

## FORTY-FIFTH DAY

Tuesday, April 7, 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 Mrs. Martha Williams, Hawaii Baha'i Community, after which the Roll was called showing all Senators present.

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

The following introductions were made to the members of the Senate:

Senator Taniguchi, in commemoration of the 25th Anniversary of the University of Hawaii William S. Richardson School of Law, introduced Kenneth P. Mortimer, President and Chancellor, University of Hawaii; Lawrence C. Foster, Dean, William S. Richardson School of Law; Chief Justice William S. Richardson (retired); Casey Jarman, Associate Professor of Law; Shanlyn Souza, Vice President, WSRSL Alumni Association; and Brandon Gonzales, President, Student Bar Association.

Senators Sakamoto and Solomon then introduced the following members of the Polynesian Voyaging Society: Wallace Froiseth; Alex Jakubendo; Ben Finney, Ph.D.; Myron "Pinky" Thompson; E. Kawika Kapahulehua; Abraham Pi'ianai'a; Clyde Aikau; Will Kyselka; and Gordon Pi'inai'a, and commended the Polynesian Voyaging Society for its critical role in the renewal of the Hawaiian culture and pride. Also honored were the late Tommy Holmes; Wright Bowman, Sr.; and Wright Bowman, Jr.

Senator Chun Oakland introduced the following 1998 YWCA Annual Leader Luncheon Honorees: Lynn Watanabe, Sharon Weiner, Gail Breakey (represented by Signe Godfrey), and Geraldine Hayes (represented by Gail Miyasaki).

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

The Senate reconvened at 12:04 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 244 to 248) were read by the Clerk and were placed on file:

Gov. Msg. No. 244, dated March 19, 1998, transmitting the Hawaii State Certified Arbitration Program (SCAP) 1997 Report, prepared by the Department of Commerce and Consumer Affairs.

Gov. Msg. No. 245, dated March 23, 1998, transmitting the 1996-1997 Annual Report prepared by the Public Utilities Commission, pursuant to Section 93-12, HRS.

Gov. Msg. No. 246, dated March 25, 1998, transmitting the 1996-1997 Annual Report for the Department of Taxation, pursuant to Chapter 231, HRS.

Gov. Msg. No. 247, dated March 30, 1998, transmitting the 1997 Annual Report prepared by the non-government members of the Marine and Coastal Zone Management Advisory Group (MACZMAG), pursuant to Section 205A-3.5, HRS.

Gov. Msg. No. 248, dated March 30, 1998, transmitting a report, "Survey Overview and Analysis of the Hawaii Ocean Resources Management Plan: Status of Resource Sector

Policies and Implementing Actions," prepared by the Office of Planning, Coastal Zone Management Program.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3134) recommending that H.B. No. 2878, H.D. 1, 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. 2878, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 9, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3135) recommending that S.C.R. No. 159 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 159, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD 'ALOHA' AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3136) recommending that S.C.R. No. 200, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 200, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY AND THE DEPARTMENT OF PUBLIC SAFETY TO PROMPTLY REVIEW MATERIAL RELEVANT TO 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3137) recommending that S.C.R. No. 201 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO CONDUCT PUBLIC HEARINGS AND CONSIDER JUDICIAL CONDUCT BASED UPON PEER REVIEW WITH RESPECT TO JUSTICES AND JUDGES WHO ARE BEING CONSIDERED FOR RETENTION," was adopted.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

## ORDER OF THE DAY

## FINAL READING

S.B. No. 2740, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2740, S.D. 1, and S.B. No.

2740, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tanaka).

S.B. No. 3215, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," was deferred until Wednesday, April 8, 1998.

S.B. No. 2913, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2913, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Wednesday, April 8, 1998.

### THIRD READING

#### MATTERS DEFERRED FROM MONDAY, APRIL 6, 1998

H.B. No. 2670, H.D. 2, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2670, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Tanaka).

H.B. No. 2895:

By unanimous consent, action on H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," was deferred until Wednesday, April 8, 1998.

Senator Baker, for the Committee on Ways and Means, requested a waiver of the Required Hours of Notice for a Public Hearing on H.B. Nos. 867, 2800 and 2547, and the Chair granted the waiver.

Senator Chumbley, for the Committee on Judiciary, requested a waiver of the 72-hour Notice of a Public Hearing on H.B. No. 2921, and the Chair granted the waiver.

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

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

"Mr. President, I remember when I was the Senate representative on Hawaii Stars and you stated for the record at that time that when Senator Solomon took the mike, you were never disappointed. Well, Mr. President, I can say the same about you. (Laughter.) I appreciated your remarks that you gave yesterday. I know it was a tough situation and the only disappointment for me was when many of the speakers came forward and they mentioned that there were no other plans. And of course, just to remind my colleagues, yes, we do have other plans that we can possibly look at that does not include an increase in the general excise tax. And I'm hoping that we can still work towards those goals.

"I know that they had many signs that said, '37 cents a day.' Well, Mr. President, using their own numbers, 37 cents a day translates to \$135 a year. And for people in my district, in my First Senatorial district, \$135 a year is a lot of money. This could translate into a family's savings. This could translate to my son's or daughter's braces that is not covered by my dental

plan. This could translate into car repairs that I may need when my automobile breaks down unexpectedly, or maybe a new refrigerator or stove that I desperately need. So as we are looking to the days ahead, I'm hoping that the Senate will not be deceived by these kinds of articles where 37 cents a day may not seem a big deal but once they add up it means a lot, especially to those on fixed incomes. I want to remind you that I have many of my ILWU retirees on the Big Island where their pension is only \$60 a month, and if it weren't for medicaid, medicare, social security, they could not even possibly survive.

"So with that, Mr. President, I want to thank you very much for your heroic remarks at yesterday's rally, and I'm hoping that we can move forward together as the Senate has traditionally done in the past, in the present, and I know for the future, and that we'll come up with a plan that makes sense for all of Hawaii.

"Thank you very much."

Senator Iwase then rose and said:

"Mr. President, just an addendum to and concurring with the speaker from the Big Island. What the ad also does not, I think, include is, if you are a renter, there's a GET attached to that and so if you're renting at about \$10,000 a year, you'd have to add about another \$135 to that amount, which for a family of four would probably run you somewhere in the neighborhood of \$675 and would then, therefore, eat up all of the tax cuts that are being proposed for personal income.

"Thank you."

Senator Slom, rising on a point of personal privilege, then said:

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

"I want to thank my two colleagues for the economics lesson, which I think is very important. And I, too, would like to thank the Senate President for doing such a fine job yesterday. You noticed, Mr. President, I got as close to the podium as I could to make sure that you would feel right at home. I didn't want you to see all those strangers and not know that you were with friends. (Laughter.) I would have preferred if you would have repeated again our mantra of 'tax increase is non-negotiable,' but you did a fine job.

"And might I say, Mr. President, that we can all be proud in our body that when last year we bestowed the crown and the scepter to the Queen of the Senate, yesterday again she outdid herself by doing the hula up there on the stage -- our very own South Kohala Miss Universe candidate.

"All in all, I think we were all revitalized, Mr. President, and now we can go forward in the time remaining and have some real economic improvements without any tax increase. So, thank you."

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

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

"Mr. President, yesterday my staff conducted a survey of the participants who came to the ERTF rally held at the State Capitol. A total of 55 questionnaires were answered. It should be kept in mind that the survey represents the opinions of the ERTF supporters, not necessarily that of the general public. I would like to take a few minutes to present the findings of the survey that I believe will be of interest to the members of the Senate.

"The first finding is that there is a strong reluctance among ERTF supporters to any tax increase -- 44 percent felt that taxes should be raised 'if no other choice.' The 27 percent who felt

that raising taxes was 'something that should be done' or 'was okay' was offset by the 24 percent who were against raising taxes.

"Another interesting finding is that more than half (55 percent) were opposed (40 percent) or strongly opposed (15 percent) to raising taxes to avoid laying off state employees. This was confirmed by a follow-up question which shows that more than half (53 percent) supported 'keeping taxes at the same level even if it means laying off state employees and reducing government services.' Although the survey did not touch upon the matter, a number of survey participants voiced the opinion that our government could be made more efficient.

"When the survey participants were confronted with the choice of either pay more taxes/same government services or pay same taxes/less government services, a strong majority (58 percent) of the ERTF rally participants opted for paying same taxes even if it meant a reduction in government provided services.

"Another finding of the survey is that a strong majority (71 percent) either supported (40 percent) or strongly supported (31 percent) increasing the GET from 4 percent to 4.5 percent if the income tax was lowered at the same time. It could be interpreted as a support for a GET increase but it could also be interpreted as support that a tax increase in one area must be offset by a tax reduction in another area -- in other words they do not support a tax increase.

"Thank you, Mr. President."

#### ADJOURNMENT

At 12:18 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., Wednesday, April 8, 1998.