

THIRTY-SIXTH DAY

Tuesday, March 21, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Helene Wood, SSCC, Interim Director, Office of Worship, St. Stephen's Diocesan Center, after which the Roll was called showing all Senators present with the exception of Senators Bunda and Chun who were excused.

The President announced that he had read and approved the Journal of the Thirty-Fifth Day.

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

Senator Chun Oakland, on behalf of President Mizuguchi and herself, introduced Jennifer Lin Hong, Miss Chinatown USA 2000; Denby Annette Kwai Foong Dung, Miss Chinatown Hawaii First Princess; and Rene' Bao Sim Wong, Miss Chinatown Hawaii Second Princess. Accompanying the young women were Paul Chun from the Honolulu Chinese Jaycees and Leonard Kam of the Chinatown Merchants Association.

Senator Tam, in celebrating the grand opening of The Hawaiian Chinese Multicultural Museum and Archives, introduced the museum's president and founder, James Ho, and vice-president, William H.K. Lum.

At this time, the Chair appointed Senators Chun Oakland, Tam and Anderson to escort Miss Chinatown USA 2000 Jennifer Lin Hong to the podium to address the members of the Senate.

Queen Jennifer addressed the members of the Senate and their guests as follows:

"Thank you, Mr. President, Senators, ladies and gentlemen in the gallery, special guests -- good morning.

"On behalf of the Miss Chinatown Hawaii pageant; First Princess Denby Dung; Second Princess Rene' Wong; pageant producer and Honolulu Chinese Jaycees past president, Paul Chun; and Chinatown Merchants Association representative, Leonard Kam, thank you very much for taking the time out of your busy schedules to acknowledge us today.

"As a former participant of the Youth Legislature Program, I do have tremendous respect for all of the hard work and efforts that you put into making this a beautiful state, and in turn, on behalf of the Chinese community, we'd like to thank you for your unselfish service to your own communities as well as to the State of Hawaii.

"I was very honored to represent this State in San Francisco. I learned a lot about the Chinese culture and its heritage through the pageant, as well as through the San Francisco pageant.

"I'd like to wish all of you much success and happiness in the Year of the Dragon and for the remainder of your legislative session.

"Thank you."

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2822) recommending that H.B. No. 1836 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1836, 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. 2823) recommending that H.B. No. 2774 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2774, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN PUBLIC PLACES," 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. 2824) recommending that H.B. No. 3016, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3016, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE TO LOW-INCOME PERSONS," 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. 2825) recommending that H.B. No. 1939, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1939, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHOLAWE ISLAND RESERVE COMMISSION," 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. 2826) recommending that H.B. No. 2309, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2309, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE IN NORTH KONA, HAWAII," 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. 2827) recommending that H.B. No. 2501, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2501, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, jointly with Senator Nakata, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 2828) recommending that H.B. No. 2504 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2504, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," 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. 2829) recommending that H.B. No. 2574, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2574, H.D. 1, 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. 2830) recommending that H.B. No. 2733, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2733, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS 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. 2831) recommending that H.B. No. 2768, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2768, H.D. 1, 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. 2832) recommending that H.B. No. 2836, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2836, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," 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. 2833) recommending that H.B. No. 3001, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3001, H.D. 2, 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

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 2396, H.D. 1 Committee on Education and Technology, then to the Committee on Commerce and Consumer Protection

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

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

"I was called out of the Ways and Means Committee today by the media because the governor issued a press release this morning. He didn't bother sending me a copy of the press release but the heading of the press release says: 'Governor Blasts Republican Legislators for Opposing State Plans to Privatize Small Boat Harbors.' And in his statement, the governor called Republican Senator Sam Slom and Representative Galen Fox 'hypocrites' for opposing the state administration's bill to privatize the small boat harbors and the Ala Wai and Keehi Lagoon.

"Our chief executive went on to say, 'Given their past behavior, one must conclude that Senator Slom and Representative Fox are fighting the privatization of the Ala Wai and Keehi to curry the political favor of the well-heeled, demanding and rabid boaters who want to maintain the status quo and continue to take advantage of the low mooring fees. This cozy deal has been going on for over 20 years. Apparently Senator Slom and Representative Fox see nothing wrong with continuing this form of low-cost affordable housing at taxpayer's expense for another 20 years.'

"Mr. President, I am worried that our governor is either losing his mind or he doesn't have enough to do. Maybe he needs another trip. The governor is complaining about my position and the Majority's position that was expressed at the ECD hearing last Friday. If the governor would have taken time to come to the hearing, or if the governor would have taken time to respond to the many people that called his office and his representative -- the head of the DLNR -- he would find out that in fact this issue is not about privatization, which I absolutely strongly support, but this issue is about arrogance of power from this state administration and from its representatives who do not talk to, inform, or seek input from the people in an area where the government wants to do something.

"Now Mr. President, several of us in this body last night spent several hours in Pearl City where the governor, just a little while before, had tried to ram down sex offenders into a community without first seeking their advice, their counsel, listening to them, or anything else. Every individual, every organization that testified last night testified against the governor and against the state health director not because they were against the facility per se, but because they were not shown the courtesy or the respect to even be included in early discussions. Instead, after the decision was made, they were told this is the way it's going to be -- we're going to put sex offenders within a half mile of Momilani School. People don't like that, Mr. President.

"And in the area of the Ala Wai and the issue of privatization, in a bill which was not well thought out, we saw and heard from many people in the area. And contrary to what the governor has said about well-heeled people, if the governor, as I say, would ever come down to a hearing, if he would ever listen to the people in this state, he would have found out that we were talking and listening to more than 150 people that showed up. And they included residents, taxpayers, retirees, canoe paddlers of which there are 30 clubs, surfers, and young boaters (young people learning how to sail), all who were complaining about how this state has systematically been forcing them out of their culture, out of their recreation, out of their way of life in Waikiki and elsewhere.

"These people were unanimous in their opposition not only to not being able to use these facilities and to practice their art, but they also raised the legitimate concern of safety. Because had this bill or does this bill become law, what will happen is the large cruise boats and dinner boats presently at Kewalo Basin will move to the Ala Wai. And as it was shown and demonstrated by the testimony, which the governor was not interested in, it would be very difficult for these boats to enter and leave the harbor, to turn around in the harbor, and do all of these things. It would be a very dangerous mix to put them with canoe paddlers, with surfers, with young yachtsmen.

"Those were the issues, Mr. President -- the issues of safety, the issues of arrogance, the issues of not telling people in an area and not listening to them. Interestingly enough, though, the head of the DLNR after the hearing was over -- and by the way, he didn't stay to listen to the people either because his comment was, 'I've heard all of this before; I don't need to hear it again' -- he came back, however, and apologized to the committee chair and to the committee members and said perhaps we can work out an accommodation; perhaps we can take out the most objectionable part of the bill and leave the other flexibility which is what the administration said it sought. By the way, there was no discussion and no opposition to Keehi Lagoon, only to Ala Wai where the people live.

"Mr. President, if the governor would take out a map, he would find that the eighth senatorial district, of which I represent the people, does not extend to the Ala Wai. Although, I do know he's making plans to live in my district, so maybe he would like to reapportion it so that it does go a little bit further -- maybe down to East L.A.

"In any respect, I, like my 24 colleagues in this body, are State Senators and we represent everyone in this state. And when someone feels that they do not get a fair hearing or that their chief executive or their appointed minions do not listen to them, then they are free and urged to come to any one of us. And we will, as we demonstrated at the hearing last night, we will listen to them and we will take action even if the governor is too busy to do that but has plenty of time to issue press releases.

"So that's the issue on privatization, and thank you very much, Mr. President."

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

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

"I can agree with everything that the Minority Floor Leader said. I was also interested in the Ala Wai.

"I previously stated that people believe in what they read. And there was an article on Sunday. I didn't bring it up on the floor yesterday but when my boy tells me, 'You know, Bubba, what's in here is absolutely true; this is what happened years ago,' this is a Democrat who supported Hawaiian rights. This is by Mr. Walter Heen.

"Now, I've known Mr. Heen for years -- we grew up together; I knew his dad. Then when I read, 'Linda Lingle invites Hawaiian voters and others to join the new Republican party,' he believes that's wrong. Well, the Republican party has a plank for Hawaiians. I don't know if the Majority party does.

"The thing that bothers me is that they went back to 1896 when the Republican party was formed and how they were in bed with the 'Big-5.' Well let me remind you, ladies and gentlemen, the Big-5 at that time owned property, they lived here and their children went to school here. There were many concerns. There were people who I understand, after talking to some of the older ones, said, 'You know, maybe plantation days weren't as bad as everybody thinks. When we came over, we had a house. We had a store that we could buy supplies from.' They were trying to improve their lives and that's why many came here. All of the immigrants who came here were trying to improve themselves and that's why they came to Hawaii.

"Let me go on further -- 'The Republican party did nothing except in 1920.' They gave Kuhio a little bit of background because he was a Republican who got the Hawaiian Homes, but the Hawaiian Homes Lands were junk because they couldn't grow sugar on them. Well that's very true. There was a lot of game playing and it didn't change after the Majority party took control. In fact, in 1961, as I reminded everyone, it was the Association of Hawaiian Civic Clubs along with the homesteaders who turned around and told two different departments they had no right to exchange lands, that only the Hawaiian Homes Commission should exchange lands. The Hawaiians used to own maybe an acre in Waikiki and ended up with nine acres on the mountain. They no longer own that one acre in Waikiki. It was the Majority party who was in charge in those days.

"We have lost more land, and I tried to explain that to my boy, Mr. President, in the last 40 years -- legally -- than in all the other years put together. And that's what kind of bothered me, also the awarding of Hawaiian Homes. They go on here to say that prior to 1962 there was only 1,745 people on the land. Again, that's very true. Hawaiian Homes was a political football and it really didn't take hold until Billie Beamer took charge of Hawaiian Homes. The first thing she did was to say we're going to have to look at what lands we actually own. Those people who were behind in their payment -- either you catch up or you're out. And she started to build homes. Now, yes, she was appointed by Governor Ariyoshi and she ran for lieutenant governor, but remember, Billie Beamer also ran for lieutenant governor as a Republican. She was always a Republican. But that doesn't make any difference of party, it was the individual. She looked at and prioritized lands -- what we own. And then she started putting people on those lands.

"On the other side -- 'Hawaiian delegation disputes Lingle and Kane' -- this is from our esteemed Congressional delegation -- Inouye, Akaka, Abercrombie and Mink. They are troubled because they feel the Republican party on Rice/Cayetano took advantage of this decision to try to split the Hawaiian Community. Right here it says, 'It's all the Republican's fault.'

"Well let me tell you, when Governor Ariyoshi was in office, we had a problem with H-3. We had the Majority people in Hawaii but President Bush was the President of the United States. Elizabeth Dole was in charge of transportation. We sent Senator Mary George, who was very friendly with Elizabeth Dole, to D.C. We also sent John Medeiros and Whitney Anderson, along with some of our other colleagues, because we had to speak to both sides. I've taken trips up to Washington. We only listen to the four. And they're saying, well, today, nine years, they have done so well that they have had 70 pieces of legislation since the nine of them were elected. What happened to Cec Heftel and Danny Akaka when they were Congressmen and Senator Matsunaga and Senator Inouye was there? What happened then? Didn't we have four from the

Majority party? Weren't they the Majority ruling, regardless who was President?

"But still, the Hawaiians were not that well known. And still, the people of our state don't get the legislation passed. And our high cost of living is the same. Nowhere in here does it mention that when Whitney Anderson happened to be the Minority Leader in the House and President Bush (according to this article) withdrew the interior department's memorandum confirmation of the trust, I wrote a letter. I was told I can't do that as a Minority. This is a partisan issue and I believe it was a cultural one. We took part in that.

"I have a letter here recently that we sent to the chairman of housing, to help housing. Nowhere in any of these articles does it mention that. And the reason I mention this, my colleagues, is because neither one of us are 100 percent right or wrong. You need both houses and two parties regardless of whatever you think. That's why our votes go the way they do. Because we have dialogue.

"When I went to D.C. and talked to the Republicans, I was disgusted with them. Because when I explained our situation, they said, 'I didn't know you folks were having problems.' There is nobody from Hawaii in the Republican caucuses, so there is no discussion of Hawaiian issues. It makes me angry when they try to brush us off. They're as bad there as we are here.

"You may notice I'm not yelling today, Mr. President, but I do get upset when I hear the wrong doings were the doings of the Republicans.' And that's not true. The Majority party today is in bed with the supposedly Big-5 and they keep telling me whenever I vote against something, 'You can't do that. They're a kamaaina firm.' That's a lot of baloney. They're firms that bought the kamaaina firms. They are from all over the world. They are no longer kamaaina firms owned by kamaaina. They no longer have the interests that you and I do. They no longer care about the roads and the schools and everything else. They might care about the bottom buck, but that buck doesn't stay here in Hawaii.

"So that's why I was upset, Mr. President, because people believe everything that they read, or nearly everything. That's been my point for 20 years. Whenever I take this floor, it's because I think it's a disservice to the people when the media does not print all of the truth.

"Thank you very much for allowing me the time."

ADJOURNMENT

At 12:27 o'clock p.m., on motion by Senator Chumbley, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 22, 2000.