moved out after this next election.

"Thank you very much, Mr. President."

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

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

"Just as a point of clarification, members, and for the record, the previous speaker from Kailua, the good Senator, referred to the judiciary branch as a partisan branch of government. It clearly is not. It is an independent, non-partisan branch, unlike the executive and legislative branches.

"Thank you."

Senator Anderson then responded:

"Just for clarification, it used to be. I'm awfully sorry. And it was Governor Waihee's time that we did it. Then he said it might have been a mistake. I agree. But we're also looking at the university for becoming another separate branch. Everybody with their own budget. We can't control what we have.

"Thank you very much, Mr. President."

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

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

"The Senator from Waimanalo mentioned one of the proposed solutions he thought would be legalized gambling. I personally don't agree. But the Small Business Caucus has come up with many measures that we feel would help. These are not new measures, but can I ask the chairs of Human Resources if, indeed, more of these measures can be heard? Will he yield to a question, sir?"

The Chair posed the question, and Senator Kanno having answered in the affirmative, Senator Sakamoto inquired:

"We read in the newspaper about layoffs, companies going out of business, the business community, at least the small business community, has come up with many bills that are suggesting improvements to our current situation, and many of these haven't been heard. So the question is, Can these measures be heard?"

Senator Kanno answered:

"Since first decking is on Friday, we will be looking at appropriate House vehicles to hear, as well as using those as means to float different ideas. So, we will do our best to take those requests and considerations into mind."

Senator Sakamoto further inquired:

"So, we can look forward to hearings on many of these different issues, although we may not have heard them in these past few weeks?"

Senator Kanno replied: "Yes."

Senator Sakamoto then said:

"Thank you."

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 1592, 2160, 2332, 2359, 2408, 2462, 2633, 3126 and 3143, and the Chair granted the waiver.

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

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

"Testing ... testing! I just want to test the sound system, Mr. President. I've heard the Minority Leader, on a number of different occasions, rise and talk about the issue of advisory referendum, not taking a particular position on issues. And somehow I think my colleagues don't hear that. Either there's something wrong with the sound system, or something wrong with their hearing. He's talking about an advisory referendum since the people of Hawaii do not have access to initiative, referendum or recall on a statewide basis. We don't have term limits on a statewide basis. An advisory referendum, which is a legal document, at least gives some input and allows people to be heard -- allows the public to be heard. So, just in case there is any question about that, I just want to make sure that it was an advisory referendum that the Minority Leader is talking about.

"And Mr. President, just one final comment, and that is I don't see, yet, any sense of urgency here. And the question that was asked last year was, How many? And that was after the Forbes article came out. People asked how many articles will it take like that for the people in government to take action and turn around our business climate and help the suffering, economically, of our people. And it didn't matter because we had Investors Business Daily, and the Wall Street Journal, and Financial Times, and Fortune, and Newsweek, and U.S. News and World Report, and many other publications that came forward and said the same thing -- How many?"

"And then we had small businesses, hundreds of them, closing or going bankrupt. And the question, again, is asked, How many will it take before we get the attention of people in this body and across the hall, and the governor? And then we saw the listing this morning, as the Minority Leader referred, on the front page of the Advertiser. And now it's okay for the big businesses to start laying off, and they have and they will ... and the counties. And we see more and more of our fellow citizens, our relatives and our friends losing their jobs and losing their wherewithal, and we ask the question again, How many? How many will it take until we get it straight that the priority is not to raise taxes even more, that the priority should not be to give free tickets to the Aloha Stadium to legislators, that we should not be trying to cloak governmental agencies in more secrecy by passing legislation that allows them to avoid the sunshine law, or to be passing bills that are aimed at non-majority party non-incumbents. How many more job losses, how many more people have to suffer until we get it, until we stop talking about things and until we start doing things? I hope the answer is very soon.

"Thank you, Mr. President."

At this time, Senator Fernandes Salling, on behalf of the Senate, extended happy birthday wishes to Senator Solomon.

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

STANDING COMMITTEE REPORT

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive Stand. Com. Rep. No. 2431 from the Committee on Ways and Means. In consequence thereof, and subsequent to its recessing at 12:12 o'clock p.m., the Senate took the following action on S.B. No. 2292:

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2431) recommending that S.B. No. 2292, as amended in S.D. 1, pass Second Reading and be recommitted 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. 2292, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was recommitted to the Committee on Ways and Means.

ADJOURNMENT

At 8:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Thursday, March 5, 1998.