

FIFTEENTH DAY

Wednesday, February 9, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:33 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Reef Makue, Jesus Christ is Calling You Ministry, after which the Roll was called showing all Senators present with the exception of Senators Anderson, D. Ige and Taniguchi who were excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 145, letter dated February 8, 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. 2872 and H.B. No. 2531, which make emergency appropriations and authorizations for \$14,500,000 from general funds to allow Hawaii Health Systems Corporation (HHSC) to continue to provide health services in their twelve facilities for the period March 1, 2000, through June 30, 2000, was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 23 and 24) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 23 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION."

Offered by: Senator Matsuura.

No. 24 "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF THE REGULATION OF GEOLOGISTS."

Offered by: Senator Matsuura.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2444 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. 2444, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TREATMENT OF VICTIMS OF INTRAFAMILIAL CHILD SEXUAL ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2447 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. 2447, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2456 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. 2456, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BLUEPRINT FOR CHANGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2608 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. 2608, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2700, 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. 2700, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATEWIDE PRENATAL OUTREACH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2442, 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. 2442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2446, 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. 2446, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PROTECTION OF CHILDREN AND FAMILIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, jointly with Senators Kanno and Taniguchi, for the Committee on Health and Human Services and the Committee on Commerce and Consumer Protection, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2062, 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 joint report of the majority of the Committees was adopted and S.B. No. 2062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," 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. 2034) recommending that S.B. No. 2007, 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. 2007, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL 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. 2035) recommending that S.B. No. 2112, 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. 2112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST COMMUNITY BENCHMARKING PILOT PROJECT," 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. 2036) recommending that S.B. No. 2221 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. 2221, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," 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. 2037) recommending that S.B. No. 2415 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. 2415, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INFRASTRUCTURE," 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. 2038) recommending that S.B. No. 2473, 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. 2473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS DEFENDER," 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. 2039) recommending that S.B. No. 2528 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. 2528, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY REPAIR AND MAINTENANCE OF HAMAKUA DITCH 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. 2040) recommending that S.B. No. 2530 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. 2530, 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. 2041) recommending that S.B. No. 2549, 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. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDITS," 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. 2042) recommending that S.B. No. 2948, 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. 2948, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

MATTERS DEFERRED FROM TUESDAY, FEBRUARY 8, 2000

AGREE/DISAGREE

S.B. No. 1345, S.D. 2 (H.D. 2):

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1345, S.D. 2, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President and members, this is merely the correction to the measure which we passed last year, which is the adjustment to the judicial salaries. We have reviewed the bill and found it to be acceptable as to the prior agreement and understanding between the House and the Senate.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1345, S.D. 2, and S.B. No. 1345, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT COMPENSATION IN THE JUDICIARY," was placed on the calendar for Final Reading on Thursday, February 10, 2000.

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

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

"Mr. President and colleagues, this is the fifteenth day of our sixty-day session. One quarter of the session is gone already,

and we look back to see what we've done. And we see that we've passed one bill. One bill has been signed into law by the governor, Act 1, and that's the one that pays for us and pays for the legislative session and the legislative agencies attached to it -- nearly \$20 million.

"At the beginning of this session, we had a lot of discussion from the community when we visited with our constituents during the interim. They said that they wanted action and they wanted urgent action on several areas -- fireworks, fluoridation, guns and criminal control -- and to date, we have not acted upon these measures.

"Those people in the business community, Mr. President, are still waiting to have us do some things that are constructive, that will actually improve our business climate and lift us out of last place in all of the rankings compared to the other 49 states. We haven't done that.

"What we have done is heard bills to remove some of the business reforms advocated by the governor and others during the ERTF, notably Act 164, the automatic permit approval process. We are adding more staff and employees and divisions and agencies in bills that have been heard. We have bills to add new taxes. We have bills to curtail, extend or delete the much vaunted tax decreases of last year in the personal income and general excise tax area. We have more bills to raid both special funds and the Employees' Retirement System. But what we don't have is reform.

"Many of my colleagues and I were at the Capitol auditorium until 10:30 last night for a four-hour public hearing on the centerpiece of the governor's legislation for the year 2000 -- his third try at civil service reform. And frankly, Mr. President, I must say that I'm embarrassed if that's the best presentation that could be made, if that's the best that we could have out of a 184-page bill -- when the sponsors of the bill could not even answer the simplest questions; where they overlooked and forgot to put things in the bill; when they talked about collaboration with various parties and in fact there was no collaboration when the final version of the bill came out of left field. When this is what the chief executive is pinning his hopes on for reform this year, I'm not a betting or gambling man, Mr. President, but I wouldn't bet any money on having this bill in its present form get through the Senate, let alone the Legislature.

"So the good news is one quarter of the session is gone, three quarters still remain. But I don't sense an urgency within this 2000 Legislature to do the things that the public has told us over and over and over again that they want done. We have had other bills that talk about other things that they're not interested in. And because we don't have initiative and because we don't have referendum and because we don't have statewide recall, the public feels left out. And more people say that they're not going to vote or participate, which would be a shame. So we have to do everything that we can to encourage them to participate. But one of the first things that we can do is to act, and act responsively and act quickly. The sense of urgency is out in our community, but the public doesn't see it here.

"I'm hoping that the half-empty glass, half-full glass, will become much fuller by the end of our session.

"Thank you, Mr. President."

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

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

"Mr. President, I just want to echo some of the comments that our Minority Floor Leader made. Last night we were at the hearing. In reading the bill, you cannot help but get a sense of, you know like, hope, when the bill says to the effect that 'and is

a product of collaboration among the stake holders.' I think the Minority Floor Leader accurately described how difficult that meeting was when you have unions saying that it was an ill-conceived strategy, that the bill was hopelessly confused and convoluted and that it was created with haste and carelessness.

"You know, Mr. President, this supposedly is the issue for us, the elected officials. We're going to have to deliver on this bill. But seeing how polarized both sides are, just based on last night, I begin to wonder, and my hope slips to, I guess, hopelessness. And I just hope that this Senate can continue working hard, even if it may seem insurmountable, to bring the parties together. I think having a caucus on fireworks is great, but I think we should also look at priorities like this that are very important, not just to us but the next generation.

"So Mr. President, I hope that we, as I said, can continue working together and come up with a reasonable package dealing with civil service, because, Mr. President, you were there last night and you heard the testimony, it was not good. And unless we bring the people together and start talking about true collaboration, we're going to be in deep trouble -- the people that will be up for re-election, and I'm one of them.

"Thank you, Mr. President."

Senator Chun, also rising on a point of personal privilege, then said:

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

"Unlike some of the other members that were there last night, I kind of enjoyed myself. It was long and it was tedious, but I think a lot of the issues were talked about. They were brought out. We actually saw where the inconsistencies were within that bill. It was an admirable stab, I guess, in trying to formulate some kind of reform in the civil service. But as the night wore on, it became clear that there were a lot of internal inconsistencies. And there were a lot of policy decisions that were not even mentioned that demanded to be mentioned. And I think we can go forward from there to draft a bill that really addresses the real needs of the civil service laws and the real needs of the workers and the real needs of the managers to get together and the tools to go forward.

"I thought it was a pretty good meeting. I thought the issues were there. I think now the work lies with the committee members and the committee chairs and us, to roll up our sleeves, draft a bill that we feel will accurately reflect what are the needs of the system and to address the needs of both sides. So I look forward to that, and I think it's a good challenge, and thank you for reminding us that we need to go forward from there."

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

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

"I appreciate the comments on the hearing last night. It laid out the enormity of the task before us. I want to assure the Senate that our committee will do all it can to bring something together that we can be proud of.

"Thank you."

Senator Levin then rose on a point of personal privilege and said:

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

"On the issues discussed, I certainly share the views that civil service reform is a major issue that we must address. And I wanted to thank the chair of the Labor Committee, as well as leadership, for scheduling the caucus on civil service reform that we already had. We brought the proper attention to this

issue. We're devoting the proper time to it. And I certainly hope that members will cooperate and work with the chair and leadership to come up with the best possible solution.

"Thank you."

ADJOURNMENT

At 11:49 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 10, 2000.