

## THIRTY-FIFTH DAY

Tuesday, March 18, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Mark, Kilohana United Methodist Church, after which the Roll was called showing all Senators present.

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

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 230, dated February 26, 1997, transmitting the 1996 Annual Report of the Hawaii Community-Based Economic Development Technical and Financial Assistance Program, prepared by the Department of Business, Economic Development, and Tourism, Business Development Division, pursuant to Chapter 210D-14, HRS, was read by the Clerk and was placed on file.

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 948) recommending that H.B. No. 872 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 872, entitled: "A BILL FOR AN ACT RELATING TO THE EAST-WEST CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 949) recommending that H.B. No. 1654, 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 McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1654, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERVISION OF ACCOUNTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 950) recommending that H.B. No. 1655, 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 McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 951) recommending that H.B. No. 1657, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1657, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 952) recommending that H.B. No. 1658, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1658, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 953) recommending that H.B. No. 1860, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1860, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE-GRANTING INSTITUTIONS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 954) recommending that H.B. No. 1433, 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 McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1433, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 955) recommending that H.B. No. 1662 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1662, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 956) recommending that S.C.R. No. 9, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING FULL INSURANCE COVERAGE FOR DIAGNOSTIC EXAMINATIONS FOR PROSTATE CANCER," was referred to the Committee on Ways and Means.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 957) recommending that S.C.R. No. 27, as amended in S.D. 1, be referred to the Committee on Education.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 27, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT CARDIOPULMONARY RESUSCITATION AND FIRST AID BE REQUIRED IN ALL PUBLIC AND PRIVATE HIGH

SCHOOL HEALTH CLASSES," was referred to the Committee on Education.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 958) recommending that S.C.R. No. 53 be referred to the Committee on Human Resources.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 53, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CAREFULLY ASSESS THE IMPACT OF NEW FEDERAL LAWS AFFECTING IMMIGRANTS TO PROTECT THEIR RIGHTS TO RECEIVE ADEQUATE HEALTH AND HUMAN SERVICES," was referred to the Committee on Human Resources.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 959) recommending that the Senate advise and consent to the nominations GARY K. KAJIWARA, BLAKE E. WATERHOUSE, M.D., ROGER DRUE, SISTER BEATRICE TOM, ARTHUR A. USHIJIMA, GRANT Y.M. CHUN, WILLIAM F. MIELCKE, CAROLYN A. NII, AKIRA OMONAKA and DIANE J. PLOTTS, to the Board of Directors, Hawaii Health Systems Corporation, in accordance with Gov. Msg. No. 146.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 959 and Gov. Msg. No. 146 was deferred until Wednesday, March 19, 1997.

Senators Levin and Metcalf, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 960) recommending that the Senate advise and consent to the nomination of SANDRA J. MIYOSHI to the State Council on Mental Health, in accordance with Gov. Msg. No. 154.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 960 and Gov. Msg. No. 154 was deferred until Wednesday, March 19, 1997.

## ORDER OF THE DAY

### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 14, 1997:

Senate  
Concurrent  
Resolution

Referred to:

No. 205 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 206 Committee on Health and Environment, then to the Committee on Ways and Means

No. 207 Jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Ways and Means

No. 208 Committee on Ways and Means

No. 209 Committee on Ways and Means

No. 210 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 211 Jointly to the Committee on Education and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 212 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 213 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 214 Committee on Human Resources, then to the Committee on Ways and Means

No. 215 Committee on Human Resources, then to the Committee on Ways and Means

No. 216 Committee on Education, then to the Committee on Ways and Means

No. 217 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 218 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 219 Committee on Judiciary, then to the Committee on Ways and Means

No. 220 Committee on Health and Environment, then to the Committee on Ways and Means

No. 221 Committee on Judiciary, then to the Committee on Ways and Means

No. 222 Committee on Economic Development, then to the Committee on Ways and Means

No. 223 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 224 Committee on Health and Environment

No. 225 Committee on Commerce, Consumer Protection, and Information Technology

No. 226 Committee on Human Resources, then to the Committee on Ways and Means

No. 227 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 228 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 229 Committee on Economic Development, then to the Committee on Ways and Means

No. 230 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Education

No. 231 Committee on Education, then to the Committee on Ways and Means

No. 232 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary

No. 233 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 234	Committee on Economic Development, then to the Committee on Ways and Means	No. 258	Committee on Health and Environment, then to the Committee on Ways and Means
No. 235	Committee on Education, then to the Committee on Ways and Means	No. 259	Committee on Education
No. 236	Committee on Education, then to the Committee on Judiciary	No. 260	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 237	Committee on Ways and Means	No. 261	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 238	Committee on Ways and Means	No. 262	Committee on Judiciary
No. 239	Committee on Judiciary, then to the Committee on Ways and Means	No. 263	Committee on Judiciary, then to the Committee on Ways and Means
No. 240	Committee on Judiciary, then to the Committee on Ways and Means	No. 264	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 241	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 265	Committee on Health and Environment, then to the Committee on Ways and Means
No. 242	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 266	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 243	Committee on Transportation and Intergovernmental Affairs	No. 267	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 244	Committee on Education, then to the Committee on Ways and Means	No. 268	Committee on Human Resources, then to the Committee on Ways and Means
No. 245	Committee on Education, then to the Committee on Ways and Means	No. 269	Committee on Education, then to the Committee on Ways and Means
No. 246	Committee on Human Resources, then to the Committee on Ways and Means	No. 270	Committee on Education, then to the Committee on Ways and Means
No. 247	Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means	No. 271	Committee on Human Resources, then to the Committee on Ways and Means
No. 248	Committee on Economic Development, then to the Committee on Ways and Means	No. 272	Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 249	Committee on Economic Development, then to the Committee on Ways and Means	No. 273	Committee on Health and Environment, then to the Committee on Ways and Means
No. 250	Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means	No. 274	Committee on Health and Environment, then to the Committee on Ways and Means
No. 251	Committee on Human Resources, then to the Committee on Ways and Means	No. 275	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 252	Committee on Education, then to the Committee on Ways and Means	No. 276	Committee on Human Resources, then to the Committee on Ways and Means
No. 253	Committee on Human Resources, then to the Committee on Ways and Means	No. 277	Committee on Education, then to the Committee on Ways and Means
No. 254	Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means	No. 278	Committee on Health and Environment, then to the Committee on Judiciary
No. 255	Committee on Judiciary	<b>REFERRAL OF SENATE RESOLUTIONS</b>	
No. 256	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	The President made the following committee assignments of resolutions that were offered on Friday, March 14, 1997:	
No. 257	Committee on Judiciary	Senate Resolution	Referred to:

- No. 99 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 100 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 101 Jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 102 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 103 Committee on Education, then to the Committee on Ways and Means
- No. 104 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 105 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 106 Committee on Human Resources, then to the Committee on Ways and Means
- No. 107 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 108 Committee on Economic Development, then to the Committee on Ways and Means
- No. 109 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 110 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 111 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 112 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 113 Committee on Economic Development, then to the Committee on Ways and Means
- No. 114 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Education
- No. 116 Committee on Education, then to the Committee on Ways and Means
- No. 117 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
- No. 118 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 119 Committee on Judiciary, then to the Committee on Ways and Means
- No. 120 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 121 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 122 Committee on Transportation and Intergovernmental Affairs
- No. 123 Committee on Education, then to the Committee on Ways and Means
- No. 124 Committee on Economic Development, then to the Committee on Ways and Means
- No. 125 Committee on Economic Development, then to the Committee on Ways and Means
- No. 126 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 127 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 128 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 129 Committee on Judiciary, then to the Committee on Ways and Means
- No. 130 Committee on Judiciary
- No. 131 Committee on Judiciary
- No. 132 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 133 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 134 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 135 Committee on Education, then to the Committee on Ways and Means
- No. 136 Committee on Judiciary, then to the Committee on Ways and Means
- No. 137 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 138 Committee on Human Resources, then to the Committee on Ways and Means
- No. 139 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 140 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 141 Committee on Human Resources, then to the Committee on Ways and Means
- No. 142 Committee on Human Resources, then to the Committee on Ways and Means
- No. 143 Committee on Education, then to the Committee on Ways and Means

### RE-REFERRAL OF GOVERNOR'S MESSAGE

The Chair re-referred the following governor's message that was offered:

Governor's  
Message

Referred to:

No. 219                      Committee on Commerce, Consumer  
Protection, and Information Technology

### RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill

Referred to:

No. 1690, H.D. 1      Committee on Health and Environment,  
then to the Committee on Ways and Means

No. 1857, H.D. 1      Committee on Ways and Means

No. 2060, H.D. 1      Committee on Ways and Means

### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate  
Concurrent  
Resolution

Referred to:

No. 170                      Jointly to the Committee on  
Transportation and Intergovernmental Affairs and the  
Committee on Commerce, Consumer Protection, and  
Information Technology, then to the Committee on Ways and  
Means

### RE-REFERRAL OF SENATE RESOLUTION

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

Senate  
Resolution

Referred to:

No. 89                      Jointly to the Committee on  
Transportation and Intergovernmental Affairs and the  
Committee on Commerce, Consumer Protection, and  
Information Technology, then to the Committee on Ways and  
Means

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

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

"Mr. President, yesterday at one of our hearings in Judiciary, we found out that ... we were looking at 'truth in sentencing,' and all of a sudden Mr. Kaneshiro was there with how much we needed prison space. Now, I just wanted to remind everyone that about last year or the year before, I wrote some letters and checked with some people because we had the women's prison in the windward side being expanded. Maybe there would be a possibility of moving these people to Waiawa. We were told no, Waiawa was going to be an educational type thing and we could not use it. Then all of a sudden it was being used for prisons.

"Yesterday, in the 'truth in sentencing' bill Mr. Kaneshiro told us not to look at it as trying to get any federal money; that there would only be \$500,000, roughly. And I asked, isn't it

true that either last year or the year before, when he was prosecuting attorney, 'truth in sentencing' in fact, was going to bring in a million, probably two million, for prison space, and we should look at that. His answer was, yes it was the truth in sentencing bill!

"Mr. Parsons was there from the county and said that the mayor was really wanting to be helpful; he wanted 'truth in sentencing' and he would help. Well, it just so happens that Pacific Business News came across my desk a few days ago, and there was warehouse space -- 19,000 all the way up to 43,000 square feet. And I said, maybe the mayor would like to let that be used for prison space because it was 25 cents a square foot. I wouldn't move my business because they were only going to give us a year or two, but maybe we could look at it for temporary prison space. And lo and behold, they said that's what they've been looking at. And then I saw it on television last night.

"Now, I don't know if any of the rest of you feel cheated, but here when we're trying to look at ways to provide prison space for this state and to help make sure that we move forward in that area because we're looking at stronger laws in crime ... and then when you throw something out ... and just a few days ago it was in the newspaper and in the want ads for the businesses, they say, oh yes we've been considering that; we've been working on that. Then it comes on the news and you see it on television where they're looking at putting these prisoners up in that area but they're not too sure if it's too close to a rural area or a school, which we happen to have on the windward side with the women's prison which is right in the residential area and right near schools.

"So I was just kind of befuddled and not sure exactly what people want out of government or out of you and me as legislators. If in fact we're trying to find ways and means to provide the necessary tools that these people need, and when you bring it up they say, oh yeh, we've been working on that. If they have, then share it, so we do not have to run around trying to figure out ways and means to take care of a serious situation in this state.

"Thank you very much, Mr. President."

### ADJOURNMENT

At 11:48 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 19, 1997.