

TWENTY-FOURTH DAY

Wednesday, March 1, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Most Reverend Father Daniel of Mount Carmel, Archangel Sanctuary of Waikiki, The Inclusive Orthodox Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Third Day.

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

Senator Ihara, in recognition of the Public Access Room's ten years of service at the Legislature, introduced the following honorees: Electra Anderson, Evelyn Bender, Marguerite Peach, and the Reverend Robert Fraser.

Senator D. Ige, on behalf of President Mizuguchi and himself, commended the Aiea High School Cheerleading Squad on capturing the title of National Champions at the National Cheerleading Championship Competition held in Dallas, Texas, and introduced Coaches Kathy Moniz and Elizabeth Godinet.

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

The Senate reconvened at 12:15 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 191 to 207) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 191, submitting for consideration and confirmation to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nominations of THEODORE E. GARDUQUE, LESTER H. INOUE, ARNALDO E. PREPOSE and OSCAR PORTUGAL, terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 192, submitting for consideration and confirmation to the Hawaii Community Development Authority, the nomination of AUDREY HIDANO, term to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 193, submitting for consideration and confirmation to the Board of Trustees, Hawaii Public Employees Health Fund, the nominations of: HOWENA HIU BLUME, term to expire June 30, 2001; DOLORES FOLEY, PH.D., and MILTON Y. FUKU, terms to expire June 30, 2003; and BRUCE Y. NAKAMURA and JAMES H. YASUDA, terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 194, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nominations of RICHARD L. KLEMM, CALVIN H. ODA and BLAKE VANCE, PH.D., terms to expire June 30, 2004, was referred to the Committee on Economic Development.

Gov. Msg. No. 195, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of MILES T. NAKATSU, term to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 196, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nominations of STEVE GOODENOW and FREDERICK WM. HACKBARTH, terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 197, submitting for consideration and confirmation to the Real Estate Commission, the nominations of CASEY K. CHOI and PETER RICE, terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 198, submitting for consideration and confirmation to the Rental Housing Trust Fund Advisory Commission, the nomination of LESLIE Y. KURISAKI, term to expire June 30, 2004, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 199, submitting for consideration and confirmation to the Reproductive Rights Protection Committee, the nominations of: ROSEMARY C. ADAM-TEREM, PH.D., term to expire June 30, 2002; and JENNIFER SCHEMBER-LANG and GAILYNN WILLIAMSON, PH.D., terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 200, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nomination of CAROL RAE BAPTISTA, term to expire June 30, 2004, was referred to the Committee on Ways and Means.

Gov. Msg. No. 201, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nominations of: ALAN K. BERNALDO, terms to expire June 30, 2000 and June 30, 2004; and RANDOLPH R. CABANILLA, term to expire June 30, 2004, was referred to the Committee on Ways and Means.

Gov. Msg. No. 202, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawaii), the nominations of: BRADLEY T. KINOSHITA, term to expire June 30, 2003; and GORDON Y. INABA and RICHARD G. WITHINGTON, terms to expire June 30, 2004, was referred to the Committee on Ways and Means.

Gov. Msg. No. 203, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of SANDRA I. KLUTKE, term to expire June 30, 2004, was referred to the Committee on Ways and Means.

Gov. Msg. No. 204, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nominations of ROGELIO EVANGELISTA and DANIA S. KRAWEC, terms to expire June 30, 2004, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 205, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of WAYNE SALAS and ROBERT O. VALENTINE, terms to expire June 30, 2004, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 206, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Water Treatment Plants, the nominations of STEPHEN C. GREEN and NORA R. MACARIOLA-SEE, terms to expire June 30, 2004, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 207, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of CLYDE T. KODANI, term to expire June 30, 2004, was referred to the Committee on Education and Technology.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 11 and 12) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 11, transmitting H.B. No. 2020, which passed Third Reading in the House of Representatives on February 18, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE LAWS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 12, transmitting H.B. No. 2022, which passed Third Reading in the House of Representatives on February 18, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2022, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was referred to the Committee on Judiciary.

JUDICIARY COMMUNICATIONS

The following communications from the Judiciary (Jud. Com. Nos. 1 to 3) were read by the Clerk and were disposed of as follows:

Jud. Com. No. 1, submitting for consideration and consent, the nomination of BARBARA P. RICHARDSON to the office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary.

Jud. Com. No. 2, submitting for consideration and consent, the nomination of ALEY K. AUNA, JR., to the office of Judge, District Family Court of the Third Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary.

Jud. Com. No. 3, submitting for consideration and consent, the nomination of TERENCE T. YOSHIOKA to the office of Judge, District Family Court of the Third Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 29 to 39) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 29 "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO INCORPORATE INTO THE COUNTY BUILDING CODES PROVISIONS FOR DISABILITY ACCESSIBILITY."

Offered by: Senators Chun Oakland, Kanno.

Referred to: Jointly to the Committee on Health and Human Services and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 30 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII NURSES' ASSOCIATION AND THE HEALTHCARE ASSOCIATION OF HAWAII TO BEGIN DISCUSSIONS TO IDENTIFY PROBLEMS AND PROVIDE SOLUTIONS FOR ACUTE-CARE ISSUES RELATING TO PATIENT SAFETY, NURSING CARE, AND THE POTENTIAL NURSING SHORTAGE."

Offered by: Senator Chun Oakland.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE GUARDIANS AD LITEM FEES."

Offered by: Senator Chun Oakland.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR DIABETES SELF-MANAGEMENT EDUCATION AND TRAINING."

Offered by: Senator Chun Oakland.

Referred to: Jointly to the Committee on Commerce and Consumer Protection and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE OPEN ACCESS TAXI SYSTEM AND THE OPEN ACCESS TAXI MANAGEMENT CONCESSIONAIRE AT HONOLULU INTERNATIONAL AIRPORT."

Offered by: Senator Slom.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO DEVELOP A QUICK AND EASY METHOD FOR THE CHILD SERVICE ORGANIZATIONS AND THE DEPARTMENT OF EDUCATION TO ACCESS SEX OFFENDER REGISTRATION INFORMATION."

Offered by: Senator Chun Oakland.

Referred to: Jointly to the Committee on Judiciary and the Committee on Education and Technology, then to the Committee on Ways and Means

No. 35 "SENATE CONCURRENT RESOLUTION SUPPORTING FEDERAL EFFORTS TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN."

Offered by: Senators Chun Oakland, Kanno.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY

TO PROVIDE GENDER SPECIFIC AND COMMUNITY BASED SERVICES FOR WOMEN OFFENDERS."

Offered by: Senators Chun Oakland, Kanno.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF HOW SLIDING-SCALE, HOME- AND COMMUNITY-BASED SERVICES AFFECTS THE RISK AND INCIDENCE OF INSTITUTIONALIZED CARE."

Offered by: Senator Chun Oakland.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING CONTINUED DISCUSSION FOR A COMPREHENSIVE REVIEW OF CURRENT CHILD PROTECTION LAWS."

Offered by: Senator Chun Oakland.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING AUDITS OF HOUSING PROGRAMS OF THE CITY AND COUNTY OF HONOLULU AND THE STATE."

Offered by: Senator Tam.

Referred to: Jointly to the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 12 to 16) were read by the Clerk and were referred to committees:

Senate Resolution

No. 12 "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO DEVELOP A QUICK AND EASY METHOD FOR THE CHILD SERVICE ORGANIZATIONS AND THE DEPARTMENT OF EDUCATION TO ACCESS SEX OFFENDER REGISTRATION INFORMATION."

Offered by: Senator Chun Oakland.

Referred to: Jointly to the Committee on Judiciary and the Committee on Education and Technology, then to the Committee on Ways and Means

No. 13 "SENATE RESOLUTION SUPPORTING FEDERAL EFFORTS TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN."

Offered by: Senators Chun Oakland, Kanno.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 14 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE GENDER SPECIFIC AND COMMUNITY BASED SERVICES FOR WOMEN OFFENDERS."

Offered by: Senators Chun Oakland, Kanno.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

No. 15 "SENATE RESOLUTION REQUESTING AN EXAMINATION OF HOW SLIDING-SCALE, HOME- AND COMMUNITY-BASED SERVICES AFFECTS THE RISK AND INCIDENCE OF INSTITUTIONALIZED CARE."

Offered by: Senator Chun Oakland.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 16 "SENATE RESOLUTION REQUESTING CONTINUED DISCUSSION FOR A COMPREHENSIVE REVIEW OF CURRENT CHILD PROTECTION LAWS."

Offered by: Senator Chun Oakland.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2432) recommending that S.B. No. 2056, 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. 2056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDITS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2433) recommending that S.B. No. 2088 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. 2088, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENT OF STATE MONEYS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 2, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2434) recommending that S.B. No. 2785, 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. 2785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2435) recommending that S.B. No. 2939, 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. 2939, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Second Reading

and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2436) recommending that S.B. No. 2946, 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. 2946, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2437) recommending that S.B. No. 3045, 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. 3045, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2438) recommending that S.B. No. 2067 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. 2067, entitled: "A BILL FOR AN ACT RELATING TO AWARDED CUSTODY AND VISITATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 2, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2439) recommending that S.B. No. 2069, 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. 2069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2440) recommending that S.B. No. 2120, 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. 2120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACT 316, SESSION LAWS OF HAWAII 1993, AS AMENDED BY ACT 157, SESSION LAWS OF HAWAII 1995; AND TO ACT 278, SESSION LAWS OF HAWAII 1999," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2441) recommending that S.B. No. 2121, 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. 2121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO OBSOLETE LAWS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2442) recommending that S.B. No. 2153, 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. 2153, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2443) recommending that S.B. No. 2154, 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. 2154, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2444) recommending that S.B. No. 2629 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. 2629, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 2, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2445) recommending that S.B. No. 2927, 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. 2927, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 92F, UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2446) recommending that S.B. No. 2160, 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. 2160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2447) recommending that S.B. No. 2308, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2447 and S.B. No. 2308, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO TAXATION," was deferred until Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2448) recommending that S.B. No. 2512 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. 2512, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 2, 2000.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2449) recommending that S.B. No. 2747, 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. 2747, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2450) recommending that S.B. No. 2831, 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. 2831, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2451) recommending that S.B. No. 3182, 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. 3182, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2452) recommending that S.B. No. 2354, 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. 2354, 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, March 3, 2000.

ORDER OF THE DAY

THIRD READING

S.B. No. 2849:

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, S.B. No. 2849, entitled: "A BILL FOR AN ACT RELATING TO REVIEW HEARINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Taniguchi).

S.B. No. 2293:

On motion by Senator Kanno, seconded by Senator Nakata and carried, S.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Taniguchi).

S.B. No. 3118:

Senator Hanabusa moved that S.B. No. 3118, having been read throughout, pass Third Reading, seconded by Senator Tanaka.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise to speak against the bill.

"Regretfully, I must speak against the bill, and I'm really sorry that this has become a divisive issue within our communities that one must be forced to apparently choose sides between veterans, military history, and the Hawaiian movement and restoration of Hawaiian names.

"I think that the City and County of Honolulu took a more reasonable approach to name changes within our community. We all recognize that names are significant and they're very important and they're very emotional, but the city ordinance made it mandatory that all new names -- all new street names, all new location names -- be given preference for Hawaiian terminology. I think that as I read S.B. No. 3118 it does not give an option but, in fact, requires changes in names. The bill talks about historic sites and significant facility settings and locations shall be preserved, but then goes on to talk about renaming these streets.

"The military in Hawaii is inseparable from our history, and the sacrifices that the men and women in the military have made within our community for our behalf -- all of us, including native Hawaiians -- I think is a matter of record, and is historic fact. Too often, I think, we take the military and what they tell us and what they feel for granted. We're very happy to take the money that's generated. We're very happy to accept the jobs that are generated. We're very happy to accept the voluntary contributions that they make to organizations, individual schools and community establishments, and once a year we do have Military Appreciation Week. But oftentimes there are problems with how we view the military and their perception of how they are viewed in our community.

"Also, our history, which seems to be more and more difficult to retain, to discuss, to remember . . . we seem to be making changes all the time and changes that are not always positive changes, particularly when we try to erase or forget contributions or symbolic names that mean something.

"We've been told by the veterans in our community and veterans' organizations, including our state Department of Veterans Affairs, that they think it is important because of history, because of the sacrifices, that the names remain in this area. If there were an option, if there were more input from the community, if there was an idea that we would still revere what has been done and the contributions made by the military, I doubt that we would have as much of an issue on this bill or this type of legislation.

"And so I repeat again, I think it's unfortunate that we are called upon to choose or to be put in a position where we must choose between various groups. But if that be the choice, then somebody's got to stand up for our military. Somebody's got to stand up for our veterans of all races and creeds and ethnic

backgrounds, and they have told us very clearly it's very important to them that they retain these names.

"Some people have perceived the stripping away of the names from the old Barbers Point area as being akin to the desecration at Punchbowl. I think that we should put everything in proper perspective. And if, in fact, we're going to make changes, I think that the changes should be beneficial for everyone.

"Thank you, Mr. President."

At this time, Senators Matsuura, Chun Oakland, Tanaka, Matsunaga, Kawamoto, Sakamoto and D. Ige requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Iwase rose and stated:

"Mr. President, just a short comment.

"I can agree with everything that the Senator from Hawaii Kai has said and I agree with everything that he has said -- we are American citizens; this is a state in the union; the military has contributed in the past to our country -- but as I understand it, in talking to the chair of the committee, this measure does not mandate the authority that will control Kalaeloa to give the streets Hawaiian names and remove the historic military names. This is something that is going to be left to the governing authority, hopefully with sensitivity to all of the community concerns, as well as the legitimate concerns of the veterans.

"Had this bill been a mandate to name all those streets Hawaiian names and to remove all of the military names without regard to precedent, without regard to history, without regard to tradition, without regard to honor, I would have voted 'no.' But because this bill does not appear, as I looked at it, to mandate the name change, I am going to be supporting the bill for that reason, and with that understanding. We have a bill moving through now that would turn Kalaeloa over to HCDA. Whether it's HCDA or the Barbers Point Redevelopment Commission, I'm voting for this bill with the clear understanding that either agency will not be mandated -- mandated -- to change the names.

"Thank you."

Senator Hanabusa rose to support the measure as follows:

"Mr. President, as my colleague from Hawaii Kai has stated, I guess this is an issue that has unfortunately divided the community and forced people to take sides.

"As I've stated and the Senator from Mililani correctly has quoted, this is basically guiding policies for the Kalaeloa Development Association.

"Mr. President, this bill is best described by a speaker that we had on another bill which followed 3118, and that was on the Hawaiian Immersion Program. The speaker was Paul LeMahieu, someone we are all familiar with. The superintendent, in his very strong statement in support of the immersion program, said it was time for him to step up to the plate, because he grew up with his fellow classmates, who dared to speak Hawaiian in the classroom, literally having the Hawaiian beaten out of them.

"Kalaeloa is Kalaeloa. It is not Barbers Point anymore. Why that change was made, who knows? But it was significant enough that Kalaeloa has technically, symbolically, been returned to the people of the State of Hawaii. Now, Barbers Point was Kalaeloa before it was Barbers Point, and now it is Kalaeloa. This area, which I represent, is to become integrated into the bigger community of Kapolei, Makakilo, the areas which Senator Kanno represents, and this means that we want to see an integration of Kalaeloa into the neighboring communities.

"This bill, which you introduced by request, Mr. President, was introduced by request from OHA. The reason OHA requested it is because of the concern of heiau, historic sites, and really the underlying principles that we are all hearing so much about today, which is the concept of that which is Hawaiian and that which is native Hawaiian. It is unfortunate that it is appearing to be a divisive issue.

"I would like to say that those who testified before the committee were veterans. We did not receive an official statement from the military saying that they would take personal affront if this Committee or this Legislature changed the names or, in fact, enacted this bill. The veterans were there, but the veterans who were Hawaiians who testified in testimony, in most part, wanted the names changed, because they felt that their identity as Hawaiians and being Hawaiian was most significant.

"Let us not forget the host culture here is Hawaiian. And yes, the military has done great sacrifices for us, but there is probably no group who has sacrificed as much as the Hawaiians. As Paul LeMahieu said, 'At the cost of the loss of their own identities, the prohibition of being able to speak their own language, dance their hula.' As my colleague from Kaneohe and Kahlua once put it, he said, 'You know, it looks to me like what we have had over history is that the Hawaiians have become strangers in their own home.' There is nothing as sacred as the language and we must start to make things right.

"How many of us stumble over Hawaiian street names because we did not grow up with Hawaiian, something that was part of what we were taught. This is a step. And for that reason, I ask my colleagues to support this measure.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 3118, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN TERMINOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Bunda, Slom). Excused, 2 (Fukunaga, Taniguchi).

S.B. No. 2850, S.D. 1:

Senator Chun Oakland moved that S.B. No. 2850, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Iwase.

Senator Slom rose in support of the measure with reservations and said:

"Mr. President, I rise to speak in favor of the measure, but with strong reservations.

"While I think we all agree with the intent and purpose of the legislation, it vests with the Department of Human Services a great deal of rule-making authority, which results in treating blood relatives differently from non-related foster parents when placing children subject to the DHS jurisdiction. And I think, if you look through the bill, it raises at least the possibility of possible discriminatory impact due to the arbitrary application of rules as they apply to non-blood related foster parents.

"So, for this reason and also the reason of the non-determined reasonable fee for criminal background checks, I will support the legislation, but with strong reservations.

"Thank you, Mr. President."

Senator Anderson then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2850, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KINSHIP CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Taniguchi).

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 13	Committee on Judiciary
No. 2438	Committee on Judiciary
No. 2477	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Judiciary

Senator Kanno, for the Committee on Commerce and Consumer Protection, requested a waiver pursuant to Senate Rule 20 for S.B. No. 2205, and the Chair granted the waiver.

Senator Levin, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for the following Senate Bills:

S.B. No. 800;
 S.B. No. 2426;
 S.B. No. 2433;
 S.B. No. 2716;
 S.B. No. 2742;
 S.B. No. 2856;
 S.B. No. 2857;
 S.B. No. 2933; and
 S.B. No. 3002,

and the Chair granted the waiver.

At 12:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:37 o'clock p.m.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, requested a waiver pursuant to Senate Rule 20 for S.B. No. 2477, and the Chair granted the waiver.

Senator Nakata, for the Committee on Labor and Environment, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 2245, 2343 and 2859, and the Chair granted the waiver.

ADJOURNMENT

At 12:41 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, March 2, 2000.