

TWENTY-SECOND DAY

Monday, February 22, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Stan Sundlie, Calvary Chapel of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Inouye who was excused.

The President announced that he had read and approved the Journal of the Twenty-First Day.

SENATE COMMUNICATION

Sen. Com. No. 1, notice to the Governor dated February 22, 1999, transmitting S.B. No. 539, S.D. 1, which proposes amendments to the Hawaii State Constitution, was read by Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"February 22, 1999

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following Senate Bill, a copy of which is attached hereto:

S.B. 539, S.D. 1
'PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION, TO PROVIDE THE UNIVERSITY OF HAWAII WITH AUTONOMY IN ALL MATTERS RELATED TO THE UNIVERSITY'

Respectfully,

/s/ Paul T. Kawaguchi
Paul T. Kawaguchi
Clerk of the Senate"

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 45) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 45 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO RESTORE REDRESS FUNDS TO COMPENSATE INDIVIDUALS OF JAPANESE ANCESTRY WHO WERE UNJUSTLY INTERNED DURING WORLD WAR II."

Offered by: Senators Matsunaga, Iwase, Matsuura, Fukunaga, Ihara, Buen, Bunda, Chumbley, Chun, Chun Oakland, Hanabusa, D. Ige, M. Ige, Inouye, Kanno, Kawamoto, Nakata, Sakamoto, Slom, Tam, Taniguchi.

SENATE RESOLUTION

The following resolution (S.R. No. 25) was read by the Clerk and was deferred:

Senate Resolution

No. 25 "SENATE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO RESTORE REDRESS FUNDS TO COMPENSATE INDIVIDUALS OF JAPANESE ANCESTRY WHO WERE UNJUSTLY INTERNED DURING WORLD WAR II."

Offered by: Senators Matsunaga, Iwase, Matsuura, Fukunaga, Ihara, Buen, Bunda, Chumbley, Chun, Chun Oakland, Hanabusa, D. Ige, M. Ige, Inouye, Kanno, Kawamoto, Nakata, Sakamoto, Slom, Tam, Taniguchi.

STANDING COMMITTEE REPORTS

Senator Kawamoto, jointly with Senators Chumbley and Matsunaga, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 528) recommending that S.B. No. 680, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and S.B. No. 680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 1999.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 529) recommending that S.B. No. 1018, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 1018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 1999.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 530) recommending that S.B. No. 1021 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 1021, entitled: "A BILL FOR AN ACT RELATING TO CLINICAL LABORATORY PERSONNEL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 23, 1999.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 531) recommending that S.B. No. 1026 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.B. No. 1026, entitled: "A BILL FOR AN ACT RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 23, 1999.

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

ORDER OF THE DAY

THIRD READING

S.B. No. 461:

On motion by Senator Hanabusa, seconded by Senator Tanaka and carried, S.B. No. 461, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Fukunaga, Inouye).

S.B. No. 1098:

On motion by Senator Hanabusa, seconded by Senator Tanaka and carried, S.B. No. 1098, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Inouye).

S.B. No. 27:

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, S.B. No. 27, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Inouye).

S.B. No. 1403:

On motion by Senator Kawamoto, seconded by Senator Bunda and carried, S.B. No. 1403, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Inouye).

S.B. No. 1430, S.D. 1:

By unanimous consent, action on S.B. No. 1430, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE SAFETY," was deferred until Tuesday, February 23, 1999.

S.B. No. 1125:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1125, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Inouye).

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

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

"I've been out for a couple of days, Mr. President, but I did receive the Governor's report dated Friday, February 19, on a news release that the Governor pursues high-tech and that they will be going to Silicon Valley. And accompanying the Governor is Senator David Ige, Representative Marcus Oshiro

who is the Vice Speaker of the House, Representative David Morihara who's chair of the House Committee on Higher Education, and Representative Hermina Morita who's chair of the House Committee on Energy and Environmental Protection.

"Mr. President, what I want to know is whatever happened to the post-election rhetoric of the Governor and the Senate about all working together for the common good. If I remember correctly the word used was 'collaboration.'

"The Governor's Friday news release lists the members of the delegation that he will lead to Silicon Valley, but guess what? Not one elected Republican is to be included -- not Senator Sam Slom who's not only the Minority Floor Leader but he's also a member of both of those committees, and not Representative Pendleton who's the House Minority Floor Leader, nor Representative Fox who happens to have the expertise in economic development. I would like to quote, Mr. President, from our former Senator Mary George. And in this regard, I quote:

'For a very long time Republican ideas have been put forward in this Legislature, some of them very good ideas, indeed. They have usually been unnoticed; a few have received modest committee hearings; an occasional proposal reaches the floor and is advanced to decent burial in the other chamber. Some few even became laws. A large number of them, in good Hawaiian tradition, were "hanai" by a Democrat parent and enfolded in a Democrat bill, promoted into law with its birth parentage forgotten.

'Mr. President, esteemed colleagues, the Minority is far more than what you see before you. Sometimes we speak for all the people who didn't vote for you in your districts; for all the people who disagree with you on any one of a great number of issues; for all the people who think they might have a better idea and feel they haven't gotten your attention.'

End of quote, Mr. President.

"Mr. President, regardless of what everybody feels or thinks, the people who voted for the few Minorities that are here, and I do say myself and Senator Slom, happen to be the highest ranking Republicans voted into office. We may not have the governorship, the mayorship or whatever (excuse me, I'm talking state), but we are the highest elected. And with 20 years and of 60-something years of age, 67, I'm also the oldest and the highest ranking because I'm the Minority Leader. And you seem to forget that, and so does the news media at times, and others. But we care about what's going on around here. And if you're going to have the Governor send down information like this, I believe that Senator Slom -- not just because he's the Senate Minority Floor Leader but because he sits on both of those committees -- is very well acquainted with higher education and economic development because he's involved in business. He should have been invited. And I think it's a shame that he wasn't.

"Far too often, Mr. President, we are not only forgotten, but we are blamed for objective partisanship. We are all here together and what we have to do is forget about partisanship. There's too few leaving this business world today to the people who don't understand what's going on. And I told you, the only partisanship that we have is people against government.

"I read your Majority package. It sounds good. It tells people we're going to do this and we're going to do that. You don't do a damn thing, primarily because you listen to others -- department heads and those people who have special interests. And most of us elected here have special interests. I don't give a damn what you say. You have special interests and you're concerned with those interests, and you put them first above the needs and what's happening to the people out there.

"Thank you very much for listening to me this morning. Thank you, Mr. President. I'm glad to be back."

The Chair responded:

"Thank you and welcome back."

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 23, 1999.