

EIGHTEENTH DAY

Monday, February 14, 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 Mr. Gene Grounds, Christian Science Church, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

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

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

Senator D. Ige, on behalf of President Mizuguchi and himself, congratulated Aiea High School on being selected as a Blue Ribbon School in Hawaii and introduced Mike Tokioka, principal; Elizabeth Fujii, student body president; and Jamie Morishigi, student body secretary.

Senator Chumbley, in acknowledgment of Hana High and Elementary School's accomplishment of being selected as a Blue Ribbon School in Hawaii, then introduced Patti Eason, a former principal of that school.

Senator Matsunaga, on behalf of Senator Ihara, also acknowledged the accomplishment of Kaimuki High School on being selected as a Blue Ribbon School in Hawaii by the United States Department of Education and introduced its principal, Gary Oyama.

Senator Chun Oakland, on behalf of President Mizuguchi and Senators Sakamoto and Tam, recognized and congratulated the Susannah Wesley Community Center on the occasion of its 100th year of service to the community and introduced Sharon Amano, president; Joanne Riche, executive secretary; Ron Higashi, executive director; and Dwight Lowrey, board member and former president.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 172 to 176) were read by the Clerk and were placed on file:

Gov. Msg. No. 172, dated February 1, 2000, transmitting the Department of Public Safety, Correctional Industries' Annual Report for Fiscal Year 1999, pursuant to Act 170, SLH 1995.

Gov. Msg. No. 173, dated February 1, 2000, transmitting the Hawaii Paroling Authority's Annual Report for Fiscal Year 1999.

Gov. Msg. No. 174, dated February 4, 2000, transmitting a report prepared by the Department of Health pursuant to H.C.R. No. 190 (1999), urging the Department of Health to extend its services of the neuropsychology department until appropriate and adequate alternatives are found.

Gov. Msg. No. 175, dated February 7, 2000, transmitting the Department of Human Services, Child Welfare Services Citizen Review Panel Annual Report for FFY 1999.

Gov. Msg. No. 176, dated February 7, 2000, transmitting the 1999 Annual Report prepared by the non-government members of the Marine and Coastal Zone Management Advisory Group

(MACZMAG), pursuant to Section 205A-3.5, HRS, and Act 104, Section 3, SLH 1995.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 22 to 25) were read by the Clerk and were placed on file:

Dept. Com. No. 22, from the State Auditor dated February 4, 2000, transmitting a report, "Allocation to New Century Schools Project," (Report No 00-04).

Dept. Com. No. 23, from the Department of Business, Economic Development and Tourism dated February 7, 2000, transmitting the Quarterly Statistical and Economic Report, December 1999.

Dept. Com. No. 24, from the State Auditor dated February 8, 2000, transmitting a report, "Management and Financial Audit of the Department of Public Safety," (Report No. 00-05).

Dept. Com. No. 25, from the State Auditor dated February 9, 2000, transmitting a report, "Follow-Up Management Audit of the Child Support Enforcement Agency," (Report No. 00-06).

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2061) recommending that S.B. No. 2024 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. 2024, entitled: "A BILL FOR AN ACT MEDICAL RESEARCH ON CANCER STUDIES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2000.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2062) recommending that S.B. No. 2027 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. 2027, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL SERVICES FOR ADULTS," 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. 2063) recommending that S.B. No. 2039 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. 2039, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEDICINE BANK," 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. 2064) recommending that S.B. No. 2040, 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. 2040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," 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. 2065) recommending that S.B. No. 2063, 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. 2063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," 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. 2066) recommending that S.B. No. 2064 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. 2064, entitled: "A BILL FOR AN ACT REPEALING SECTION 327E-13(G), HAWAII REVISED STATUTES," 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. 2067) recommending that S.B. No. 2182 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. 2182, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," 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. 2068) recommending that S.B. No. 2246 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. 2246, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," 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. 2069) recommending that S.B. No. 2370 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. 2370, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY AMBULANCE SERVICE ON THE ISLAND OF HAWAII," 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. 2070) recommending that S.B. No. 2486, 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. 2486, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 2071) recommending that S.B. No. 2488 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. 2488, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER," 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. 2072) recommending that S.B. No. 2489, 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. 2489, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRAIN INJURY," 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. 2073) recommending that S.B. No. 2567 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. 2567, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESPITE CARE SERVICES FOR FAMILIES OF INDIVIDUALS WITH SPECIAL NEEDS," 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. 2074) recommending that S.B. No. 2865 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. 2865, entitled: "A BILL FOR AN ACT RELATING TO PROPHYLACTICS," 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. 2075) recommending that S.B. No. 2872 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. 2872, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," 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. 2076) recommending that S.B. No. 2968 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. 2968, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," 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.

2077) recommending that S.B. No. 3022 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. 3022, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SERVICE MEDICALLY UNDERSERVED AND AT-RISK POPULATIONS IN KONA," 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. 2078) recommending that S.B. No. 3120 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. 3120, entitled: "A BILL FOR AN ACT RELATING TO MAUI MEMORIAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 278, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education and Technology.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was recommitted to the Committee on Education and Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2152, 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. 2152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2429, 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. 2429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," 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. 2082) recommending that S.B. No. 2432 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. 2432, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," 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. 2083) recommending that S.B. No. 2685 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. 2685, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS AND ESTATES," 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. 2084) recommending that S.B. No. 2688 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. 2688, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," 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. 2085) recommending that S.B. No. 2691 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. 2691, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," 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. 2086) recommending that S.B. No. 2692, 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. 2692, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," 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. 2087) recommending that S.B. No. 3155 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. 3155, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 460 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. 460, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESIDENTS OF MAUNALAHA SUBDIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2089) recommending that S.B. No. 2175, 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. 2175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 2603, 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. 2603, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 2604, 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. 2604, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2646, 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. 2646, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAILUPE STREAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2736, 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. 2736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2767 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. 2767, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 2768, 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. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC INFORMATION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2983, 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. 2983, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 2997, 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. 2997, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A WAIALUA-HALEIWA STORMWATER DRAINAGE MASTER PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2998, 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. 2998, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE DATA FOR HYDRAULIC AND HYDROLOGIC FLOOD ANALYSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 3049 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. 3049, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 3122, 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. 3122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 615, S.D. 1:

Senator Chumbley moved that S.B. No. 615, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak on the measure with reservations as follows:

"Mr. President, I rise to speak for the bill, with reservations.

"I think that the bill is well-intended and the idea, of course, is to elevate the rights of victims in the State Constitution to the rights already enjoyed by the criminals in our State Constitution. And the question arises whether or not we could have done some of these things by statute rather than by constitutional amendment and I think the answer is, yes we could. But again, it's a question of equity and trying to emphasize and focus on victims' rights, and I think that that's a very good thing to do.

"So I'll be supporting the bill, but I raise a couple of questions that I think need to be straightened out, and they have to do with possible ambiguity and vagueness.

"The bill states that the victim has the constitutional right to 'appropriate protection,' and I guess the issue or the question that arises is, Exactly what is 'appropriate protection'? Are we talking about a constitutional right to police protection or to something more? I think we need to do a little bit of work on that.

"Also in the bill there is a guaranteed constitutional right to restitution, but again, the bill is silent as to the amount of restitution. And I think it's an unusual bill in that it is due only to the person's arbitrary status as a victim.

"So, I raise these issues, again, in full support with the intent of the bill, but hope that we look at them so that they do stand constitutional muster.

"Thank you, Mr. President."

Senator Anderson then stated:

"Would the Clerk please put me down with a W/R for the same reasons, rather than go through the same speech."

The motion was put by the Chair and carried, S.B. No. 615, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION, TO ADD A SECTION ON CRIME VICTIMS' RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kanno).

S.B. No. 2142, S.D. 1:

Senator Chumbley moved that S.B. No. 2142, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Levin rose to speak with reservations on the bill and stated:

"Mr. President, I rise to speak in favor of the bill with reservations.

"My concern centers on Section 4 of the bill which appears primarily on page 6. First, the title of the bill may be a problem. The title is 'Rights of Victims and Witnesses in Criminal Proceedings.' Section 4 of the bill deals with what happens to persons if they are committed to a psychiatric facility. I'm not sure that fits within the title.

"But more importantly, with respect to the substance, it seems to provide that a person committed to a psychiatric facility would have a mandatory minimum commitment of six months, and then followed by a hearing, so the mandatory minimum would be extended even beyond six months. I'm not sure that is appropriate or is what was intended, especially in light of the Federal Court mandate to treat persons with mental illness in the least restrictive environment. If, for instance, a person is committed and then, with medication, is restored to normalcy in a month, would we really want to keep that person institutionalized for an additional five months? I think not.

"I know that the Judiciary Committee will work diligently on this issue. Since this is only the first cross, I will be supporting the bill, but I wanted to put my concern on the record.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 2142, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kanno).

S.B. No. 2611:

On motion by Senator Nakata, seconded by Senator M. Ige and carried, S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO HABITAT CONSERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kanno).

RE-REFERRAL OF SENATE BILL

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

Senate Bill Referred to:

No. 2706 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following concurrent resolution that was offered:

Senate
Concurrent
Resolution Referred to:

No. 18 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 11, from the Hawaii Health Systems Corporation dated January 31, 2000, transmitting a report pursuant to Act 338, SLH 1997, relating to the Program of All-Inclusive Care for the Elderly (PACE), was read by the Clerk and was placed on file.

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

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

"Mr. President, I've sort of cooled down. I've been a little upset since Sunday. I haven't received a response from the Hawaiian community. Headlines in the paper read -- 'Estate spent \$8 million in 3 years of legal battles.' Well, I ask you, Who wouldn't fight if they were charged with numerous and complex allegations?

"And I've been told by many to 'stay out of this, Whitney. Mind your own business. Don't get involved.' But what bothers me is that the media doesn't say how much the state has spent pursuing this case. I've read everything on this deal. But what really gets me is that on the third page, it notes the amount

of money that was contracted to non-bid, professional services. And if I may, Mr. President, for legal battles the attorneys received \$5,665,822. The accounting firms received \$2,463,000. Those are the same people who contribute politically to the governor and the mayor. Everybody wants the attorneys and the accountants. They made the money.

"But what did we spend? According to the newspaper article, Mr. Anzai claims \$900,000 on this particular legal battle. I would like to know, Mr. President, if you do not have the authority to do an investigation to find out how much we have spent as taxpayers, because I'd like to know what this department spent for the legal fees against Bishop Estate.

"What's even more important -- I've said it before -- with all the probing, checking and investigation, everybody that they uncovered belonged to the majority party. The Broken Trust authors believed they would be trustees. Now, they're too old to be trustees so they believe there's a broken trust. Nonetheless, it should be noted there's a helluva lot of money being spent in this investigation we don't know about.

"Also in this article, Mr. Roy Benham, president of Kamehameha Schools Alumni, says he's astounded at the amount of money spent and believes it should have gone for education. I strongly agree. This is the same message I said when we did not reappoint our attorney general, because every Hawaiian program is going down the tubes. And the Hawaiians only care about where the heck are they -- my aunty works for this one; my cousin works for that one; my friend with this one, and so forth.

"If you read in here, Mr. Anzai says there's \$200 million that he's seeking. But in reality, the trustees only have \$75 million. But it doesn't say that if we get the \$75 million, it's going back to Bishop Estate for the children to further their education. Does that mean, then, that money is going into our general fund? Or is the administration going to say, 'Hey, it cost us X number of tax dollars. We're going to take that amount out, and the balance goes back to Bishop Estate for the education of the youth.' Because that's what we are facing, ladies and gentlemen.

"If we're so concerned about the education of the youth, how then can the AG's department not give an accounting of what they've spent? They're going to go after \$200 million, but in reality it'll be \$75 million, and they don't say where that money is going.

"As I have said many times, I'm the last one that has any Hawaiian blood at all left here, and I have two granddaughters that are still beneficiaries. If we take money away from Bishop Estate, how then are we helping the children of Hawaii? And that's why it annoys me, Mr. President, that the Hawaiian community has said nothing.

"There's also an article in here that says, Senator Whitney Anderson, Herkes and the rest . . . they're going after \$65,000 worth of polling to find out where we stand in the Hawaiian community. I've got 35, 37 years with the Association of Hawaiian Civic Clubs. When Dr. Mills was the president of the Association of Hawaiian Civic Clubs, we had the different people from the Bishop Estate come in and talk to us. When I was president of that association, I had Bishop Estate talk to us to let us know what was going on with their educational program. They knew where I stood. I don't think that I would have been worth a damn for them in their poll.

"I want to know, Mr. President, if you have the authority to go ahead and do a check to find out how much money we have spent of taxpayers' dollars on this particular issue."

The Chair responded:

"I believe that through the Ways and Means Committee we can forward a letter to the attorney general to ask approximately how much is being spent."

Senator Anderson interjected:

"The attorney general says that we spent \$900,000 and the former attorney general, when she was in, said she spent \$900,000. She then wanted another \$900,000 so that she could get involved in the Hawaiian claims.

"I'm not sure how much money has been spent on this one issue because we only had two attorneys when Senator David Ige asked about the Felix/Waihee consent decree. We had seven to nine working on Bishop Estate. So if we've only spent \$900,000, I think that's a farce. I would like to know (we've never gotten the figures), Can we get those figures or can we not? And if so, I would like them to be released to the media, because I believe the media should know exactly what we are spending of the taxpayers' dollars.

"Thank you, Mr. President."

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

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

"Mr. President, yesterday a hero of mine passed away. I'd like to ask the Senate to adjourn on a rising vote in honor of Mr. Charles Schulz.

"Thank you."

ADJOURNMENT

At 12:19 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., Tuesday, February 15, 2000, on a rising vote, observing a moment of silence in memory of the late Charles Schulz.