

THIRTY-FIRST DAY

Tuesday, March 16, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend 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 Thirtieth Day.

Senator Tam introduced the 1999 Narcissus Queen Leilani Hwei Tan, First Princess Karin Ying Ling Tran, Second Princess Christina Pei Jung Lin, Third Princess Lori Ann Wai Kin Wong, and Fourth Princess Nadia Tsai Ni Chiang. Accompanying the young ladies were Randall Chang and Frances Goo.

At this time, the President invited Narcissus Queen Leilani Tan to address the members of the Senate and appointed Senators Tam, Chun Oakland and Chun to escort her to the podium.

The Narcissus Queen addressed the members of the Senate as follows:

"Good morning, distinguished members of the Senate. It gives me great pleasure this morning to represent the Chinese Chamber of Commerce as well as the 1999 Court to be here on this special day. I would just like to share with you a few things that we are especially excited about this year as the 50th anniversary of the Chamber is being celebrated.

"Some of you may know that we are going on a goodwill tour in June for three weeks to China, Hongkong and Taiwan. This is a tour that the queen and her court will go on as well as members of the public, so I would like to personally invite all of you to join us on the tour if you are interested. We are going to be visiting different cities including Nanjing as well as Beijing and Guilin.

"Thank you very much for inviting us here today."

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 235 to 246) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 235, submitting for consideration and confirmation to the Defender Council, the nominations of JACQUELINE K. MURAI, CALVIN K. MURASHIGE and GERONIMO VALDRIZ, terms to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 236, submitting for consideration and confirmation to the Board of Trustees, Hawai'i Public Employees Health Fund, the nominations of: CLIFFORD T. UWAINÉ and DONNA L. KEKAUOHA, terms to expire June 30, 1999 and June 30, 2003; and BRUCE Y. NAKAMURA, term to expire June 30, 2000, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Hawai'i School-to-Work Opportunities Executive Council, the nominations of JOAN WHITE, W.

ROY JOHNSON, GERALD OKAMOTO, WILLIAM T. HONJIYO, DIANE ROSE MACHA, NORMAN JANICKI, JR., and KA'IULANI DE SILVA, terms to expire June 30, 2002, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 238, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of KATHLEEN K.S.L. THURSTON, terms to expire June 30, 1999 and June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 239, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nominations of: JOHN GOODY and FRANCIS I. SHIMANUKI, terms to expire June 30, 2000; KELVIN K.F. CHING and DAVID HIGGINS, terms to expire June 30, 2001; and KIM NICHOLAS HOLLAND, Ph.D., LYNN J. LEE and KURT K. MENCH, terms to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Radiologic Technology Board, the nominations of: W. PHILIP KAU, D.V.M., term to expire June 30, 2001; and PATRICK MCGUIGAN and ANN A. OHATA, M.D., terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Board of Regents, University of Hawai'i, the nominations of BERT A. KOBAYASHI, AH QUON MCELRATH, CHARLES NAINOA THOMPSON, ALLAN K. IKAWA and SHARON R. WEINER, terms to expire June 30, 2003, was referred to the Committee on Education and Technology.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nomination of HERMAN T. ANDAYA, JR., term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 243, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of CATHY AKEMI SHIM, term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 244, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of LEW GENE BROWN, term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 245, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawai'i, the nomination of CHRISTOPHER T. KOBAYASHI, term to expire June 30, 2003, was referred to the Committee on Education and Technology.

Gov. Msg. No. 246, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of ROGER BABCOCK JR., Ph.D., SOLOMON K. NAONE JR., JOSE M. PADRON and BERT UYENO, terms to expire June 30, 2003, was referred to the Committee on Labor and Environment.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 110 to 128) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 110 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE AN ADVISORY TASK FORCE ON PROMOTING CULTURAL DIVERSITY."

Offered by: Senators Kanno, Bunda, Inouye.

No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONVENE A WORKING GROUP TO STUDY THE USE OF GENETIC INFORMATION AND GENETIC TEST RESULTS FOR INSURANCE COVERAGE PURPOSES."

Offered by: Senators Kanno, Taniguchi.

No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, THE HAWAII HEALTH SYSTEMS CORPORATION, THE HAWAII NURSES' ASSOCIATION AND THE UNIVERSITY OF HAWAII SCHOOL OF NURSING TO DEVELOP A PLAN THAT WILL ELIMINATE OR GREATLY REDUCE NEEDLESTICK INJURIES INCURRED BY NURSES AND OTHER HEALTH CARE WORKERS."

Offered by: Senators Taniguchi, Kanno.

No. 113 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE HAWAII HEALTH SYSTEMS CORPORATION AND THE UNIVERSITY OF HAWAII SCHOOL OF NURSING, TO DEVELOP A PROGRAM ENABLING NURSES EMPLOYED BY THE STATE OF HAWAII TO OBTAIN ADVANCED NURSING DEGREES."

Offered by: Senators Taniguchi, Kanno.

No. 114 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE NEED TO ESTABLISH AN OMBUDSMAN AT HONOLULU INTERNATIONAL AIRPORT."

Offered by: Senators Mizuguchi, Kawamoto.

No. 115 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY TO PLAN, DESIGN, ACQUIRE LAND, AND CONSTRUCT ONE OR MORE ADDITIONAL BRIDGES INTO WAHIAWA TO PROVIDE A SECOND ENTRANCE INTO AND EXIT OUT OF THAT COMMUNITY."

Offered by: Senator Bunda.

No. 116 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY TO PLAN, DESIGN, ACQUIRE LAND, AND CONSTRUCT A SECOND ENTRANCE INTO AND EXIT OUT OF WHITMORE VILLAGE."

Offered by: Senator Bunda.

No. 117 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF CONSTRUCTING A BOAT RAMP FOR USE BY RECREATIONAL USERS AT CAPE KUMUKAHI/KAPOHO BAY."

Offered by: Senator Levin.

No. 118 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK IN PARTNERSHIP

WITH THE COUNTY OF HAWAII AND ALL CONCERNED PARTIES TO DEVELOP A MASTER PLAN FOR KEEPING POHOIKI BOAT RAMP SAFE AND CLEAN NOW AND IN THE FUTURE."

Offered by: Senator Levin.

No. 119 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN TO PROVIDE ALL HAWAII PUBLIC SCHOOL CHILDREN WITH THE OPPORTUNITY TO HAVE A NUTRITIOUS BREAKFAST."

Offered by: Senator Chun Oakland.

No. 120 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF HEALTH CARE COSTS RELATED TO THE TREATMENT OF BREAST AND CERVICAL CANCER IN HAWAII."

Offered by: Senator Chun Oakland.

No. 121 "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON CHILD AND ADOLESCENT MENTAL HEALTH."

Offered by: Senator Chun Oakland.

No. 122 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A HUNGER AND FOOD SECURITY TASK FORCE TO DEVELOP A SYSTEM FOR PROVIDING VALID AND RELIABLE ESTIMATES OF HUNGER AND FOOD INSECURITY."

Offered by: Senator Chun Oakland.

No. 123 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE INTEGRITY OF NEIGHBORHOODS BE PRESERVED BY REJECTING THE NOTION OF ONE WAY STREETS IN KALIHI-PALAMA."

Offered by: Senators Tam, Chun Oakland.

No. 124 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT LEGISLATION TO EXEMPT NON-PROFIT SCHOOL ORGANIZATIONS FROM THE GENERAL EXCISE TAX WHEN FUNDRAISING IN THE FURTHERANCE OF EDUCATIONAL PROGRAMS IN THE SCHOOLS."

Offered by: Senator Tam.

No. 125 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO CONSIDER ESTABLISHING A DIPLOMATIC MEETING CENTER FOR VISITING EDUCATORS AND DIGNITARIES."

Offered by: Senator Tam.

No. 126 "SENATE CONCURRENT RESOLUTION REQUESTING THE USE OF THE HAWAII CONVENTION CENTER BY HAWAII STATE GOVERNMENT AGENCIES."

Offered by: Senator Tam.

No. 127 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE IF HAWAII'S ADMINISTRATIVE PROCEDURE ACT AND PUBLIC AGENCY MEETINGS AND RECORDS LAWS ARE CURRENTLY DRAFTED TO ENSURE THAT DISCUSSIONS, DELIBERATIONS, DECISIONS, AND

ACTIONS OF THE GOVERNMENT ARE CONDUCTED AS OPENLY AS POSSIBLE."

Offered by: Senators Tam, Anderson, Hanabusa, Matsunaga, Matsuura.

No. 128 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND EACH COUNTY TO ENTER INTO 35 TO 55 YEAR LEASES AND DEVELOPMENT AGREEMENTS WITH CANOE RACING ASSOCIATIONS THAT DESIRE TO MAKE IMPROVEMENTS TO THEIR EXISTING TENANCIES."

Offered by: Senator Tam.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 48 to 56) were read by the Clerk and were deferred:

Senate Resolution

No. 48 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE AN ADVISORY TASK FORCE ON PROMOTING CULTURAL DIVERSITY."

Offered by: Senators Kanno, Bunda, Inouye.

No. 49 "SENATE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONVENE A WORKING GROUP TO STUDY THE USE OF GENETIC INFORMATION AND GENETIC TEST RESULTS FOR INSURANCE COVERAGE PURPOSES."

Offered by: Senators Kanno, Taniguchi.

No. 50 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, THE HAWAII HEALTH SYSTEMS CORPORATION, THE HAWAII NURSES' ASSOCIATION AND THE UNIVERSITY OF HAWAII SCHOOL OF NURSING TO DEVELOP A PLAN THAT WILL ELIMINATE OR GREATLY REDUCE NEEDLESTICK INJURIES INCURRED BY NURSES AND OTHER HEALTH CARE WORKERS."

Offered by: Senators Taniguchi, Kanno.

No. 51 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE HAWAII HEALTH SYSTEMS CORPORATION AND THE UNIVERSITY OF HAWAII SCHOOL OF NURSING, TO DEVELOP A PROGRAM ENABLING NURSES EMPLOYED BY THE STATE OF HAWAII TO OBTAIN ADVANCED NURSING DEGREES."

Offered by: Senators Taniguchi, Kanno.

No. 52 "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE NEED TO ESTABLISH AN OMBUDSMAN AT HONOLULU INTERNATIONAL AIRPORT."

Offered by: Senators Mizuguchi, Kawamoto.

No. 53 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY TO PLAN, DESIGN, ACQUIRE LAND, AND CONSTRUCT ONE OR MORE ADDITIONAL BRIDGES INTO WAHIAWA TO PROVIDE A SECOND ENTRANCE INTO AND EXIT OUT OF THAT COMMUNITY."

Offered by: Senator Bunda.

No. 54 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY TO PLAN, DESIGN, ACQUIRE LAND, AND CONSTRUCT A SECOND ENTRANCE INTO AND EXIT OUT OF WHITMORE VILLAGE."

Offered by: Senator Bunda.

No. 55 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF CONSTRUCTING A BOAT RAMP FOR USE BY RECREATIONAL USERS AT CAPE KUMUKAHI/KAPOHO BAY."

Offered by: Senator Levin.

No. 56 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK IN PARTNERSHIP WITH THE COUNTY OF HAWAII AND ALL CONCERNED PARTIES TO DEVELOP A MASTER PLAN FOR KEEPING POHOIKI BOAT RAMP SAFE AND CLEAN NOW AND IN THE FUTURE."

Offered by: Senator Levin.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 909 (Gov. Msg. No. 180):

Senator Chumbley moved that Stand. Com. Rep. No. 909 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of JUNE K. MOTOKAWA to the Civil Rights Commission, terms to expire June 30, 1999 and June 30, 2003, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, D. Ige, Kawamoto, Levin, Taniguchi).

Stand. Com. Rep. No. 910 (Gov. Msg. No. 196):

Senator Chumbley moved that Stand. Com. Rep. No. 910 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of KEN H. TAKAYAMA to the Commission to Promote Uniform Legislation, term to expire June 30, 2003, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, D. Ige, Kawamoto, Levin, Taniguchi).

Stand. Com. Rep. No. 911 (Gov. Msg. No. 216):

Senator Chumbley moved that Stand. Com. Rep. No. 911 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nominations of WILLIAM T. EMMESLEY, JR., and HARLOW M.S.L. URABE to the Correctional Industries Advisory Committee, terms to expire June 30, 2003, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, D. Ige, Kawamoto, Levin, Taniguchi).

Stand. Com. Rep. No. 912 (Gov. Msg. No. 217):

Senator Chumbley moved that Stand. Com. Rep. No. 912 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of JUDY SOBIN to the Crime Victim Compensation Commission, term to expire June 30, 2003, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, D. Ige, Kawamoto, Levin, Taniguchi).

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

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

"At 5:30 this morning, I was reading the newspaper and my eye caught the editorial. I don't know if all of my colleagues had a chance to read it.

"Evidently, they believe that we should be making some changes. The thing that really struck me is that the Speaker of the House, Representative Calvin Say, talked to the Chamber of Commerce and he said it's hard to make changes because the legislature or government is like a huge ship. It takes a while to turn. That only happens if you have somebody at the helm who's strong enough. And let me tell you, we have been for 40 years on the same course and we don't have anybody at the helm that's willing to make changes.

"In fact, I read in the Pacific Business News and what we're looking at is they're already talking about the year 2002 on who the hell's gonna be governor, and who's not going to be governor. We just got over that, and they're talking about who's going to be the next governor.

"Well let me tell you, since Governor Burns, I've served with Governor Ariyoshi, who did one heck of a good job. He was probably a lot more prudent and a lot more conservative than I would have ever been. He left us almost a half-a-billion dollars, but with every facility that needed repairs, roads that needed maintenance. And then we had the next governor, Governor John Waihee -- good local boy, a cousin. We spent every dime we had and we left all of the buildings and the roads still in disrepair. Now we have a new governor and he's going to build more. And every department, when they cut the budget, they do away with the maintenance.

"If the people, the editors, can see that we need to turn that boat, we need somebody at the helm that's going to really turn that rudder a little bit. I don't see why we can't -- because we're the crew. And what do we do if somebody says we need this bill? -- maybe later, not now, things will be better. That's why I said the other day when I talked to the Republicans, I said they have been treading water. They don't know how to swim to shore because that boat is sinking.

"But I think that this editorial should be read by everybody, because as a crew, we're not doing our job, my fellow colleagues. We're failing. And the public sees it and everybody on the higher echelon is worrying about the year 2002. I'm worrying about tomorrow.

"And I did say we have lots of bills. We're half-way through. There are broad titles. There are amendments to make. There are changes we can do. We don't have to let this course go straight ahead like we've been doing. And I believe that the editors are absolutely correct. We need to get that to be changed a little bit.

"Thank you very much for listening to me."

ADJOURNMENT

At 12:01 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 17, 1999.