

FORTY-SIXTH DAY

Wednesday, April 8, 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 Pastor Woodrow Yasuhara, District Superintendent, Hawaii Assembly of God, after which the Roll was called showing all Senators present.

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

Senator D. Ige, on behalf of himself and President Mizuguchi, introduced the following young gentlemen who assisted Mrs. Sue Okoga in putting out a fire at her residence on Aiea Heights Drive: Pagopago Neemia; Chris Glover; Lafoa'i Brown; Samson Ve'e; Daniel Poyer; Manuia Keki; and Imo Va'a. Accompanying the young men was Ray Higa, Vice Principal, Aiea High School.

Senator McCartney, on behalf of President Mizuguchi, then introduced the reigning Miss Universe Brook Lee. Accompanying Miss Lee was her mother, Mrs. Toni Lee.

At this time, the President appointed Senators McCartney, D. Ige and Anderson to escort Miss Universe Brook Lee to the podium where she addressed the members of the Senate and their guests as follows:

"My knuckles are white. Can you tell? I'm like not letting this go. You'll have to pry it away from me.

"I just would like to say Aloha to everybody that's here, all of the students and everyone. I was up there once. I didn't have this, but I'm so humble and I'm so grateful. I know how hard all of you worked on both sides to help bring this 'blue folder' to reality.

"I know there were some hard times and now that it's done (I still can't believe it's done, but it's done) we're going to walk forward and we're going to show the world what it is that is a legacy for all of the students here today. And we're going to make a wonderful impression on a world that I have seen now for 13, 14 months, which I'm telling you needs us -- needs the Aloha spirit, needs the inspiration, has drawn it from me for a year and I could use some help spreading it right about now because I'm at the end of my reign. And to be able to pick up the torch here in the islands and watch the youth run on with it and watch the rest of us really showcase it is going to be an honor for me and I thank each and every one of you for all of your support, your help, your questions and everything because as my family says: when it's pono and it's right, it's right. And this feels right. So thank you very much."

At 11:50 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.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 249, informing the Senate that on April 7, 1998, he signed the following bills into law:

House Bill No. 2859 as Act 6, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION";

House Bill No. 2854 as Act 7, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION";

House Bill No. 3032 as Act 8, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY";

House Bill No. 2788 as Act 9, entitled: "MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER";

Senate Bill No. 2773 as Act 10, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

House Bill No. 2447 as Act 11, entitled: "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";

House Bill No. 2695 as Act 12, entitled: "RELATING TO HIGHER EDUCATION";

House Bill No. 2787 as Act 13, entitled: "RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT"; and

House Bill No. 2802 as Act 14, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM,"

was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 114 to 123) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 114, transmitting H.C.R. No. 7, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO COMPUTERS FOR PUBLIC SCHOOLS," was referred jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 115, transmitting H.C.R. No. 46, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 46, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO PROMOTE HAWAII-GROWN AND HAWAII-MADE AGRICULTURAL PRODUCTS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 116, transmitting H.C.R. No. 84, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 84, entitled: "HOUSE 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 referred to the Committee on Human Resources.

Hse. Com. No. 117, transmitting H.C.R. No. 90, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION ON LEGISLATION AND OTHER ACTION TO PROVIDE EQUITY TO FILIPINO-AMERICAN VETERANS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 118, transmitting H.C.R. No. 114, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 114, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 119, transmitting H.C.R. No. 149, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 149, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE FEDERAL AVIATION ADMINISTRATION, THE U.S. SENATE COMMITTEE ON COMMERCE SCIENCE AND TRANSPORTATION AND THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO PROMOTE ACTIONS TO ENSURE HAWAII'S ROLE AS A TEST SITE IN THE FLIGHT 2000 DEMONSTRATION PROJECT," was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 120, transmitting H.C.R. No. 207, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE KIHEI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHEI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS," was referred to the Committee on Education.

Hse. Com. No. 121, transmitting H.C.R. No. 212, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII TO CONSIDER INPUT FROM THE PRIVATE SECTOR IN FORMULATING CURRICULUM," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 122, transmitting H.C.R. No. 226, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION AND PRIVATE ORGANIZATIONS TO

ASSIST THE PHILIPPINE CENTENNIAL CELEBRATION COORDINATING COMMITTEE/HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 123, transmitting H.C.R. No. 240, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 240, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORGANIC INDUSTRY AS AN AGRICULTURAL COMMODITY GROUP," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3138) recommending that H.B. No. 2331, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3138 and H.B. No. 2331, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3139) recommending that H.B. No. 2519 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3139 and H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3140) recommending that H.B. No. 2791, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3140 and H.B. No. 2791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3141) recommending that H.B. No. 2844, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3141 and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was deferred until Tuesday, April 14, 1998.

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. 3142) recommending that H.B. No. 2899 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3142 and H.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3143) recommending that H.B. No. 2823, 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 D. Ige, seconded by Senator Metcalf and carried, the report of the Committee was adopted and H.B. No. 2823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

ORDER OF THE DAY

FINAL READING

MATTERS DEFERRED FROM TUESDAY, APRIL 7, 1998

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

On motion by Senator Taniguchi, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3215, S.D. 1, and S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," 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. 2913, S.D. 1, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2913, S.D. 1, and S.B. No. 2913, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

THIRD READING

MATTER DEFERRED FROM TUESDAY, APRIL 7, 1998

H.B. No. 2895:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

THIRD READING

Stand. Com. Rep. No. 2993 (H.B. No. 2957, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2993 be adopted and H.B. No. 2957, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose and said:

"Mr. President, could you reflect a W/R for me. The price went from 50 cents to \$5 and I have some concerns on that. Thank you."

Senator Slom requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2993 was adopted and H.B. No. 2957, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

HUNTING LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Fernandes Salling). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 2994 (H.B. No. 2230, H.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2994 was adopted and H.B. No. 2230, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII-HILO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2995 (H.B. No. 3004, H.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2995 was adopted and H.B. No. 3004, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2996 (H.B. No. 2793, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2996 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2997 (H.B. No. 3317):

Senator Baker moved that Stand. Com. Rep. No. 2997 be adopted and H.B. No. 3317, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator M. Ige rose to speak against the bill and said:

"Mr. President, I rise to speak against this measure.

"Mr. President, this measure will allow the state to sell the Mabel Smyth Auditorium at public auction.

"Mr. President, in 1987 the Queen Emma Foundation exchanged the Mabel Smyth Auditorium for the state-owned, triangular parcel just up the road. The state justified this land exchange by saying it needed office space. Since then, we have invested \$600,000 in renovating that 'grand lady.' In addition to complying with the ADA (Americans with Disabilities Act), complying with their restrictions on the building, that money was also spent removing a large portion of the asbestos, as well as preparing for office space and, basically, general renovations. After all we did, the state now wants to bring the auditorium to auction. This 'lady' today, in my opinion, is ready -- ready to dance. I was there two weeks ago. That building is in great shape. And now, the Queen Emma Foundation wants her back.

"Why sell this grand lady at public auction when the renovations are done, asbestos removal has been partially taken care of, the building meets ADA requirements, the real estate market is down, but I think most importantly, this building sits in the Hawaii Capitol Special District. And what that means is that the State Historic Preservations Division regards the Mabel Smyth Auditorium as a historical site which, and I quote,

'represents and reflects the element of the state civic, aesthetic, cultural, social, economic, political and architectural heritage.'

"Why sell this grand lady at public auction when the state rents, rents approximately 250,000 sq. ft. in downtown Honolulu? Mr. President, I look at ourselves as managers of our land, caretakers, if you will -- caretakers with the responsibility of passing on our natural resources to the next generation, passing it on equal to or better than when we received it.

"Mr. President, let me close by quoting from the State Constitution, which I know you are very familiar with, Article XI, Section 3: 'All public natural resources are held in trust by the State for the benefit of the people.'

"For these reasons, I'll be voting 'no' on this measure.

"Thank you."

Senator Bunda rose in support of the measure and said:

"Mr. President, I just have some remarks in support of the measure to be inserted in the Journal."

The Chair having so ordered, Senator Bunda's remarks read as follows:

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

"Mr. President, the Mabel Smyth Memorial Auditorium Building and property was acquired by land exchange between the State of Hawaii and The Queen's Medical Center on December 27, 1989. The Mabel Smyth Memorial Auditorium was appraised at \$4,266,000 and the Miller Street property which was transferred from the State of Hawaii to The Queen's Medical Center was appraised at \$3,175,000. The Queen's Medical Center waived the difference of the appraised value which exceeded the value of the state land.

"Since that time, the state has invested approximately \$600,000 to comply with American Disabilities Act requirements, remove asbestos and incorporate general renovations to the building.

"To provide for any long-term use, the building still needs further renovations and substantial costs would be incurred to complete necessary interior work, such as the removal of asbestos in the auditorium and in the flooring of the foyer.

"When the State Capitol reopened, the Mabel Smyth building has not been used extensively by the state. The average use of the auditorium is 4-5 times a month. Custodial work is done on a volunteer basis. Two office spaces on the second floor are currently being rented by the Department of Health and the University of Hawaii on short-term basis.

"The Queen Emma Foundation has expressed interest in purchasing the Mabel Smyth facility for office, classroom and auditorium space, as it would solve a number of the Medical Center's education, training and meeting needs. Each month Queen's Medical Center offers a variety of health education classes to the public.

"The building, completed in 1941, remains on the State and National Historic Registers. It has a sentimental value to the nurses as it was named after one of their own. Queen's has no development plans for the property.

"The public auction sale of the State's Mabel Smyth property, fee simple on non-ceded lands, to the Queen Emma Foundation would be at the upset price of \$5 million in an 'as is' condition.

"I would like to mention to my colleagues that it is neither the state's policy to sell land to make money, nor to be in real estate to wheel and deal for the best offer.

"This sale would be of mutual benefit to both parties and in this case, the public would be better served.

"I urge my colleagues to vote yes on H.B. No. 3317.

"Thank you, Mr. President."

Senator Slom rose and said:

"Mr. President, I'm just troubled by the remarks that were just made by the Senator from Kaneohe. I tend to agree with a number of them, but I'd like to ask either the committee co-chairs or any of the sponsors what is the public interest that would be served by the sale of this building as specified in the legislation. Can someone specifically address that point?"

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

Senators Anderson and Slom then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2997 was adopted and H.B. No. 3317, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Ige, M.). Excused, 2 (Tanaka, Taniguchi).

Stand. Com. Rep. No. 2998 (H.B. No. 3453, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2998 was adopted and H.B. No. 3453, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Tanaka, Taniguchi).

Stand. Com. Rep. No. 2999 (H.B. No. 3468, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2999 was adopted and H.B. No. 3468, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3000 (H.B. No. 2496, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3000 was adopted and H.B. No. 2496, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3001 (H.B. No. 2614, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3001 was adopted and H.B.

No. 2614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3002 (H.B. No. 2760, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3002 be adopted and H.B. No. 2760, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom then rose and said:

"Reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3002 was adopted and H.B. No. 2760, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3003 (H.B. No. 2761, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3003 be adopted and H.B. No. 2761, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and said:

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

"I think the problem here is, again, we're limiting this legislation only to new employees and we're not giving choice to the employees. Certainly, we should be moving into the direction of electronic payment and so forth in salaries. But I think that we should provide that choice with all existing employees and examine the system and the accountability.

"Thank you."

Senators Sakamoto and Anderson then requested their votes be cast "Aye, with reservations," and the Chair ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3003 was adopted and H.B. No. 2761, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 3004 (H.B. No. 3022, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3004 was adopted and H.B. No. 3022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Ige, M.). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 3005 (H.B. No. 3027, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3005 was adopted and H.B.

No. 3027, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3006 (H.B. No. 2711, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3006 be adopted and H.B. No. 2711, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose and said:

"Mr. President, I have a question here, I guess, in terms of whether or not this is constitutionally proper to insert the Judiciary under the definition of agency. My reading of the bill would erase the line separating the powers of government if we did that. I think that, more properly, what we should just say is that the judicial branch should have similar powers. I think that this does not achieve the purpose of the bill and as I said, I think there is a constitutional question. So, unless that can be cleared up, I'll be voting 'no' on the bill."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3006 was adopted and H.B. No. 2711, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson, Slom). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 3007 (H.B. No. 2714, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3007 be adopted and H.B. No. 2714, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose in opposition and said:

"Mr. President, when I read the bill and looked at it, I still don't know in dollars and cents how many dollars are uncollectible on the accounts that are delinquent. And for that reason I'll be voting 'no.'"

Senator Fernandes Salling then said:

"With reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3007 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson, Slom). Excused, 1 (Tanaka).

Stand. Com. Rep. No. 3008 (H.B. No. 2776, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3008 was adopted and H.B. No. 2776, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3009 (H.B. No. 2786, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3009 was adopted and H.B. No. 2786, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3010 (H.B. No. 2846, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3010 be adopted and H.B. No. 2846, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose and said:

"Mr. President, I'm going to have reservations on this bill. If I read it correctly, we're still going to fine the child \$50, which in turn really means that we're fining the parents \$50 because they're minors and they're not eligible to purchase cigarettes. And I can't see fining a parent at this particular time or any time. They really, at times, don't know what their children are doing.

"I don't mind charging the person that's selling the cigarettes, but most certainly, not the parents. So I have reservations.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3010 was adopted and H.B. No. 2846, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3011 (H.B. No. 3020, H.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3011 was adopted and H.B. No. 3020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Kanno, for the Committee on Human Resources, requested a waiver of the Required Hours of Notice for a Public Hearing on H.B. Nos. 2566, 2764, 3141 and 3199, and the Chair granted the waiver.

Senator M. Ige rose and said:

"Mr. President, I rise on a point of parliamentary inquiry.

"Mr. President, first, how can you post a hearing notice if one of the chairs didn't sign? Secondly, we don't even have the bill before us. What are we going to publicly hear? What are we going to hear in public?"

The Chair responded:

"I believe that the committees are working on a particular draft for public review. This is the information which I have received."

At 12:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

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. 1533, 1866, 2500, 2512, 2552, 2564, 2567, 2655, 2710, 2749, 2750, 2803, 2912, 3200 and 3625, and the Chair granted the waiver.

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 H.B. Nos. 1099 and 2458, and the Chair granted the waiver.

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

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

"More good news, Mr. President. Out of Tokyo, Prime Minister Hashimoto is expected momentarily to announce major tax decreases and cuts because, unfortunately, Prime Minister Hashimoto last year increased taxes three times, Mr. President, and drove the economy into the ground. Now, this will be good news because, first of all, it shows what we all should be doing -- reducing taxes. Secondly, it will help us because, of course, our dependence on the Asian and specifically the Japanese economies. So, the Japanese stock market has already reacted to this positively, and we hope that this will increase our visitor industry, and so forth.

"And, Mr. President, I would be remiss if I did not comment on our governor's remarks yesterday. In his effort to give us Revitalization Task Force Plan No. 72-A, he made a statement that maybe we could buy the tax increase if we would trust him to put a drop-dead clause in it from three to five years. Unfortunately, Mr. President, a number of businesses will have already dropped dead in that period of time and we can't trust the government because there has been no tax, in my memory or in my research, that the State of Hawaii has ever imposed that it has reduced or eliminated. Further, I think putting faith in the drop-dead clause is misplaced and maybe some of the politicians that have been trying to do this to us, particularly increasing taxes and harming our economy, maybe there should be the emphasis on the drop-dead.

"So, we have good news out of Tokyo, Mr. President. And again, reiterating the Senate's non-negotiable position against tax increases, we have good news here and I know that young Master or Miss Kanno will be able to be born into a society with lower taxes and an improved business climate. So, we congratulate them all.

"Thank you, Mr. President."

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

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

"I did not know, truthfully, that the Minority Floor Leader was going to make those statements, but I, too, was a little upset when I heard the governor's report because I happen to be a little older than some and I remember when we did the parking meters, temporarily, to pay for our first road in Honolulu. We needed the money so we said, temporarily we're going to have parking meters. I can't even remember when we started that. It was so long ago that temporary is all over the state. That's one of the problems.

"Also, I saw the governor on television, and yesterday because everybody got up, I decided I wasn't going to say anything. But I do get a little upset now and then. He's made a few boners that I'm not happy with. One of them is that he said, more or less, that the 3,000 people that were here the other

day was a wash, maybe, but really in essence there was at least ten times the amount that was here for the tea party. Well, I happened to get here about 6:05 for the tea party. It went from 6:00 to 9:00. It had women and children that came down. The women were housewives. They came down when they could. The rest were business people.

"The difference is, when we had the rally the other day, they were told to come down and it was orchestrated. And when I stood up on the second floor and looked down at 3,000 people, I said, 'I can't believe it. All of these people are asking us to raise their taxes.' And the person next to me said, 'Not,' and he was down here with his button. What really bothered me is we paid for that. And the guy said, 'That wasn't tax money.' But I buy stocks and bonds. I have money in the banks. I have mortgages. I think that it's terrible that those people use our funds to tell the employees to come down here, that it's all right for us to raise their taxes. And that bothered me.

"It also bothered me, Mr. President, because last year the governor made a point of saying that if we had passed any kind of a gambling bill, he would go ahead and veto that bill. And then weeks later he said, or I got it from one of the department heads, that the governor had more or less changed his mind. I said, it's too damn late; we had less than a week to go. Every chairman, every chairman, Mr. President, held back the bill. That meant that there was no way in the world that we were going to have a chance to do anything with a gambling bill.

"This year, I'm in a committee where we're fighting like mad to try to help our commercial people, trying to help our farmers, trying to help our residents, and I won't even say what committee, but the chairman tells me that we can't pass this bill because the governor said he's going to veto it. Well, Hitler didn't die and put anybody in charge! And that bothers me, that he can come down and say this is what I'm going to do. It takes away your right as a chairman. I've been used to that -- I'm a minority and I've been here for a few years and I can take that, but when he tells a majority chairman and the majority party, no matter what you do, I'm going to go ahead and veto your bill, and you can take it -- that bothers me. If you're going to give up your vote, then I really feel sorry for the majority party in this state because as a minority I'll speak out, and that's your responsibility. If the governor of this state tells you what you can or cannot do, then you should be as upset as I am.

"Thank you very much for letting me express myself, Mr. President."

Senator M. Ige rose again and said:

"Mr. President, I rise on personal privilege. Just glad that the Senator didn't mention any names of the chairmen who did that.

"But, Mr. President, on personal privilege I just need to express my thoughts about the public hearing notice being posted without my signature or over my objections. I think it is, for this institution, a very bad precedent. I don't think it's ever been done where we post a public hearing notice without giving the public an idea of what exactly will be heard in terms of the details, the words. I think it's irresponsible, and I think we owe it to the general public that when we do post these hearing notices, everything is up front and on the table, not just for the individuals who are in the 'in' group who can get to discuss the details, but for the entire public. These are the things that add confidence to who we are and what we believe in.

"I believe today is a very sad day for us. However, with your assurance that everything will be all right, I'll bite my tongue and just really hope for the best, Mr. President. But again, I feel very sad today on the precedence that we're setting for this great institution.

"Thank you."

ADJOURNMENT

At 12:40 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 9, 1998.