

TWELFTH DAY

Friday, February 4, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Claudia Wong, C.S.J., Compassionate Counseling, Sisters of Saint Joseph, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Iwase and Matsuura who were excused.

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

At this time, the following international exchange student "shadows" were introduced:

Senator Anderson introduced Vyacheslav Kozyrev from Russia who attends Kalaheo High School;

Senator Nakata introduced Meder Jaylobaev from Kyrgystan who attends Kahuku High School;

Senator D. Ige introduced Tiko Balavadze from the Republic of Georgia who attends St Andrew's Priory;

Senator Matsunaga introduced Arzu Hajizade from Azerbaijan who attends Kalani High School; and

Senator Chun Oakland introduced Tatyana Matyukherich from Belarus who attends Moanalua High School.

Senator Levin then introduced Akash Kumar, a well-rounded student who has attained high achievements in all aspects of his life while showing concern and generosity for the welfare and well-being of others in the community. Accompanying Akash was his father, Dr. Krishna Kumar; and family members, Santosh and Yash Nagpaul; and Raj and Sunita Kumar.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 133 to 140) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 133, dated January 24, 2000, transmitting a report prepared by the Department of Human Resources Development in response to S.C.R. No. 64 (1999), requesting a comprehensive review of the Hawaii state law on employment of severely disabled persons, was placed on file.

Gov. Msg. No. 134, dated February 1, 2000, transmitting a report prepared by the Department of Health, Health Resources Administration, Family Health Services Division, Maternal and Child Health Branch, pursuant to Act 216, SLH 1997, relating to fees collected by the Department of Health, was placed on file.

Gov. Msg. No. 135, dated February 1, 2000, transmitting the 1999 Annual Report, Board Certification of Operating Personnel in Wastewater Treatment Facilities, prepared by the Department of Health, pursuant to Section 340B-12, HRS, was placed on file.

Gov. Msg. No. 136, dated February 2, 2000, transmitting a report prepared by the University of Hawaii, pursuant to S.C.R. No. 105 (1999), on the status of implementation of the Pacific

Center for Advanced Technology Training and Education, was placed on file.

Gov. Msg. No. 137, 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. 2877 and H.B. No. 2536, which makes an emergency appropriation of \$17,735,924 from general funds, \$378,646 from the Child and Adolescent Mental Health special fund, and \$38,866 from the Behavioral Health Administration special fund to allow the DOH to continue to provide mental health services to certain emotionally disturbed children and adolescents, was placed on file.

Gov. Msg. No. 138, letter dated February 2, 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. 2892, to correct the fiscal year reference in Act 304, Section 6, SLH 1999, to permit the appropriation of \$5,055,665 from the Hawaii Tobacco Settlement Special Fund to the Department of Health for fiscal year 1999-2000, was placed on file.

Gov. Msg. No. 139, letter dated February 3, 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. 2883, which makes an emergency appropriation and authorization for an increase of \$367,268 in general fund expenditure levels in fiscal year 2000 for developmental disabilities Title XIX state match costs, was placed on file.

Gov. Msg. No. 140, submitting for consideration and confirmation as Special Advisor for Technology Development, the nomination of JOSEPH F. BLANCO, term to expire June 30, 2003, was referred to the Committee on Education and Technology.

STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2008) recommending that the Senate advise and consent to the nomination of EDWARD L. CORREA, JR. as Adjutant General, in accordance with Gov. Msg. No. 2.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2008 and Gov. Msg. No. 2 was deferred until Monday, February 7, 2000.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2009) recommending that S.B. No. 2003 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. 2003, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," 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. 2010) recommending that S.B. No. 2002 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. 2002, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH

AND DEVELOPMENT," 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. 2011) recommending that S.B. No. 2004 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. 2004, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH," 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. 2012) recommending that S.B. No. 2008 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. 2008, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," 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. 2013) recommending that S.B. No. 2022, 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. 2022, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL LOAN PROGRAM," 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. 2014) recommending that S.B. No. 2342 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. 2342, 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 majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2359 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. 2359, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAIIAN ORGANIC AGRICULTURE," 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. 2016) recommending that S.B. No. 2411 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. 2411, 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.

ADVISE AND CONSENT

Stand. Com. Rep. No. 2002 (Gov. Msg. No. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2002 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations of GLADYS A. BRANDT, KEOLAHOU DAVIDSON-COLEMAN, ZACHARY HELM, CLARA KAKALIA, KAMAKI KANAHELE, JOSEPH PAPALIMU and JAMES KAPULE TORIO to the Office of Hawaiian Affairs Salary Commission, terms to expire no later than February 17, 2000, seconded by Senator Tanaka.

Senator Hanabusa rose in support of the nominees as follows:

"Mr. President, colleagues, I rise to speak in support of the confirmation of the seven individuals identified in Gov. Msg. No. 1.

"Mr. President, let me begin first with Aunty Clara Kakalia. Aunty Clara, as we all know, was acknowledged and is in the gallery with us today. She is a person who is very familiar, especially to those members of Water, Land, and Hawaiian Affairs. She has come before us and testified on every bill that has any relevance to Hawaiian matters. Aunty Clara is a member of the Hawaii State Association of Parliamentarians, Ka Lahui Hawaii, and, as mentioned by my colleague from Kona, she is an active member of the Hawaii State Democratic Party, as well as the Kawaihae Church.

"Mr. President, may we acknowledge Aunty Clara who has come to be with us. Aunty Clara, could you please rise again. (Ms. Kakalia rose to be recognized.) Thank you, Aunty Clara.

"The next individual is Kamaki Kanahele, someone that we also introduced earlier. Kamaki's resume goes on and on and on, but let me just highlight it. He is the only person in Hawaii who has served as the administrator and trustee for the Office of Hawaiian Affairs. He is presently the Kahu, as well as the chairman, of the State Council of Hawaiian Homestead Association, or as we know it, SCHHA. He is also the president of the Nanakuli Community Association and has served in that capacity for 14 years, and has served on many other community boards, groups, and organizations. Mr. President, may I also ask that Kamaki rise again and be recognized by this body. (Mr. Kanahele then rose to be recognized.)

"Mr. President, in addition to Aunty Clara and Kamaki, the following individuals must also be mentioned, though they can't be with us today.

"Another name that is very familiar to us all is Aunty Gladys Brandt. Mrs. Brandt is unable to be here because she is undergoing knee surgery. She has a resume that also goes on and on, and we, of course, all know her in the recent capacities that she served, especially on the Bishop Estate matter. Aunty Gladys is a Commissioner of the State Foundation of Culture and the Arts. She serves in the Cancer Research Center of Hawaii. She's also on the Admissions and Selection Committee for the John A. Burns School of Medicine. She's on the Papa Ola Lokahi, the federal Health Care Act, as well as serving on the Native Hawaiian Historic Preservation Council for OHA. Mrs. Brandt has been the chairman of the de facto OHA Salary Commission, and I must mention that she proudly stated that she drafted Kamaki as her vice chair. And as you can imagine, that must have meant very interesting meetings for them all.

"In addition to Mrs. Brandt, we have Keolahou Davidson-Coleman. Ms. Davidson-Coleman served on the Homestead

Association in Maui, as well as the SCHHA Council. She has listed as part of her resume the fact that she has testified on many matters involving the Hawaiian Homestead Commission.

"From Molokai, we have Zachary Helm, a name that I'm sure is familiar to many. Mr. Helm has served on Molokai Little League associations, as well as the Advisory Committee for Molokai Ranch, the president of the Kamehameha Schools ATP on Molokai, and president of the Kalama'ula Homestead Association.

"From the . . . I believe he's from the Big Island. We have Joseph Papalimu. He was present before the committee, and he has served on various committees for the Big Island and he lists among them the Merrie Monarch Commission.

"Last but not least, is James Torio, a name that is very familiar to many of us. We associate Mr. Torio with the Project FAITH of the Island of Kauai. He is a member of the Kauai Jaycees, as well as the Anahola Homestead Council. He is the executive director and that's, of course, how we all know him in terms of Project FAITH.

"Mr. President, this OHA Salary Commission has served in an odd way. They were appointed by the Governor after session; never stood confirmation by us; and their terms are actually scheduled to expire on February 17. If we do not confirm them today, colleagues, there's going to be a question as to what happens to all their work. They must be confirmed, then move on; set a public hearing in compliance with Chapter 92; adopt their report; and then forward it to the Legislature -- all before February 17 of this year.

"Colleagues, I ask that you join me in confirming the seven individuals in Gov. Msg. No. 1.

"Thank you, Mr. President."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chun Oakland, Fukunaga, Iwase, Kanno, Matsuura).

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, February 3, 2000:

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| Senate
Concurrent
Resolution | Referred to: |
| No. 16 | Committee on Labor and Environment, then to the Committee on Ways and Means |
| No. 17 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 18 | Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Government Operations and Housing and the Committee on Labor and Environment, then to the Committee on Ways and Means |
| No. 19 | Committee on Transportation and Intergovernmental Affairs |
| No. 20 | Jointly to the Committee on Economic Development and the Committee on Education and Technology, then to the Committee on Ways and Means |
| No. 21 | Jointly to the Committee on Transportation and Intergovernmental Affairs and the |

Committee on Economic Development, then to the Committee on Ways and Means

No. 22 Committee on Economic Development, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, February 3, 2000:

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| Senate
Resolution | Referred to: |
| No. 6 | Committee on Transportation and Intergovernmental Affairs |
| No. 7 | Jointly to the Committee on Economic Development and the Committee on Education and Technology, then to the Committee on Ways and Means |
| No. 8 | Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means |
| No. 9 | Committee on Economic Development, then to the Committee on Ways and Means |

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

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| Senate Bill | Referred to: |
| No. 2127 | Jointly to the Committee on Judiciary and the Committee on Transportation and Intergovernmental Affairs |
| No. 2840 | Jointly to the Committee on Commerce and Consumer Protection and the Committee on Education and Technology, then to the Committee on Ways and Means |
| No. 2841 | Jointly to the Committee on Economic Development, the Committee on Education and Technology and the Committee on Labor and Environment, then to the Committee on Ways and Means |
| No. 2888 | Jointly to the Committee on Judiciary and the Committee on Transportation and Intergovernmental Affairs |
| No. 3036 | Jointly to the Committee on Education and Technology and the Committee on Economic Development, then to the Committee on Ways and Means |
| No. 3142 | Committee on Education and Technology, then to the Committee on Ways and Means |
| No. 3193 | Jointly to the Committee on Commerce and Consumer Protection and the Committee on Labor and Environment, then to the Committee on Ways and Means |

Senator M. Ige rose on a point of personal privilege and said:

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

"Mr. President, I guess I was the one that raised the issue to the chair of Ways and Means. I guess I was a little bit disappointed in the letter, being that, in the past, we've had tremendous cooperation of the Ways and Means staff to work with CIP.

"Unfortunately, that burden has now been shifted to the departments, based on the memo. And for the departments to

respond to legislative add-ons is very difficult and very timely. The application is very detailed, very intricate, and to cross every 't', knowing that any of those projects could be rejected, is somewhat unfortunate. I'm just glad that the Ways and Means chairmen recognize that and will allow a little bit of leeway.

"Thank you."

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., Monday, February 7, 2000.