

## TWENTIETH DAY

Wednesday, February 16, 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 Vice President in the Chair.

The Divine Blessing was invoked by Mrs. Shirley Engel, Waianae Seventh-day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senator Mizuguchi who was excused.

The Chair announced that he had read and approved the Journal of the Nineteenth Day.

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

Senator Hanabusa introduced Ciress Cuevo, a student 'shadow' from Waianae High School.

Senator D. Ige, with the assistance of Senators Slom, Hanabusa, Anderson and Matsuura, introduced and congratulated the following recipients of the Milken Family Foundation National Educator Awards: Phyllis Nakasuji, Kalani High School; Candy Suiso, Waianae High School; Estelle Wong, Olomana School; and Jamil Ahmadi, Waiakea Intermediate School.

Senator Tam then recognized and congratulated the 2000 Narcissus Queen Libby Lum, who was represented by her Court -- First Princess Kathryn Kam, Second Princess Serene Wang, Third Princess Dana-Li Dung, and Fourth Princess Jeannie Lim. (Queen Libby Lum and Fourth Princess Jeannie Lim were not able to attend the presentation.) Accompanying the young ladies were Frances Goo and Victor Lim of the Chinese Chamber of Commerce.

At this time, in the absence of Queen Libby, the Chair invited First Princess Kathryn Kam to address the members of the Senate and appointed Senators Tam, Chun Oakland and Chun to escort her to the podium.

First Princess Kathryn addressed the members of the Senate as follows:

"Good morning, Senate Vice President Chumbley and members of the Senate. I'd like to say on behalf of the Narcissus Queen, her Court, and the Chinese Chamber of Commerce, good morning and 'Kung Hee Fat Choy!' It's a pleasure and honor to be here today.

"Ever since we were crowned in January as the Narcissus Court for the Year 2000, it's been very exciting. We've been having a very busy month and we are looking forward to our goodwill tour to China in June. Members of the community are welcome to join this tour by contacting the Chinese Chamber of Commerce.

"We are glad to be here this morning and we just want to wish you all a Happy Chinese New Year. Thank you."

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 25 and 26) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED LEGISLATION FOR THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANCY."

Offered by: Senators Taniguchi, Kanno.

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO STUDY THE FEASIBILITY OF ESTABLISHING A DRUG COURT IN HILO."

Offered by: Senators Levin, Matsuura, Inouye.

## STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 2414, as amended in S.D. 1, 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 Committee was adopted and S.B. No. 2414, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Nakata, for the majority of the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2119) recommending that S.B. No. 2893 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. 2893, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," 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. 2120) recommending that S.B. No. 2905 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. 2905, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," 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. 2121) recommending that S.B. No. 559, 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. 559, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 18, 2000.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 2110, 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. 2110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL

CLAIMS," 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. 2123) recommending that S.B. No. 2118, 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. 2118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," 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. 2124) recommending that S.B. No. 2181 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. 2181, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST," 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. 2125) recommending that S.B. No. 2914, 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. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL FUNDS OF THE LAND DIVISION," 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. 2126) recommending that S.B. No. 2915, 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. 2915, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND," 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. 2127) recommending that S.B. No. 3181, 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. 3181, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," 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. 2128) recommending that S.B. No. 2030, 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. 2030, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH 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. 2129) recommending that S.B. No. 2607 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. 2607, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," 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. 2130) recommending that S.B. No. 2864, 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. 2864, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WELFARE OF INCOMPETENT PERSONS," 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. 2131) recommending that S.B. No. 2866, as amended in S.D. 1, 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 Committee was adopted and S.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2132) recommending that S.B. No. 2873, 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. 2873, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 2133) recommending that S.B. No. 2876, 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. 2876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL BACKGROUND CHECKS FOR THE DEPARTMENT OF HEALTH," 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. 2134) recommending that S.B. No. 2883, 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. 2883, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE'S MEDICAID HOME AND COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED OR

MENTALLY RETARDED PROGRAM," 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. 2135) recommending that S.B. No. 2885 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. 2885, entitled: "A BILL FOR AN ACT RELATING TO SANITATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 17, 2000.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2136) recommending that S.B. No. 2892 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. 2892, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTION OF THE APPLICABLE FISCAL YEAR FOR THE APPROPRIATION TO BE EXPENDED BY THE DEPARTMENT OF HEALTH IN SECTION 6 OF ACT 304, SESSION LAWS OF HAWAII 1999," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 2024:

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, S.B. No. 2024, entitled: "A BILL FOR AN ACT MEDICAL RESEARCH ON CANCER STUDIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Mizuguchi, Tanaka).

### RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2325	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
No. 2326	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
No. 2793	Jointly to the Committee on Commerce and Consumer Protection, the Committee on Labor and Environment and the Committee on Ways and Means
No. 2802	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means
No. 3026	Jointly to the Committee on Education and Technology and the Committee on Ways and Means

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

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

"There's going to be a hearing this afternoon in the State House in the Culture and the Arts Committee, and the purpose of this hearing is to give yet more of our taxpayers' money to Mr. Greg Bonann and the Baywatch Hawaii TV crew.

"You may recall, Mr. President, that I was highly critical and voted against giving state taxpayer money to beauty pageants, circuses and bikini television programs. At the time, we were told that this was the most successful program in the world, that this was going to bring all kinds of credit and economic vitality to this state.

"Well, Mr. President, the state has not turned around. Many of us are looking for that vitality. And one of the original objectives of the producers was to have overseas production of this series, and the series' overseas production has not come about. So now, in the words of the producer, if the state doesn't pony up more money, he may be forced to quit the series.

"Well, Mr. President, that's the way it works in business every single day. If the marketplace doesn't respond, then people either make their changes or they go out of business. The difference is, the struggling people of this state -- the taxpayers and the small business men and women -- reach in their own pockets. They don't come over here and take money from the taxpayers.

"We've already given this production \$6 million in credits, in money, in facilities, and improvements. Now they want to start a \$5 million annual fund, and they want to be the first recipients to tap \$2.5 million, initially, because they can't make it. Mr. President, there's no justification for this. And I think the person that said it best is a 17-year-old student at Punahou School. She's a senior. She's also a saleswoman at a local retailing outlet. Her name is Emily Boock, and she said, quote: 'They have no idea what the economy is like. The state doesn't have money to buy books for students. That's not a priority. But they chose to come here and it's not our fault that they're short of funds.' She's absolutely right.

"Everyday we're turning people down and telling them we don't have money for this and we don't have money for that. But when it's something glamorous like a television series, then we seem to be able to find money and we seem to forget about our keiki, to forget about our 'education second to none,' and certainly we long ago forgot about our small business women and men, because this Legislature hasn't done anything to improve the economy.

"So I'm really sad, Mr. President, that Mr. Bonann and his friend the Governor and his other friends are begging for more money. But let them start as charity does -- charity begins at home -- and let them reach in their own pockets, because the taxpayers of this state should not bail out this series.

"And right in line already -- already -- we have the second producer who we were told was going to come here last year, and that is Mr. Bill Nuss, executive producer and creator of Pacific Blue -- the idea of policemen riding on bicycles in shorts in Hawaii, which has great universal appeal. And he's saying, 'What a great idea this is for the taxpayers to subsidize our programs which we can't sell to the mass media.'

"So Mr. President, I would hope that we would get our priorities in order, and we can start by standing up and saying 'no' to anymore of these subsidies, and realizing that if we want better education, and we want to take care of our teachers, and we want to take care of our facilities, and we want to improve the business climate, those things must come first.

"Thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and said:

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

## ADJOURNMENT

"I'd like to thank the Minority Floor Leader. My comments are a little different, but he's absolutely right. If we start a precedence, we're dead.

"Mr. President, you may have noticed on the news that there was a group from Pearl City opposed to the use of Waimano Home for a group of young people who are sex offenders and are on the mainland because we don't have a facility for them here. I did call one of the stations this morning because of the concern of the residents who are upset because the home is a mile away from the high school. And I wanted to tell them that I thought that it was wrong that the Health Department, all the rest of them, did not get together to let them know what they were going to do in their backyard.

"But let me tell you, I also told them that in Windward we have the Women's Correctional Facility that's right next door to Kailua High School. We have the State Hospital on the same grounds as Windward College. We're not like the mainland. We are a very small state and we have small islands, so we're going to have to build facilities that are in close proximity to our housing projects. It's something that just can't be helped.

"Waimano Home is land that the state owns. We have a facility there that is deteriorating called Waimano Hospital. I've said for years, we should take the State Hospital and move it out to Waimano because we do have the facilities there that would take and house these people. However, we've got to let the community know what we're doing. It would save a heck of a lot of tax dollars, rather than have a facility like the State Hospital that costs us \$8 million and its administration cost is \$6 million.

"We should use the Waimano Home. That land is available. There's all kinds of buildings on it that can be reconstructed. I've even said in the past the homeless should go there because we've deinstitutionalized so many people that are on our streets. The homeless program has grown to the point that it's not their fault. Also, there are those that are out of work because our economy is down and they can't find the \$80,000 job that they may have had in the past and they're down to \$20,000 or \$15,000, have lost their homes and they have children to support. We could fix up Waimano and utilize it.

"There's all kinds of things that can be done to help. But first, we need to inform the community on what we're doing, why we're doing it, and let them know that we are trying to save money so that we can help in the fields of education, human services, whatever other dollars that we can put out that people need in this state of ours to move forward.

"And just because the governor says, 'If you folks do this, I'm going to veto the bill,' it doesn't mean that everything should come to a complete halt. And that's what's happened in the past. As soon as he disagrees with an issue or a bill, everybody and every committee stops and they look at every aspect -- is he going to like this; is he not going to like this; this is too controversial; the community is going to be upset. No matter if we put a prison somewhere, a mental hospital or whatever we do, it's going to be in someone's backyard. Someone will be upset.

"When I called the radio station, it's because I'm a state legislator -- I represent all of the state. Anybody in this state with family, friends, can vote against me if they think I'm wrong.

"So when you say something here, you've got to remember it's because you either believe in it or you don't. I happen to believe that we better move forward and save as many tax dollars as we can to provide the many needs that we have to have for other services.

"Thank you very much, Mr. President."

At 12:22 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 17, 2000.