

THIRTY-FIFTH DAY

Monday, March 23, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn H. Baker, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Thirty-Fourth Day.

At this time, the following student "shadows" were introduced:

Senator Metcalf introduced Jocelynn Agustin and Michael Taylor, Jr., from Waiakea High School;

Senator Baker introduced April Cendana from Baldwin High School and Ira Boswell from Molokai High School;

Senator Iwase introduced Jasmine Tucker, Dalvin Meyer and Lorrin Gacusan from Wahiawa Intermediate School;

Senator Sakamoto introduced Michael Eichelberger from Aliamanu Intermediate School and Kristen Philliono from Radford High School;

Senator Kawamoto introduced Lorraine Stickley from Waipahu High School;

Senator Bunda introduced Tressie Turner from Leilehua High School;

Senator Taniguchi introduced Daroll Sakamoto from Washington Middle School;

Senator McCartney introduced Landen Paikai and Jimmy Hernandes from Waimanalo Intermediate School;

Senator Levin introduced Jessica Smith and Charmaine Mahoe from Pahoehoe High School;

Senator D. Ige introduced Maria Wilson from Pearl City High School and Jennifer Tan from Highlands Intermediate School;

Senator Chun Oakland introduced Mari Ann Viernes from Farrington High School and Faith Nagatani from McKinley High School; and

Senator Kanno introduced Rose Baligaut and Robert Howard from Campbell High School.

Senator Taniguchi, on behalf of President Mizuguchi, then introduced Tetsu Aiko and recognized him for his major contributions and dedicated service to the Kuakini Health Center and the community.

Senator Ihara, also on behalf of the President, recognized Dr. Margaret Y. Oda for her dedicated service and major contributions to the Kuakini Health System. Accepting the Senate certificate on Dr. Oda's behalf was Gary Kajiwara, President and CEO of Kuakini Health System.

Senator Taniguchi then introduced Robin Johnson, Director of Development for the Kuakini Foundation.

Senator Ihara then rose to congratulate the Boy Scout Troop 10 of Crater Road, Kaimuki, on the occasion of its 80th anniversary. Representing Troop 10 were Scout Master Gordon

Wong, Assistant Scout Master Bob Watada, and Eagle Scouts Ryan Tanaka and Jason Hino.

Senators Solomon and Anderson then recognized "Aunty" Irmgard Farden Aluli and commended her on her outstanding contributions to Hawaiian music and her induction into the Hawaiian Music Hall of Fame. Accompanying Aunty Irmgard were her daughters Luana McKenney, Mihana Souza and Aima McManus, and nephew Hailama Farden.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

STANDING COMMITTEE REPORTS

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2785) recommending that H.B. No. 2765, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2765, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2786) recommending that H.B. No. 2793, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2793, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2787) recommending that H.B. No. 2801, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2801, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2788) recommending that H.B. No. 3185, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2789) recommending that H.B.

No. 3252, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3252, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2790) recommending that H.B. No. 2791, H.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2791) recommending that H.B. No. 2519 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2792) recommending that H.B. No. 2714, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2714, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," 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. 2793) recommending that H.B. No. 2888, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2888, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," 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. 2794) recommending that H.B. No. 2447 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and 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 Second Reading and was placed on the calendar for Third Reading on Wednesday, March 25, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2795) recommending that H.B. No. 2780, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2796) recommending that H.B. No. 2997, H.D. 2 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2997, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," 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. 2797) recommending that H.B. No. 3365, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3365, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2798) recommending that H.B. No. 2331, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2331, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2799) recommending that H.B. No. 2435, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2435, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, March 19, 1998, and Friday, March 20, 1998:

Senate
Concurrent
Resolution

Referred to:

No. 135 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 136 Committee on Health and Environment, then to the Committee on Ways and Means

No. 137 Committee on Education

No. 138 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 139 Committee on Economic Development, then to the Committee on Ways and Means

No. 140 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 141 Committee on Economic Development, then to the Committee on Ways and Means

No. 142 Committee on Ways and Means

No. 143 Committee on Health and Environment, then to the Committee on Ways and Means

No. 144 Committee on Ways and Means

No. 145 Committee on Human Resources, then to the Committee on Ways and Means

No. 146 Committee on Human Resources, then to the Committee on Ways and Means

No. 147 Committee on Ways and Means

No. 148 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 149 Committee on Judiciary, then to the Committee on Ways and Means

No. 150 Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means

No. 151 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

No. 152 Committee on Commerce, Consumer Protection, and Information Technology

No. 153 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 154 Committee on Commerce, Consumer Protection, and Information Technology

No. 155 Committee on Human Resources, then to the Committee on Ways and Means

No. 156 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 157 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 158 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 159 Committee on Human Resources

No. 160 Committee on Judiciary, then to the Committee on Ways and Means

No. 161 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 162 Committee on Health and Environment, then to the Committee on Ways and Means

No. 163 Committee on Health and Environment, then to the Committee on Ways and Means

No. 164 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 165 Committee on Judiciary, then to the Committee on Ways and Means

No. 166 Committee on Education, then to the Committee on Ways and Means

No. 167 Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 168 Committee on Human Resources, then to the Committee on Ways and Means

No. 169 Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 170 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, March 19, 1998, and Friday, March 20, 1998:

Senate
Resolution

Referred to:

No. 63 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 64 Committee on Health and Environment, then to the Committee on Ways and Means

No. 65 Committee on Education

No. 66 Committee on Economic Development, then to the Committee on Ways and Means

No. 67 Committee on Ways and Means

No. 68 Committee on Health and Environment, then to the Committee on Ways and Means

No. 69 Committee on Human Resources, then to the Committee on Ways and Means

No. 70 Committee on Ways and Means

No. 71 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 72 Committee on Commerce, Consumer Protection, and Information Technology

No. 73 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 74 Committee on Commerce, Consumer Protection, and Information Technology

No. 75 Committee on Health and Environment, then to the Committee on Ways and Means

No. 76 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 77 Committee on Health and Environment, then to the Committee on Ways and Means

No. 78 Committee on Health and Environment, then to the Committee on Ways and Means

No. 79 Committee on Education, then to the Committee on Ways and Means

No. 80 Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 81 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

Senator Levin, for the Committee on Health and Environment, requested a waiver of the 48-hour Notice of a Public Hearing on H.B. No. 2852, and the Chair granted the waiver.

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.

Senator Anderson rose on a point of personal privilege:

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

"Mr. President, in this morning's Advertiser, there was an editorial on the Hamakua Ditch and also on Waiahole, and I would like to commend them for the Hamakua Ditch and also mentioning the Waiahole Ditch. The thing that bothers me, Mr. President, is that it's a little late because we have been saying for a while that the farmers in Hamakua need the water. We've had the responsibility for three years. We knew the Hamakua Ditch at that time needed repairs. Now they're not even receiving any water, and the farmers are having a hard enough time because of the draught that's there. I think it's a very sad time when the economy is down, we allow this water flow to stop in the Hamakua area.

"As far as the Waiahole Ditch, that's another problem. We're going to pay \$10 million dollars for a ditch that needs

repair that the owners themselves say is a loser because it costs them money, and yet it used to be for sugar so they were making money in the old days. Now it's going to cost them money and they're willing to sell that to us. The thing that bothers me more is that we should, under condemnation, take that land over, or lease it, or maybe even have all of the owners, for a dollar and love they could give it to us because the farmers there also need the water. But the ditch needs repair.

"The ditch in Waimanalo, as I told you, won't even go out for bid until late this month or maybe even early next month. And that's because we have laws, and the rules and regs of every department, even though we didn't vote for them or put them out there for the people that we work for, they have the force of law. So, whenever you say, let's do this, they say, oh, we can't, we have a rule and that rule prohibits us from doing certain things. So, my colleagues, what it does to you and me is it prohibits us to make the changes that we have to within this state. And as I told one person today, I really don't give a darn about their rules and regs; common sense is what I'm after. And we have to make those corrections.

"Also in the editorial, Mr. President, it's about gambling. They think that we're going to take the easy way out, and that it is very, very easy to look at something that's evil when you're having trouble. Well, let me explain something to you. If you look at horse racing as an industry, it's not evil. If you look at ways of helping our community by putting money into the general fund with shipboard gambling, it's not evil. What is wrong at this time is we have the means to allow the public to vote without changing our constitution, and we keep saying that it's an advisory referendum that is legal. And all the people who are opposed to gambling can vote that way. And anyone who is in favor can vote that way. And that bill should be put forth as soon as possible, allow the people to vote in this coming election, and if they vote it down, so be it. And if they pass it, that bill should be that it is going to be signed upon approval of the voters. And that's fair.

"We've been passing a lot of things that are not fair. We're going to approve it as soon as it's passed. It doesn't do anything for our economy. It doesn't help our economy. But we're going to pass that as soon as it's signed. It becomes legal.

"So, Mr. President, I do want to again say that I believe that the Advertiser should be commended for some of the things that they've said in the editorial and the others that I disagree with, Mr. President, I'm only disagreeing because I don't think we're being fair to the public. And I don't think that we're being fair when the economy is down, not looking at every single option we have to turn things around.

"Thank you very much, Mr. President."

ADJOURNMENT

At 12:16 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 24, 1998.