

FORTY-SECOND DAY

Thursday, April 1, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable David Matsuura, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

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

Senator Taniguchi introduced Barry and Vivian Bergquist and their son, David, who were visiting from Minnesota.

Senator Iwase congratulated the Iolani High School Varsity Girls Softball Team on capturing the 1999 Varsity Girls State Softball Championship and introduced the following representatives of the team: Coach Chris Shimabukuro; and Co-Captains Mitzi Ing, Saori Takahashi and Liane Tominaga.

Senator Iwase then congratulated the Iolani High School Varsity Girls Soccer Team on their success in capturing the 1999 Varsity Girls State High School Soccer Championship and introduced the following individuals: Coaches George Anne Derby, Kari Morioka and Michelle Toyama; and Co-Captains Kristen Masunaga, Jodie Tanga and Alisa Sato.

At 11:51 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.

STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand Com. Rep. No. 1195) recommending that S.C.R. No. 97, as amended in S.D. 1, 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.C.R. No. 97, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING A COMPREHENSIVE STUDY OF THE IMPACTS OF RAISING THE STATE MINIMUM WAGE," 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. 1196) recommending that S.R. No. 40, as amended in S.D. 1, 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.R. No. 40, S.D. 1, entitled: "SENATE RESOLUTION URGING A COMPREHENSIVE STUDY OF THE IMPACTS OF RAISING THE STATE MINIMUM WAGE," 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. 1197) recommending that S.C.R. No. 179, as amended in S.D. 1, 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.C.R. No. 179, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING MORE PUBLIC EDUCATION ON THE MERITS OF VOLUNTEER SERVICE AND ON

EFFECTIVE METHODS FOR RECRUITING AND RETAINING VOLUNTEERS," was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor and Environment, presented a report (Stand Com. Rep. No. 1198) recommending that S.C.R. No. 201, be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO COORDINATE THEIR EFFORTS AND ENFORCE WORKERS' COMPENSATION MANDATORY COVERAGE REQUIREMENTS," was referred to the Committee on Commerce and Consumer Protection.

Senator Nakata, for the majority of the Committee on Labor and Environment, presented a report (Stand Com. Rep. No. 1199) recommending that S.R. No. 87, be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.R. No. 87, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO COORDINATE THEIR EFFORTS AND ENFORCE WORKERS' COMPENSATION MANDATORY COVERAGE REQUIREMENTS," was referred to the Committee on Commerce and Consumer Protection.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand Com. Rep. No. 1200) recommending that S.C.R. No. 102, 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.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A STUDY GROUP TO RECOMMEND ENVIRONMENTAL TAXES AND REDUCTION OF OTHER TAXES," 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. 1201) recommending that S.C.R. No. 161 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII CARPENTERS' TRUST FUND AND OTHER UNION TRUST FUNDS TO WORK WITH THE CONSTRUCTION INDUSTRY EMPLOYERS TO RESOLVE DIFFERENCES OVER THE EMPLOYERS' OBLIGATION TO MAKE CONTRIBUTIONS TO THE UNION TRUST FUND," was adopted.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1202) recommending that H.B. No. 1623, 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. 1623, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1203) recommending that the Senate advise and consent to the nomination of CHESTER C. KUNITAKE to the Hawai'i Labor Relations Board, in accordance with Gov. Msg. No. 187.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1203 and Gov. Msg. No. 187 was deferred until Monday, April 5, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1204) recommending that the Senate advise and consent to the nominations of GARY MCKEAGUE, CLAYTON E. WINGER, MELVIN MIYAMOTO, J. PATRICK ROLISON and ALLAN L. PARKER to the Hoisting Machine Operators Advisory Board, in accordance with Gov. Msg. No. 190.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1204 and Gov. Msg. No. 190 was deferred until Monday, April 5, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1205) recommending that the Senate advise and consent to the nomination of BRIAN L. SEN to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 183.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1205 and Gov. Msg. No. 183 was deferred until Monday, April 5, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1206) recommending that the Senate advise and consent to the nominations of LINDA R. LAI, GLADYS M. KOTAKI and BOB T. KITA to the Civil Service Commission, in accordance with Gov. Msg. No. 215.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1206 and Gov. Msg. No. 215 was deferred until Monday, April 5, 1999.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

ORDER OF THE DAY

MATTER DEFERRED FROM TUESDAY, MARCH 30, 1999

AGREE/DISAGREE

S.B. No. 1125, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1125 and requested a conference on the subject matter thereof.

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

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

"Today, in Commerce and Consumer Protection one of the resolutions we took up had to do with slamming and cramming. Slamming and cramming had to do with abuses, apparently, with the telecommunications industry. However, Mr.

President, in watching the news last night and hearing the comments from our Governor, I felt like we've been slammed and crammed and maybe more.

"The Governor was talking about the budgetary problems. And you know, I've been asking since last July, Where is that \$156 million surplus that the Governor was talking about? I don't know of anybody that ever saw it. I kept asking to see it, and I kept asking about the economic turn-around. And now I hear, Mr. President, that the turn-around is not here just yet, but what is here is a call for more taxes from the Governor, and a call that we're having problems with the budget, and the possibility of the closure of the state hospital in Kaneohe, and the possibility of having a special session in either June or October.

"Mr. President, fellow colleagues, haven't we learned our lesson? First of all, we spent 42 days here so far; we've passed two bills, although the hula bill is close to being passed so we will have an official State dance. We haven't done anything to improve the economy. We haven't done anything to lighten the load of our families. We haven't done anything to help small business people, but we keep talking about it. And now we're talking about raising taxes and having a special session. A special session for what, Mr. President? If we would do our jobs, if we would do our work like our constituents have to do, if we would meet our obligations, if we would put in the time and have some results, we wouldn't even have to talk about a special session because, believe me colleagues, there's nothing special about a special session that can't deal with the budgetary problems that we ourselves have helped create.

"The idea that we would talk about more taxes, tax increases, at a time when our people are suffering so much, when we're still losing businesses, when we're still losing people from this state, appalls me. And so, taking a leaf out of today's Commerce and Consumer Protection Committee, I would urge this body to get even more serious, do the things that we have to do in the time that we have allotted, because that's what people sent us here for, and stop this slamming, cramming, jamming, whamming, and most of all, ramming the taxpayers of this State.

"Thank you, Mr. President."

STANDING COMMITTEE REPORT

On motion by Senator Chun, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive Stand. Com. Rep. No. 1207 from the Committee on Ways and Means. In consequence thereof, and subsequent to its recessing at 12:08 o'clock p.m., the Senate took the following action on Stand. Com. Rep. No. 1207 and H.B. No. 1013, S.D. 1:

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1207) recommending that H.B. No. 1013, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1207 and H.B. No. 1013, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TOURISM AUTHORITY," was deferred until Monday, April 5, 1999.

ADJOURNMENT

At 2:32 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, April 5, 1999.