

FORTY-FIRST DAY

Wednesday, April 1, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Norman Okasako, Mililani Missionary Church, after which the Roll was called showing all Senators present.

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

Senator Tam, with the assistance of Senators Metcalf, Baker, M. Ige and Slom, introduced and congratulated the following recipients of the Milken Family Foundation's National Educator Awards: Jay Chow, Waiakea High School; Wallace Fujii, principal, Baldwin High School; Ellen Schroeder, Olomana School; and Neal Hirasaki, Kalani High School.

Senator Slom then introduced Dennis Kaneshiro, Band Director of Kalani High School, in recognition of his exemplary performance in motivating and directing his students.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

HOUSE COMMUNICATION

Hse. Com. No. 93, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2596;
H.B. No. 2734;
H.B. No. 2872, H.D. 1; and
H.B. No. 3021, H.D. 1,

was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2980) recommending that H.B. No. 611, 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. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2981) recommending that H.B. No. 2851 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. 2851, entitled: "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2982) recommending that H.B. No. 2768 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. 2768, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1998.

Senators Tanaka and Taniguchi, jointly with Senators Aki and Tam, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2983) recommending that S.C.R. No. 89, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Aki and Tam, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2984) recommending that S.R. No. 41, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

H.B. No. 3010, S.D. 1:

Senator Chumbley moved that H.B. No. 3010, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose and said:

"With reservations, please, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Bunda, Iwase).

Stand. Com. Rep. No. 2979 (H.B. No. 2858, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2979 was adopted 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Iwase).

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

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

"Mr. President, this morning I was reading the *Advertiser* and it was about some of the Task Force not having some of their bills going through. And I watched television, CNN news, and that said in Washington they took an audit and we're losing trillions of dollars because the audit of Congress. They were losing airplanes, ships, missile tanks -- they don't know where they are. There are a whole bunch of things missing. Then coming to work, I heard a commercial for the ERTF, Economic Revitalization Task Force package. They were talking about all of these things. And then I get to my office and there's a whole bunch of faxes that they support ERTF.

"I'd just like to mention that every one of us received from the Center on Budget and Policy Priorities, and I pulled my copy out and it says that the Tax Department calculations understate the consequences of taxes. It also states that we did not get from the Tax Office an analysis of the task force proposal, where fully phased in it would only benefit the higher income people, but it would not benefit the lower because they forgot to put us in there.

"I also received, and I'm sure every one of you did, from Japan, in 1995 they were doing the same thing. They lowered the personal income and they received, I forgot how many trillions of dollars and then they kicked in the consumption tax, and they're in trouble.

"All of these things, Mr. President, came to mind. The more I read and the more I heard, when I got to work this morning I wrote down a few things because the city is laying off people. We're losing businesses one after the other. But what bothers me more than anything, I realize that when we keep talking about leadership that everybody blames government. Well, it's also private enterprise. They can do a lot today without government input. I've said that they could go ahead and start a Kamaaina Week or Kamaaina Month and spend some of the money that the Task Force people have been spending on marketing so that retail stores, hotels, U-Drives, everybody would get a tax break or cut their cost and if they're making money on us, the guy gets off the plane, he's a kamaaina. We don't have to show our driver's license.

"I've also stated that we should build a cultural park whereby private enterprise, the developers and the rest of the people could get involved, and we could use state lands and streamline the process, and build something like Polynesian Cultural Center has, but with every ethnic group in there. That would stimulate construction. That would stimulate new entrepreneurs. The environmentalists wouldn't be concerned because we would be planting rather than destroying some of our lands.

"Also, we should move ahead with the prison that we talk so much about and that would provide jobs. We should look at the referendum for gambling. We have studies that show what's happening with shipboard gambling, lotteries, whatever we want to do . . . horse racing. We should look at helping our ag products so that we can export them to the Pacific Islands. Those are the kinds of leadership that I think we should be looking at, Mr. President.

"And government does not generate taxes. Yes, every one of us pays taxes, but businesses generate the taxes. And that's what we should be looking at. If we're going to be laying off people, we should be generating jobs for those people so that when they are out of work here, they have a place to go. All we talk about is cutting taxes and what we're going to do to help keep what we have now. But we're not talking about new jobs, new help for our people, and that's where leadership comes in,

and it's not party and it's not an individual -- it's everybody that's lacking.

"So, Mr. President, those are just a few things that I wanted to say this morning because I don't think I need anybody to give me ideas. When we were in a hearing this morning, members said we don't want to give you ideas for floor speeches. I don't need ideas. They're in there everyday, in the newspapers, in everything that we do. We have to look at how we're going to stimulate the economy and get jobs for the very people that we're talking about cutting but not providing for.

"Thank you very much, Mr. President."

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

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

"Yesterday we had a joint Senate hearing and it was very interesting because one of the subjects that came up had been the subject of a very contentious bill that we had voted on March 10. It happened to be the bill referred to as the project labor agreement bill, and it pitted union versus non-union contractors against one another, and yet the intent of the bill was very clear and very straight-forward. My colleague from God's country, Waipahu, in a tireless effort to encourage that construction jobs be handled by local businesses, local contractors, local workers, had tried tirelessly, as I mentioned, to try to get agreement in the Senate. And that bill, of course, passed, but, as I say, it was very controversial on a number of matters.

"There were several resolutions that were up yesterday in the joint Senate committees, and there was no controversy. Everybody was in favor of them. The union contractors, the non-union contractors, those of us who opposed the project labor agreements, everyone, except for one agency, Mr. President. The state Department of Labor and Industrial Relations came and they testified against the resolutions. Every major labor union representative was there. We were all there. We were all in total agreement and their point was that they didn't know how to find the definition for 'Hawaii resident.' They couldn't do that and they suggested that we in the Senate may want to contact the state Department of Taxation or the state DCCA or someone else because they were incapable or unable to come up with a definition. And when I asked the representative, since the director was not present yesterday, I asked the representative how many other states have definitions, defining their own residents for these kinds of projects, he was unable to provide that information. But we did pass out the resolutions. I think again, congratulations to the Senator from Waipahu.

"And maybe if we're looking for areas to cut, maybe we should be looking more closely at the state Department of Labor because if they are unable to come up with a simple definition of 'Hawaii resident' to help all residents including our laborers, then maybe they should be looking for something else to do.

"Thank you, Mr. President."

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

At this time, a late introduction was made to the members of the Senate as follow:

Senator McCartney introduced Carl Shores, Iolani School's Athletic Director; Dr. Mark Mugiishi, coach; and the members of the Iolani Boys' Basketball Team and congratulated them on becoming the State Champions.

At 12:37 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:40 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

H.B. No. 3010, S.D. 1:

Senator Chumbley moved that the Senate reconsider its action taken earlier on the calendar on H.B. No. 3010, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, we have determined that there was an error on the voting record sheet. In addition, there are a couple of items that we need some clarification on in the contents of the bill."

The motion was then put by the Chair and carried.

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," was recommitted to the Committee on Judiciary.

ADJOURNMENT

At 12:42 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., Thursday, April 2, 1998.