

THIRTY-FOURTH DAY

Friday, March 19, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Francine Grace, St. Francis Hospice, 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 Thirty-Third Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 247 and 248) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 247, submitting for consideration and consent, the nomination of GARY W.B. CHANG to the office of Judge, 14th Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

Gov. Msg. No. 248, submitting for consideration and consent, the nomination of JOSEPH E. CARDOZA to the office of Third Judge, Circuit Court of the Second Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 913) recommending that H.B. No. 133 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. 133, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND THE SMALL BUSINESS DEFENDER POSITION AND OTHER SUPPORT PERSONNEL ESTABLISHED UNDER ACT 168, SESSION LAWS OF HAWAII 1998," 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. 914) recommending that H.B. No. 221, 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. 221, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," 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. 915) recommending that H.B. No. 801, H.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. 801, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR

PROCESSING ENTERPRISES," 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. 916) recommending that H.B. No. 1013 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. 1013, 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 Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 917) recommending that H.B. No. 1114, H.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. 1114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," 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. 918) recommending that H.B. No. 1675, 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. 1675, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," 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. 919) recommending that the Senate advise and consent to the nominations of DOUGLAS WON and LYNNE WATERS to the Hawai'i Community Development Authority, in accordance with Gov. Msg. No. 186.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 919 and Gov. Msg. No. 186 was deferred until Monday, March 22, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 920) recommending that the Senate advise and consent to the nominations of HENRY CHO Sr., and JOHN A.H. TOMOSO to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 189.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 920 and Gov. Msg. No. 189 was deferred until Monday, March 22, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 921) recommending that the Senate advise and consent to the nomination of JAMES K. TSUGAWA to the Hawai'i Community Development Authority, in accordance with Gov. Msg. No. 220.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 921 and Gov. Msg. No. 220 was deferred until Monday, March 22, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 922) recommending that the Senate advise and consent to the nomination of STANLEY H. ROEHRIG to the Land Use Commission, in accordance with Gov. Msg. No. 221.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 922 and Gov. Msg. No. 221 was deferred until Monday, March 22, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 923) recommending that the Senate advise and consent to the nomination of REGINALD E. DAVID to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 223.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 923 and Gov. Msg. No. 223 was deferred until Monday, March 22, 1999.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

STANDING COMMITTEE REPORT

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 924) recommending that H.B. No. 1151, 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. 1151, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 22, 1999.

At this time, Senator Ihara, on behalf of the Senate, extended happy birthday wishes to Senator Chumbley.

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

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

"Mr. President, I'd like to say that yesterday morning (since I am an early riser) at about 5:30 I saw the newspaper and it said, 'Bid to oust leaders falls short in Senate,' and a picture of our colleague, Senator Hanabusa. It more or less said that some people were upset and they called them 'dissidents.' Being upset that I was, I looked up the word 'dissident' in my encyclopedia dictionary, and it said, 'More likely it would come from a citizen who is upset with a one-party state.' And I think we have that. Then I looked it up in the Webster's dictionary and that said, 'one who disagrees.' I don't think that's a bad thing to say -- that we disagree.

"What bothered me again is that on KCCN, Mr. Bob Jones stated that the overthrow was to get rid of the President of the Senate. And that's far from the truth, Mr. President. I signed that particular bill or letter that went around, and it wasn't with any animosity against anyone.

"I've been saying for years that I think that we're doing a poor job. We get a lot of openness that we're having here. I remember years back when I was in the House, we wanted to get away from the back door or closed meetings, and we wanted a sunshine law. We invited the community in. Not one person would say a bloody word. And as soon as the community left, they said 'I don't like the bill.' So the chairman was stuck with holding it and taking the flack for that.

"In 1992 I had a bill enabling legislation for a lottery for the counties because the Mayor at that time was looking at mass transit that we couldn't afford. Also, he was going to allow a half percent, or we were going to allow a half percent on the gross income. Well, the bill died and I decided to run for mayor. I could have run for the House and probably won -- I'm not sure.

"When I got appointed by the Governor for the Senate, I found out that a lot of this openness came to the Senate. We now vote in public, which sounds great to the public, but it's only those people that come here either from the departments or a particular group of special interest -- whatever special interest they might have -- that is really concerned. And what do we do? We need a quorum in which to pass a bill. And the reason we did this, my understanding is that the chairman used to have too much power. So now we have this voting in public. We used to circulate a bill like this, even if two people were in that committee. The staff could go ahead and write up a bill and we had, the same as we do now, where we can vote for, with reservations, or against. I think that's fair. I don't see that it's taken away any power from any chairman because even when we have a quorum, we defer. And that's bad.

"We talked about the Majority party wanting to help the economy. Well, we haven't passed anything to help the economy and that's why I think the freshmen, they're not young people, they're people who made promises to their constituents that we'd move forward -- and we haven't. And I think that's what they were looking at.

"We have, or I have, stood on this floor many times as you may have remembered. I said we have a referendum that was never used since 1939. I've put in all kinds of bills for gambling and so did other people. It's not your right to say that you don't want it, or your mother, or your grandmother, or you, personally, because of your church. You represent the people. And a referendum allows them to vote and it's only an advisory referendum, but it would certainly help the economy.

"Then I read, 'Union, no cuts, no way for TV.' And that's on Baywatch. And that upset me yesterday. I think they should be able to come up to a good compromise because the economy is down. And if you remember, years ago the unions were very proud. They said, 'We have the highest paid plantation workers in the world.' Today, my colleagues, we have the highest paid unemployed workers in the world, and we're in trouble.

"We sit here and we sort of smile and pass things, and it never really happens. I read the paper. 'Hawaiians are getting everything. Why should we pay for their tuition up at the University?' I said those who can pay should pay. There's a safety net for those who could not afford it, but if they pass everything, the Hawaiians should have first preference to go to the University.

"Yesterday, we got another report on Hawaiian Homes. They're still not getting the payments on their water -- haven't for years. The Department of Land and Natural Resources and Hawaiian Homes aren't at fault. OHA -- we wrote them under the same bills that the federal government did. Only those of 50 percent or more can be taken care of. So those people who write to the newspapers and say those Hawaiians have so much, they forget it's a very small group that we can help. And even those are not getting it because the ceded lands are not really getting any revenue. They're all in court. Hawaiian Homes has very little money. They can't do the infrastructure.

"And everybody sits here and they say we've got to make changes. This morning in Ways and Means, we had this bill that we just passed, 'A Bill for an Act Making an Emergency Appropriation for Child and Adolescent Mental Health Division.' Every year -- emergency funds for the Department of Health -- millions and millions of dollars. They're poorly administrated. And that's what the report said. It didn't say not

to give them; that they couldn't get the money; or that we shouldn't take care of these people. It talks about the administration and what's not happening. Year after year we get a report. That's our auditor. We talked about it. We passed bills. Then we do nothing -- absolutely nothing -- just like we've done with Hawaiian Homes, because I get these every year and have since 1978.

"That's the frustrating part, Mr. President. I want you to know that as far as I'm concerned, with everything that I've read about dissidents and the openness that we have here -- we have, I guess, the internet that's open to the public -- but they don't tell you that when you go in that closed door in the back there and you have all the fights in the world about how you like a bill or hate it. It doesn't come out on this floor; very little discussion is out on this floor. Senator Slom and I don't mind. That's why I don't mind signing a bill. I don't have to vote in public. I'll certainly go ahead and express myself on this floor.

"I think that we're doing a disservice, and I would hope that each one of you, if you believe in what you said on opening day that you want to help the economy, you want to move forward. We have all kinds of bills. I'm not saying to pass Whitney Anderson's bills or Senator Slom's bills, or that particular person's bills. I'm saying there are broad titles; there are good bills that we can use. And if you're dissatisfied with a particular measure, there is a referendum that you can use. It's only an advisory referendum. Put it in a particular bill; move it along. Don't worry about your next election because that's what's happening. As soon as you get elected, you worry about the next.

"Thank you for listening, 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., Monday, March 22, 1999.