

## NINETEENTH DAY

Wednesday, February 17, 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 Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Ernest Uno, St. Mary's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Kawamoto and Mizuguchi who were excused.

The Chair announced that he had read and approved the Journal of the Eighteenth Day.

## STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 106) recommending that S.B. No. 821 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 S.B. No. 821, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 107) recommending that S.B. No. 1147, 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 S.B. No. 1147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 108) recommending that S.B. No. 1148 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 S.B. No. 1148, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY APPEALS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 109) recommending that S.B. No. 1308 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 S.B. No. 1308, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN INCUMBENT WORKER JOB TRAINING PROGRAM FOR GROWTH INDUSTRIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 110) recommending that S.B. No. 1470 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 S.B. No. 1470, entitled: "A BILL FOR AN ACT RELATING TO

STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," 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. 111) recommending that S.B. No. 538, 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 S.B. No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," 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. 112) recommending that S.B. No. 550, 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 S.B. No. 550, 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. 113) recommending that S.B. No. 1011 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 S.B. No. 1011, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," 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. 114) recommending that S.B. No. 1103 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 S.B. No. 1103, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS," 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. 115) recommending that S.B. No. 1185, 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 S.B. No. 1185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," 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. 116) recommending that S.B. No. 1270 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 S.B. No. 1270, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 18, 1999.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 117) recommending that S.B. No. 1271, 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 S.B. No. 1271, 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. 118) recommending that S.B. No. 1273, as amended in S.D. 1, 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 S.B. No. 1273, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS FOR TEACHER TRAINEES," 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. 119) recommending that S.B. No. 1276, 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 S.B. No. 1276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPERINTENDENT OF 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. 120) recommending that S.B. No. 1278, 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 S.B. No. 1278, 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 Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 121) recommending that S.B. No. 5, 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 S.B. No. 5, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 122) recommending that S.B. No. 99 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 S.B. No. 99, entitled: "A BILL FOR AN ACT RELATING TO

WILDLIFE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 123) recommending that S.B. No. 219, 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 S.B. No. 219, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COFFEE INSPECTION REVOLVING FUND TO PROVIDE ADDITIONAL INSPECTORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 124) recommending that S.B. No. 222 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 S.B. No. 222, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII AGRICULTURE RESEARCH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 125) recommending that S.B. No. 804 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 majority of the Committee was adopted and S.B. No. 804, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ALOHA RACING ENTRY IN AMERICA'S CUP 2000," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 126) recommending that S.B. No. 942, 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 S.B. No. 942, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 127) recommending that S.B. No. 1066 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 S.B. No. 1066, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 128) recommending that S.B. No. 1083 pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 1083, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT," passed

Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 129) recommending that S.B. No. 1086 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 S.B. No. 1086, entitled: "A BILL FOR AN ACT RELATING TO BOATING PENALTIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 130) recommending that S.B. No. 1087, 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 S.B. No. 1087, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 131) recommending that S.B. No. 1091 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 S.B. No. 1091, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 132) recommending that S.B. No. 1095 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 S.B. No. 1095, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 133) recommending that S.B. No. 1321, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1321, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," passed Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 134) recommending that S.B. No. 1420, 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 S.B. No. 1420, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECREATIONAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 135) recommending that S.B. No. 1489 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 S.B. No. 1489, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OCEAN PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 136) recommending that S.B. No. 749 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 S.B. No. 749, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR PUBLIC OFFICERS AND EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Economic Development, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. No. 1607, and the Chair granted the waiver.

Senator Nakata, for the Committee on Labor and Environment, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 235, 1333 and 1548, and the Chair granted the waiver.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

Senator Bunda, for the Committee on Transportation and Intergovernmental Affairs, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. No. 658, and the Chair granted the waiver.

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

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

"Mr. President, I'd like to give out some information on a survey that I sent out right after the first of the year. I had this done and I think it's pertinent to what we're doing today because the constituents that I represent are a good cross-section and I believe that they represent the same concerns that your constituents have.

"In this, I asked for different items for education, such as district management of schools, appointment of the head of DOE, charter schools, vouchers, tax credits, streamlining government by making a unicameral system, gambling with a referendum -- an advisory referendum, not a binding referendum. We had lottery, shipboard gambling, bingo, horse racing. We also had mandatory drug testing for public employees, including elected officials. We also had down here to allow voters to propose and approve laws on legislation through initiative referendum and recall. We had domestic partnership benefits, unrelated partners of same sex, related partners of any sex, and also capital punishment, Mr. President.

"What's relevant in this is they paid to mail this back to me. In all the surveys I've ever done, this one got the most attention and I received 864, I believe, was returned. Out of this, the other morning we had on an editorial that people were against capital punishment. On that particular item, we had 605 in support, 233 opposed, and no opinion on 36. And the reason why that one was more than the normal that we got back was because we counted only those ballots that we got back. But some of the people wrote down 'this ballot is also for my wife,' or 'this ballot is for so and so.' So it's above the number of ballots that we got back.

"On the lottery, shipboard gambling, bingo, horse racing, it came out where we had 456 supporting the lottery; 387 supporting shipboard gambling; 401 supporting bingo; and 212 for horse racing. On the other side, the opposing was 353 on the lottery; 402 on shipboard gambling; 382 on bingo; and 486 on horse racing.

"Now, they did have 'no opinion.' But in reality, what they wrote down here is some people said, 'I don't want gambling, but I want to vote.' Others said, 'I just want to vote.' They didn't have any numbers written down.

"If you were to look at putting down percentages, it would run around 78 percent in favor of an advisory referendum. I've always believed that it's right for us to allow our constituents input, but if we're not going to hear bills, then we won't know and we won't have dialogue; we won't have anything. The people who come here, normally, are either for or against any issue -- they're special interest. This one represents the people who probably won't be able to come down to our Legislature, but they took the time and they placed their own money on this, and I think that's fair. As I said, it's the best survey I've ever gotten back.

"When you can have the people say capital punishment, for instance, is opposing anything that the editorial said. But we won't have a hearing on capital punishment and when we do, we get all the churches down here who are opposed to it. And then you say, 'Well, the reason we're going to kill this is because it's overwhelming.' Well, naturally, it's overwhelming. I don't think the churches want anybody to be put to death, and I don't think any of us do. It says, for a specific type of crime.

"Years ago, we had a mock legislature down here of young people, and you know what they said about the Legislature? May I, Mr. President? (Chair: "Please proceed.") They said we had no guts because we would not implement any type of legislation such as castration for rape in the first degree that other states have. And I've had it in there for years. But you know why we won't have a hearing? Because it's controversial. Well, why are we here? Are we here only to amend particular pieces of legislation for special interest groups? Are we only here to put in the bills that people want or the departments feel that is great. I don't mind controversy. I think it's fair and I think it's fair that we have dialogue between one another. That's what life is all about.

The real people out there think we're a bunch of clowns, that we don't even care how they feel. And that's factual. And that's why on opening day I said, even for things that we say we believe in, we really don't even fund it.

"Thank you very much for listening to me, Mr. President and my fellow colleagues."

#### ADJOURNMENT

At 11:58 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., Thursday, February 18, 1999.