

THIRTY-EIGHTH DAY

Thursday, March 23, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend William Kaina, Kawaihāo Church, after which the Roll was called showing all Senators present with the exception of Senators Bunda, Iwase and Matsuura who were excused.

The President announced that he had read and approved the Journal of the Thirty-Seventh Day.

At this time, the following introductions were made to the members of the Senate:

Senator Chun Oakland introduced the following student "shadows" from Gus Webling Elementary School: Franklyn Baxter, Stephane Hall, Jayna Omaye and Ross Shibata. Accompanying the students was their teacher Russell Minobe.

Senator D. Ige congratulated the Honolulu Symphony on the occasion of its centennial anniversary season and introduced the following individuals: Robert Levy, chairman of the Honolulu Symphony; Michael Largarticha, vice president of the Musicians Association of Hawaii; Donna Bebbler, director of development; and David Saltzman, musician and chair of the Orchestra Committee.

Senator Chumbley, on behalf of Senators Tanaka and Buen, introduced the members and teachers of Kihei Elementary School's Trouble-Makers Chorus from Maui. At this time, the students performed a song for the members of the Senate and their guests.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2858) recommending that H.B. No. 2648, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2648, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2859) recommending that H.B. No. 2653, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2653, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2860) recommending that H.B. No. 283, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 283, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2861) recommending that H.B. No. 284, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 284, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2862) recommending that H.B. No. 1914, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1914, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE SCHOOL REFORM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2863) recommending that H.B. No. 2098, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2098, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2864) recommending that H.B. No. 755, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 755, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2865) recommending that H.B. No. 1902, 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 Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1902, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 28, 2000.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2866) recommending that H.B. No. 2573, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2573, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL FUNDS OF THE LAND DIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2867) recommending that H.B. No. 2576, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2576, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WATER RESOURCE MANAGEMENT FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2868) recommending that H.B. No. 2762 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2762, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2869) recommending that H.B. No. 2418, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2418, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2834 (Gov. Msg. No. 155):

Senator Chumbley moved that Stand. Com. Rep. No. 2834 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 DANA S. ISHIBASHI to the Defender Council, term to expire June 30, 2002, seconded by Senator Matsunaga.

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

Ayes, 21. Noes, none. Excused, 4 (Bunda, Iwase, Matsuura, Tanaka).

THIRD READING

H.B. No. 2022:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2022, entitled: "A BILL FOR AN ACT 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 OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Bunda, Iwase, Matsuura, Tanaka).

H.B. No. 2551, H.D. 1:

On motion by Senator Fukunaga, seconded by Senator Chun Oakland and carried, H.B. No. 2551, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTION OF THE APPLICABLE FISCAL YEAR FOR THE APPROPRIATION TO BE EXPENDED BY THE DEPARTMENT OF HEALTH IN SECTION 6 OF ACT 304, SESSION LAWS OF HAWAII 1999," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Bunda, Iwase, Matsuura, Tanaka).

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 2314, H.D. 1 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

No. 2691, H.D. 2 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following concurrent resolutions that were offered:

Senate
Concurrent
Resolution Referred to:

No. 49 Committee on Education and Technology, then to the Committee on Ways and Means

No. 50 Committee on Economic Development, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following resolution that was offered:

Senate
Resolution Referred to:

No. 21 Committee on Economic Development, then to the Committee on Ways and Means

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

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

"I was fortunate yesterday afternoon, with some of my colleagues, to attend the closing session of the Pacific Basin Economic Council and had an opportunity to hear from Mr. Steve Forbes who I have long admired and respected. It was interesting because he laid out the ingredients for a successful economy and for growth.

"Basically, he summed those up into five general areas and categories. One was that any country or any state that is seeking to have economic advancement needs, first of all, the rule of law that is very consistent and as differentiated from a subjective or changeable rule of men; secondly, to have sound money, meaning a good financial and debt policy; third, he touched on taxes and the need to reduce taxes and make them equitable. He reminded us that basically taxes are a price that people who work and are successful must pay, and the harder they work and the more successful, the higher the price they pay. The fourth item that he mentioned was that there must be a non-bureaucratic interference to both set up and to operate and run businesses; and finally, to reduce trade barriers and monopolies. And I thought about those comments and I thought how they applied to Hawaii, and of course we are making some progress in some of those areas, but have a long way to go in many others.

"I note that the governor of our state was in the audience and was quoted in the media today as saying that Mr. Forbes, basically, was out of touch and not familiar with all of the things that we've done here. And I was just trying to think of what perhaps the governor had in mind. Perhaps he was thinking about how we have been slashing and cutting regulations and red tape under the auspices of the lieutenant governor. For example, last night, Mr. President, we did pass a bill in the Senate Economic Development Committee which took a giant step by eliminating an agency that has not been funded, staffed or in operation since 1995. So that would be an example of cutting regulations. Of course, it doesn't apply to anybody, but that was one thing that we did. And then when he was talking about trade barriers and all, maybe he had in mind the special treatment that we afford to certain businesses within our community, like airlines for example, or banks for example, or other businesses that even lobby to pass certain laws and then find out that the laws apply to them and they come to us to exempt them from the very laws that they've lobbied. Maybe that was what the governor had in mind, or perhaps he was interested in television and film and wanted to see if we could raise the subsidy even more for Baywatch and for specified television and film programs.

"So I guess maybe the governor is right after all, that Mr. Forbes, who is listened to around the world, maybe just doesn't get it about what a special place we are here in Hawaii.

"Thank you, Mr. President."

ADJOURNMENT

At 12:17 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., Friday, March 24, 2000.