

TENTH DAY

Wednesday, February 2, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Sam Domingo, Harris United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator Taniguchi who was excused.

The President announced that he had read and approved the Journal of the Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 124 to 131) were read by the Clerk and were placed on file:

Gov. Msg. No. 124, dated January 20, 2000, transmitting the 1999 Compliance Resolution Fund Annual Report prepared by the Department of Commerce and Consumer Affairs, pursuant to Section 26-9, HRS.

Gov. Msg. No. 125, dated January 24, 2000, transmitting the following reports: "Hawaii Energy Strategy 2000" and "Hawaii Energy 2000 Summary," prepared by the Department of Business, Economic Development and Tourism, Energy, Resources, and Technology Division.

Gov. Msg. No. 126, dated January 21, 2000, transmitting the 2000 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, pursuant to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 127, dated January 25, 2000, transmitting the Report of the Patient Rights and Responsibilities Task Force, pursuant to Act 137, SLH 1999, and S.C.R. No. 152 (1999).

Gov. Msg. No. 128, dated January 25, 2000, transmitting a report prepared by the Department of Business, Economic Development and Tourism, Foreign-Trade Zone No. 9, on General-Purpose Zone and Special-Purpose Subzone Activity in the State of Hawaii for Federal Fiscal Year 1999, October 1, 1998 - September 30, 1999.

Gov. Msg. No. 129, letter dated January 31, 2000, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2748, which authorizes the issuance of \$3,800,000 in general obligation bonds to finance the planning, design, construction and equipping of a new building for the Measurement Standards and Commodities programs of the Department of Agriculture.

Gov. Msg. No. 130, dated February 1, 2000, transmitting the 1998-1999 Annual Report prepared by the State Foundation on Culture and the Arts, pursuant to Chapter 9, HRS.

Gov. Msg. No. 131, dated January 25, 2000, transmitting the Convention Center Authority's Action Plan for fiscal year ending June 30, 2001.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 21, from the Department of Commerce and Consumer Affairs, Office of Administrative Hearings, dated February 1, 2000, transmitting replacement copies of the Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 7 and 8) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 7, transmitting H.B. No. 1765, which passed Third Reading in the House of Representatives on February 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1765, entitled: "A BILL FOR AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATION," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 8, transmitting H.B. No. 1768, which passed Third Reading in the House of Representatives on February 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1768, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF MOTOR VEHICLES," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 14 and 15) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 14 "SENATE CONCURRENT RESOLUTION URGING THAT PU'U O KAPOLEI BE PLACED ON THE STATE AND NATIONAL HISTORIC REGISTERS."

Offered by: Senator Hanabusa.

Referred to: Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Education and Technology

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS IMPLEMENT REGULATIONS TO ASSURE THAT APPRAISERS OF PERSONAL PROPERTY MEET CERTAIN QUALIFICATIONS AND CONFORM TO THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE."

Offered by: Senator Tam.

Referred to: Committee on Commerce and Consumer Protection

SENATE RESOLUTION

The following resolution (S.R. No. 5) was read by the Clerk and was referred to committee:

Senate Resolution

No. 5 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS IMPLEMENT REGULATIONS TO ASSURE THAT APPRAISERS OF PERSONAL PROPERTY MEET CERTAIN QUALIFICATIONS AND CONFORM TO THE

UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE."

Offered by: Senator Tam.

Referred to: Committee on Commerce and Consumer Protection

At 11:57 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

THIRD READING

H.B. No. 2150, H.D. 1:

Senator Fukunaga moved that H.B. No. 2150, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Levin rose to support the measure as follows:

"Mr. President, I rise to speak in favor of this measure.

"House Bill 2150, H.D. 1, appropriates funds to provide for the expenses of the Legislature, the Legislative Auditor, the Legislative Reference Bureau, and the Ombudsman. For the third consecutive year, we are leading by example and living within our means. Members, this is a no growth legislative budget and, in fact, is 1 percent down from our budget of five years ago.

"At yesterday's hearing on this bill, your Committee on Ways and Means had extensive discussions regarding the Senate's expenditures over the past two years. We discussed staff salaries, per diem, travel, dues and subscriptions, office equipment, purchase rentals, repair and maintenance, and the Legislature's information system, among other things. Many questions were raised including the questions about the legislative information system contract which was actually approved by a separate appropriation measure in 1997.

"Ways and Means will be having a follow-up informational briefing on the 'Shadow' contract and related matters next week Monday, February 7, at 9:30 in Room 211, and all of my colleagues are invited to attend.

"We believe that the areas of concern have been addressed and will continue to be addressed, and we urge our colleagues to vote 'yes' on this measure."

Senator Chun rose to speak on the measure with reservations and stated:

"Mr. President, I would like to take this time to basically explain that, yes, I was one of the Senators who voted 'no' in the committee on that bill, but today I intend to vote 'yes, with reservations.' I want to make it clear that the vote we had yesterday in committee didn't reflect any kind of disagreement with the chairs because I believe the chairs had a wonderful meeting and it was really well handled and a lot of information came out at that meeting. I want to commend the chairs for running that meeting extremely well.

"But what the concerns were, at least from my point of view, was that, yes it is a no-growth budget, and yes that we are committing, in fact, to hold the line on the expenses. But one of the questions that has come up during this process -- this open process and information exchange -- is the fact that we still have a computer system out there that is being developed, and at this point in time we don't know really, solidly, know how much it is going to cost us, or whether it's going to cost us more in the future or not.

"One of the concerns raised is that once this new system gets in, it will be better and it will do more things than what our current system does. But with that new system also comes additional expenses, and I'm not quite sure today what those additional expenses will be and how much they will cost. Yes, as a matter of policy we can say we're going to hold the line, but holding the line does not mean sacrificing the quality of services.

"I want to just assure all the Senate members and also the public out there that we are just as concerned not only with the monetary point but how much we actually get accomplished; and that money is not the sole criteria as to how much we actually do.

"Those are the questions that we need to ask and we will continue to be asking them in the informational briefing next week.

"But the other reason why there was, basically, a split vote in the committee was that we need to show that we are just as cognizant and just as hard and just as analyzing on our own budget, our own legislative budget, as we are with the executive department's budget.

"We ask hard questions in the executive budget. When the departments come before WAM, we ask them for details. We ask them why they are spending a certain amount on this line item. We ask them what they hope to accomplish on those line items because of this amount. And we also ask them what is the projection, so we can prepare for future budget hearings about whether or not where our state is going to go. We ask hard questions to all departments, and we need to take that kind of hard look at our own budget.

"When we look at this budget this year, this budget for the legislature traditionally does not have these kinds of details. And we need to treat ourselves just as hard as we treat others. We cannot have a double standard for the legislative branch and the executive branch.

"Basically, the intent of the committee members was to make it clear that we're not having a double standard and that we're going to hold ourselves accountable just as we're going to hold departments accountable. And I think this is a step in the right direction.

"The discussions were going very positively and I think we're going to go forward from here on and really have these kinds of exchange of information and to have accountability come to what we do with our money and funds.

"Thank you, Mr. President."

Senator Buen also rose with reservations on the measure and said:

"Mr. President and fellow colleagues, I'll be voting 'yes with reservations' on this bill and I, too, was one who voted 'no' yesterday in the Ways and Means Committee.

"I think the chairs did a great job. But the reason why I voted 'no' is that . . . and I appreciate that the Legislature's budget has remained flat for five years. However, my negative vote yesterday on this legislative pay bill was reflective of the public's demand for this body's accountability. It is imperative that the Legislature be held to the same high standards of public accountability that we as legislators demand of both the executive and judicial branches of government. In this instance, this sort of accountability required a greater level of detail than had been provided to either my colleagues or myself.

"I'm glad to hear that we are assured that we will be given the information we had requested. I certainly do not want to

sign a . . . it's a blank check and we need to have that accountability.

"Thank you, Mr. President."

Senator Slom spoke with reservations on the measure and said:

"Mr. President, I rise in support of the bill with reservations.

"I echo some of the comments and the concerns of my colleagues and the fact that we are patting ourselves on the back for holding the line. Of course, the bill does not total up the total amount of expenditures and in doing so you'd find that we're talking about more than \$20 million -- \$20 million to operate the Legislature, if we don't do anything at all and, of course, some people in the community have accused us of not doing anything at all -- \$20 million.

"We talk about accountability and we talk about detail and I think that we need to do a much better job in showing exactly where these funds are going and to be held responsible and accountable for them. So I will be voting with reservations.

"Thank you, Mr. President."

Senator Nakata rose to speak with reservations and said:

"Mr. President, I was also one of those that voted 'no,' so I thought I needed to at least make a brief explanation of it. Simply that I don't feel comfortable that we have a real budget. We have a lump sum and the items within it are simply projections of previous years, and I don't think that's the proper way of budgeting.

"I'll be voting 'yes, with reservations.' Thank you."

Senator M. Ige rose to speak in opposition to the bill and stated:

"Mr. President, it's never easy, but I rise to speak against the measure.

"Mr. President, first of all I just want to thank the chairs for their courage. If you were at the meeting, you would know that there was a really lively discussion and I think a lot of credit goes to our Chief Clerk. He had all the answers. He knew where the information was. And I think that's a positive thing.

"And my understanding is it's historical. It's never been done. The budget was never given to any Senator and I think this is a real positive step. It makes me proud to be a Senator. My understanding is that more information is going to come out -- more information about travel, more information about per diem, about staffing levels, about the \$600,000 every year for the 'Shadow' system -- and I think that's great. I think that's a move in the right direction.

"But Mr. President, I echo the concerns of our Majority Floor Leader when he says, basically, my opinion was, what is good for the goose is good for the gander. Mr. President, in all of the committee hearings, in all of the committee hearings' subject matter, we grill them. We ask them hard questions, basic questions, and we expect a response. And most of the departments, if not all, have been very positive and very responsive. We have never said, 'Let's vote on the budget and give me the answers tomorrow.' We've always said, 'Let's be held accountable. Let's do the right thing.'

"But Mr. President, in this budget, we don't have the details. It was only yesterday when we began asking these questions. We're going to have the details possibly on Friday, and I respect the Clerk for that. But in the committee when we voted, it was understood we asked for a deferral -- one day, two days. Of course, we did not have the majority, and I understand majority rules. I understand that.

"But Mr. President, this particular budget, because it's not detailed enough, it's very difficult for me to look at my community and feel accountable. I feel that there's enough money there to make some cuts -- not just zero growth, but actually to make some cuts -- so we can go to the public and tell them that we are leading by example. But how can we say that right now. When you look at the budget, all it is is merely numbers, Mr. President.

"It's never easy to be the only person to vote 'no.' Let me tell you, it's very difficult, especially for the staff. It's not that I'm against the staff. It's not that I'm against raises. I just feel, Mr. President, I do not have the sufficient information to make an intelligent decision. And I think that it's only fair that we get this information before we make our decision.

"So Mr. President, you need to know I vote 'no' with a heavy heart. But I do want to thank the chairs for being so open and being historical, if you will, and I hope that we have more and more lively discussions like this in the future.

"Thank you."

Senator Levin then rose and said:

"Mr. President, I wanted to offer one clarification on the comments made by the Senate Minority Floor Leader.

"Of the money in this budget, it is not costing \$20 million to run the Legislature. Three quarters of the funds go to run the Legislative Reference Bureau, the Ombudsman, and Marion Higa and her Legislative Auditor's Office. I thought the record should be clear on that.

"Thank you."

Senator Anderson added his remarks as follows:

"Mr. President, I'm certainly refreshed that our Majority Floor Leader and Senator M. Ige have said that they would like to know more about the Legislature's budget.

"There is a budget analyst position. However, the Legislature has never funded the position. We have never appointed a person to be the budget analyst. This position would be like our Legislative Auditor. It would give the Legislature the information that we need to scrutinize spending in proposed budgets. But we play games here.

"In the hearing in Ways and Means, I said it costs legislators money when we go on trips. It cost me \$500 out of my own pocket because we have stayed with a per diem that is not realistic today.

"We can look at resolutions to take care of the problems that we are dissatisfied with or want more information. That's not the reason to vote 'no.' It may be a good reason to vote 'with reservations.' That's why in committee, I would not vote 'no,' because we have a position that would give us all of the information we want and need. We just won't fund it and we will not appoint anyone to that position.

"Thank you, Mr. President."

The motion was put by the Chair and carried, H.B. No. 2150, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (M. Ige). Excused, 1 (Taniguchi).

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 2971	Committee on Labor and Environment, then to the Committee on Ways and Means

ADJOURNMENT

At 12:15 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., Thursday, February 3, 2000.