

SEVENTEENTH DAY

Friday, February 11, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dennis Koshko, St. Anthony's Church, Kailua, after which the Roll was called showing all Senators present with the exception of Senators Anderson, Iwase and Nakata who were excused.

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

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

Senator Matsunaga introduced and congratulated the following winners of the 1999-2000 Spark Matsunaga Peace Poster Contest: Kit Man Ho, grand prize winner; and Aimee Shaw and May Arvie Godoy, merit winners.

Senator Kawamoto, on behalf of President Mizuguchi and himself, introduced two distinguished officials from the Republic of the Philippines -- the Honorable Luis "Chavit" Singson, Governor of the Province of Ilocos Sur; and the Honorable Fred Fegeras, Mayor of Santa Domingo, Province of Ilocos Sur.

Senator Taniguchi then introduced Coach Les Murakami of the University of Hawaii Rainbow Baseball Team and congratulated him on receiving the distinguished honor of being a Year 2000 inductee to the American Baseball Coaches' Hall of Fame.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 171, 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. 2791, which appropriates \$2,132,595 in general funds in FY 1999-2000 to pay the federal government its share of health insurance rebates and rate credits received by the general fund during FY 1999-2000, was read by the Clerk and was placed on file.

SENATE COMMUNICATION

Sen. Com. No. 1, notice to the Governor dated February 11, 2000, transmitting S.B. No. 615, S.D. 1, which proposes amendments to the Hawaii State Constitution, was read by Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"February 11, 2000

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following Senate Bill, a copy of which is attached hereto:

S.B. 615, S.D. 1

'PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION, TO ADD A SECTION ON CRIME VICTIMS' RIGHTS'

Respectfully,

/s/ Paul T. Kawaguchi
Paul T. Kawaguchi
Clerk of the Senate"

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2050) recommending that S.B. No. 2142, 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 S.B. No. 2142, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 14, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 2533 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. 2533, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2052) recommending that S.B. No. 2933 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. 2933, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION COMMISSION," passed Second Reading and 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. 2053) recommending that S.B. No. 647, 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 majority of the Committee was adopted and S.B. No. 647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLASTIC," passed Second Reading and 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. 2054) recommending that S.B. No. 2192, 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. 2192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWER PROTECTION ACT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the majority of the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2055) recommending that S.B. No. 2281 pass Second Reading and 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.B. No. 2281, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and 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. 2056) recommending that S.B. No. 2545 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. 2545, entitled: "A BILL FOR AN ACT RELATING TO GLASS RECOVERY," passed Second Reading and 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. 2057) recommending that S.B. No. 2611 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 majority of the Committee was adopted and S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO HABITAT CONSERVATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 14, 2000.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2058) recommending that S.B. No. 2672 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. 2672, entitled: "A BILL FOR AN ACT RELATING TO CONFLICTS OF INTERESTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2059) recommending that S.B. No. 2676 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. 2676, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN ACTIVITIES OF STATE LEGISLATORS AND STATE EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2060) recommending that S.B. No. 2971 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. 2971, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed

Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY RE-REFERRAL OF SENATE BILL

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

Senate Bill No. 3163	Referred to: Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
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Senator M. Ige rose on a point of personal privilege and said:

"Mr. President, I stand on a point of personal privilege, just to follow up on my point from yesterday.

"Mr. President, if memory serves me right, a while ago there was a book published and may have even been made into a movie and it was entitled, *Who's Watching the Children?* And since yesterday, I can't seem to get that question out of my head -- who's watching the children?

"Yesterday, I asked some questions concerning the DOE's policy regarding hiring A+ workers before their criminal history checks have been completed. The questions I asked were based on disturbing information indicating that persons convicted of crimes of violence have been, in fact, hired by the A+ program because DOE couldn't or wouldn't wait for the results of the criminal checks. Again, this was disturbing and shocking news to me.

"Today, I am further shocked and even more disturbed with the very answers to the questions I had posed yesterday concerning this matter. That is to say, I am shocked that the head of Kamaaina Kids has now said that it has been not just a current policy, but a long standing policy of their company to hire workers without waiting for criminal history checks.

"I am further shocked on hearing that Dr. LeMahieu has stated that he wasn't even aware of such a long standing policy. Is it not true that the DOE oversees the A+ program and that of Kamaaina Kids, which is the company contracted by the state to run the program? As a parent and legislator, these questions and now the answers to these questions both concern me and give rise to even further questions concerning this issue. Questions such as, How long has this policy been in place for Kamaaina Kids? Who set the policy? Who approved it? How many instances have there been in the past where a convicted individual was hired by A+ and later fired after the results of the checks were returned?

"Once we get the answers to these questions, what are we going to do about this policy? Do we need to enact laws to prevent such an unsafe condition to exist again in our schools? These are just some questions that come to mind and that I think need to be answered immediately to gain back the trust and confidence of all parents and children in our schools.

"Recently, a particular word or concept has been rather popular and often quoted in many circles around town, and that word or concept is accountability. The Thesaurus defines the word accountability as meaning 'duty, responsibility and obligation.' The word also means 'burden.'

"In closing, my question to this honorable gathering is, Has the duty, responsibility and obligation owed to our children become such a burden that we are willing to set policy -- that we are willing to set policy -- that establishes an acceptable margin of error concerning the safety and welfare of our kids? And is that not a question that should be posed to a parent and not contrived by any business or government entity?

"Thank you, Mr. President."

Senator Chumbley then rose on a point of inquiry as follows:

"Mr. President, I rise on a point of inquiry.

"Mr. President, was the Clerk successful in getting a response from the Superintendent of the Department of Education pursuant to the Senator from Kaneohe's request for Rule 84?"

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

Senator Chumbley continued:

"Mr. President, could you please order the Clerk to disperse to all the members of this body the response to the Senator from Kaneohe's questions to the Superintendent, please."

The Chair responded:

"Your request has been granted. As soon as we get the response, it will be delivered to all the Senators' offices."

ADJOURNMENT

At 12:06 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 14, 2000.