

FORTY-THIRD DAY

Friday, March 31, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Norise Kaiser, OSF, Mission Educator, St. Francis Medical Center, after which the Roll was called showing all Senators present with the exception of Senators Bunda, Iwase, Matsuura and Tanaka who were excused.

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

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:43 o'clock a.m.

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

Senator Anderson, on behalf of Senator Bunda, introduced Cheryl Chun in recognition of her being selected as Hawaii's Mother of the Year by American Mothers, Inc. Accompanying Ms. Chun was Lianna McMillan, president of the Hawaii Chapter of American Mothers, Inc.

Senator Nakata then introduced Susan Kunz and congratulated her on being selected as Hawaii's State Young Mother Representative 2000 by the State Association of the American Mothers, Inc.

Senator D. Ige then introduced and congratulated Aileen "Mahi" Hamamoto-Ai, the Hawaii State Honor Mother of 2000; and Amy Endo, the Hawaii State Merit Mother of 2000.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 265, advising the Senate of the withdrawal of the nomination of STEPHEN A. KULA, to the Honolulu Subarea Health Planning Council, under Gov. Msg. No. 230 dated March 24, 2000, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 265, the nomination listed under Gov. Msg. No. 230 was returned.

HOUSE COMMUNICATION

Hse. Com. No. 408, transmitting H.C.R. No. 145, H.D. 1, which was adopted by the House of Representatives on March 30, 2000, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 145, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE WHETHER MOTOR VEHICLE REFORM UNDER ACT 251, SESSION LAWS OF HAWAII 1997, HAS IMPACTED CONSUMER ACCESS TO MEDICALLY REASONABLE, NECESSARY, AND APPROPRIATE REFERRAL TO MASSAGE THERAPY AND PHYSICAL THERAPY, AND IF THIS HAS CONTRIBUTED TO CONSUMER COST SAVINGS UNDER THE ACT," was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3033) recommending that the Senate advise and consent to the nomination of EARL I. ANZAI as Attorney General, in accordance with Gov. Msg. No. 3.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3033 and Gov. Msg. No. 3 was deferred until Monday, April 3, 2000.

Senators Kanno and Taniguchi, jointly with Senators Fukunaga and Levin, for the Committee on Commerce and Consumer Protection and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3034) recommending that H.B. No. 1869, 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 joint report of the majority of the Committees was adopted and H.B. No. 1869, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2000.

ORDER OF THE DAY

MATTER DEFERRED FROM THURSDAY, MARCH 30, 2000

AGREE/DISAGREE

S.B. No. 2024 (H.D. 1):

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 2024, seconded by Senator Chun.

Senator Chun Oakland rose and said:

"Mr. President, the purpose of this bill is to improve the collection of Hawaii's cancer statistics by requiring the reporting of cancer cases detected in physician's offices, laboratories, free-standing radiation oncology facilities, and other treatment and pathology facilities to the Hawaii Tumor Registry or participating hospital registries.

"The House amended this to amend the title 'Relating to Medical Research on Cancer Studies' to conform to proper drafting conventions. It also includes a purpose and findings section and clarifies the bill through technical and nonsubstantive amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2024, and S.B. No. 2024, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RESEARCH ON CANCER STUDIES," was placed on the calendar for Final Reading on Monday, April 3, 2000.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

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

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

"You know, a couple of years ago, in our wisdom, the Legislature passed a law that required employers to submit information on new hires, not to the Department of Labor but to the Child Support Enforcement Agency. And the rationale behind that was to facilitate information on dead-beat parents and to take care of the children. There were fines and penalties that were imposed upon the employers, and for some time there were real problems because the agency moved its location and employers had a very difficult time getting information and complying with the law. But in fact, they did comply with the law.

"Several of us had concerns at that time about what was going to happen with the Unemployment Compensation Division and anyone who was filing for unemployment compensation after that time. There was a news report on television last night that underscored exactly what's happened during the past year and a half, and what has happened is this -- CSEA says that they are in the business of taking care of children and they're not in the area of unemployment compensation. Unemployment Compensation says, since the Legislature passed that on to CSEA, they have no responsibility anymore for new hires. And as a result, for the past year and a half there have been a lot of people that have filed for and been granted unemployment compensation benefits which comes out of the employers' pockets, solely. No employees ever contribute to unemployment compensation.

"And the attitude from both agencies was, well, it's not our responsibility; we're not accountable for that. And the best comment was from the Department of Labor -- maybe the Legislature should pass a law. This is the problem with the laws that we pass here. Oftentimes we pass laws; we don't listen to people who testify; we don't consider the unintended consequences; and if it's somebody else's money that's being paid or if it's a lack of accountability, well, we can always go back and pass yet another law.

"I think, Mr. President, particularly since the buzz word this year is accountability, that again I use this as an example that we should hold everybody accountable, not just the unionized school teachers, and that we should take more care when we're passing legislation and listen to those people that raise legitimate concerns and objections. And as for my part right now, I would like to see and make sure that any people or any individuals that have received benefits that they were not entitled to, are compelled to pay those benefits back.

"Thank you, Mr. President."

ADJOURNMENT

At 12:08 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., Monday, April 3, 2000.