

THIRTY-NINTH DAY

Monday, March 30, 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 Sister Kathleen Marie Shields, CSJ, Director of Religious Education, Catholic Diocese, after which the Roll was called showing all Senators present with the exception of Senators Iwase and Solomon who were excused.

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

Senator Matsunaga introduced Dr. Arlene Meyers, Hawaii Medical Association Alliance's 1998 Physician of the Year, and Melvin Kumasaka, Hawaii Medical Association Alliance's 1998 Community Volunteer of the Year. Accompanying the honored guests were Cherlita Gutteling and Connie Chung.

At 11:46 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.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 216, dated March 20, 1998, transmitting a report prepared by the Department of Public Safety pursuant to Act 328, Section 120, SLH 1997, on the transportation and necessary operating costs of housing 300 inmates in mainland-based correctional facilities, was read by the clerk and was placed on file.

HOUSE COMMUNICATION

Hse. Com. No. 87, transmitting H.C.R. No. 30, H.D. 1, which was adopted by the House of Representatives on March 25, 1998, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT A STATE OF HAWAII APPLICATION TO THE UNITED STATES SECRETARY OF TRANSPORTATION TO AUTHORIZE FOREIGN AIR CARRIERS TO CONDUCT CERTAIN EXPANDED CARGO TRANSFER ACTIVITIES AT INTERNATIONAL AIRPORTS IN THE STATE OF HAWAII," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2966) recommending that the Senate advise and consent to the nomination of RAE M. LOUI to the Public Utilities Commission, in accordance with Gov. Msg. No. 143.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2966 and Gov. Msg. No. 143 was deferred until Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2967) recommending that H.B. No. 2520, H.D. 1, 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. 2520, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO FRIVOLOUS LOBBYING CHARGES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2968) recommending that H.B. No. 2523 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. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL COUNTY REGISTER," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 2531, H.D. 1, 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. 2531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2970) recommending that H.B. No. 3010, as amended in S.D. 1, 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. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 1, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 2802 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. 2802, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 2788, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2972 was adopted and H.B. No. 2788, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2973) recommending that H.B. No. 2854, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2973 was adopted and H.B.

No. 2854, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 2859, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2974 was adopted and H.B. No. 2859, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 2901, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2975 was adopted and H.B. No. 2901, H.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2976) recommending that H.B. No. 2997, H.D. 2, pass Third Reading.

Senator Baker moved that Stand. Com. Rep. No. 2976 be adopted and H.B. No. 2997, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and stated:

"Mr. President, I rise to speak against the bill.

"Mr. President, while I certainly recognize and appreciate pulchritude and all of the things that our Miss Universe has done for the State of Hawaii, I nevertheless feel that it is inappropriate for the taxpayers to pay \$3.3 million to invest in the Miss Universe contest here, particularly since over \$1 million goes directly to Mr. Donald J. Trump, the owner of the Miss Universe contest, because we are having difficult economic times, and because if this is such a good investment, either it should be done entirely by private investment or it should come out of the HVCB's budget already.

"And I think, Mr. President, part of the problem with these and other measures are that when we say yes to this particular function, where do we draw the line and where do we say no. I would much rather have us spend our money in other ways, and again to reiterate that an investment is something that is made voluntarily.

"And finally, when we first discussed this bill, there had been no budget presented. Secondly, when the bill advanced and we looked at the budget, we found that there were a great deal of expenditures that should and could be covered by private investment entirely. So, for these and other reasons, Mr. President, I'm compelled to vote 'no' on the bill.

"Thank you."

Senator Anderson rose to speak on the measure and said:

"Mr. President, I rise to speak for the bill but with reservations.

"The other day I made a mistake by saying it was going to be at the Blaisdell rather than the university arena. But nevertheless, the reason that I am 'with reservations' is, in fact we're going to have the pageant and it cannot go in our own convention center that we just built, it bothered me that we were going to have other functions that may go to the university or it may go to the Blaisdell. One of the big concerns of mine is that we do have a state policy whereby if we are unable to hold a function at the convention center, then it would go to another public area and there's a policy that we cannot allow our own citizens, the taxpayers of this state, to use the convention center. So, if there is a function going on, where does the public go? They cannot utilize the convention center.

"There are other problems that we have within the policy and I would hope that we can correct those before the next bill at the conference that we will have on this, whereby you could sit down with the Convention Center Authority and make some changes so that we could use it more for our own taxpayers.

"Thank you very much, Mr. President."

Senator Baker rose to support the measure and said:

"Mr. President, I rise to speak in support of this measure.

"Mr. President, this investment will bring to Hawaii a live, two-hour, prime time special on CBS television network. It will bring Hawaii into the homes of millions of American viewers and hundreds of millions of people in more than 75 countries. It is the kind of exposure that we could not buy with this limited investment. It's also the kind of investment that will generate some 9 million additional dollars in local expenditures in our economy at a time when the tourist season is slow. There will be 2,000-plus visitors arriving just with the pageant members alone, not counting their families. These visitors will add tremendously to our tax revenues and to the health and well-being of local businesses. These are just some of the short term effects of hosting the Miss Universe Pageant.

"The long term effects will be spin-off of additional TV commercials and other promotional activities at no cost to the state and will enable us to make the best use of the advertising dollars we have to promote Hawaii. The commercials and the pageant will showcase Hawaii very positively.

"Mr. President, we are all very proud of our very own Miss Universe, Brook Lee. We can demonstrate that pride by allowing her the opportunity to relinquish her crown here in Hawaii. The pageant will showcase Hawaii to the world. The exposure will be very positive and will ultimately help our local businesses' bottom line, as well as state's revenues. For a small investment, we'll be reaping millions in return. So I urge all of my colleagues to support this measure. Thank you."

Senator Fukunaga then rose to support the measure and said:

"Mr. President, I also rise to speak in support of this measure to add to the comments that were articulated by the co-chair of the Ways and Means Committee.

"During these times when we are looking at impacting our economy in ways that also begin to position Hawaii in a new way in the global environment, this is really a golden opportunity to showcase Hawaii's culture and international perspective in countries that we would ordinarily never have an opportunity to advertise in.

"I'd just like to quote from the committee report that our advertising exposure as a result of the Miss Universe competition will allow us additional exposure in Japan, South Korea, Hong Kong, Taiwan, China, and the Philippines. At a

time that we're really trying to go beyond the traditional 'sun and surf' type of advertising, this is one of the best ways in which we might capitalize on the talents of many who are putting together the production, including Mr. Al Masini and his experience in producing unusual and creative television series like 'Lifestyles of the Rich and Famous' and 'Solid Gold.'

"And for all of the above reasons, Mr. President, I would urge my colleagues to vote in support of this measure. Thank you."

Senator McCartney supported the measure as follows:

"Mr. President, I, too, would like to speak in favor of the bill.

"There's a lot of talk and there's a lot of discussion, and it seems like almost everything we do, somebody will throw stones at, and we get accused of not taking action. We're taking action today, Mr. President.

"This is a positive bill. For probably the only time in Hawaii in its statehood and in its entire history, and maybe never again, will we have the chance in one moment in time to have a worldwide audience. Think about it, Mr. President. How many places around the world can get a worldwide audience on worldwide television? Hawaii is going to be given that opportunity. It's not just going to be a one-time show, Mr. President, but for 17 days leading up to the Miss Universe Pageant there'll be promos shown on the CBS television network showcasing Hawaii -- for 17 days.

"Mr. President, in the countries that all the contestants come from, when they say, 'Where are you going to represent your country?' -- whether it's Venezuela, Brazil, Taiwan, China, Korea, it's going to say, 'She's going to Honolulu.' In every country there'll be a newspaper article about Hawaii.

"Mr. President, our co-chairs of the Ways and Means Committee alluded to it that during this production, we are fortunate to have Mr. Al Masini who is volunteering his time to help produce this special. He's not only producing a special, but he's going to give us tremendous opportunities. HVCB is going to have the opportunity to take the footage that he's doing with the Danny Couch song which talks about these islands and that will be used for an HVCB commercial. That'll save \$500,000 in marketing time. We're going to have a segment about Hawaii on the show, and there's also going to be a special on the E-Network -- The Making of Miss Universe -- that will add a lot of value. There are special programs that are going to take place, as the chairs alluded to, in Japan and Korea.

"Mr. President, the \$3.3 million that the state is spending -- yes, it is an investment. Some people may view it as a risk, but it's an investment. It's about hope. It's about action. It's about the opportunity to bring investment into this state and to showcase Hawaii.

"Let me just quickly look at a few numbers. Mr. President, if you take a 40 percent HOT level (those are the televisions that will be on that night), 40 percent of all the TVs in the world, that's 2 billion people. If only 10 percent were watching the show, a 10 percent share, I'm not even talking about a 10 percent rating point, a 10 percent share, that's 200 million people. If one half of 1 percent of those 200 million people think about coming to Hawaii, that's a million people. If out of the one half of 1 percent, only half of them say, 'Well, okay, I'm going to come now,' that's 500,000 people. And if 500,000 people do come to Hawaii before the year is up and they spend \$100 in tax revenue, that's \$50 million to the state -- a 1,500 percent return on the \$3.3 million -- just on tax revenue alone. It doesn't even talk about the impact it will bring to the hotels and the residual businesses, Mr. President.

"Mr. President, this is a risk that we cannot afford not to take. We must take it. It's an opportunity Hawaii will never have

again. And I'm proud that we are taking this step to move forward and to showcase Miss Universe Brook Lee and make the people of Hawaii showcase who we are to the rest of the world. I think it's an investment and it's time that we stop whining about the economy and we start moving ahead. This is step one of many steps that need to be taken.

"Thank you."

Senator Anderson rose again to speak on the measure and said:

"Mr. President, a slight rebuttal.

"I don't think that I personally have overlooked the benefits of the economic part of it. What bothers me is that you're going to have all of these people coming and they're going to say, 'Here you built this beautiful convention center and you can't use it.' As usual, everything we've built, we haven't been able to utilize it the way we want. And the first real convention pageant is because the ceilings are too low, so we're going to go to the University of Hawaii arena. Now all of these people are going to say, why didn't you use the convention center? That was brought up the other day in Ways and Means. It's because of the unique type of television cameras that are going to be used. And that might be true. And I don't know if we're going to have other types of pageants or another reason not to go to the convention center. But when they said that was the only thing, we can't even use the rooftop, Mr. President, because of the noise for the neighbors.

"So what we're looking at is an investment. And the economy right now is down. We're trying to help it and I think it's great that we're going to have the pageant. But I think it's an awful shame that we can't use this beautiful convention center that we have put millions and millions of tax dollars in, and then we turn around and say, we can't even allow our own taxpayers to use the facility if they have a function and would like to have it there and it may be large enough. That's the point that bothers me more than anything, Mr. President.

"Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2976 was adopted and H.B. No. 2997, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 3021, H.D. 1, S.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2977 was adopted and H.B. No. 3021, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 3032, H.D. 2, pass Third Reading.

Senator Baker moved that Stand. Com. Rep. No. 2978 be adopted and H.B. No. 3032, H.D. 2, having been read

throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose in opposition as follows:

"Mr. President, I'd like to speak against the measure.

"The reason that I'm going to be voting 'no,' Mr. President, is because this bill is going to allow us to take 300 inmates out of state at a cost of approximately \$2,151,800. And when we had another bill very recently in Judiciary, Public Safety said that we were looking at the year 2001 for a prison site.

"I'm opposed to this bill because it allows us to send people out of state and it really doesn't put enough pressure on all of us to make a decision as to where that prison is going to be, the designing, planning and the whole bit and get it started now, not in the year 2001. I don't care if it's constructed by then, but to give them at least until then to go ahead and build it, I think that that's wrong, and for that reason I don't want to give Public Safety any more money until they can come up and give us a deadline on where, when, designing and the whole bit.

"Now, I'll let the two chairmen talk. Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2978 was adopted and H.B. No. 3032, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Anderson, Slom). Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2979) recommending that H.B. No. 2858, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2979 and H.B. No. 2858, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," was deferred until Wednesday, April 1, 1998.

ORDER OF THE DAY

THIRD READING

H.B. No. 2693, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2693, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 31, 1998.

H.B. No. 2596, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

H.B. No. 2734, S.D. 1:

Senator Baker moved that H.B. No. 2734, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin rose to support the measure as follows:

"Mr. President, I rise to speak in favor of this bill with reservations.

"Mr. President, my concern with the bill is the way it is worded. The intention, as I understand it from the committee, is to expand the situations in which cars are to stop behind school buses, and I'm a bit concerned that the way the bill is written, it might result in some smart aleck lawyer getting a client off because of some technical wording in the bill. But I've spoken with the chairs and they've indicated that it can be dealt with in conference and I am confident in their efforts and I appreciate their concerns and, therefore, will be voting for the bill.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 2734, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

H.B. No. 2872, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2872, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

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

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

"Mr. President, I normally don't rise to speak on a point of personal privilege because I'm not an eloquent speaker as some of my esteemed colleagues. But I saw in yesterday's paper an article that says 'Texas Company Wins Schofield Contract, \$20.4 million.' This is added to the \$44 million they received last year. We are continuing to go at this status quo pace. Our colleagues on the other side held a bill that could have remedied this or may have remedied this.

"The article goes on to say that our U.S. Representative Patsy Mink said that the Huntsville Builders has a good reputation of hiring local sub-contractors.

"When you go back and talk to the people who have worked for Horita for 20 years as engineers, designers, and all those folks that are part of the planning phases, they're not part of the subcontractors. And these are the people who also were part of the 12,000 jobs lost in the last four years.

"We need to tell our congressional people, 'Wake up, we need the money here in the state to improve our economy, so let's get the jobs for our people.' And we need to tell people in the House to realize that some of the bills that we passed over to help in this area will help our local contractors, will help keep the money in this state, and will help local jobs. That's the bottom line, Mr. President, and I hope that we can show them that we are still at this thing and that the fat lady has not sung the last song.

"Thank you."

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

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

"Mr. President, actually I have two things to say. The first thing is that I noticed, Mr. President, in the media and among several people including the governor, there was an impression left on Friday after the big rally here at the Capitol, and the

press conference that was held the day before, that there are a group of dissidents within this body, the State Senate. And you know, for the life of me, I've been looking around and I've been trying to find dissidents and I can't find any dissidents. I have, however, found a group of very analytical, cerebral, rational, clear thinking individuals who happen to number ten in this august body, so perhaps maybe that group should be referred to as the 'big five times two' or 'the top ten.' I think dissidents probably does them a disservice and I'm sure the governor had misspoken about that.

"Further, I think the governor is having a problem with math. He seems to have a continuing problem on the deficit and the numbers that he throws out. He has a problem on tax savings and he figures that all of us, including the public, are really dumb because we can't understand that a general excise tax increase is going to hurt us. Of course, I remind everyone that the Senate position is one of enlightenment where we have said that under no circumstances will we increase the general excise tax.

"The governor has argued for the \$3.3 million for Miss Universe that this body has just passed. But then to show the priority of things, he came out lauding the partial report that was given from the Ninth Circuit Court of Appeals on Friday regarding our constitutional convention election. And what he said then, Mr. President, was that this could be very costly to have a con con at this time. It's okay to have the Miss Universe contest but not to allow the public to have a constitutional convention where they can talk about such things as initiative, referendum, recall, the 1970 collective bargaining act, term limits, and the financial status of our state and our future.

"But what troubles me the most, Mr. President, is I remember that a couple of months ago the governor was talking about the expenses of a con con, saying that there would be a special election and that would cost \$2 million, and the con con itself might cost another two or three million dollars. And then on Friday, the governor said the cost would be \$15 million for a constitutional convention. And I'm very troubled, Mr. President, because I don't know where the governor is getting his figures. First of all, now we subtract \$2 million because there doesn't need to be a special election. And I picked up the Journal from the last constitutional convention, the 1978 report, and in that, the report was that the expenses were listed as \$2,032,401.04, of which surplus over-appropriations was \$467,598.96. Now, allowing for inflation at a 100 percent rate since 1978, that would bring the total cost to approximately \$4 million. The governor, though, is using a figure of \$15 million. Mr. Rodrigues has been using a figure of \$12 million. The Legislative Committee of the League of Women Voters has also used a figure in that amount.

"It troubles me because if these figures are so inflated and so incorrect, then I think some of the other figures that we're looking at, in terms of our financing, are incorrect as well. But I think that the public should know that it is extremely important that we have a constitutional convention, that we address some of the problems that we have let languish for 20 years or more, and that the root cause of many of the problems that we grapple with today goes back to our constitution.

"So, if we're looking for money to spend, first of all, we should be accurate with our figures. And secondly, that's why I stood up and while it may be unpopular and not the politically correct thing to do to speak against a beauty pageant here, I think it is only right.

"So, thank you, Mr. President."

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

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

"Mr. President, in yesterday's Advertiser in Section A23, I couldn't help but read the title 'Bill would benefit ex-board member; "Special legislation" opposed by chairman.' In there, Mr. President, there was a bill that came over from the House and we also had one in the Senate whereby there's a problem on the Big Island with a condominium which is the old Travel Lodge. We talked about it and lo and behold, some years back, if you remember, I had a bill in, or several bills, to allow the state or have them at least consider selling off state lands if you had a 65-year lease or more and it was down to 10 years whereby the banks and other financial institutions would be able to allow you to borrow money if you wanted to expand your business and at the same time you could buy that land that you were on. Well, we've never had any bill that had a hearing. We also had a phase-in so that people could build with a 55-year lease and a 5-year rent-free.

"So when I saw this bill, Mr. President, I thought it would be a great opportunity to give the lessee a first-time option on renewal of their lease. It would help the banks. It would help construction. It would help entrepreneurs, the whole bit. Well, Mr. Desmond Byrne said, 'This is very targeted rather than benefiting a wider group, an industry or something like that' should be used. They thought that bill originally was too narrow, and so did Mr. Mike Wilson. But Mike Wilson doesn't want to give anybody a chance to renew because we already have laws on the books. That's what the bill is all about. It's trying to change the law.

"So, Mr. President, I read in the back that the land board was upset because Mr. Arata went ahead and did something with the building that he had by converting it and they charged him. The land board later fined Mr. Arata \$40,500 for the unauthorized sublease and a penalty of \$500 for each sublease. Now, that piece of property, I understand, has 148 rooms. It rents at \$400.

"The problem that we have with leases is that the person who takes over the lease normally is a very visionary type of person. They go ahead and clear the land. They may be farmers. They may be businessmen, or whatever. They go ahead and build and proceed to have a business going. When their lease is near up, by that time they're starting to live life a little easier, but lo and behold, their lease comes due, and what happens? Somebody that's sitting on the side says, 'God, that's a pretty good deal. I can lease that piece of property. I don't have to do any of the original work that the guy does. I don't have an investment.' He just bids a little higher. And I think that that's a shame.

"And I think our local people, over the years, have had a bad time when it comes to re-leasing. Somebody else comes along and takes over the land that they've had. We've also had farmers who have been promised, over the years, that they were going to get long leases, and they never did. Subsequently, what they did really is they have sub-standard homes; they buy farm equipment that is old because they're waiting so that they can go to the bank with a lease that's going to be beneficial. And we've cheated our local people by not giving them what they should have -- a chance to get the first option on that lease. And that's what this bill would have done, and we broadened it so that it wasn't a small group of people that were going to be benefitting, but everybody. And I think that's fair. I think it's equitable. And I certainly will push anything like that I can to benefit our local people anytime that I can, be it farmers, commercial, residential, or whatever it can be that's going to help the local people of this state because that's what we're here for is to represent them.

"Thank you very much, Mr. President."

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

"Mr. President, just a short point of personal privilege.

"I'd like to thank the good Senator from Hawaii Kai for his comments. I disagree with them. I think it's nice to have a point of view, but you don't always have to be accurate, especially when you accuse somebody else of not being accurate.

"And if you would look at the Star-Bulletin poll on Miss Universe where she is categorized as a popular vote, it is really an unpopular vote because the majority of the people did not want us to fund that. So you took a popular vote today by voting 'no.' It was a popular vote you took, not an unpopular vote. I just wanted to clarify that for you."

Senator Slom rose again and stated:

"Mr. President, I rise to thank my colleague from Kahaluu, Heeia, Kaneohe and ABC TV.

"I just want to say first of all, I didn't even mention any polls, let alone the Honolulu Star-Bulletin. What I mentioned was that we're not dealing with our money in here, because if we were, the line could form over there to the left, and everybody who believed this was a good investment could reach in their own pocket and take out their own money and say it's a good investment. We are dealing with the public's money. We are taking their money. We're saying we're giving them an investment, but we have never asked them. But when they have told us, they said they wanted a constitutional convention, and we find out ways of not having a constitutional convention. And we have priorities and that's what I said.

"And you know, every so often, like about three times a week, I hear the famous 'stones and whining' speech, and I'm not referring to the Rolling Stones. I'm referring to those who criticize our ill-thought out policies involving other people's finances who are accused of throwing stones. Now I thought that we already used those stones and we were building houses. But now I hear the stones again and I hear about this whining. And I want to let our colleagues know that those people that raised the issues about child abuse were thought to be whiners because they were complaining about a state agency, and those people that raised issues about the Bishop Estate were told to be whiners because they were saying things are not being done right. We have to stand up here and speak about things that are right, not because any poll talks about them but because we know inherently what the origin is.

"So that was my source, Senator. I did not mention any political polls or any news agency. And I think that's important for you to know.

"Thank you very much."

Senator McCartney then said:

"Thank you for being such an active listener."

ADJOURNMENT

At 12:22 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 31, 1998.