

FORTY-EIGHTH DAY

Tuesday, April 10, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 9:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon Lauren Wong, St. John Vianney Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Seventh Day.

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

Senator Tam introduced George C.K. Young, the United Chinese Society's Model Chinese Father of the Year 2000; Susan L. Foo, Model Chinese Mother of the Year 2000; and Yun Soong Chock Jim, Model Chinese Citizen of the Year 2000.

Senator Hemmings, on behalf of President Bunda, introduced and welcomed the Honorable Jim Costa, Senator of the 16th Senatorial District of the State of California.

Senator Hanabusa then introduced Corina Eckl, the National Conference of State Legislatures' liaison to the Hawaii State Legislature.

Senator Kanno congratulated the students, teachers, families, and parishioners of Our Lady of Perpetual Help School for their extraordinary achievement and national recognition for the publication of their book, "God's Photo Album," and introduced the following individuals: Shelly Mecum, fourth grade teacher; Dennis Sakaki, principal; and students Eric Acierto, Iris Saragina, Kylie Kanui, Joy Agra'an and Sherri-Ann Carganilla.

At 10:07 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:15 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 273 and 274) were read by the Clerk and were placed on file:

Gov. Msg. No. 273, advising the Senate of the withdrawal of the nomination of TRINIDAD RAVAL to the Board of Taxation Review, Fourth Taxation District (Kauai), under Gov. Msg. No. 239, dated April 5, 2001.

In compliance with Gov. Msg. No. 273, the nomination listed under Gov. Msg. No. 239 was returned.

Gov. Msg. No. 274, informing the Senate that on April 6, 2001, he signed the following bills into law:

House Bill No. 587 as Act 4, entitled: "RELATING TO MORTGAGE BROKER LICENSING";

House Bill No. 1001 as Act 5, entitled: "RELATING TO GARNISHMENT";

House Bill No. 1176 as Act 6, entitled: "RELATING TO INSPECTIONS BY THE COUNTY FIRE CHIEF OR THE CHIEF'S DESIGNEES";

House Bill No. 1547 as Act 7, entitled: "RELATING TO TOWING"; and

Senate Bill No. 1135 as Act 8, entitled: "RELATING TO HAZARDOUS WASTE."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 378 to 380) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 378, transmitting H.C.R. No. 23, H.D. 1, which was adopted by the House of Representatives on April 6, 2001, was placed on file.

By unanimous consent, H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FEDERAL SUPPORT OF HAWAIIAN SELF-GOVERNANCE," was referred to the Committee on Hawaiian Affairs.

Hse. Com. No. 379, transmitting H.C.R. No. 64, H.D. 1, which was adopted by the House of Representatives on April 6, 2001, was placed on file.

By unanimous consent, H.C.R. No. 64, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT STRONGER ENERGY POLICIES THAT WILL IMPROVE ENERGY EFFICIENCY, DEVELOP AND ENCOURAGE RENEWABLE ENERGY, REDUCE GASOLINE CONSUMPTION FOR TRANSPORTATION, AND SWITCH FROM FOSSIL FUELS TO ALTERNATIVE FUELS," was referred to the Committee on Water, Land, Energy, and Environment.

Hse. Com. No. 380, transmitting H.C.R. No. 125, which was adopted by the House of Representatives on April 6, 2001, was placed on file.

By unanimous consent, H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PROJECT KA HALE PONO'S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER," was referred to the Committee on Hawaiian Affairs.

STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1575) recommending that the Senate advise and consent to the nomination of DAVIS YOGI as the Director of Human Resources Development, in accordance with Gov. Msg. No. 114.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1575 and Gov. Msg. No. 114 was deferred until Thursday, April 12, 2001.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1576) recommending that S.C.R. No. 42 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1576 and S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was deferred until Thursday, April 12, 2001.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1577) recommending that S.R. No. 33 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1577 and S.R. No. 33, entitled: "SENATE RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1578) recommending that S.C.R. No. 15 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1578 and S.C.R. No. 15, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES, HEALTH, AND LABOR AND INDUSTRIAL RELATIONS TO EXAMINE TRANSITIONAL LIVING PROGRAMS FOR YOUTHS IN FOSTER CARE," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1579) recommending that S.R. No. 12 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1579 and S.R. No. 12, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES, HEALTH, AND LABOR AND INDUSTRIAL RELATIONS TO EXAMINE TRANSITIONAL LIVING PROGRAMS FOR YOUTHS IN FOSTER CARE," was deferred until Thursday, April 12, 2001.

Senators Matsuura and Sakamoto, for the Committee on Health and Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1580) recommending that S.C.R. No. 92, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1580 and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION THE DEPARTMENT OF HEALTH AND DEPARTMENT OF EDUCATION ARE REQUESTED TO JOINTLY RESEARCH AND EXAMINE NON-MEDICATION ALTERNATIVES TO DEALING WITH CHILDREN WHO HAVE DIFFICULTY PAYING ATTENTION, HAVE DIFFICULTY LEARNING, AND DISPLAY HYPERACTIVE BEHAVIOR, INCLUDING REALLOCATION OF RESOURCES TO NON-MEDICATION PROGRAMS OF SOCIAL, RECREATIONAL, EDUCATIONAL, ATHLETIC, ARTISTIC, AND CULTURAL ACTIVITIES," was deferred until Thursday, April 12, 2001.

Senators Matsuura and Sakamoto, for the Committee on Health and Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1581)

recommending that S.R. No. 70, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1581 and S.R. No. 70, S.D. 1, entitled: "SENATE RESOLUTION THE DEPARTMENT OF HEALTH AND DEPARTMENT OF EDUCATION ARE REQUESTED TO JOINTLY RESEARCH AND EXAMINE NON-MEDICATION ALTERNATIVES TO DEALING WITH CHILDREN WHO HAVE DIFFICULTY PAYING ATTENTION, HAVE DIFFICULTY LEARNING, AND DISPLAY HYPERACTIVE BEHAVIOR, INCLUDING REALLOCATION OF RESOURCES TO NON-MEDICATION PROGRAMS OF SOCIAL, RECREATIONAL, EDUCATIONAL, ATHLETIC, ARTISTIC, AND CULTURAL ACTIVITIES," was deferred until Thursday, April 12, 2001.

Senators Matsuura and Chun, for the Committee on Health and Human Services and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1582) recommending that S.C.R. No. 100, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1582 and S.C.R. No. 100, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING PROJECT KA HALE PONO'S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1583) recommending that S.C.R. No. 107 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1583 and S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A HEALTH POLICY GUIDEBOOK," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1584) recommending that S.R. No. 80 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1584 and S.R. No. 80, entitled: "SENATE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A HEALTH POLICY GUIDEBOOK," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1585) recommending that S.C.R. No. 149 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1585 and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT OF A CENTER FOR THE HEALTH, WELFARE, AND RIGHTS OF CHILDREN AND YOUTH IN HAWAII AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1586) recommending that S.R. No. 64 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1586 and S.R. No. 64, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNMENT AGENCIES TO INVITE FAITH-BASED ORGANIZATIONS TO PROVIDE SERVICES TO THE YOUTHS OF HAWAII," was deferred until Thursday, April 12, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1587) recommending that S.C.R. No. 153 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1587 and S.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COLLABORATIVE EFFORTS AND THE PARTNERING INITIATIVES BETWEEN THE HAWAII HEALTH SYSTEMS CORPORATION AND THE VETERANS ADMINISTRATION IN HAWAII TO IMPROVE UPON THE QUALITY, DIVERSITY, AND ACCESSIBILITY OF HEALTHCARE ON THE NEIGHBOR ISLANDS," was deferred until Thursday, April 12, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1588) recommending that S.R. No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1588 and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION ESTABLISHING POLICIES FOR CAPITOL TELEVISION CABLECASTS OF SENATE PROCEEDINGS," was deferred until Thursday, April 12, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1589) recommending that S.C.R. No. 89 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1589 and S.C.R. No. 89, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE DEVELOPMENT OF THE NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE OPERATIONS PLAN AND CLARIFICATION OF THE STATE'S ROLE AND RESPONSIBILITIES," was deferred until Thursday, April 12, 2001.

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1590) recommending that S.C.R. No. 139, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 139, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF THE IMPACTS OF INCREASED PUBLIC ACCESS ON KA'AWALOA AND KEALAKEKUA BAY, ISLAND OF HAWAII," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1591) recommending that S.R. No. 99, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.R. No. 99, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF THE IMPACTS OF INCREASED PUBLIC ACCESS ON KA'AWALOA AND KEALAKEKUA BAY, ISLAND OF HAWAII," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1592) recommending that S.R. No. 97, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1592 and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MAHA'ULEPU," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1593) recommending that S.C.R. No. 34, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1593 and S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO KEEP THE WAIMANO HOME CRISIS SHELTER OPEN AND OPERATING UNTIL AN ADEQUATE PUBLIC OR PRIVATE FACILITY IS ABLE TO OFFER THE SAME SERVICES," was deferred until Thursday, April 12, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1594) recommending that S.R. No. 28, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1594 and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO KEEP THE WAIMANO HOME CRISIS SHELTER OPEN AND OPERATING UNTIL AN ADEQUATE PUBLIC OR PRIVATE FACILITY IS ABLE TO OFFER THE SAME SERVICES," was deferred until Thursday, April 12, 2001.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 6, 2001

Stand. Com. Rep. No. 1437 (S.C.R. No. 159):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 159, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM OF HAWAII TO STUDY CURRENT PENSION BENEFITS OFFERED TO PUBLIC SECTOR EMPLOYEES AND MAKE RECOMMENDATIONS TO MODIFY SUCH BENEFITS INCLUDING THE ADDITION OF AN ALTERNATIVE DEFINED CONTRIBUTION PENSION PLAN," was adopted.

Stand. Com. Rep. No. 1438 (S.C.R. No. 147, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was

adopted and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS' DISABILITY COMPENSATION DIVISION AND A STUDY OF WHETHER AN INJURED EMPLOYEE'S ACCESS TO MEDICAL CARE IS BEING CURTAILED DUE TO THE PRACTICE OF TYING REIMBURSEMENT RATES TO THE MEDICAL FEE SCHEDULE," was adopted.

Stand. Com. Rep. No. 1439 (S.C.R. No. 19):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 19, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO REVIVE ITS PROPOSAL FOR THE REACTIVATION OF THE NOFI O PUNA RESEARCH CENTER," was adopted.

Stand. Com. Rep. No. 1440 (S.R. No. 47):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR FORTY PER CENT OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN WITH DISABILITIES," was adopted.

Stand. Com. Rep. No. 1441 (S.C.R. No. 46):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ADMINISTRATIVE SERVICES BRANCH OF THE DEPARTMENT OF EDUCATION," was adopted.

Stand. Com. Rep. No. 1442 (S.R. No. 37):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 37, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ADMINISTRATIVE SERVICES BRANCH OF THE DEPARTMENT OF EDUCATION," was adopted.

Stand. Com. Rep. No. 1443 (S.C.R. No. 113):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FUNDING AND REGULATION OF NEW CENTURY CHARTER SCHOOLS," was adopted.

Stand. Com. Rep. No. 1444 (S.C.R. No. 25, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 25, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IDENTIFY ALTERNATIVES, INCLUDING HUNTING, TO THE USE OF SNARES, POISONS, AND UNATTENDED TRAPS FOR THE CONTROL OF GAME ANIMAL POPULATIONS," was adopted.

Stand. Com. Rep. No. 1445 (S.C.R. No. 136, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 136, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN EXPERIMENTAL SWORD FISHERY TO ADOPT ALTERNATIVE TURTLE MITIGATION MEASURES AND AVOID ADVERSE ECONOMIC IMPACT," was adopted.

Stand. Com. Rep. No. 1446 (S.C.R. No. 129, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 129, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was adopted.

Stand. Com. Rep. No. 1447 (S.R. No. 92, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 92, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was adopted.

Stand. Com. Rep. No. 1448 (S.R. No. 67):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 67, entitled: "SENATE RESOLUTION REQUESTING A REPORT ON THE DEVELOPMENT OF THE NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE OPERATIONS PLAN AND CLARIFICATION OF THE STATE'S ROLE AND RESPONSIBILITIES," was adopted.

Stand. Com. Rep. No. 1449 (S.C.R. No. 111, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 111, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FEDERAL RECOGNITION OF HAWAIIANS AS AN AUTONOMOUS GROUP," was adopted.

Stand. Com. Rep. No. 1450 (S.R. No. 84, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 84, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING FEDERAL RECOGNITION OF HAWAIIANS AS AN AUTONOMOUS GROUP," was adopted.

Stand. Com. Rep. No. 1451 (S.C.R. No. 20):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF ESTABLISHING AN INTER-ISLAND FERRY SYSTEM BETWEEN ALL OF THE ISLANDS," was adopted.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1452 (Gov. Msg. No. 181):

Senator Nakata moved that Stand. Com. Rep. No. 1452 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of WAYNE L. CHU to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 2005, seconded by Senator Ihara.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Stand. Com. Rep. No. 1405 (H.B. No. 830, H.D. 2, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 1405 be received and placed on file, seconded by Senator Kanno and carried.

Senator Kanno then moved that H.B. No. 830, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Kawamoto then offered the following amendment (Floor Amendment No. 6) to H.B. No. 830, H.D. 2, S.D. 1:

SECTION 1. House Bill No. 830, H.D. 2, S.D. 1, is amended by adding a new Section 2 to read as follows:

“SECTION 2. The amendments made by Act 175, Session Laws of Hawaii 1999, to section 286-108(b), Hawaii Revised Statutes, relating to the requirement that the examiner of drivers require proof from every applicant under the age of eighteen that the applicant has completed a driver education program and a behind-the-wheel driver training course certified by the director of transportation, shall be suspended upon the effective date of this Act and reactivated on January 1, 2003.”

SECTION 2. House Bill No. 830, H.D. 2, S.D. 1, is amended by renumbering and amending Section 2 to read as follows:

“SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.”

SECTION 3. House Bill No. 830, H.D. 2, S.D. 1, is amended by renumbering and amending Section 3 to read as follows:

“SECTION 4. This Act shall take effect on January 1, 2002; provided that section 2 shall take effect upon approval.”

Senator Kawamoto moved that Floor Amendment No. 6 be adopted, seconded by Senator Kanno.

Senator Kawamoto rose in support of the motion and said:

“Mr. President, we passed a bill last year requiring the driver’s age to be raised to 16. Along with that, we had an intensive driver education program that would consist of hands-on activity and intensive night driving explanation and instructions. We found this year that on the neighbor islands and in some of our rural areas that our lack of facilities and lack

of instructors caught the DOE and the DOT in a quandary whether they could meet these requirements or not.

“This amendment calls for a two-year suspension of the required education program until 2003, at which time the facilities and the instructors will be available to provide the education necessary for these driver’s licenses.”

Senator Sakamoto rose to speak in support with reservations as follows:

“I rise to speak in support with reservations, Mr. President.

“When the bill was heard in this Chamber and in hearings, concerns were raised about the availability of appropriate training, about the requirement for so many hours for training, about public schools being able to facilitate the training. Assurances were given, apparently not carried out. But, Mr. President, I believe individuals, instructors, businesses have geared up to comply with the law, Mr. President. To roll back the date two years doesn’t seem to be the right remedy.

“Certainly there are concerns and we should have remedies when there are concerns, but perhaps lowering the amount of required hours behind the wheel or doing some other adjustment that would make sense, still insuring safety, still assuring the children or the youngsters looking to get licenses at a young age do get appropriate training, might be a better mechanism.

“So, I would ask the Chair and those who are involved to look at other ways than just moving a date back. We still need safety, but perhaps lowering some of the requirements so that more people can comply with the law and can get trained properly.

“Thank you, Mr. President.”

Senator Chun rose in support with reservations and said:

“Mr. President, I stand in support of the amendment with reservations.

“Mr. President, I echo the concerns of the Senator from Moanalua. Personally, I know two people on my island who have gone through the process of purchasing equipment and materials necessary to provide for this training of school children. They’ve been hampered in the process by not being able to get certified by the Department of Transportation or the Department of Education.

“I see the situation, really, as our state departments trying to act as a roadblock to legislation which was enacted by this body last year. I don’t think we should continue to protect our agencies from not doing the work that they’re supposed to be doing. Also, I don’t believe that we should penalize the people who have invested their hard-earned money and efforts into complying with the law and trying to become the provider of these services that the state wants them to become.

“I am concerned, just like the Senator from Moanalua, about the impact that this amendment will have on their finances and their family and their life. Basically, I’m concerned that if we’re going to extend it for two years they can’t pay their loans. They’re going to default on that. They’re going to have to lose jobs and find some other ways to pay for the monies that they had to borrow to purchase the cars, to purchase the equipment, to purchase the materials. That is of a concern to me and I believe that hopefully as this goes down to Conference, that those concerns can be met.

"We should address the real problem, and the real problem is that departments are not doing their job. Thank you, Mr. President."

Senator Chumbley rose in support with reservations and said:

"Mr. President, I, too, rise in support with reservations and would ask that the Clerk insert into the Journal the words of the two previous speakers as if they were my own.

"Mr. President, in addition, when passed, this measure was given 18 months for implementation. If we do in fact agree to this roll forward, that could be in excess of 42 months of time for the department to get these procedures and processes into place. That's just too long of a time, Mr. President.

"I just want to urge caution to my colleagues on this. Thank you."

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

By unanimous consent, H.B. No. 830, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was placed on the calendar for Third Reading on Thursday, April 12, 2001.

Stand. Com. Rep. No. 1455 (H.B. No. 862, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1455 be adopted and H.B. No. 862, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Taniguchi rose and said:

"Mr. President, with regard to Stand. Com. Rep. No. 1455 and H.B. No. 862, there was a typographical error in the designation of the House draft of this bill. It reads 'H.B. No. 862, H.D. 2, S.D. 2,' but it should have read 'H.D. 1, S.D. 2.' To ensure that the bill is in its proper form before it passes Third Reading in the Senate, I'm requesting that this error be corrected and that copies of H.B. No. 862, H.D. 1, S.D. 2, be distributed to the members."

The President then said:

"If there are not objections from the members, the Clerk is directed to make the necessary typographical corrections to H.B. No. 862 and Stand. Com. Rep. No. 1455."

At 10:26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:27 o'clock a.m.

The President inquired:

"Mr. Clerk, have the corrections to H.B. No. 862 and Stand. Com. Rep. No. 1455 been made?"

The Clerk responded:

"Yes, Mr. President. The typographical errors have been corrected and copies of H.B. No. 862, H.D. 1, S.D. 2, have been distributed to the members."

By unanimous consent, action on Stand. Com. Rep. No. 1455 and H.B. No. 862, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE

ESTABLISHMENT OF SOCIAL WORKER POSITIONS," was deferred until Thursday, April 12, 2001.

THIRD READING

Stand. Com. Rep. No. 1340 (H.B. No. 11, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1340 was adopted and H.B. No. 11, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1344 (H.B. No. 159, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1344 was adopted and H.B. No. 159, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1345 (H.B. No. 282, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1345 was adopted and H.B. No. 282, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1351 (H.B. No. 527, H.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1351 was adopted and H.B. No. 527, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE FAMILY SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1352 (H.B. No. 630, H.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1352 was adopted and H.B. No. 630, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ON THE NATURAL PARENTS OF THE ADOPTED MINOR CHILD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1353 (H.B. No. 637):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1353 was adopted and H.B. No. 637, entitled: "A BILL FOR AN ACT RELATING TO OHANA CONFERENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 531, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1159:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 1159, 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1360 (H.B. No. 369, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1360 was adopted and H.B. No. 369, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1365 (H.B. No. 613, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1365 was adopted and H.B. No. 613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1368 (H.B. No. 1074, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1368 was adopted and H.B. No. 1074, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1369 (H.B. No. 1287, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1369 was adopted and H.B. No. 1287, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1370 (H.B. No. 1556, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1370 was adopted and H.B. No. 1556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1372 (H.B. No. 583, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1372 was adopted and H.B. No. 583, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1373 (H.B. No. 594, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1373 was adopted and H.B. No. 594, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION COURSES AND COURSE PROVIDERS FOR INSURANCE LICENSEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1375 (H.B. No. 735, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1375 was adopted and H.B. No. 735, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1378 (H.B. No. 1667, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1378 was adopted and H.B. No. 1667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1382 (H.B. No. 1026, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1382 was adopted and H.B. No. 1026, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1388 (H.B. No. 996, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1388 was adopted and H.B. No. 996, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1396 (H.B. No. 518, H.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1396 was adopted and H.B. No. 518, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1397 (H.B. No. 699):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1397 was adopted and H.B. No. 699, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1398 (H.B. No. 1538, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1398 was adopted and H.B. No. 1538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1401 (H.B. No. 411, H.D. 2, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1401 was adopted and H.B. No. 411, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1402 (H.B. No. 624, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1402 was adopted and H.B. No. 624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1403 (H.B. No. 509, H.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1403 was adopted and H.B. No. 509, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1407 (H.B. No. 22, H.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1407 was adopted and H.B. No. 22, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1408 (H.B. No. 653, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1408 was adopted and H.B. No. 653, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT INSURANCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 79, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 79, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY DISCLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 550, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 550, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 585, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 585, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 586, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 586, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 589, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 589, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1173, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1173, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LODGING OR TENEMENT HOUSES, HOTELS, AND BOARDINGHOUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1243, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1243, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1453 (H.B. No. 152, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1453 was adopted and H.B. No. 152, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1454 (H.B. No. 628, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1454 was adopted and H.B. No. 628, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1456 (H.B. No. 160, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1456 was adopted and H.B. No. 160, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1459 (H.B. No. 666, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1459 was adopted and H.B. No. 666, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL WASTEWATER SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1460 (H.B. No. 1339, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1460 was adopted and H.B. No. 1339, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER SUPPLY BOARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1464 (H.B. No. 77, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1464 was adopted and H.B. No. 77, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1465 (H.B. No. 429, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1465 was adopted and H.B. No. 429, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BLINDNESS SKILL TRAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1466 (H.B. No. 461, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1466 was adopted and H.B. No. 461, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PARKING PERMIT PROGRAM FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1468 (H.B. No. 962, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1468 was adopted and H.B. No. 962, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1470 (H.B. No. 533, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1470 was adopted and H.B. No. 533, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1473 (H.B. No. 731, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1473 was adopted and H.B. No. 731, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1474 (H.B. No. 1056, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1474 was adopted and H.B. No. 1056, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1480 (H.B. No. 23, H.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1480 was adopted and H.B. No. 23, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DECEPTIVE TRADE PRACTICES FOR TIME SHARE PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1482 (H.B. No. 382, H.D. 1, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1482 was adopted and H.B. No. 382, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1483 (H.B. No. 634):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1483 was adopted and H.B. No. 634, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE RECOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1484 (H.B. No. 662, H.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1484 was adopted and H.B. No. 662, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 998, H.D. 2:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 998, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1486 (H.B. No. 868, H.D. 1, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1486 was adopted and H.B. No. 868, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1488 (H.B. No. 16, H.D. 2, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1488 was adopted and H.B. No. 16, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1489 (H.B. No. 17, H.D. 2, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1489 was adopted and H.B. No. 17, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1492 (H.B. No. 588, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1492 was adopted and H.B. No. 588, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWAL REQUIREMENTS OF THE BOARD OF MEDICAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1493 (H.B. No. 644, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1493 was adopted and H.B. No. 644, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1495 (H.B. No. 654, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1495 was adopted and H.B. No. 654, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1497 (H.B. No. 539, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1497 was adopted and H.B. No. 539, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1498 (H.B. No. 201, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 1498 was adopted and H.B. No. 201, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 603, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 603, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 599, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Kanno and carried, H.B. No. 599, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 598, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 598, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTIONS FOR DEPOSITORY INSTITUTION SALES OF INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 896, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 896, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1508 (H.B. No. 524, H.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 1508 was adopted

and H.B. No. 524, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1509 (H.B. No. 538, H.D. 2, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1509 was adopted and H.B. No. 538, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1511 (H.B. No. 691, H.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1511 was adopted and H.B. No. 691, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR THE STATEWIDE TRAIL AND ACCESS PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 602, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Kanno and carried, H.B. No. 602, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1003, H.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 1003, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1517 (H.B. No. 1004, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1517 was adopted and H.B. No. 1004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORIGINAL JURISDICTION OF THE HAWAII SUPREME COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1115, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 1115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMISSIBILITY OF PAID BILLS IN COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1255, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 1255, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1520 (H.B. No. 1089, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1520 was adopted and H.B. No. 1089, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1521 (H.B. No. 175, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1521 was adopted and H.B. No. 175, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1524 (H.B. No. 840, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1524 was adopted and H.B. No. 840, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1527 (H.B. No. 1561, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1527 was adopted and H.B. No. 1561, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1528 (H.B. No. 786, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1528 was adopted and H.B. No. 786, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1530 (H.B. No. 161, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1530 was adopted and H.B. No. 161, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD

CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1533 (H.B. No. 562, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1533 was adopted and H.B. No. 562, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1536 (H.B. No. 1273, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1536 was adopted and H.B. No. 1273, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1537 (H.B. No. 1309, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1537 was adopted and H.B. No. 1309, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1538 (H.B. No. 925, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1538 was adopted and H.B. No. 925, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1540 (H.B. No. 614, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1540 was adopted and H.B. No. 614, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1541 (H.B. No. 1411):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1541 was adopted and H.B. No. 1411, entitled: "A BILL FOR AN ACT RELATING TO SECONDARY MARKET SERVICES CORP.—HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1544 (H.B. No. 168, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1544 was adopted and H.B. No. 168, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1547 (H.B. No. 216, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1547 was adopted and H.B. No. 216, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1548 (H.B. No. 1138, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1548 was adopted and H.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBMISSION OF REPORTS TO THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1549 (H.B. No. 1686, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1549 was adopted and H.B. No. 1686, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS FOR INTER-ISLAND MARITIME TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 526, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 526, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 424, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 424, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1559 (H.B. No. 1685, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1559 was adopted and H.B. No. 1685, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 697:

On motion by Senator Tam, seconded by Senator Menor and carried, H.B. No. 697, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TELECOMMUNICATIONS AND INFORMATION INDUSTRIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1564 (H.B. No. 1282, H.D. 2, S.D. 2):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 1564 was adopted and H.B. No. 1282, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1566 (H.B. No. 638, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Kawamoto and carried, Stand. Com. Rep. No. 1566 was adopted and H.B. No. 638, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1567 (H.B. No. 945, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1567 was adopted and H.B. No. 945, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1570 (H.B. No. 223, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1570 was adopted and H.B. No. 223, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Stand. Com. Rep. No. 1341 (H.B. No. 14, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1341 was adopted and H.B. No. 14, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL SCHOOL CLERICAL POSITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 1342 (H.B. No. 94, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1342 was adopted and H.B. No. 94, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTER PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1343 (H.B. No. 100, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1343 be adopted and H.B. No. 100, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

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

"I just wanted to note the alarming increase in autistic cases across the nation and in Hawaii. Currently, we are spending in Hawaii nearly \$9 million a year to cover the cost of autistic children. According to the National Institute of Health, the number of children diagnosed with autism has risen from 1 per 10,000 children in 1990, to 67 per 10,000 this year and they really aren't sure why. In Hawaii, the number of children with autism has more than doubled in just the last two years. And these are children who have been diagnosed with autism.

"Now, the average cost of autistic children with treatment raises between \$500,000 to \$3 million. In other words, over a lifetime, it will cost, with treatment, between \$500,000 to \$3 million just to treat a child with autism through their lifetime. If they are untreated, that cost (by numbers recognized by the National Institution of Health) raises to between \$6 million and \$11 million over their lifetime. These numbers are courtesy of the Loveland Academy, an outstanding center for students which is located in Honolulu, and several Legislators had an opportunity to visit and see the results of this outstanding center just this past week. Currently, due to a change in DOH policy, the survival of this institution is in jeopardy.

"Mr. President, I ask the question, Why the Legislature would want to essentially switch the study of autism to the University of Hawaii, which isn't even sure that it wants it in the first place, when we already have a place where both study and impressive results are already working?

"Thank you very much."

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

"Mr. President, I, too, rise in support of the measure with reservations.

"As the good Senator from Kaneohe said, we have a growing problem of autism in our community and nationwide, but I don't think that this bill is going to do the job. The Dean of the UH Medical School has urged that the funding be directed directly at autism itself, rather than starting another institution within the University. He has said that the medical school does

not have the funds for this program. The University said it does not have the funds for this program.

"This bill appropriates a blank zero amount for funds for this program. And if it is a question of autonomy and what the University can do, the University already has the autonomy right now that it can develop its own programs or its own institution if it wants to allocate funds. So I think that we're misdirecting the problem here and we want to find a solution, but we're looking at some of the causes and we're not really looking at the solution. And as was said, there are ample opportunities in the private sector right now to get the job done.

"Thank you, Mr. President."

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

Senator Chun Oakland rose to speak in support of the measure as follows:

"Mr. President, I stand in support of this measure.

"This particular initiative was a joint venture with the private and public sector, and in fact one of the University's faculty, Dr. Serrano, is instrumental in this particular measure going forward. I do hope, as in the past, the Senate as well as the House supports this initiative. And with schools like Loveland Academy, which we were fortunate enough to visit, I believe that there is great promise not only for the children here in Hawaii to get services who are identified autistic, but also there is a great potential to service children from elsewhere because other countries as well as our United States are looking for very good solutions to help children with autism.

"So, thank you very much for your support."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1343 was adopted and H.B. No. 100, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AUTISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1346 (H.B. No. 284, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1346 was adopted and H.B. No. 284, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1347 (H.B. No. 301, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1347 be adopted and H.B. No. 301, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to this measure.

"Mr. President, this measure sets bad public policy and it makes the simple purchasing and setting off of a single aerial the same penalty – a class C felony – as those individuals who

would import tens of thousands of pounds of aeriels. It seems, Mr. President, that an individual who sets off or purchases a single firework shouldn't be held to that same serious crime as a class C felony. These people are truly not felons.

"Class C felons include things like money laundering, habitual driving under the influence of liquor or drugs, promoting detrimental drugs, gambling aboard ships, promoting the pornography of minors, and promoting prostitution. Those are felons, Mr. President. Those individuals who purchase and ignite a single aerial are not of this category.

"The other question is the impact that this measure will have on the county police departments. Will they have the resources to enforce it? I don't think so. If there are subsequent convictions, the bill calls for a minimum \$5,000 fine and a mandatory 2-year sentence. Our prisons don't have the room for that kind of additional overload.

"In addition, the bill takes away all of the discretionary authority of the Hawaii Paroling Authority to decide what is the minimum or maximum terms of these convicted defendants. This bill just simply goes too far, Mr. President.

"Thank you."

Senator Matsunaga rose in support of the measure with reservations and stated:

"Mr. President, I rise in support of this measure with reservations.

"Mr. President, while I appreciate the intent of this measure and the intent of the Chair, I would ask that the manager of this measure in Conference Committee strongly consider more reasonable penalties for those violators of this law. As the previous speaker mentioned, it is a class C felony for someone in possession of one single aerial common firework. That could be one flying pig, Mr. President.

"Mr. President, we have to keep a consistent standard in our penal code. If you look at some of the crimes that are considered misdemeanors and not felons, we have abandonment of a child, abuse of a corpse, assault against a police officer. These are all misdemeanors. And we're saying now, with this bill, that somebody in possession of one flying pig is guilty of a worse crime than these.

"So, Mr. President, it seems like we're trying to kill cockroaches with a shotgun, and I think we should be a little more reasonable. Thank you, Mr. President."

Senator Kawamoto rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, one firework or one aerial firework killed a lady in a house that burned down – ONE! Mr. President, we're trying to get to the people who sell these illegal fireworks.

"The person in Pearl City who had about 180 pounds of illegal fireworks, the prosecutor tells us he's going to be charged \$2,000 at the most. Mr. President, if this had gone off, two or three houses around this individual house would have blown up. The same way with the Mililani 400 pounds of illegal fireworks. Imagine if you were the next-door neighbor realizing this would happen or could have happened.

"These are the kinds of things we're looking at. These are the kinds of things we are concerned about. And that's not

killing a cockroach. It's killing families, possibly destroying of homes, and these are the things that we need to curtail. We didn't do this at the spur of the moment. It was looked at and recommended by people that need to enforce the rules that we set up to be enforced. So if we're going to do the things we need to do, we need to enforce our rules and ensure that the rules are followed.

"Thank you."

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"I don't know about cockroaches and flying pigs, but I know in a pig's eye we have spent an awful lot of time on this. If we would have spent 1/10 the amount of time on other issues, there wouldn't be teachers on strike today.

"We have a problem in this bill with penalties. I think the intent is really good, but it's not going to do what the sponsors and the originators wanted it to do. We found that out over the years. I think the penalties are harsh. The definition of cultural use is vague, and I think we've got some additional legal problems with the bill.

"Thank you."

Senators Ihara, Kim and Kokubun requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1347 was adopted and H.B. No. 301, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DISPLAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Chumbley, Hemmings, Hogue, Ige, Slom).

Stand. Com. Rep. No. 1348 (H.B. No. 480, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1348 be adopted and H.B. No. 480, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1348 was adopted and H.B. No. 480, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUSINESS SPECIALIST POSITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1349 (H.B. No. 1048, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1349 be adopted and H.B. No. 1048, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in support of the measure with reservations and stated:

"Mr. President, first of all, I rise to speak in support of this bill with reservations.

"I recognize the intent of this body to give the Board of Education fiscal responsibility over the Department of Education and its budgetary priorities. However, I implore everyone here to use their best judgment in providing any increase in salaries to educational officers or administrators, which the librarian is, while we are currently in such dire straits and while we have members of the teaching profession looking down upon us.

"Essentially, this bill creates the possibility, the possibility, of up to a 50 percent raise for the state librarian. Perhaps she's worth it, but certainly not now. Thank you."

Senators Slom and Hemmings requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1349 was adopted and H.B. No. 1048, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1350 (H.B. No. 1111, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1350 be adopted and H.B. No. 1111, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations and stated:

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

"Mr. President, as noted when the Senate bill left this Chambers, this is a dramatic increase and really reveals some poor planning and budgeting on the part of the recipient of this privilege of having special revenue bonds.

"Thank you, Mr. President."

Senators Slom and Hogue requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1350 was adopted and H.B. No. 1111, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 498, H.D. 1, S.D. 1:

Senator Kanno moved that H.B. No. 498, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose in support of the measure with reservations and stated:

"Mr. President, I rise in support of the measure with strong reservations.

"This bill allows the family court and circuit court probation officers to release certain information about the defendant to the victim. I want to urge caution as the Chairs of this measure move forward. It appears, as drafted, that it's very vague and doesn't have any trigger as to what would suffice for the release of that information. Is it simply a phone call? Is it a casual discussion? Is it a written request? Does it have to go before the court? I think that this needs to be thought through a little bit more.

"The broad category that this would allow in the release of information could be problematic in a sense that there may be a technical violation of the probationer's term and those types of situations should not be looked at in the same way.

"The last thing, Mr. President, is this goes on to grant immunity. As I have in the past before, I have very strong reservations against granting immunity to individuals because it does set bad public policy. Immunity is something that should be looked at very carefully and cautiously. So I'd just like to urge the Chairs to think through this measure as it goes into Conference.

"Thank you."

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

The motion was put by the Chair and carried, H.B. No. 498, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 523:

Senator Kanno moved that H.B. No. 523, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hemmings rose to speak against the measure as follows:

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

"In the committee report for H.B. No. 523 it says, 'your Committee finds that the unauthorized practice of law is a very serious problem in Hawaii.' Mr. President, that's questionable. I would submit that maybe in Hawaii the real serious problem is the authorized practice of law. So, for this reason and others, I'll be voting 'no.'

"Thank you."

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I, too, rise in opposition to the bill.

"I think my good colleague from Kailua/Waimanalo hit the nail on the head. I think we could re-title this bill the 'lawyer protection act.' While we have become a litigious society, nowhere is the action of lawsuits more prevalent than in Hawaii on a per capita basis.

"I think that the bill is vague. While we certainly don't want anybody to fraudulently try to represent or misrepresent anyone, the bill as it stands now I think would preclude a lot of people, well-meaning people and people with common sense, for giving

common sense advice and consent in terms of trying to help people with the growing amount of legal problems.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 523, entitled: “A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1358 (H.B. No. 186, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1358 was adopted and H.B. No. 186, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1359 (H.B. No. 212, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1359 be adopted and H.B. No. 212, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1359 was adopted and H.B. No. 212, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE STATE WATER CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1361 (H.B. No. 502, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1361 be adopted and H.B. No. 502, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Sakamoto rose in support of the measure with reservations and stated:

“Mr. President, I rise in support with strong reservations.

“I fully support the portion of this measure that eliminates the unfair taxation of professional employment organizations and businesses that contract out payroll related services. However, I have very serious concerns about the section of the bill that would make professional employment organizations responsible for the existing employer’s obligations. It is a threat to the structure of businesses in Hawaii, Mr. President.

“When this body deems that it’s acceptable to hold one company responsible for legal obligations of another company simply because they have contracted with that company for professional services, holding one company responsible for another company based on contracting for professional services, Mr. President, and we’re going to hold them responsible? This State guarantees that employees will receive their due benefits regardless. This bill, however, tries to create some sort of dual employer status. Certainly we don’t need to do that. That

section of the bill is unnecessary and, frankly, may set a precedent that would undermine businesses in Hawaii.

“So, as the bill goes forward, Mr. President, I hope that portion of the bill is changed to not create dual employers for a single employee.”

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

“Mr. President, I rise in support of the measure with reservations.

“The good Senator from Moanalua has made an excellent point. Here was a bill that actually has been bouncing around the Legislature for a number of years. It was a very simple bill. All it has to do is to correct the tax and equity and to help organizations within this State and also small businesses. We’ve tacked on an additional burden and we also have given it a defective date. So until we can resolve this, I’ll be with reservations.

“Thank you.”

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

“The good Senator from Moanalua clearly enunciated my concerns with this bill, and I would like to have his remarks inserted into the Journal as my own.

“Thank you, Mr. President.”

The Chair so ordered.

Senators Hogue, Ige and Senator Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1361 was adopted and H.B. No. 502, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1362 (H.B. No. 511, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1362 be adopted and H.B. No. 511, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this measure with reservations.

“Mr. President and colleagues, submitting a bid is sometimes a very cumbersome and detailed process, and I think that we should have legitimate concerns about those who protest the award of a bid on a frivolous situation. This bill attempts to go at those individuals who continually protest the award of a bid just because they are a sore loser and didn’t win that bid.

“What I am concerned about is that, as drafted, this bill may go too far. That individual who files a protest on a legitimate problem, if determined by the procurement board under rules that they’ve adopted, could lose their bond. The bill does not identify what the bond amount should be or could be. I guess that’s to be left up to the adoption of rules. It also allows the protester to file a cash deposit. That individual then, on the determination that it was in someone’s belief a wrongfully filed protest, could lose that bond or that cash. In addition, the bill allows for sanctions to be implied.

“I think, Mr. President, that in addressing this problem, it just goes too far, and I would hope that the managers of this try to narrow it down and focus on the issues to solve the problem. But I believe as drafted, the bill is going to create additional problems.

“Thank you.”

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“As the good Senator from Maui already noted, this bill will have a chilling effect and discourage appeals or challenges to the state procurement decisions because of the requirement to post a bond or pay an administrative fee. Eliminating or curtailing protest in connection with the use of public monies may be unconstitutional according to one testifier at the hearing. In fact, he may be right.

“This bill also does not distinguish between frivolous appeals and appeals made in good faith. Also, in an administrative appeal, it’s decided on a technicality rather than substantively, the person appealing would lose his protest bond cost. This would be patently unfair.

“Lastly, this bill will discourage protest even when there is a legitimate basis for protest. The building industry says that this bill will discourage contractors from bidding on jobs, thus reducing the options and raising costs of procurement. The protest process is an important part of the process because it encourages checks and balances. This bill will eliminate accountability.

“I vote ‘no.’ Thank you.”

Senator Sakamoto rose in support of the measure with reservations as follows:

“Mr. President, I also rise to speak in support with reservations similar to the two previous speakers, some of their same remarks.

“Ultimately, the bill does not differentiate between frivolous protest and good faith protest. Sometimes it’s unclear or ambiguous specifications that lead to good faith protests, and a good faith protester can still lose, although done in good faith, and be out his bond, out his deposit, etc. So we really need to look further into how to limit it to just the frivolous part, Mr. President.

“Hopefully there will be a lot more work on this measure if indeed it does go forward. Thank you.”

Senator Chun rose in favor of the measure with reservations and stated:

“Mr. President, I rise in favor of this bill with reservations.

“Mr. President, I agree with the comments of the previous speakers. We need to cut a very delicate balance between discouraging frivolous bid contests, which I agree is necessary, but at the same time keeping the integrity and openness of the procurement process so that we will avoid any kinds of charges or concerns of insider influences or undue type of actions that would go to awarding our bids. I believe as worded right now, we are protecting the government processes as opposed to opening the process up to the public for scrutiny.

“I believe what we could probably do is focus on the real problem. The real problem is frivolous bid contests. I believe we should try to amend this bill as it goes to Conference to focus on that problem and not try to discourage valid bid protests through this bill.

“Thank you, Mr. President.”

Senator Matsunaga rose to speak with reservations on the measure and said:

“Mr. President, please instruct the Clerk to record an ‘aye vote with reservations’ for the reasons stated by the previous speakers. Thank you.”

The Chair so ordered.

Senators Ige, Kim, Hemmings, Chun Oakland and Matsuura requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1362 was adopted and H.B. No. 511, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Slom).

Stand. Com. Rep. No. 1363 (H.B. No. 516, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1363 be adopted and H.B. No. 516, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to the bill.

“This bill is flawed in many ways. The first of which, of course, it creates two new special funds. I continue to vote against all creation of new special funds because they’re only going to be used to be diverted later on.

“In addition, one has to ask whether or not this bill is actually even enforceable. It has nothing to do with smoking. It has a lot to do with bureaucracy and there are a lot of questions raised here in terms of the transfer of monies. But because there’s not even any general fund direct appropriation, we don’t even know how much the start up or the operational costs are going to be for this program.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1363 was adopted and H.B. No. 516, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO

TOBACCO,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1364 (H.B. No. 584, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1364 was adopted and H.B. No. 584, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1366 (H.B. No. 210, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1366 be adopted and H.B. No. 210, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose and said:

“Mr. President, could the Clerk please record a reservation vote for me.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1366 was adopted and H.B. No. 210, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1367 (H.B. No. 861, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1367 was adopted and H.B. No. 861, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OPERATIONS AND MAINTENANCE OF CERTAIN AGRICULTURE-RELATED INFRASTRUCTURE ON KAUAI,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1371 (H.B. No. 543, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1371 was adopted and H.B. No. 543, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1374 (H.B. No. 596, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1374 be adopted and H.B. No. 596, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in favor of the measure with reservations and said:

“Mr. President, I rise to speak in favor of this bill with reservations.

“The problem, colleagues, is this bill doesn’t go far enough. Much of the money accumulated in the Hawaii Hurricane Relief Fund was collected through things called SMRFs or special mortgage recording fees. Here’s how it worked – if you bought a house and it had a mortgage on it, the hurricane fund charged you 1/10 of a percent of the loan amount as a fee. For example, if the bank loaned you \$300,000 to buy a house, you paid a \$300 fee to the hurricane fund on your closing statement. You got nothing in return for this money – no hurricane coverage, no benefits, nada.

“In all fairness, this tax should never have been collected from home buyers in the first place. The fund should have been built up through the premiums charged on the policies issued by the fund. Now there is nearly \$200 million socked away in this fund and these fees make even less sense. Believe it or not, we are still collecting these SMRFs.

“So what’s the problem with the bill? Well, it only suspends collecting these SMRFs for six more months (from July 1 to December 31 of this year). After that, we automatically start collecting again, unless the directors of the hurricane fund temporarily decide to quit collecting them. Plus, this bill gives those directors the right to resume collecting the fees, to permanently remove the authority to collect what really is an unjustified tax, and refund these fees going back to the beginning of the fund.

“We should let homeowners mail in copies of their closing statements or give them tax credits so we can send them a refund and also politely apologize to them for the injustice we have foisted on them in the first place.

“Thank you, Mr. President.”

Senators Ihara, Ige and Fukunaga requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1374 was adopted and H.B. No. 596, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Matsunaga, Slom).

Stand. Com. Rep. No. 1376 (H.B. No. 946, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1376 be adopted and H.B. No. 946, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this bill with reservations.

“The Chair of the Committee will be glad to know that while in Committee I did vote no, I have reconsidered and want to make sure that I do get to participate as this measure goes forward, Mr. President. Therefore, that’s the reason for the switch in my vote from ‘no’ to ‘with reservations.’

“I have concerns that, as drafted, this bill sets up a review panel which then is composed of seven members. I think we

have an elected Board of Education that is capable of handling the discussions and debates surrounding charter school implementation and the awarding of those charters. I believe that with some fine tuning to the existing law, that the Board of Education will have the clarity that it now feels it does not have in the statute and will see that light and will actively work at the implementation of many of these plans.

“Therefore, I am encouraged to work with the Chair of the Committee, as this moves forward, in drafting something that will work for these charter schools and something that will make the Board of Education’s job much easier.

“Thank you.”

Senator Sakamoto rose to speak in support of the measure as follows:

“Mr. President, I rise in support of the measure and I welcome the remarks of the Senator from Maui. We need to work together.

“Certainly, charter schools have been problematic in several different ways and this bill is an attempt to improve the situation. The Board of Education supports the measure and the Association of Charter Schools submitted testimony to the House specifically requesting some of the changes in the language that need to be addressed in Conference as this bill goes forward. Some of the charter schools complained about the current process being protracted in unclear review and approval requirements and expressed frustrations with having being stuck in a process that continually requires re-submittal to address ever-changing conditions. And while their charters have not been denied, many feel that there has been no real progress over what some say has been a two-year process and possibly longer.

“This measure does provide a submittal process and a timeline to address concerns. Some of the charter schools have asked that instead of 30 days, they be allowed 60 days to respond to some of those concerns. But it does help to set a timeline certain.

“The measure also includes a provision for approval of charters to address the catch-22 situation where they’re unable to secure a lease, for example, because they don’t have their charter and they aren’t able to get their charter because they aren’t able to secure a facility. So, some of those issues need to be addressed and this bill attempts to address them.

“Additionally, the measure addresses the charter schools community in how do we get an appeals process with the Board of Education to assure compliance with state laws in having members that are familiar with charter schools be part of the review in actually approving new charters.

“Finally, Mr. President, this bill helps to deal with the cost concerns and it sets a per pupil allocation based on schools of 320 or less as the amount that charter schools would be allocated. So, there are several different parts of this measure, and as the bill goes forward, we hope to refine it and bring clarity to the charter school issue.

“Thank you, Mr. President.”

Senators Ige and Matsunaga requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1376 was adopted and H.B. No. 946, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,”

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1377 (H.B. No. 1028, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1377 be adopted and H.B. No. 1028, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to the bill.

“This, I think, is a good lesson for our teachers and students that are in the audience. Here’s a bill that proposes to create a program within the school system on the island of Hawaii only. There is no dollar amount for what the program is going to cost. It is a program, Model United Nations, that has been going on voluntarily over long periods of time. Even when I was in school here 100 years ago, we had Model United Nations programs.

“The bill seeks to appropriate funds to pay for a Model United Nations program coordinator, a new position, but the amount of that salary is not disclosed in the bill. Then the bill goes on to say that eventually it wants to establish the program throughout all of the schools, throughout all of the islands. But again, there’s no dollar impact.

“We cannot keep on passing bills that have blank amounts when no one knows what the total cost is going to be because then you cannot evaluate whether or not that program is worthwhile and whether or not that should be held up as a priority in place of other educational items. So, I’ll be voting ‘no,’ Mr. President.”

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against this bill.

“It’s a luxury we can’t afford. We are living in austere times. We’re having difficulty paying for the basics that our government should be providing our people – like a decent working wage for our teachers – and adding bills like this to the cost of state government makes little sense in light of the demands being made in the system for legitimate educational needs. Therefore, I will be voting no, and I am hoping that our colleagues will consider measures like this as being counterproductive to the financial needs of this State.

“Thank you, Mr. President.”

Senator Sakamoto rose to speak in support of the measure as follows:

“Mr. President, I rise in support of the measure.

“There are no dollar amounts in the measure, no question. Why not? Because we need to resolve the issues at hand. I pray that our Governor and the various unions come to the table and continue to talk and resolve the issues, and if indeed there is no more money for anything else, so be it – measures like this don’t move ahead.

“But, Mr. President, our ‘Aloha State,’ center of the Pacific, we can change the world. I believe our aloha spirit has changed

the world. Now, how do we transmit some of the values that we hold dear, to other generations? This program would hope to transmit it through our Department of Education, through our good teachers after resolution of the current dispute. We cannot say everything should be one way or another. So, certainly if there is not enough money, there's not enough money. But if there is enough money, what better way to use the money than to share what's special in Hawaii and to enrich our students with an opportunity to look globally.

"Thank you, Mr. President."

Senator Hogue rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition of this bill.

"In light of the good words of the Senator from Moanalua, I believe that we can change the world by first funding education, through first funding our teachers, and not funding United Nations' program. I think that should be the priority.

"Thank you."

Senator Ihara rose to speak with reservations on the measure and said:

"Mr. President, I have reservations on this bill.

"The reason basically is that I believe the appropriation bill should disclose the amounts that are being contemplated."

Senator Chun rose to speak in support of the measure as follows:

"Mr. President, I stand in support of this measure.

"Mr. President, the issue really is not whether we're going to pay for teacher raises or other public employees. That statement has been made in WAM. That statement will be made later on today. What passage of this bill does, and the other bills that are going to be before this body that have zero amounts or a minimum amount, is to clearly show not only to the teachers, not only to the public workers, but to the public what are the policy decisions that we have to make.

"It's not only a question of money. It's a question of what are we giving up. That's why these bills are passing. We want everybody to know very clearly what are the public policy decisions that we have to make. When it comes down to it, yes, some of these will not be funded, but our people need to know what sacrifices are being made.

"This bill might be a sacrifice because we need to pay our employees well. But at the same time, we need to show people exactly what is going on here, what decisions need to be made. That's why I stand before this bill. I think we should continue these discussions as much as we can and to see in the end how much money we have left.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1377 was adopted and H.B. No. 1028, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A MODEL UNITED NATIONS PROGRAM FOR HIGH SCHOOL STUDENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1379 (H.B. No. 1668, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1379 be adopted and H.B. No. 1668, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to this measure.

"I voted no on the companion measure, S.B. No. 1215, S.D. 2, when it was before this body for Third Reading. I'd like to echo my previous concerns that we are paying these teachers twice by allowing them to continue receiving their retirement benefits while drawing a paycheck to return to serve in our classrooms.

"I understand the need for creative methods for teacher recruitment and retention. Possibly the best way to do that is to create a fertile economic environment for the economy here in Hawaii and to also pay the teachers a decent living wage so they can afford to live here. Maybe that would afford us to get the teachers when they enter the profession, not try to retain them as they're trying to retire and enjoy their lives.

"I'd like also to point out to this body that the Senate Education Committee passed three House measures addressing needs spawned by the Felix consent decree. Our research points out that this is the only one of those three measures that the Committee on Ways and Means has passed. The Senate Judiciary Committee gutted the liability measure and inserted language similar to this Felix limited liability S.B. No. 823, S.D. 1, H.D. 1, which has stalled in the House Judiciary and Hawaiian Affairs Committee.

"It is a sad realization that even with all the noise and recognition the Legislature has voiced over the past months regarding Felix, this body is moving no measure that brings standards and accountability to the special education needs in our State. Until we do so, we're going to continue to suffer spending huge amounts of money on the Felix consent decree problem without addressing the overall funding problems of education in its entirety.

"Thank you, Mr. President."

Senator Sakamoto rose to speak in support of the measure as follows:

"Mr. President, I rise in support of the measure.

"At this time, Mr. President, I won't address all of the other issues that the Senator from Waimanalo brought up, but pertain my comments to this measure, Mr. President. I strongly solicit my colleagues support in passing this measure because of two very critical reasons: first, it will help alleviate a severe teacher shortage problem in our schools; second, it would allow retired teachers to serve as mentors for beginning teachers or as part-time teachers immediately upon requirement.

"It's a known fact that there presently exists a teacher shortage. This is especially true in Hawaii where only 55 percent of our newly hired teachers graduate from our local universities. Therefore, our Department of Education has had to use out-of-state recruitment to entice teachers. As you know, outside recruitment was not successful for various reasons, but the lack of incentives for new hires was a contributing factor.

Certainly, hopefully these negotiations will help change some of that.

“This bill would allow teachers who have retired and hopefully have become revitalized to re-enter the classroom as full-time teachers and at the same rate of pay as when they left the classroom. I sincerely believe that this measure would provide necessary incentives to alleviate some of the teacher shortage problem at least at the same time allowing the Department of Education discretionary authority to safeguard against abuse to the system. The bill would require teachers to be retired for two calendar years before they can qualify for full-time retirement. It allows the retired teacher to qualify for mentoring or part-time teaching immediately upon retirement and must comply with collective bargaining agreements.

“As I indicated earlier, the purpose of this measure is to entice retired professional educators to return to the classrooms especially in critical shortage areas. As full-time teachers, they would be paid at that rate. The mentor teachers or part-time teachers would be paid at the daily rate or entry level pay as determined by the Department and the Board of Education.

“Thank you for helping to clarify some of the concerns of the measure, Mr. President.”

Senator Slom requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1379 was adopted and H.B. No. 1668, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Ige).

Stand. Com. Rep. No. 1380 (H.B. No. 636, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1380 and H.B. No. 636, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1381 (H.B. No. 702, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1381 be adopted and H.B. No. 702, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senators Hemmings and Slom requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1381 was adopted and H.B. No. 702, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONAL HEALTH CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1383 (H.B. No. 568, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1383 be adopted and H.B. No. 568, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Menor rose in opposition and said:

“Mr. President, could you have the Clerk cast a ‘no’ vote for me.

“Basically, I will be voting ‘no’ because of the potential negative impact of this measure on the various union health plans. Thank you.”

Senator Kanno requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1383 was adopted and H.B. No. 568, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Menor, Slom).

Stand. Com. Rep. No. 1384 (H.B. No. 576, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1384 was adopted and H.B. No. 576, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1385 (H.B. No. 852, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1385 was adopted and H.B. No. 852, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hogue).

Stand. Com. Rep. No. 1386 (H.B. No. 1595, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1386 was adopted and H.B. No. 1595, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1387 (H.B. No. 728, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1387 be adopted and H.B. No. 728, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator English rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“Mr. President, while we’re trying to help with the build out of our airports and infrastructure in the State of Hawaii, I cannot support when a bill such as this allows for the overriding of local authority. That is overriding the county ordinances, county zoning, and SMA permits and therefore I oppose this bill.

"Thank you, Mr. President."

Senator Chumbley rose to speak in opposition to the measure as follows:

"Mr. President, I rise to speak in opposition to this measure.

"Members, I'm a little confused by this bill. I think it's a known fact by all of us that the state does not have to get building permits and does not have to go through certain procedures. In fact, colleagues, HRS Section 262-7 gives the Department of Transportation the authority to issue permits before any new structure is constructed, planned, or even established. They already have the exemption.

"This bill (page 3, lines 1 and 2) talks about not withstanding any other provision to the contrary which, colleagues, is in direct conflict with HRS Section 46-4, which allows the counties the power to designate zoning requirements. So I'm not sure what this bill is really trying to do. I think that some of the things that the Department of Transportation's Airports Division may want to do are already in place.

"We all know that if the state moves forward with occupying a building before the county gives the certificate of occupancy, public health and safety is really what is at risk. This bill goes on then to exempt all of the state activities from the SMA requirements. That, I think, is the most egregious part of this proposal because it is those SMA requirements that allow the citizens of your county to step forward and file a contested case hearing on any kind of permit that's going forward.

"Colleagues, this is simply giving the Department of Transportation something that it does not deserve. Thank you."

Senator Kawamoto rose to speak in favor of the measure and said:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, the Department of Transportation is just trying to eliminate duplication of efforts here. The public does have input in the EIS process and EAS process. If we look at this bill, all the CIPs that we have on the docket in this budget, you can add one or two years and maybe more to complete this project.

"So all we're doing is at a time for need of economic advancement and this bill would provide that as far as duplication of effort. Time is money, Mr. President."

Senator Chun rose in support of the measure with reservations and stated:

"Mr. President, I rise in support of this measure with severe reservations.

"Mr. President, I agree with the comments made by the honorable Senators from East Maui and from Kahului and Wailuku. However, I believe some of the concerns raised by the Honorable Chair of the Transportation Committee are legitimate. There are things that can be done to expedite this process. However, I don't believe we can expedite these processes without sacrificing the SMA process, county regulations and rules.

"Mr. President, let there be no doubt about this, all airports are within the SMA area. This bill would allow the construction, not only on airports but airport related facilities such as fuel storage tanks for oil and gas, to go on without any

kind of approval or hearing process in the counties in which these facilities are to be built.

"Especially what's egregious, I agree, is the fact that the SMA, which is a state mandated, state mandated permit, requires evaluations of the environmental impact and mitigation of those impacts through the local administering agencies. The SMA law was enacted because it was felt that the local agencies were the best agencies to look at these specific environmental concerns, as opposed to a statewide agency. For us to go back on that policy and now say, well, especially for airport facilities we think the state agencies can better handle this, I haven't seen any evidence that they are willing to. I haven't seen evidence that they are able to.

"However, there are concerns I think the Honorable Chair from the Transportation Committee should work on, and as this matter goes to Conference, we can take a look at those and try to make sure that we can accomplish both goals without sacrificing the environmental protections as contained in the SMA.

"Thank you, Mr. President."

Senators Inouye and Kim requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Kokubun rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to the bill.

"I would like to echo the comments made earlier about the stepping on the regulatory framework that the counties have in place. I think the SMA permit and the special management area are very special considerations for the counties, and the Department of Transportation should not be allowed to exempt themselves from that.

"Thank you."

Senators Nakata, Buen, Tam and Matsunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1387 was adopted and H.B. No. 728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chumbley, English, Hogue, Ige, Ihara, Kokubun).

Stand. Com. Rep. No. 1389 (H.B. No. 1589, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1389 be adopted and H.B. No. 1589, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition this bill.

"Well, what can we say, Mr. President? When we look at the economy, let's see . . . how many areas are doing well? Well, let's see, there's tourism, there's tourism, and I guess there's tourism. So what do we do, Mr. President? We say, because

they're doing well, let's tax them even more and put more burdens upon them.

"The interesting history about this bill, however, goes even further than that because it rises out of a labor dispute on the beautiful island of Maui. It was because one labor union was unhappy with the status of a wholesale company. They went to the tax department. They initiated this legislation. The tax department never found that there was any loss of revenue. The tax department never found that there was any loophole. The tax department never came forward and said, 'we really want to sock-it to the tour wholesalers.' But in fact, that's what we try to do.

"As this bill progressed, it started out with a percentage increase. The tax department came and testified and they said that that was unenforceable and they didn't know how to go about it. The industry said that the people that are trying to tax this particular activity don't know the industry because they were basing their figures on the so-called rack rates and hopefully most people don't get to pay the rack rates.

"There were so many questions that were involved in this bill, and now we have a flat additional tax that's put on. The cry always comes out, 'Well, it's for the tourists. The tourists will pay for everything. The tourists will pay for our education. The tourists will pay for all of our improvements.' But, Mr. President, when you and I go to Maui, or Kauai, or to Hawaii, or to Molokai, or to Lanai, guess what? We're the tourists. We get to be taxed. We get to pay that \$3.00 a day additional tax per motor vehicle that we rent. We get to pay that transient accommodations tax in hotels. We are the tourists in our own home.

"Then there's one other little matter. It must be the good Senator from Palolo's flying pig or maybe it's a goose. We've already stolen the golden eggs, now we want to skewer the goose. We see it sitting there and we say tax it some more as if that goose will continue to sit and lay eggs and as if wholesalers and other tour operators have no other place to send their clients than Hawaii . . . as if they have no other choices . . . as if there are no other problems brewing on the Mainland and Asia.

"As we know, visitor arrivals and tourism are part of discretionary income. Take away that discretionary income with two and three and four hundred drops in the Dow, and you reduce the travel component altogether, and then people look around for even more comfortable and affordable locations. If you are going to continue to go against our primary industry, in terms of taxes and regulations, in hopes that they'll always be there and always pay the freight, we're going to wake up one morning and find that they're not.

"We should be trying to diversify our economy, but in so doing, we don't do that by penalizing the one vibrant part of the economy we have. I urge a 'no' vote on this bill.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this measure.

"This bill is punitive and it's very vindictive, as enunciated by the good Senator from Hawaii Kai. I'd like the record to reflect, also, that it may result in decreased revenues to the state. Adam Smith, the noted economist and political writer, 230 years ago noted very clearly that in punitive tax environments such as Hawaii, when you add taxes, you end up with less taxes collected. On the positive note, the good President John F.

Kennedy and President Ronald Reagan, when they cut taxes, revenue increased to government.

"Hawaii's tax environment is extremely punitive. That's why our children are going to the Mainland to get jobs, because business cannot flourish here. This may have just the opposite effect. Yes, we may collect for the short term a few more dollars in this wholesale tax, but over the long haul, it's going to erode the industry that's supplying most of our economy, and that's the travel industry. The wise thing to do would be to find ways and incentives to bring wholesale tour operators here, not drive them away with increased taxation.

"I hope that the Majority Party Legislators that are pushing this will reconsider before the end of the Legislature and kill this bill. It's going to hurt the economy.

"Thank you, Mr. President."

Senator Kim rose to speak in favor of the measure and stated:

"Mr. President, the intent of H.B. No. 1589 is to close a loophole and require wholesalers to follow the same rules as hotels, timeshares, and other transient accommodations. As such, the measure would create a significant source of additional income without creating any new taxes or raising current tax rates.

"Your Committee believed, however, that this measure, as we received it from the House, was not the practical solution. Thus, we considered a number of options and found that a tax should be levied on the sandwich activity that is going on, and that perhaps a flat rate would be the best way to do this.

"Now, in looking at the flat rate we are talking about \$7.25. Currently, these wholesalers are already paying the tax on what they're buying the wholesale room for, and we found that the average they're buying the room for is about \$50.00 to \$60.00. So they're already paying half of the \$7.25.

"I agree that the language in the bill is confusing. It was not intended to be in addition to what they're already paying. It was meant to be in lieu of so that they would be paying the difference of what they're paying up to \$7.25. So we're not talking about killing the 'golden goose' or the 'golden eggs.' They've said time and time again, if we're going to charge a TAT that people are not going to come, and they've come and we've added and increased the tax and they've continued to come.

"All we're talking about is making sure that these wholesalers are paying their fair share. We have an extreme problem with a wholesaler who owns or operates their own hotel and therefore can dictate what their wholesale rate will be and therefore not pay any of the TAT. I agree that we also need to look at and consider a sliding scale, perhaps, to consider those properties that have higher end rooms, and I will pledge that we will do this should this measure go to Conference.

"Thank you."

Senator Menor rose to speak in favor of the measure with reservations as follows:

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

"First of all, I would like to say how much I appreciate all of the work that the Chairs of the Senate Tourism Committee and Ways and Means Committee have devoted to this bill. Moreover, Mr. President, I recognize the relationship of these

bills to the financial plans of the respective House and Senate money committees as they engage in the difficult task of trying to balance our state budget. However, I believe that this bill raises several concerns, which I believe that we need to carefully assess before any final decision is made on this measure.

“First of all, as noted by several of the previous speakers, I am concerned about the potential negative impact that this kind of measure could have on Hawaii’s number one economic generator – our tourism industry – at a time when economists are forecasting a slowdown in tourism and in our local economy. I’m especially concerned about the potential impact of this bill on visitor arrivals from Asia and particularly from Japan, which has been an extremely important segment of our tourism market. For example, the Japan Hawaii Travel Association, which represents 30 Japanese tour operators who are responsible for all of the Japanese tour package sales to Hawaii, has indicated that their members have already encountered a drop in sales of their future Hawaii package tours as a result of the weakening yen and a drop in Japanese stock prices. I am concerned that the imposition of this additional surcharge tax could negatively impact an already weak visitor market from Asia.

“It should also be noted that in the past, Hawaii could count on Mainland visitor arrivals to offset a weak Asian tourism market. However, I do not believe that we should rely on this trend because of the decline in the stock market, rising unemployment, and an overall weakening in the US economy.

“Furthermore, those who support this measure assume that the imposition of a surcharge tax on all transient accommodations furnished under a tour package will generate additional revenues for the state treasury. However, I am concerned that any increase in revenues to the state, as a result of the imposition of the surcharge, may be offset by a decline in revenues if there is, in fact, a substantial decrease in the number of visitors who come to Hawaii on tour packages. That could mean a reduction in general excise tax revenues to the state and in the transient accommodations tax revenues, a substantial portion of which we earmark to the counties to cover important county programs and services.

“In addition, Mr. President, Legislators have been informed time and again that we cannot take the viability and successes of our tourism industry for granted to the extent that Hawaii is in competition with other attractive and less expensive tourist destinations. If we pass a bill such as this, which is going to add to the cost of tour packages to Hawaii, I’m concerned that tour operators may find it easier to sell more reasonably priced tours to other destinations such as Las Vegas, Guam, Bali, and Europe and focus their marketing efforts on these destinations instead of Hawaii.

“In closing, again I appreciate the work of the subject matter Chairs, but I would respectfully request that we proceed on this measure cautiously as it moves its way through the process. Nevertheless, I recognize that final action on this bill cannot occur until the end of Session and that this measure definitely raises important issues that merit further discussion. Accordingly, I urge my colleagues to vote in favor of this measure, but I do have reservations.

“Thank you.”

Senator Fukunaga rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to H.B. No. 1589, H.D. 1, S.D. 1.

“At a time when Hawaii’s fragile economy has struggled towards recovery, H.B. No. 1589, S.D. 1, will do the following:

- As mentioned by the prior speaker, it will very seriously impact our Asian Market. It will impose an additional \$32.62 on the average 4½-night stay of Japanese visitors to Hawaii that will make Hawaii a far less attractive destination in these difficult economic times. As Japanese visitors choose alternative vacation destinations, any revenues gained from the tax increase will pale in comparison to the revenues lost by the decline in visitors.
- Tours from Japan to Las Vegas and Europe now cost the same as a trip to Hawaii. With this new surcharge, the Japan Hawaii Travel Association has estimated that we could lose up to 25 percent of the Japanese market.
- 1.85 million Japanese visited Hawaii last year. They each spent about \$270.00 per day while here. A 25 percent reduction in these arrivals would mean a loss of \$499.5 million in spending, or \$20 million in lost general excise taxes and \$13.8 million in lost TAT taxes below last year’s revenues.
- A decline of anywhere near 25 percent in visitors from Japan would be devastating for the travel and tour businesses that focus on Japanese visitors.
- Further, visitor industry experts have estimated that wholesale tour packages account for roughly 40 percent of Hawaii’s annual visitor counts. These are often first-time visitors whose selections are increasingly price-sensitive.
- As far as we can tell, there is no other destination in the world that collects a surcharge on hotel rooms from tour operators.

“We are concerned that all of these kinds of changes in a very weak economic market would cause more damage than the benefits it could generate. For the foregoing reasons, I urge my colleagues to vote ‘no’ on this bill.”

Senator Inouye then requested her vote be cast “aye, with reservations,” and the Chair so ordered

Senator Taniguchi rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor of the bill.

“Mr. President, I just wanted to applaud the work of the Senator from Salt Lake in trying to close this loophole. I’d also like to note that this helps us find the money especially for our teacher pay raises and it’s part of our financial plan.

“Thank you.”

Senator Chumbley rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this measure.

“Mr. President, April 5th [Honolulu Advertiser](#) article:

‘2001 tourism growth recalculated: It’s zero.

In a dramatic turnaround that signaled growing pessimism about the months ahead, the Hawaii Tourism Authority yesterday slashed its growth targets to virtually zero

The board's primary target of visitor spending – set just five months ago at 10.3 percent growth for 2001 – was ratcheted back to 0.4 percent’

And for those colleagues who have not received the details of that, I've got a copy and I'd be happy to circulate it. There's some outstanding forecasts and information in this.

“Outrigger Wailea Resort Hotel wrote a letter to me, Mr. President. It says, ‘Our major sources of business on the Mainland, as well as in Asia, are experiencing difficult economic times. We cannot add to the cost of coming to Hawaii without it resulting in losses of business from this important area.’

“National Tour Association, Ed Dressle – ‘There is little doubt that the tour operators and travel agents will sell fewer packages to Hawaii. There is not a lack of destinations for tour operators and agents to sell.’

“The Westin Maui, a very lengthy letter from Ed Sours. The most relevant paragraph is, Mr. President, ‘There are a number of other reasons why this does not make economic sense for us, especially in the face of a weak yen, weakening US economy, an energy crisis in our top inbound state, California, and a tanking stock market. The visitor and visitor industry has been an easy target time and time again. We are nearing the point that we must be aware that one more straw may be the one that breaks the camel's back.’

“Japan Hawaii Travel Association (JHTA) – the good Senator previously spoke of some of the statistics. JHTA currently handles 70 percent of all the Japanese business into the State of Hawaii – that's 1.8 million visitors. They estimate a 25 percent loss in business. Now, I think that may be an overstatement, but if they are correct, that means 450,000 fewer visitors to the State of Hawaii as a result of this additional surcharge. That would represent a loss of \$450 million in spending. The JHTA employs about 6,000 individuals. Statewide, we have 185,000 people employed in the travel industry.

“This bill, Mr. President, discriminates against the budget hotels in the sense that, as the good Chairwoman of the Committee indicated, it may not have been her intention to make this in addition to, but as drafted, this bill is clearly, without a doubt, in addition to on top of the existing 7¼ percent TAT rate. For example, if you sell a room for \$100, your existing TAT is \$7.25. This new proposed flat fee in addition to that existing TAT is an additional \$7.25. The general excise tax on that is \$4.16 – \$118.66 . . . \$18.66 of which is tax. That's 19 percent! The Grand Wailea in my district may sell a room for \$800, which is very common, and would only pay, proportionately, 12 percent – not 19 percent, 12 percent. This is in direct discrimination against those lower budget hotels.

“Those are the type of hotels that the travel wholesalers book into, the budget hotels. Forty-eight percent of the people who come to Hawaii use a travel package. Almost half of those are first-time visitors. Will they continue to come if we pass this? It's not clear. They may or they may not. Do we want to risk it? I don't think it's worth it.

“The changes that we're talking about here are not the only way to solve our fiscal situation, and I take exception that this is the only way that we can fund raises for teachers – by implementing this additional surcharge. That's simply not fair. I think that this is a penny-wise and a pound-foolish measure that will result in significant harm to our number one industry in this State, the visitor industry.

“I want to encourage the Chair of the Tourism Committee to look at this very closely, and if in fact, as she indicated, that it was not intentioned to make this ‘in addition’ but to make it ‘in lieu of,’ there are still problems with ‘in lieu of.’ So I urge all my colleagues to vote ‘no’ on this measure.

“Thank you.”

Senator Kim rose in rebuttal and said:

“Mr. President, I rise in rebuttal. I don't intend to belabor this, but I need to make these points in that I've already said that we need to take a further look at that and there are a number of issues that we would consider.

“When this measure came over from the House, I felt that it was not a workable solution and we were taxing the profits. I'd also like to make a note that this is not the only way we're going to find money to pay our teachers. I believe that we on the Ways and Means Committee with our Chair are looking at every single way, every way that we can get monies out of all of the funds so we can put it together so that we can pay our teachers.

“Let's talk about discrimination. I wasn't here when this body discriminated against timeshares, when the owners, real estate owners, of timeshares were levied with the TAT. Now, I don't see anywhere in the law that says timeshares and owners of timeshares, owners of real estate have to pay the TAT, and yet this body did that. So if we're going to talk about discrimination, let's talk about it across the board.

“What we're trying to do here is to close the loophole. And if in fact there is a loophole, then we need to take a look at it and be realistic about what we're doing. And that's what this Committee tried to do – to take a look at this loophole and see if in fact that we can do this. Now, the people that are yelling the loudest seem to be the hotels – the very same people who levied the tax on timeshares. Nobody said people are not going to come with timeshares. In fact, after we did that, we see Marriott and we see Hilton and all of these other hotels putting up timeshares where a number of travelers, and more and more are growing, are coming via timeshares.

“There are a number of things that we all don't agree with and don't feel that it's the best bill, but let's also talk about statistics. I can go and pull out statistics and show you that every year the hotels have raised their hotel room rates. Nobody talks about that – that people are not going to come here because the hotel room rates are growing higher. If we don't do it, if government doesn't do it, then believe me, go look at the statistics and you will see every year, including the economy hotels, have raised their hotel rates at least \$10.00 a year, and tell me that the people are not going to come.

“So it's a partnership, and I think we need to work together on this. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1389 was adopted and H.B. No. 1589, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Ihara, Matsunaga, Slom).

H.B. No. 1400, S.D. 1:

Senator Taniguchi moved that H.B. No. 1400, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise to speak in favor of the measure with reservations.

“Here we are faced again with state indebtedness and general obligation bonds particularly. The law requires that we state clearly that we’re not exceeding the state bond limit either in the current fiscal period or the fiscal periods that will be impacted.

“If we look through the bill again we find pages and pages of blank sheets. There are no numbers in here. We understand that we need to issue bonds for long-term expenditures and CIP growth, but we also need to realize that we are between the fourth and sixth highest debt state in the nation on a per capita basis and that everything that we do has to be carefully measured and we should know these figures in advance.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 1400, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Buen).

H.B. No. 200, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 200, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Taniguchi rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in favor of this measure.

“Before I begin to comment on this bill, I want to ask for your indulgence to acknowledge those individuals who helped to make it happen. I want to first thank all my Senate colleagues for entrusting me with this very important Chairmanship, the Chairmanship of the Ways and Means Committee. While I certainly didn’t expect this journey to be a smooth ride, I also didn’t expect it to be this enjoyable. It’s been a good experience for me, Mr. President. Yes, there have been plenty of challenges, but there also has been no shortage of support. I want to thank my staff and all the members of the Ways and Means Committee – from both sides of the aisle – for their support and diligence. Committee members have done an outstanding job of sitting through long hearings, asking tough questions, and providing much appreciated input in shaping this bill and all the other bills that constitute our financial plan. I want to especially thank my Vice-Chair for her unwavering support and guidance and her agreement to take responsibility for all the bad parts of this bill. Last but not least, I also want to acknowledge the support and guidance of my family, especially my wife Jan.

“Mr. President and members, before you is H.B. No. 200, my first version of the executive budget bill as your Ways and Means Chair. Since December, when the Governor submitted his budget proposal, I knew that we would be faced with some tough decisions. By not making any room in his budget for collective bargaining agreements, the Governor essentially

DARED the Legislature to find the money to fund essential services AND fund the pay raises, especially for teachers.

“Our choices to accomplish this, as I saw them, were to raise revenue, cut current costs, or deny new requests. As all of you know, I have placed a variety of proposals before you that spanned those options. This budget bill before us is the last major piece of our financial plan.

“Mr. President, I am happy to report to you that we have met the Governor’s challenge and proved that we can balance our budget. We provided new funding for new initiatives and mandated costs. We continued funding for existing programs. And last but not least, we made room for government worker pay raises.

“I want to clarify my recent statements to the media about making room in the financial plan for pay raises. I am not in any way trying to undermine the Governor’s ability to negotiate by my actions. I am merely doing the responsible thing and ANTICIPATING costs for negotiated settlements for both HSTA and UHPA. That’s it -- no games, no one-upmanship. Our legislative timetable dictates that I was to have our budget and our financial plan in place by last Friday. I submitted this budget with the belief that our plan should reflect anticipated costs for such settlements.

“And while on the surface it may seem like this bill merely carries the burden of budget cuts, it also provides funding for some very important areas – namely education, social welfare, and public safety. To highlight just a few of the areas that I am especially proud of, I would like to comment quickly on funding for education.

“At the beginning of the Session, my colleagues set out collectively to ‘fix the schools.’ This budget provides for much needed funding that will go directly to classrooms. It provides for school repair and maintenance, new textbooks, new computers, more teachers and more clerical staff in our schools. It also provides for full implementation of the Hawaii Content and Performance Standards. In total, funding for lower education accounts for more than \$1.2 billion in general funds for each year of the biennium – over 34 percent of the entire state’s general fund budget.

“For the University of Hawaii, while we acknowledge that autonomy should bring self-reliance, we provide \$10 million in a lump-sum appropriation for the University to use as it sees fit. We also provide \$56 million in G.O. bonds to allow the University to construct a world-class biomedical research facility. Not only do I see this as an educational endeavor, but an economic development one too. I believe that this project, if fully supported, has the potential to infuse millions of new dollars into our economy.

“Finally, I believe I would be remiss if I did not speak briefly on what I call the major cost drivers of our budget. Gone are the days when our budget was low on mandates and high on options. Today, as I quickly realized, a large portion of our budget is driven by factors just beyond our control. I am speaking, of course, about our fixed and mandated costs.

“First, I am truly worried about the future trend of our fixed costs. While we are able to accommodate for these increases within our six-year budget plan, I am concerned that this trend needs to be addressed immediately. For that reason, I chose NOT to fully implement the Governor’s billion-dollar CIP budget. I simply do not think we can afford that additional burden at this time.

“As for mandated costs, we are all well aware of the Felix consent decree. And while I believe that we did an excellent job in scrutinizing the Departments of Education and Health’s projected costs for Felix, we can only hope that these agencies strive to contain these costs and provide our children with the services they need and deserve. Unfortunately, Felix is but one of the court or federal government mandates that are driving our budget decisions. Let me remind this body that ADA compliance, the Makin settlement, the State Hospital/Department of Justice Agreement are huge costs looming in our near future. Let’s also not forget that we are not out of the woods yet with our prison overcrowding issue.

“But again, I wish to reiterate to my fellow colleagues that this budget before you, as an important part of our financial plan, succeeds in providing for the most crucial needs of our state. It is also a work in progress that is a starting point for our discussions with our counterparts in the House. Please stand behind me as I take this strong Senate position into Conference Committee.

“Again, thank you to all of you for your support thus far. I urge you to support this measure.”

Senator Hemmings rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in favor of the budget with reservations.

“It’s important for me to state on this Floor that the good Chairman of the Senate Ways and Means Committee, the Senator from Manoa, has done an excellent job. As I enunciated last week on this floor, it was unconscionable for both the Governor and the House of Representatives to send over a budget that did not accommodate the needs to fund collective bargaining. It’s coming; we know it; it must be paid for.

“In addressing this budget, I do want to reiterate the fact that this budget and the system does nothing to address the underlying problem – that is that the taxpayers have been extremely generous with state government. That’s not my opinion, it’s statistics. We pay more on a per person basis than most any other state in the nation for state government.

“When I left the Legislature in 1990, funding for education was approximately \$550 million a year. Now it’s over \$1.2 billion and that does not include the hidden costs of Felix. Have things gotten twice as good in the last 10 years? Ask the teachers that are sitting here and don’t have a pay raise about how much has improved.

“There is a way to fix the system, Mr. President. The Majority Party, sooner or later, is going to have to come to the reality that the system is indeed broke – broke in the way it functions and broke financially. We have made suggestions. We think we can decentralize public education and put the resources back in the classroom where the children are.

“I have to make an unfortunate prediction here on the floor today, and that is we are facing a looming legal challenge by the 85 to 90 percent of the children in our public education system who are being denied equal access to a good education because a tremendous amount of our resources are going into the Felix consent decree mandates, thus denying a safe educational environment, denying our children from having books. We hear all the time, when we visit our schools, about teachers having to buy their own supplies. The system is broke.

“We have to change the way DAGS acquires goods and services, most especially improvements in our schools. Yes, we can throw hundreds of millions of dollars at the schools, but wouldn’t it be better to let the private sector participate unfettered by the procurement laws of this state? We can privatize many services that could be done cheaper and better by the private sector. We can reduce the state workforce through attrition without one essential job being denied. We can provide for civil service reform that would allow all these things to happen.

“I think the good Chairman of the Ways and Means Committee brought up another point that needs to be addressed, and that is fixed costs, Mr. President. We have to change the way we budget for the state. We cannot, year in and year out, assume that the baseline for the budget is the prior budget, because it’s flawed and we have been passing on, for 30 years or more, mistakes, and that’s because we have these fixed costs that we never re-examine.

“I would suggest, if we’re really interested in reforming the way we do our business, that we go to a zero-based budgeting process where every four years we start from zero and have the departments justify their programs and start anew. It’s done successfully in other states and, I might add, many, many of the most successful businesses in the world do not go on and on and on with programs simply because they’re in the budget.

“So, with these reservations, I will be voting in favor of the bill, but I hope that we can take a long and serious look at the way we do business. I want to ask all of you a rhetorical question, Why has Hawaii been in the economic doldrums for ten years now?

“In closing, Mr. President, I believe there’s a better way to spend taxpayer’s money, and we better start finding it. Thank you, Mr. President.”

Senator Sakamoto rose to speak in support of the measure as follows:

“Mr. President, I rise in support of the measure.

“I thank the Chair for certainly supporting education and the other good things, but I’d like to address some of the comments from the previous speaker, one in relation to the Felix consent decree. Certainly, many of the new dollars to education are going to support the children with mental health disabilities, Mr. President. This is not a law that we created; it’s a law that Congress created. It’s a law that we have to comply with, and even if there were no law, Mr. President, we need to help the children learn whatever their capabilities allow them to. Even when the consent decree is gone, Mr. President, we’ll continue to need to help the children the best we can.

“Certainly, I’m not going to defend some of the inefficiencies that we hear about. Your colleagues to the left and right of you, Sir, are in the effort to work together to resolve some of the issues that are before us. We’ll have a resolution coming forth later on, not today but another day, to help deal with some of those concerns.

“I think we can work together to resolve some of the concerns about Felix and spending the money more wisely. Many of those issues are not a tomorrow solution, Mr. President, so I’m glad that in this body we are looking at some of those issues. Certainly we don’t want another consent decree of any type. We want to do our best with the resources at hand and accomplish what we can, Mr. President.

“Thank you.”

Senator Hogue rose in support of the measure with reservations and stated:

“Mr. President, I rise in support of this measure with reservations.

“I’m glad that the good Senator from Moanalua brought up Felix because there certainly are some tremendous concerns there regarding Felix. As I bring several of these people into my office, I hear over and over again about how the Departments of Education and Health really don’t talk to each other and there are tremendous communication breakdowns. So, we need to encourage these departments to begin to communicate with each other and certainly work more efficiently.

“I’m glad to see in this budget that there is as much as \$1.2 billion going towards education, 34 percent of the budget. I think that’s great because we should be funding education first and foremost. However, I really believe that this state needs systemic reform, and I agree with the good Senator from Waimanalo and Kailua that we must look at how we budget. We must look beyond what the Governor puts forward and go back to the beginning. When they open the budget worksheets, it really only starts from what the Governor has put forward. Sometimes you’ve got to go back and see why the money was put there in the first place.

“We need privatization, we need decentralization, and we need civil service and procurement reform to bring dollars back into the system more appropriately. We need tax relief to encourage more monies to come into the business sector. If we get more money into our economy, that will bring on the revenues that we can pay the teachers.

“So I really encourage systemic reform and I think we need to look at it when we look at this budget. Thank you, Mr. President.”

Senator Kawamoto rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor of the bill.

“Mr. President, most important, I believe, is that the good Chair, the Vice Chair, and the Committee kept focused. We lived up to our promises in the opening day speeches by both the Minority Leader and you, Mr. President. We kept our side of the promise and we kept focused.

“Thank you very much.”

Senator Chun rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor.

“I’m encouraged by the words from the Senators of the Minority Party. Yes, we do agree that we need systemic changes. We need to go forward and look at how we are going to improve this state to make it a better place in the future. Mr. President, that’s why this Majority Party is going forward to try to improve this system. We are having a bill that supports privatization and we’ll be voting on that soon. We also have a bill concerning improving the arbitration process. The intent is to have the parties negotiate rather than have it go to arbitration. This is a better process that will improve the system.

“We’ve also had bills to look at Felix. We want to make sure that the money that we are spending on Felix is spent

wisely and that’s why we are going to support the Auditor to look into those books. Mr. President, we are moving in that direction and we want to look forward.

“Another bill that’s important to this plan is looking at our health fund. Mr. President, as you well know, the Auditor came back two years ago and determined that we’re losing – yes, we are losing – money in our current health system. One of the big problems is the porting of money from that health system to the individual union plans. Mr. President, the Auditor has come back and the administration has come back through a study to show that we are losing easily \$80 million in taxpayer’s funds because of this process. That’s why just recently, Mr. President, we have proposed going to a unified health fund to stop that kind of waste and save the state money. I’m glad that we had support from the Minority Party, or at least most of them, on that bill.

“Mr. President, we are looking at making systemic changes. We are firm in our resolve to make sure that we can not only survive this budget year, but other budget years to come. We are also, Mr. President, firm in our resolve that we will support education because that is our future, and we support it with dollars. Even though it is hard decisions to make, we will make those decisions. I thank the budget Chair for basically looking at the budget from that perspective and supporting education fully, not only with his words, but also with his deeds.

“Thank you.”

Senator Slom rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise to speak in favor of the measure with reservations.

“This budget bill before us is 312 pages. It’s got a lot of things in it. It’s got some very good things in it; it’s got some mediocre things in it; it’s got some negative things in it. I think that’s part of the problem. Certainly we support what the Chairman has done and recognize the Chair and members of the Committee and the staff for their hard work and their intent and the focus, but you know, last month when we had our last Third Reading bill, the Co-Majority Leader stood up and said, ‘You know it’s frustrating sometimes. What is it that we can do? What can we do as Legislators to change the process?’ And you know, we keep talking about that, What can we do? What can we do? As a result, we basically do nothing.

“We are passing a bill and a budget that is going to be a double-digit increase at a time when this community still has not resolved the economic turmoil that it has suffered through alone out of the 50 states for more than a decade. We have done nothing in the budget or in other legislation to meaningfully turn around our economy to make it better for everyone. Yes, we have passed some tax breaks, and some subsidies, and some streamlining and fast tracking for certain areas of the economy, but not for everyone. We certainly have not done things to turn around the entire economy or to increase a person’s standard of living to make people more comfortable here in what they do, even though they have to be forced to work two and three jobs.

“As my colleagues have said, we have not really grappled with the systemic or the basic ideas of change. We talk about them all the time, but we don’t do them. When are we going to start doing them? Our time is not unlimited. As we continue to pass greater and greater expenditures of money, what we are doing is putting encumbrances on our children and on their children in the future without doing the things to build a vibrant economy.

“We hold hearings. We have people come in here and they tell us – based on their experience, based on their ability to take the risks themselves, based on their ability to take their own hands, reach in their own pockets – what we need to do. And we thank them very much and generally ignore them and vote for bills that are going to be more of the same – more spending, more taxation, more debt. So, we have to take a look at these things as a whole, and I don’t feel that we have done this adequately.

“If you look at the comparison of the bills and the budget figures, certainly we are less than the governor’s original budget, we’re more than the House’s estimate, but still when we look at who’s going to pay for all this, it’s going to be our citizens, our taxpayers who are already overburdened, over-regulated, and overtaxed. We’re asking a tremendous burden.

“We have to get focused more on the idea of creating wealth and creating more opportunities for everyone within our community rather than carving our just small shares. So, I will support the budget process with reservations and hope that in discussions and in Conference we can hammer out even a better document.

“Thank you, Mr. President.”

Senator Kanno rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in support of the measure.

“I’d like to commend the Chair of the Ways and Means Committee and his team for a job well done, and I urge my colleagues to support the measure.

“Thank you.”

Senator Chun Oakland rose to speak in support of the measure as follows:

“Mr. President, I also speak in support of this budget.

“I would also like to commend the Chair of the Ways and Means Committee and the members of the Committee and staff. I believe that in this budget we have included a number of initiatives that will speak to the prevention and early intervention services that are necessary in actually reducing government costs over time. I also want to commend the body, as a whole, for the support for education and to have included monies for the collective bargaining agreements either anticipated or already settled.

“I would also like to acknowledge the effort to support some of the areas that are very large cost-drivers like the child and adolescent and adult mental health services. In the past, we have not done so. That’s why now we are seeing the costs burgeoning for government. I do hope that as we finance these kinds of services, we will see a reduction in the very large costs that we are experiencing now.

“This budget also, I believe, still acknowledges the law that we passed two years ago which de-pyramids the GET, as well as reduces the personal income tax for the next second and third year. So, in terms of the tax burden on both businesses and residents, I believe this budget reflects that.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, H.B. No. 200, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING

TO THE STATE BUDGET,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:15 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:10 o’clock p.m.

Stand. Com. Rep. No. 1392 (H.B. No. 1000, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1392 be adopted and H.B. No. 1000, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Taniguchi rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor of this bill.

“I would just like to note for the record that in the bill there is a CIP appropriation for the Kapolei judiciary complex that was incorrectly listed. We believe that this was a glitch in the printing of the bill. The amounts appropriated for this error were not reflected in the bottom line totals. We had considered amending the bill, however, I believe we can amend the bill in Conference.

“Thank you, Mr. President.”

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

“We are in austere times. The judiciary is planning on spending their money renting commercial space in a building next to the judiciary. There are alternatives. We have a very beautiful and luxurious office building that was built and refurbished, and it’s now being planned to house a very expensive art collection. Maybe we could use the space to put some needed judiciary services in it, thus, saving the taxpayers a lot of money.

“Thank you, Mr. President.”

Senators Slom and Hogue requested their votes be cast “aye, with reservations,” and the Chair so ordered.

Senator Chun Oakland rose to speak in support of the measure as follows:

“Mr. President, I stand in support of this measure.

“I would like to note that part of the appropriations does include statewide drug courts, and I believe that’s a very good direction to go in since we do have a very large drug problem here in Hawaii.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1392 was adopted and H.B. No. 1000, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1393 (H.B. No. 1100, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1393 be adopted and H.B. No. 1100, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

“The OHA representatives were unable to give the Committees that this bill was heard on an adequate accounting of their existing resources. We heard everything from \$393 million down to \$300 million. They gave vague answers on how they are spending their appropriations. They’re spending quite a lot on public relations I’ve noticed, but I don’t notice, specifically, how they’re spending it to benefit the Native Hawaiians. OHA could not come up with an accounting of what kind of dividends in interest they’re receiving on their very large corpus that they have invested.

“So, for those reasons, I think we should proceed very slowly with continued funding of taxpayer’s money for OHA. The time will come when OHA should stand on its own as a private institution, completely severed from feeding at the government trough in such a way that it can determine its own destiny.

“Thank you, Mr. President.”

Senator Slom requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1393 was adopted and H.B. No. 1100, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1394 (H.B. No. 236, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1394 be adopted and H.B. No. 236, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

“Mr. President, I rise to speak in support of the bill with reservations.

“We wrestled a long time with this bill and I think the message we’re sending is still not a clear message. We still are not protecting young women from sexual predators. We argued about the changing of the age 14, the lowest in the nation. The House version was 16 and we are at 15. I think we need a stronger bill.

“Thank you.”

Senators Hogue and Hemmings requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1394 was adopted and H.B. No. 236, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1395 (H.B. No. 321, H.D. 1, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 1395 be adopted and H.B. No. 321, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this measure.

“This measure makes substantive changes to a law that has been in effect for only three months, colleagues. It would negatively impact the seriously disabled people who might otherwise qualify for the program. It unfairly discriminates against people who may have a debilitating disease or condition that could benefit from the use of medical marijuana.

“This bill just goes too far, and I think that the law in place needs to be given a chance to see if it’s effective or not. Thank you.”

Senator Hogue requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Ige rose and said:

“Mr. President, I would just like to note my reservations on this measure.”

Senators Kokubun and Nakata then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1395 was adopted and H.B. No. 321, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Chun Oakland, English, Fukunaga, Hemmings, Ihara, Matsunaga, Slom).

Stand. Com. Rep. No. 1399 (H.B. No. 600, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1399 be adopted and H.B. No. 600, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose to speak in favor of the measure and stated:

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

“I think the bill goes a long way to streamlining the business registration process, however, along with the streamlining are several fee increases. They have not been justified in terms of the increases, so I support the idea of streamlining and making it easier to register the business, but not additional costs associated.

“Thank you.”

Senator Hemmings requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Hogue rose with reservations and said:

“Mr. President, could you put the words of the esteemed Senator from Hawaii Kai down as my words, and I will vote with reservations.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1399 was adopted and H.B. No. 600, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1400 (H.B. No. 384, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1400 be adopted and H.B. No. 384, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this measure.

“I’m not really sure this bill is necessary, colleagues. The existing law gives teachers and other individuals entrusted with the care or supervision of children the right to use force if necessary to maintain reasonable discipline in a school or classroom setting. While this bill does amend and allow for that same right to be used at school related activities off of the campus, I think that the existing law as written, the teacher or persons otherwise entrusted, would include principals or other individuals who would have close involvement with those children.

“I think that as this measure goes forward, I would ask the Chairs of the two Committees responsible for this to proceed very cautiously on this. While the use of force may be necessary in a very limited situation, I think this is a wrong approach.

“Thank you.”

Senator Sakamoto rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in support of this measure.

“Mr. President, Hawaii Revised Statutes Section 703-309 defines how the use of force on another person is justified under certain circumstances. This legislation would add the principal and the principal’s agent – such as vice-principal, acting principal, or manager – to the list of persons already authorized to use force. Additionally, as previously mentioned, the amendment would recognize the use of force during department sponsored activities off campus.

“The Honolulu Police Department testified that the measure is necessary to ensure that school personnel are authorized to take appropriate and timely action when confronted with potentially dangerous situations. Mr. President, it’s imperative for school personnel, including the principal, to be given necessary legal tools to cope with these conditions without fear of being sued or prosecuted when using their best judgment and

intervening or preventing a dangerous or serious situation from happening.

“Mr. President, we don’t want violent situations. I guess Santana High School on the mainland was one of those situations. Possibly the interpretation of the previous speaker was that these people are already included, but making it clearer will certainly help.

“I urge everyone to vote in favor, Mr. President.”

Senator Hogue rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this measure with reservations.

“With all due respect to the esteemed Senator from Moanalua, I don’t know what the Santana High School really has to do with this particular measure.

“I would say that since current law already authorizes use of reasonable force by teachers or those entrusted with supervision, it seems only appropriate that it should be extended to principals and principal’s agents. However, this bill is troubling because it expands the use of force to off campus activities. So, at what point, I ask, is the principal or principal’s agent out of his authority? At the stadium, the stadium parking lot, or when the violence perhaps spills into the neighborhood? I think this opens up a lot of questions, so I look to this body to look at this measure with caution.

“Thank you.”

Senator Chumbley rose in rebuttal as follows:

“Mr. President, point of rebuttal please.

“The previous speaker said that this was necessary to prevent lawsuits. Well, this bill does nothing – does nothing – to prevent an individual from bringing a lawsuit against the department or against the individual as the actor, as it’s so-called in the bill. While that person may be acting in their scope of responsibility and would be indemnified, I’m surprised that the members didn’t provide immunity in this bill also. So, you may want to consider that.”

Senator Sakamoto rose to respond as follows:

“Mr. President, a brief response.

“Certainly the bill doesn’t prevent any lawsuit, I agree. The hope would be that it would clarify and eliminate the fear of some of the people who are responsible for the student’s conduct, as well as others, whether it’s on or off campus. If something happens on campus, certainly that’s within the control. If it’s off campus at the school event, certainly that should be under their control.

“I think some of the issues we can’t debate here, but as the measure goes forward, hopefully we can address some of the concerns raised. Thank you.”

Senators Slom, Ihara, Fukunaga and Hemmings then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1400 was adopted and H.B. No. 384, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE

PENAL CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chumbley).

Stand. Com. Rep. No. 1404 (H.B. No. 828, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1404 be adopted and H.B. No. 828, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

“This bill simply eliminates many peers from the jury pool which could lead to problems down the road, and it is unfair for those who are not eliminated.

“Thank you, Mr. President.”

Senator Kawamoto rose to speak in favor of the measure and stated:

“Mr. President, I’m in favor of this bill.

“We didn’t eliminate anybody. This came from the judiciary and they were concerned about a lot of people being exempt. So in essence, what we did was we took out many of the exemptions so there’s more in the pool. We left physicians, dentists, fire and police, but everybody else is back in the pool for jury duty.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1404 was adopted and H.B. No. 828, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COURTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1406 (H.B. No. 1405, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1406 was adopted and H.B. No. 1405, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1457 (H.B. No. 336, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1457 be adopted and H.B. No. 336, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senators Slom and Hemmings requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1457 was adopted and H.B. No. 336, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hogue). Excused, 1 (Menor).

Stand. Com. Rep. No. 1458 (H.B. No. 1234, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1458 was adopted and H.B. No. 1234, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO QUEST,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1461 (H.B. No. 1041, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1461 was adopted and H.B. No. 1041, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1462 (H.B. No. 1156, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1462 be adopted and H.B. No. 1156, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this bill.

“I’ve already stood on this floor and told you what I would do with the hurricane relief money. I just don’t believe that we are setting up the right policy here. According to fund personnel, they tell us that it will cost approximately \$50 million to \$100 million to start up an insurance fund in case there was a hurricane, up or beyond that the feds would step in. So the question is, Why are we trying to up the amount of money in this fund if not for the purpose of raiding it?

“We have already seen that special funds are raided all too often. Who here in this body doesn’t believe that there are not going to be bills set forward in future legislative sessions that will ask to raid the Hawaii Hurricane Relief Fund? For these reasons, and for reasons cited before that I believe that much of the fund should be given back to the property owners, I will vote ‘no.’

“Thank you.”

Senators Matsunaga and Ige requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1462 was adopted and H.B. No. 1156, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1463 (H.B. No. 1586, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1463 be adopted and H.B. No. 1586, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

"I rise in opposition to the bill, Mr. President.

"This bill would extend unemployment compensation benefits to dislocated employees of AmFac Sugar on Kauai for an additional six months. Originally it was going to be for a year. The Department of Labor had expressed its concerns with doing this. We are taking one group of employees, one segment, and we're extending the law just partially. It is bad precedent and I think there are other ways to help these employees.

"We've talked a great deal about training and rehabilitation and that's what we need rather than changing the unemployment compensation laws. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1463 was adopted and H.B. No. 1586, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 1467 (H.B. No. 462, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1467 be adopted and H.B. No. 462, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to the bill.

"Again, this is one of these measures where we seek to streamline and take a bill and pass it with model legislation. However, as the hearings have shown and the number of drafts, we still have a lot of problems with this bill. I think we should really go back to square one and get a proper grounding as to what we're trying to do with the bill before we try to pass one.

"Thank you."

Senators Hemmings, Hogue and Fukunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1467 was adopted and H.B. No. 462, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 1469 (H.B. No. 503, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1469 be adopted and H.B. No. 503, H.D. 2, S.D. 2, having been read

throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

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

"It gives a great deal of power to DLNR in terms of extending new leases to certain agricultural, aquacultural, and other lessees. I think that the bill, which was changed completely and gutted, now provides that any lease extended or issued shall not be less than 10 years or longer than 20 years in duration. I think we need to look at the whole state lease program itself.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1469 was adopted and H.B. No. 503, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

At 1:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:35 o'clock p.m.

Stand. Com. Rep. No. 1471 (H.B. No. 620, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1471 and H.B. No. 620, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1472 (H.B. No. 860, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1472 be adopted and H.B. No. 860, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Kawamoto rose to speak in support of the measure as follows:

"Mr. President, I rise in support of this bill.

"Mr. President, I'd just like to thank the Maui delegation for making us aware of this concern. It really is for everybody that retired before 1989. This benefit for former retirees that have veteran credits was long overdue and we're not passing this bill. We thank the Ways and Means Committee for passing it out.

"This bill is a feel-good bill. I think many of us should take credit for this. Again, I thank the Maui delegation of Senators that brought this item into light this year.

"Thank you."

Senator Hemmings rose to speak in favor of the measure and stated:

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

"I share the sentiments of the prior speaker in my support of this bill. Thank you."

Senator Buen rose to speak in support of the measure as follows:

“Mr. President, this bill will let the many veterans who are in their late 70s and 80s now be able to have the few remaining years of their lives to enjoy the \$36.00 a month for each year of credited military service. These veterans for years have come to the Legislature asking the Legislature to pass this bill.

“Thank you to the Ways and Means Committee and also the Transportation, Military Affairs, and Government Operations Committee Chair for working so hard in supporting this measure.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1472 was adopted and H.B. No. 860, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1481 (H.B. No. 123, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1481 be adopted and H.B. No. 123, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this measure.

“The intent behind this bill is a good one and that is to protect the safety and welfare of our children. However, this is not a very well thought out bill. This bill will have a detrimental impact upon the already overburdened and traffic-congested streets and highways throughout our state. Under the provisions of this bill, any person driving within a school zone must drive at 15 miles per hour. A school zone is defined as every street and public property within 1,000 feet of the boundaries of any school.

“Here are a few examples of schools within 1,000 feet of just major highways and I’ll cite just a few examples on the island of Oahu where there is in excess of over 150 public schools: Waipahu High School (Kamehameha Highway), 15 miles an hour; Nanaikapono (Farrington Highway), 15 miles an hour; Kahuwela Elementary School (Vineyard Boulevard and H-1 Freeway), 15 miles an hour; Puuhale Elementary (Nimitz Highway), 15 miles an hour; Royal Elementary (Punchbowl Street and H-1 Freeway), 15 miles an hour; Kuhio Elementary (King Street), 15 miles an hour; Kalani High School (Kalaniana’ole Highway), 15 miles an hour; Central Intermediate (Alakea, Bishop and Vineyard Streets), 15 miles an hour; McKinley High School (King Street, Kapiolani Boulevard and Pensacola Street), 15 miles an hour; Farrington High School (King Street, Kalihi Street, H-1 Freeway), 15 miles an hour. I think you get the point.

“Now, if you don’t get the point and you get a ticket, the first time is \$400. The second time is \$600. The third time is \$1,000. I would suspect in the future, if passed, it might be a class C felony. So I urge all my colleagues to vote ‘no’ on this measure.”

Senator Kawamoto rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor of this bill.

“Mr. President, unfortunately, all the pedestrian bills have died. I realize that the motion to go 45 degrees or 180 degrees is a manner in which people can laugh at, but the bottom line, Mr. President, is that we bang about two pedestrians a day. Some of them die. Some of them get seriously hurt . . . two pedestrians a day.

“In the last 14 years, we have hit 9,573 pedestrians and we have not, in the last 14 years, really addressed that concern. Even my family laughed at us and said that’s just as bad as another bill we laughed about last year, so they said why not. If we lived in Las Vegas, the Las Vegas speed limit in school zones is 15 miles an hour.

“So, we’re concerned about pedestrians around schools. We’re trying to save school children. Maybe in Conference we can discuss interstate highways as an exemption or those streets that are heavily traveled and somehow protect our young people from crossing these streets. But the concern is, bottom line, let our children grow up.

“To drop the speed limit from 25 to 15 is not a thing that we can’t live with. So, Mr. President, I urge all my colleagues to vote ‘aye’ on this bill.”

Senator Matsunaga rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Mr. President, I don’t know anything about banging two pedestrians per day, but I do know that this bill, as currently drafted, unfortunately is unworkable, unmanageable, and unenforceable. For the reasons stated by the Senator from Maui, I will be voting ‘no.’

“Mr. President, please don’t mistake my intentions, I’m all for driving safely and arriving alive, however, this bill, as drafted, would make you drive so slowly, I don’t think you’d ever arrive.

“Thank you, Mr. President.”

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“Thank you to the Senator from God’s country for noting that Hawaii is not Las Vegas and thankfully it will never be so.

“I also want to say that the importance of this particular law, or at least the intent, is to save lives. Just think of the problems that would happen on all the aforementioned highways the Senator from Maui talked about when people just hit their breaks real hard on the highway to get down to 15 miles an hour and how many rear-enders and chain reaction accidents that could be caused. This is the law of unintended consequences.

“If we want public safety, let’s at least make laws wisely. Vote ‘no.’ Thank you.”

Senator Kanno rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in support of the motion.

“I’d like to read from page two of the bill, for the benefits of my colleagues, to correct one of the previous speakers. It reads, ‘Any person who violates this section shall be fined: (1) Not

more than \$400 for a first offense; (2) Not more than \$600 for a second offense committed within one year of a first offense; and (3) Not more than \$1,000 for a third or subsequent offense committed within one year of a first offense.'

"To state that the first offense charge is \$400 is misleading and untrue. Thank you."

Senator Fukunaga rose and said:

"Mr. President, please note my reservations on this bill. Thank you."

The Chair so ordered.

Senator English rose to speak in opposition to the measure and stated:

"Mr. President, I speak in opposition to this bill.

"In considering the impacts that this would have in my district, in Kahului especially, where I have a number of schools close to each other and then the main arteries go right through town, we're already at a standstill in Kahului, and in Wailuku, and in Upcountry. If we do this, the law of unintended returns will come in and I will be the first to hear of this. I'm sure the Maui delegation together will have tons of e-mails, phone calls, and faxes saying, 'What on earth possessed you guys to do this?'"

"So, we want to protect our children, Mr. President. I also believe in their ability to discern common sense not to go in the streets, and I trust in their parents and in their teachers to teach them not to do this. So, based on this, Mr. President, I will be voting 'no.'

"Thank you."

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I, too, rise in opposition to the bill.

"Certainly the safety of pedestrians and our children is not a laughing matter, but the kinds of legislation that we often propose creates more problems. When we talk about school zones, as the good Senator from the canoe district of Kauai, Maui, Niihau and all places west pointed out, we are in a situation where everything is so close together it makes an extreme problem.

"As far as construction zones, I think right now that all of the City and County of Honolulu is one big construction zone. So, I think we need to find other ways of protecting our children and the pedestrians. Thank you."

Senator Chun rose in support of the measure with reservations and stated:

"Mr. President, I rise in support of this bill with reservations.

"My reservations are not based on the fact that Kauai has no freeways, nor is there any school zone on Niihau, but for the fact that I think school safety is important. I believe that we need to do a better job of protecting our children as they make their way to and from school.

"I understand that there are legitimate concerns regarding applicability of this bill to freeways. I don't believe any school-aged child in his right mind would cross a freeway. I think the Senator from Waipahu has already acknowledged the fact that

this bill goes a little bit too far in addressing those concerns, and I would assume that he will act reasonably and prudently as this bill goes to Conference.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1481 was adopted and H.B. No. 123, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 11 (Chumbley, Chun Oakland, English, Hemmings, Hogue, Ige, Ihara, Inouye, Kim, Matsunaga, Slom). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1487 (H.B. No. 1679, H.D. 1, S.D. 1):

On motion by Senator Chun, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1487 was adopted and H.B. No. 1679, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DILLINGHAM AIRFIELD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1490 (H.B. No. 1552, H.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1490 was adopted and H.B. No. 1552, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1491 (H.B. No. 118, H.D. 3, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 1491 was adopted and H.B. No. 118, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1494 (H.B. No. 646, H.D. 1, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 1494 be adopted and H.B. No. 646, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill, Stand. Com. Rep. No. 1494, H.B. No. 646, 'Relating to the Sale of Sterile Syringes for the Prevention of Disease.'

"I recognize fully that we want to fight the spread of AIDS. I recognize that the medical and social services are doing just that, but I cannot, in good conscience, favor giving needles to addicts. Contradictory messages are sent to our children – drugs are illegal, but here is your needle.

"There's no convincing evidence that it works. Free needles subsidize drug-related crimes and social problems. Why is the

state helping to continue them? Why do we have drug control programs while we're giving drug addicts needles? Why do police arrest drug peddlers when the state is making available needles over the counter for sale to drug addicts?

"There are alternatives. Drugs are a problem, but there are other ways to address it rather than giving drug addicts needles and dealing with the problems that result. Therefore, I urge my colleagues to reconsider this bill and vote 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1494 was adopted and H.B. No. 646, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Sлом). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1496 (H.B. No. 761, H.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 1496 be adopted and H.B. No. 761, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senators Sлом, Hogue, Chun Oakland, Ige, Fukunaga and Hemmings requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1496 was adopted and H.B. No. 761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNACCREDITED DEGREE GRANTING INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

H.B. No. 204, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 204, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

H.B. No. 590, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 590, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Sлом rose to speak in opposition to the measure and stated:

"Mr. President, I'm voting in opposition to this bill.

"The bill would impose a higher standard of financial responsibility and add new net-worth requirements for HMOs and mutual benefit societies. I think we've tightened up on regulations in the past, and those organizations that fulfill those requirements have caused no problems to the state. What this does is to penalize good businesses that are following the law.

"Thank you."

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

The motion was put by the Chair and carried, H.B. No. 590, H.D. 1, S.D. 1, 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, 22. Noes, 2 (Hemmings, Sлом). Excused, 1 (Taniguchi).

H.B. No. 1134, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1134, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

H.B. No. 1231, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1231, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1507 (H.B. No. 514, H.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1507 be adopted and H.B. No. 514, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Sлом rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"There are over 130 deputy attorney generals in the State of Hawaii. Forty-three percent of them are funded by special funds, which means that they are specified to do a particular kind of litigation or involvement, legal services for a particular type of agency or activity.

"What this bill seeks to do is to continue taking this special funding but to give the Attorney General the ability to move these deputies into any activity whatsoever, again further separating the specialness of the special fund, so I'm voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1507 was adopted and H.B. No. 514, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPUTY ATTORNEYS GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Sлом). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1510 (H.B. No. 650, H.D. 2, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1510 was adopted and H.B.

No. 650, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCE DIRECTIVES FOR PSYCHIATRIC CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1512 (H.B. No. 1587):

Senator Menor moved that Stand. Com. Rep. No. 1512 be adopted and H.B. No. 1587, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to this bill.

"I think one of the problems that we've had over the last decade or so, in terms of making Hawaii truly the wellness state and having affordable healthcare, has been the state agency SHPDA. SHPDA has been involved in decisions in terms of allocation of health resources and also the building and use of materials in the healthcare field. To continue this state requirement and this state oversight, I think, is going to create more problems in the decades ahead.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

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

"Back in the '80s, SHPDA was a very popular process that many states signed on to. It has since been abated in many states and many states have completely eliminated the CON process (the certificate of need process), which has done two things in the last 20 years. It's eliminated free and open competition in the medical industry's marketplace, thus driving down resources and driving up costs. Secondly, it's now provided protection for large institutions that hide behind SHPDA in the CON process to protect their semi-monopolies. So, both ways the consumer gets hurt.

"We wonder why the medical care industry in the United States is so expensive and out of control. It's because of acts like this that continue to regulate the industry and make bureaucrats and politicians in charge of the healthcare industry rather than healthcare professionals. Therefore, I will be voting 'no,' Mr. President.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1512 was adopted and H.B. No. 1587, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Kawamoto, Taniguchi).

H.B. No. 451, H.D. 1, S.D. 1:

Senator Kanno moved that H.B. No. 451, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to this measure.

"Mr. President, while the Committee has made some marked improvements to this bill from when we passed it out last time, including the recommendations made by the Attorney General's office to clarify that this is an indemnity and they moved away from the immunity portion of the bill, I'm still curious as to why we only extend this additional protections of indemnity to the educational officers and the teachers associated with the Felix consent decree services. What about the educational assistants in the classroom? What about the department of health employees? What about the department of human service employees?

"It just seems to me as though we're approaching this from a piecemeal basis because someone has cried wolf, and I think that this is bad public policy. Thank you."

Senator Hogue rose to speak with reservations on the measure and said:

"Mr. President, I rise to speak with reservations on this particular matter.

"Not only does it go the way of the slippery slope that the Senator from Maui noted, but it's also discriminatory. On page 2 of the bill it talks about emotionally disturbed children and exceptional children. I know that we've received many calls in our office talking about emotionally disturbed children or adolescents or exceptional children. Imagine if you will, if these terms were African-American, or Part-Hawaiian. I know there would be lots of screams about discrimination here.

"So I think that this bill needs a lot of work. Thank you."

Senator Sakamoto rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in support of the measure – first addressing what the measure does and then hopefully addressing some of the concerns.

"This bill seeks to support all educators and those specific educational officers and teachers who provide services to children pursuant to the Felix/Cayetano consent decree. The risk management program will benefit students, parents, and teachers by establishing a system that will prevent problems from occurring or escalating into a dangerous or litigious confrontation.

"Additionally, the measure seeks to provide our special education staff with a greater measure of security and reduce their fear of personal liability when litigation does occur. Special education has become a very litigious area and teachers are unaccustomed to the threat of suit in their daily work. They're unfamiliar with the process and feel that their personal welfare and welfare of their families are threatened when they are individually named in a lawsuit.

"Additionally, the current process of obtaining representation from the state, though explainable, does not provide a comfort level that educators would like. In fact, it is not until the final adjudication that a teacher can be absolutely sure that he or she will not be held personally liable. Some of the comments, I guess in regards to who this addresses, the teachers and educational officers are the primary ones who make the decisions in the IEP process and are charged with implementing such, so therefore they're named in this measure and they're the ones often named in suits.

"If the language needs adjusting, certainly we've worked with the Senator on other bills and we can work on the language to make it less discriminatory or less negative or whatever to address your concerns. Thank you."

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

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

"First of all, this bill, H.B. No. 451 as originally authored and started out, had to do with premise liability and cases involving public accommodations, particularly restaurants. It was a needed bill and we've punted on this aspect of it. We took S.B. No. 823 and put it in this bill.

"If in fact the Department of the Attorney General would have been doing its proper functions all along, we wouldn't have to be talking about this immunity for the teachers. That's what it's really about. It's about requiring that our agencies that we fund quite handsomely, do the things that they're supposed to do rather than us going out and having to create more laws, hire additional attorneys, and worry about the litigiousness.

"So I welcome the Senator's remarks, the Senator from Moanalua, that he's going to work on the language and so forth. But again, it gets back to the basic point that we're not requiring our agencies to do the things that they are constituted for and that they're funded for.

"Thank you."

Senator Chun rose to speak in favor of the measure and stated:

"Mr. President, I stand in favor of this bill.

"Mr. President, this is not a fictitious situation. At the Committee hearing, I clearly stated that I know of at least two special education teachers who have been sued because of their work with special education students, and the Department of the Attorney General refused – refused, Mr. President – to represent them. This is not an uncommon situation. Our teachers should be free to teach and not be fearful of being sued. The more we continue to have them work under fear, the less they can accomplish for our students.

"Mr. President, this bill is needed. It is not a fictitious situation. It is real, it is happening, and we need to free up our teachers to teach. Thank you, Mr. President."

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

The motion was put by the Chair and carried, H.B. No. 451, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Chumbley). Excused, 1 (Taniguchi).

H.B. No. 978, H.D. 1, S.D. 1:

Senator Kanno moved that H.B. No. 978, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I rise in support of the measure with reservations.

"Again, this is another one of those bills where we've taken a hind quarter and a snout and put it together. The basis of the legislation was the sexual exploitation bill, something that I think that we were all in favor of. However, the hearings showed opposition from the police department and from the office of the prosecutor in terms of some of the problems of vagueness, enforceability, and the fact that, for example, in this bill there is created a class B felony for one who patronizes a minor in an exotic club and yet a person who patronizes a prostitute is guilty of a petty misdemeanor.

"We have problems throughout our laws now, as the good Senator from Maui has pointed out, in terms of the penalties, and they just don't match the actions. So, while I support the aim to end sexual exploitation, this bill I think is going to create more problems and will be challenged.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 978, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Inouye). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1522 (H.B. No. 469, H.D. 2, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Buen and carried, Stand. Com. Rep. No. 1522 was adopted and H.B. No. 469, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1523 (H.B. No. 733, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1523 be adopted and H.B. No. 733, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise in support of the measure with reservations.

"How can one talk, in any way, in opposition to renaming the UH Rainbow baseball stadium after Les Murakami? Well certainly that's not my purpose to speak against that. My purpose is to show that we have a problem here. We have something that really does not have to be done by legislation or a special bill. We also have a state law that says that public facilities are named after people that have been dead for at least five years, and I think we're sending a very sad message to someone who is very much alive and making a comeback. Thirdly, we have a situation where the University of Hawaii . . . we keep talking about autonomy but we keep putting our fingers into the autonomy. The University should be free to do what it wants to do with its facilities on campus.

"So while I certainly applaud all the things that Coach Les has done, the achievements of the University of Hawaii baseball team, I think we should allow that decision to be made by the University and not by this Legislature. Thank you."

Senator Sakamoto rose to speak in support of the measure as follows:

“Mr. President, I rise in support of the measure.

“Yes, the Legislature moved the measure last Session, or prior, to allow the voters to vote on autonomy, and certainly we were in support of that.

“This measure does not try to undermine that. However, a provision in the Board of Regents’ provisions says, ‘buildings, other facilities, roads, and programs will not be named for living individuals and ordinarily not within five years of a person’s death, except as specifically provided by law.’ It says, ‘except as specifically provided by law.’ So by that, if this passes, should we come to the end of Session and the board of regents does not take independent action to change the name or at least move in that direction, this bill would be a measure that would permit ‘except as specifically provided by law.’

“So by those very words, this mechanism is in their own very words. Hopefully, the University Board of Regents in their wisdom will not require us to pass this measure come the end of Session, but they will entertain the issue and respond positively to a name change so we don’t have to pass this particular measure, Mr. President.”

Senator English rose to speak in support of the measure as follows:

“Mr. President, I rise in support of the measure.

“You know, Mr. President, I shared the same concerns as our good Senator from Hawaii Kai. What I did was I called Mrs. Murakami and asked her about this because I agree that usually when we name something, we’re naming it after someone who has passed on, and I didn’t want the wrong message to be received by their family. So I called Mrs. Murakami and I explained to her and said, ‘Do you know there’s a resolution and now a bill moving that would rename the stadium after your husband?’ I know that in our local custom we’re very, very cognizant of the fact that we don’t want to send the wrong message. In speaking with her, she was very humble, Mr. President, very grateful for us taking this action, and she said, ‘No, Senator, we do not read this in the wrong way and we’re very, very grateful to the Legislature for taking this action.’ That’s what allowed me to support this.

“I just want it to be very clear for the public and for the record that the family is not reading this in the wrong way and they consider this a great honor. Thank you, Mr. President.”

Senator Ihara rose to speak with reservations on the measure and said:

“Mr. President, I have reservations on this bill mainly because there is no acknowledgment of the University’s constitutional autonomy. If this bill moves forward then I would like to request that in the bill or the committee report there be an acknowledgment and statement that this is of statewide concern, and a justification for that.”

Senator Kim rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in support and just to make a note that the Richardson Law School is named after Richardson, and he is still very much alive. So the University has already set precedence of naming buildings or schools after people that are still living.

“Thank you.”

Senator Hogue rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in support of this measure because it absolutely is the right thing to do – to put Les Murakami’s name on the stadium that is his stadium.

“Les Murakami was there at the very, very beginning, literally moving the rocks around the quarry. He was down here at the Legislature doing what needed to be done to get the funds for this very important stadium. His name deserves to be on the outside of that stadium and it deserves to be there right now before the end of this season, which would have been his final season as the head coach of the University of Hawaii baseball team.

“I encourage everyone in this body to send a message to the Board of Regents that we are doing the right thing in naming Rainbow Stadium for Les Murakami because it is very much his stadium.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1523 was adopted and H.B. No. 733, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1525 (H.B. No. 1216, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1525 be adopted and H.B. No. 1216, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

“This is a very difficult situation. We are in a severe economic downturn as far as the state budget goes. We have many obligations in the public education system. I don’t think we can afford to bow to the needs of celebrations of this nature when we have more pressing things.

“Of course the easy thing to do would be to sit back and just say yes to everything and hope that the Majority Party comes out with proper solutions at the end of this long Session. Unfortunately, I’m not going to do that. I think this is one of the expenditures we can allow the private sector to assume.

“Thank you, Mr. President.”

Senator Kim rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor.

“Mr. President, this amount of money that’s being asked for is a very small amount of money and we talked earlier about our fragile tourism and our economy. This is a nation to nation celebration, and I have visited with these individuals that are spearheading this up and they are looking at raising \$6 million. So

the matching in this bill is really no problem at all. They expect to bring in hundreds if not thousands of people into our economy as tourists for this celebration.

"We have set precedent where we have given more monies to other nationalities and other ethnic groups throughout the years for such celebrations, and I've always said that we need to be consistent. I've always been one to scrutinize our budget, so if we're going to say no, we should say no to all of them. But if we've said yes, then I believe we need to scrutinize them, and as I said earlier, this is not a large sum and I think the rewards we'll get will be more than beneficial to the money that we will be spending.

"Thank you."

Senator Hemmings rose in rebuttal as follows:

"Mr. President, I rise in a short rebuttal of the previous remarks from the good Senator from Kalihi.

"There is an easy solution to this, Mr. President. I would suggest to the good Chairman of the Tourism Committee that the money be used from the Hawaii Tourism fund, which gets a tremendous amount of money from the hotel room tax. This may be a fine expenditure for them to make so that we can leave this small amount along with the hundreds of millions of other small amount dollars that add up in our budget because of expenditures like this. The positive alternative is to get the money from the Hawaii Tourism Authority and reap the benefits of having the Korean Centennial Celebration conduct their business here in Hawaii to the benefit of everyone.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1525 was adopted and H.B. No. 1216, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KOREAN CENTENNIAL CELEBRATION COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1526 (H.B. No. 1391, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1526 was adopted and H.B. No. 1391, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ARTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

H.B. No. 1233, H.D. 1, S.D. 2:

Senator Taniguchi moved that H.B. No. 1233, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Nakata rose and said:

"Mr. President, I have a conflict of interest on this. The agency that I work for receives funding from the Office of Youth Services and this bill contains an appropriation to that agency, so I will be stepping off the floor. Thank you."

At 2:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:17 o'clock p.m.

The motion was put by the Chair and carried, H.B. No. 1233, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 171, H.D. 1, S.D. 2:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 171, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

Stand. Com. Rep. No. 1532 (H.B. No. 432, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1532 be adopted and H.B. No. 432, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I would just want the record to record I'll be voting 'no' on this appropriation.

"I think the private sector needs enticements, not being underwritten. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1532 was adopted and H.B. No. 432, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MILLENNIUM WORKFORCE DEVELOPMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Ihara).

Stand. Com. Rep. No. 1534 (H.B. No. 269, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1534 be adopted and H.B. No. 269, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to this measure.

"Mr. President and colleagues, while I agree with the majority of the provisions of this bill, I think that there is a poison pill to be found on page 25, section 11. This section repeals 201B, HRS, which is the authorizing statute for the Hawaii Tourism Authority, effective on June 30, 2003.

"I think that this significantly undermines the attempts of HTA in troubling times where they've already said that the tourism forecast for our state is going to be down. To have this hanging over their head and to go out into the marketplace and work with travel agents and publications and others who market as partners with the HTA, knowing that if this passes there is this provision that will mysteriously sunset them in two years, I

think that creates bad faith on our behalf, the HTA's behalf, and puts a poison pill into this state's number one visitor industry issues.

"Thank you."

Senator Kim rose to speak on the measure and said:

"Mr. President, I don't believe this is a poison pill. I look at it more as a diuretic to clean it out and make sure that we start fresh and new. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1534 was adopted and H.B. No. 269, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Chun Oakland, Fukunaga, Hogue, Ige, Ihara, Inouye, Matsunaga).

Stand. Com. Rep. No. 1535 (H.B. No. 695, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1535 be adopted and H.B. No. 695, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"This is a bill that has to do with the small business lessees at Kapalama and the proposed move from one business in Kakaako. Everything in this bill raises questions and the questions have not been answered satisfactorily. The whole bill is premised on the Governor's getting his fish tank and other construction in Kakaako, and that may or may not happen. It probably will not happen, in which case, we don't have to displace the 17 businesses in Kapalama that are presently there on month-to-month tenancies.

"The Department of Transportation, HCDA, and DLNR, all of which were supposed to be working with the tenants to help them relocate, have not until very recently made any attempt whatsoever to do that. I understand that even if the bill does not pass, they still are in jeopardy because of a month-to-month tenancy.

"I think we ought to take a hard look as to the proper use of state lands and to the proper treatment of those people that are lessees. The argument was made that they knew what they were getting into, the small business lessees, and that they were paying less than what could be gotten for the land. Well that's not true, because the state was not able to get anybody to go into that land and to use it. Some of these lessees have made improvements and they should at least be given the right to have help in terms of relocating.

"We've done an abysmal job, particularly the HCDA, in the past of trying to relocate displaced businesses, so I'm registering my objections on this bill.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

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

"The prior speaker, the good Senator from Hawaii Kai, mentioned the state mismanaging state lands. I think a point that needs to bear consideration is that this shouldn't even be state lands. Back in the '80s, President Reagan was divesting remnant lands from federal ownership and this land was up for grabs. The private sector wanted to come in and acquire it for maritime use in and about the harbor area, but the state stepped in and paid, in my opinion, an inflated price for it, acquired the land, has been misusing it since, and it has become a liability. Not only is it a liability for the 17 potential displaced lessees, but it's also a liability for all the taxpayers who have been underwriting the mismanagement of this land when the private sector could have easily stepped in and turned what is now land liability into an asset.

"Secondly, regarding what is the real intent of this effort, it's political, I believe, to replace 17 hard working small businesses with one favored business because that business is being moved out of Kakaako to the benefit of what could be a foolhardy project there.

"So, Mr. President and colleagues, one mistake followed by another leads to a liability for everybody, most especially the taxpayers who are underwriting this and the small lessees of this particular area who are going to be left with no place to hold their business and they'll lose many thousands of dollars in capital improvements they've put into their small businesses. This is bad legislation that hurts the economy.

"Thank you, Mr. President."

Senator Chun rose in support of the measure with reservations and stated:

"Mr. President, I stand in support of this bill with reservations.

"Mr. President, both in the Water, Land Committee and also in Ways and Means, my concerns were focused on one thing and one thing only – and that is, Why are we treating the month-to-month tenants differently than we're treating the other lessees? I asked for a public policy as to what was the public policy behind that determination that they, meaning the state, want to force upon us, the legislators. I got no answer. I didn't get any answer in Water, Land. I didn't get any answer in Ways and Means.

"What they're trying to do is they're trying to place the blame of their inability of finding replacement leases for these month-to-month tenants and put the blame of their inability on us, the legislators. And without a valid public policy of why we should do that, I will not, and cannot support that.

"The other parts of the bill, I think, are valid and should go forward, but until that question is answered, we need to be very concerned about having a public policy statement made to protect the administration and their inability to provide services and relocation assistance.

"Thank you, Mr. President."

Senator English rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to this measure.

"Mr. President, you know the law of unintended returns is all around us. This particular bill, if you go to page 7, section 5,

line 4, talks about dislocated lessees. In describing this it says, 'Dislocated lessee means any lessee engaged in commercial industrial uses who has been or will be displaced.' Then it strikes out some language, 'By the State or any County by the power of eminent domain, or threat thereof, from property which is being acquired or already owned by the State or any County.'

"Now, this would apply universally, and if this does, then let's take the county of Kauai that may have some land that it's leasing out and it needs to use it for something. Suddenly, this law would kick into effect. So the unintended returns of this affects the counties and other state leases. And you know, Mr. President, the bottom line is that if you have a month-to-month lease, it means simply that. That you're renting a piece of property for thirty days and the owner of the property can ask you to leave anytime.

"So, to be fair, I cannot support this because it creates a very special exception for one group of properties. Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1535 was adopted and H.B. No. 695, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISPLACED LESSEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (English, Hemmings, Hogue, Slom). Excused, 1 (Ige).

At 2:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:33 o'clock p.m.

Stand. Com. Rep. No. 1539 (H.B. No. 1662, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1539 be adopted and H.B. No. 1662, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to this bill.

"A month ago, we all received copies of a report from the Legislative Auditor that talked about the growing power of the executive branch in our state government. The executive branch in the State of Hawaii government is more powerful than any of the other 49 states. One of the reasons for that is because it seems that the Legislature keeps punting or deferring its responsibilities to the executive branch, and the executive branch is very happy to take it over.

"Everybody is now bowing at the altar of high technology in the State, so we have a high technology guru and head who so far has given us the worm virus. What this bill would do is to quantify even more power in the office of the Governor in terms of selectivity for certain high tech companies, the issuance of bonds, and so forth. I think that it is going to reduce accountability and responsibility from the legislative body and that's why I oppose it.

"Thank you."

Senator Tam rose to speak in support of the measure as follows:

"Mr. President, I'm in support of this bill.

"Basically, the bill does two things:

1. Appropriates funds for technology marketing and promotion, bio-technology development, and high technology capital improvements; and
2. This bill also clarifies that the Legislature's approval is required before the issuance of any special facility revenue bonds.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1539 was adopted and H.B. No. 1662, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1542 (H.B. No. 87, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1542 be adopted and H.B. No. 87, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

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

"Government is driving both parents out of the home and into the workplace, thus creating a need to take care of our children. Unfortunately, government does not make a good parent. I'm voting against this bill in hopes that we in the future can return control of our family's destinies and welfare to families and not to government agencies and programs.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1542 was adopted and H.B. No. 87, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT CENTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1543 (H.B. No. 632, H.D. 3, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1543 be adopted and H.B. No. 632, H.D. 3, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to this bill.

"This is a bill that has to do with the licensure of home and community based care and management agencies with the Department of Human Services.

“The Department of Human Services has indicated or has shown in the past its inability to work with these care home operators. Right up until the hearing that we had just the other day, there was still dissension and, from my standpoint, an inability for this department to work with these small businesses, so I’m casting a ‘no’ vote.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1543 was adopted and H.B. No. 632, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Menor, Slom).

Stand. Com. Rep. No. 1545 (H.B. No. 513, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1545 be adopted and H.B. No. 513, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senators Slom, Hemmings and Hogue requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1545 was adopted and H.B. No. 513, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS’ CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:37 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:38 o’clock p.m.

Stand. Com. Rep. No. 1546 (H.B. No. 143, H.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1546 be adopted and H.B. No. 143, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise to speak in favor of the measure with reservations.

“This is one of those bills that will increase the cost to the taxpayers and increase the cost to the Legislature. It is, however, specific to per diem, which our neighbor island Legislators receive.

“The increase is from \$80 to \$120 per day for food and lodging, air travel, car expenses, and registration fees if applicable or handled separately. Certainly, we are in a unique situation here where it is a hardship for neighbor island Legislators and there should be a fair and reasonable per diem. But I think again when we’re looking at the overall picture of costs and everything else, that we should be prudent in how we raise those rates and maybe this is not the appropriate amount to raise it.

“Thank you.”

Senator Hogue rose in support of the measure with reservations and stated:

“Mr. President, I also rise in support of this measure with reservations.

“I don’t live on the neighbor islands so I really can’t speak to that particular issue, but I want to talk about the fact that air travel, car expenses, etc., for out-of-state travel will be rising from \$130 to \$195 a day.

“Essentially, it appears, at least to the taxpayers, that we’re giving ourselves a raise for out-of-state travel. I don’t think this is the type of message that we want to send. If that means that we have to stay in budget hotels, then so be it.

“Thank you.”

Senator Hemmings requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1546 was adopted and H.B. No. 143, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE LEGISLATURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1550 (H.B. No. 1256, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1550 be adopted and H.B. No. 1256, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Inouye rose to speak in support of the measure as follows:

“Mr. President, I speak in strong support of H.B. No. 1256, S.D. 1, Relating to Beverage Container Deposit Systems.

“The purpose of this measure is to institute a beverage container fee program to promote recycling of glass, aluminum, and plastic beverage containers by placing a refundable fee on all non-dairy beverage containers.

“Litter is a problem in Hawaii and is an eyesore for residents and visitors alike. Litter spoils our scenic vistas and degrades our quality of life. Switching to refundable bottles is one strategy that has been effective in other states in limiting the number of beverage containers that are casually discarded on the ground instead of being properly disposed of.

“Sometime ago, Hawaii state law established a goal to recycle 50 percent of the waste stream by the year 2000. Today, the current statewide recycling rate is 24 percent and falls far short of that objective.

“Without the benefit of a container deposit system, it is estimated that existing drop-off systems in the state are already capturing 20 percent of available recyclable materials. In contrast, container deposit systems operative in 10 states around the country achieve 80 percent recovery on average.

“The Hawaii program most closely resembles the Alberta, Canada system that has a redemption rate of 80 percent for the last few years. At an 80 to 90 percent return on the containers, the state should have sufficient funds to cover its costs.

"Besides enhancing recycling, a container deposit program will significantly reduce litter as beverage containers currently account for 40 to 60 percent of our community's litter.

"Container deposit systems create jobs, and help to reduce the costs of disposal, recycling, and litter cleanup, which is currently being paid for by local government and taxpayers.

"Also, Hawaii's tourist industry would benefit from an improved environmental image with cleaner roads, parks, beaches, and visible demonstration of our local commitment to keep Hawaii a paradise.

"Though this bill has a defective date and a blank refundable fee, this bill should go forward for further discussions in Conference, and I urge my colleagues to please support passage of this bill and keep Hawaii's environment clean.

"Thank you."

Senator Hemmings rose to speak on the measure and said:

"Mr. President, this bill supports a concept that I think we all sympathize with and it's working effectively, the concept, in other states. However, those states do not have a punitive economic environment like Hawaii's.

"I believe there is a way to have the best of both worlds – to have a meaningful bottle clean-up bill that would keep the environment clean from this pollution without putting additional strain on the small businesses. I'm hoping that leadership and the committees concerned will amend this bill to do just that.

"Thank you, Mr. President."

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"While I certainly support and practice recycling, and do not oppose the idea of a bottle bill per se, this is certainly more than that. This is a bill that is extremely broad, and will negatively impact businesses, particularly small businesses.

"I think one of the things that really creates a problem for me is, in addition to the deposit fee, there is the two cent fee which goes to the state. That two cent fee, which is a tax, it's a new tax, is held at two cents only for the first five years, and then we would see that perhaps that would rise to four cents, six cents, whatever.

"There are also requirements in there for the creation of redemption centers and additional costs and paperwork for businesses. One has to ask the question, What happens with little leagues and schools and other activities where they sell containers? Do they become involved as a dealer and do they, too, have to have redemptions? There are a lot of questions that are unanswered in this bill and it goes far beyond the scope of just recycling.

"As to the problem of litter, we have had this problem for quite some time. We have laws against littering. Many people have shown that the laws in fact are not enforced. This is not the way to go – to penalize everyone, the consumers and small businesses, to try to get that problem and to encourage recycling. In fact, we've had hearings over the years. People that have been in the recycling business in glass, in cans, and bottles, have come in and told us what they need, and what they

basically need is an improvement in this business climate, not additional costs and a new tax.

"Thank you."

Senator Tam rose to speak in favor of the measure with reservations as follows:

"Mr. President, I rise to vote in favor with reservations.

"I'm in favor in terms of litter control, fellow colleagues, but my only concern is that by giving incentives in terms of a dollar return basis would not encourage people to dispose of litter properly.

"What is needed in addition to this bill is an educational emphasis in terms of conservation. Our litter programs in the schools only work because there's education involved where the students believe in the litter program. The dollar figure does not really account for in terms of people disposing of litter properly.

"Thank you."

Senator Chun rose to speak in favor of the measure and stated:

"Mr. President, I rise in favor of the bill.

"Mr. President, I am in favor of recycling. I am favor of this bottle bill. However, I am concerned that we need to look at the bigger picture of recycling – and that is, What do we do with the end product? Once we have the bottles, once we have the cans in the recycling centers, what do we do with them? Where do we deposit them? How do we dispose of them?

"It is true that the recycling centers or redemption centers will have to be licensed by the Department of Health as solid waste facilities. However, that doesn't answer the question, Where does it go? The only benefit, Mr. President, of recycling is (1) either we can reuse the things that we want to recycle; or (2) we can dispose of them without landfilling, which is another environmental problem. We have not addressed that question. I think as we go on and discuss this issue, we need to look at what the end use of this product will be.

"This is not the end but it is a beginning, and that's why I support the bill, Mr. President."

Senator Buen rose to speak in favor of the measure with reservations as follows:

"Mr. President, I rise to speak in favor with reservations on this bill.

"I do support recycling and supporting the environment in keeping it clean. I am happy to see that there is a blank amount in the bill with a defective date. However, I am concerned about the economic negative impact to the businesses, and so I'm supporting it with reservations."

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

Senator Hogue rose to speak in support of the measure as follows:

"Mr. President, I rise in support of this measure.

"I just wanted to bring this up in front of this body . . . I've lived in other states where they had similar measures like this. I

have seen it work, and I have seen areas really cleaned up. I have seen that those economies there can advance themselves.

“Yes, there are some flaws in this particular bill, but we don’t need to reinvent the wheel. We can look to other states that have similar measures and can find out how they’ve been able to put this in place.

“I think there is a stronger statement that could be made here – and that is, I believe that this body, this Senate, can send a strong statement to the entire State of Hawaii that we must do more to clean up our state, to make it a beautiful place, to clean up our environment. We can do that through public relations, through education. We have a beautiful place in which we live. We need to take care of it much, much better.

“Thank you very much, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1550 was adopted and H.B. No. 1256, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 1551 (H.B. No. 135, H.D. 2, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1551 be adopted and H.B. No. 135, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun.

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“As a parent of four children I think I already told you this the last time we talked about this measure. It just puts too much of a strain on any parent, I believe, who would try to put all of his kids in child restraint seats in a car and get anywhere.

“I wanted to advance that discussion, if I could just a little bit, because I have seen what has happened to child restraint seats after a couple of years. It’s amazing the things children will do to these child restraint seats -- they get filthy, they’re disgusting, they smell, they fall apart, they are horrible. I’m not talking about children now; I’m talking about the child restraint seats.

“So unless this measure would add a provision to check the safety and viability of car seats, it certainly would not go far enough. The only thing this bill is good for is the child car seat industry, and I will vote ‘no.’

“Thank you.”

Senators Kim and Hemmings requested their votes be cast “aye, with reservations,” and the Chair so ordered.

Senator Chumbley rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition of this measure.

“It’s difficult to stand here and oppose something that, on the surface of it, seems to make a lot of sense – and that’s protecting our children. However, the way this bill is drafted, it’s going to be very problematic and there are tremendous concerns with this.

“For those of you colleagues who haven’t been here through some of the years of debates surrounding this issue, when children age three were required to be in a child’s safety seat, it was a very contentious and difficult debate to raise it to age four, one year. You can compare this, if you want, to something like age of consent as we’re talking about 14, 15, 16, and what’s the right age.

“All of a sudden, in this bill, we’re doubling it from age four to age eight. Is that capricious or arbitrary? How do we come up with age eight? I’m sure that the safety council and the good Chairman of the Committee can cite numerous studies that say maybe age eight works, maybe age seven works, maybe age four is the right age, maybe it should stay the way it is.

“I think that what we’re doing here is taking some of the responsibility away from parents. If you have a young couple with three or four children, and a small car, how are they going to put all of these child safety seats and these booster seats into a car? It’s going to be extremely difficult. But shouldn’t that parent take the responsibility if they feel that’s the right thing to do? Here we go, government telling them that if you’re under 80 pounds and you’re $7\frac{3}{4}$, you’ve got to be in that safety seat, or the booster seat. I don’t think that’s appropriate.

“The second part of this bill, which we have failed to bring up to this point, is that in the last committee under jurisdiction of this bill, it was amended. The child age limits of riding in the back of a pickup truck, which has been age 12 (so if you’re 13 and above, you can ride in the back of a pickup truck), was amended to say now it’s 17 years and above. So you’ve got to be age 18 to ride in the back of a pickup truck. When we had this debate, we went through the same contentious, difficult discussions and it took years to even implement it at that age of 12. Maybe there were some deaths during that time and those deaths should have been avoided by personal responsibility. But by raising it to age 17, it’s going to have a negative effect to families who can’t afford a second car, who only have a truck for their vehicle, who on the neighbor islands don’t have public transportation. This is something that just goes too far and I want to urge everyone’s caution as you look at this.

“Opposing this bill doesn’t mean that you’re opposed to safety. But there’s got to be some balance in what we do and some thought to it, and I think both of those are lacking in this bill. Thank you.”

Senator Kawamoto rose to speak in favor of the measure and stated:

“Mr. President, I rise in favor of this bill.

“Mr. President, again, as the previous speaker said, this is a concern of safety. I don’t stay up at nights thinking of all these bills as many of you may think I do. (Laughter.) They come from people that are really sincerely concerned about the safety of our young people. This came from KIPC. As far as the booster seat, it’s not seatbelts, it’s a booster seat for young people because they say the seatbelts are dangerous in itself for a younger child.

“As far as the pickup trucks, we had one death this year, a 16-year-old. But my concern to this one was that, as we held signs out for candidates that were running for election this past year . . . Waipahu now has the soccer mecca of the State. We have a stadium. We’re going to get 30 soccer fields with young people from Hawaii Kai, Waimanalo, and Waianae. Nine times out of ten, the cars that go down Waipio Access Road are full of young people behind the pickup trucks. Let me tell you, Waipahu Access Road is not the best road in the world and only

a slight bump could eject two or three of the six that are riding in the back of the pickup trucks.

"I'm not saying Texas has the best laws in the world, but in Texas, it's a violation to have a dog in the back of the pickup truck.

"Ladies and gentlemen, when we started the pickup trucks a while ago as the Senator from the Maui and Kauai canoe district has indicated, we went into a lot of discussion on the age, and we finally came up to 12. This year, the opportunity arose that we could again look at the age. We feel as though raising it up to 17 is the proper thing to do, so I urge my colleagues to vote 'aye' on this bill.

"Thank you."

Senator Matsunaga rose to speak in opposition to the measure and stated:

"Mr. President, I request a ruling on a potential conflict. Mr. President, I have a daughter age 7 and a daughter age 4 who'd be directly affected by this measure. (Laughter.)

"Mr. President, I rise in opposition to this measure.

"Mr. President, first let me state that I commend the Chair of the Transportation Committee. I have no reason to doubt his statement that he does not stay up nights thinking about these measures. What I do have some concerns with is the overreaching and broadness of this bill.

"I think this bill would have a chilling effect on reasonable carpooling as we know it now in our State. As the father of a 7-year-old, and many of you have young children too, I realize that my daughters are going to many different events. Whether it's the girl scouts, whether it's martial arts, soccer practice, hula lessons, or the very young Democrats meeting, they're carpooling. Mr. President, I know you can sympathize with me because you and I drive the same type of car – a four-door sedan where we could only fit two booster seats in the back. We can't put any children in the front seat because of airbags, so if I have my two daughters in the back seat, I would not be able to take any of their friends to the very young Democrats meeting.

"Mr. President, as a result, what you're going to have is you're going to have more cars on the road, you're going to have more traffic, you're going to have more exhaust in our environment. Mr. President, I would urge all my colleagues to vote 'no.'

"I would like to add one thing to the statement made by our good center of the Senate basketball team. He stated that there's nothing more disgusting than a child car seat, but I would propose that there is something more disgusting, and that's underneath the seat when you take the seat out.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1551 was adopted and H.B. No. 135, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Chumbley, Hemmings, Hogue, Ige, Ihara, Matsunaga, Matsuura, Menor, Slom).

At 2:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:02 o'clock p.m.

At this time, Senator Slom rose on a point of personal privilege and said:

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

"During the recess, I did huddle with my colleagues here and I wanted to assure the good Senator from Palolo that we have enough automobile power here to pick up all the little children and take them to the not-so-young Republican meetings so that they will be safe and sound and they will get a proper grounding on the overreach of government. So, you can see us after the Session, Senator.

"Thank you, Mr. President." (Laughter.)

Senator Hemmings then rose on a point of personal privilege as follows:

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

"I'd like to clarify my vote on Stand. Com. Rep. No. 1550, H.B. No. 1256 and Stand. Com. Rep. No. 1551, H.B. No. 135. Mr. President, when I spoke, I spoke with reservations with the intent of voting 'no.' I wish the clerk to record my intent, which was 'no' votes on those measures. Thank you, Mr. President."

The Chair so ordered.

Stand. Com. Rep. No. 1552 (H.B. No. 1016):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1552 was adopted and H.B. No. 1016, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERS OF THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 771, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 771, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1211, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 1211, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

H.B. No. 1245, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1245, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this bill.

“This bill of course was the classic bill of raiding of special funds. While the purpose is noble and we certainly want to stand with the Ways and Means Chairman to appropriate funds for the resolution, the successful resolution of the teachers strike and so forth, we cannot keep doing this. We cannot keep creating special funds that are not special and are not earmarked and not guaranteed and then dumping them when we please and put them in the general fund. That’s what this bill does.

“When we have testimony before Committees saying, for example, that we have to fix our parks and then we raid the money from the parks fund and then we try to raid money from the transient accommodations fund or the tourism fund to pay for parks, it just doesn’t make sense and it shows that we do not have a coherent budgetary or fiscal policy. We’ve got to stop doing this. It’s got to stop somewhere, Mr. President, and that’s why I’m voting ‘no,’ not because I’m opposed to the objective of the bill or the beneficiaries of some of the actions of the bill.

“Thank you.”

Senator Sakamoto rose to speak on the measure as follows:

“Mr. President, sometimes you’re very quick at the trigger and I was going to make a comment to the previous speaker’s remark.

“To the comment on special funds, Senator, I would rather have special funds than have each of the proponents and opponents of every single good thing that is listed in special funds to come before us each year and to have measures flying back and forth in this body saying we need two cents for that and eighteen cents for that, and blank amounts for that.

“Special funds were set up for a purpose. Unfortunately, some of the amounts in the special funds, either when the funds were first set up or as the funds moved along, are not the appropriate amount. Using some of the excesses is a good, fiscally responsible thing. If you set aside money for car seats, for your Democratic Party rallies, or for Republican old folk homes, and there’s too much money in the reserve account, you change it and use it for a better purpose.

“So, I applaud the Chair for using the money for a better purpose such as education and meeting the current obligations of our State.”

Senator Slom rose to respond as follows:

“Mr. President, I rise to respond to the good Senator from Moanalua who made his remarks not in the Journal but on this Senate Floor, Mr. President.

“With all due respect to the good Senator, first of all, in this bill . . . I didn’t even have a chance because I wanted to be brief. I wanted us to be out of here for dinner or late evening. It also raided the rainy day fund, the emergency fund. The whole purpose of that fund was to talk about emergencies, and now we redefined what emergencies are. We’re redefining what the purposes of the special funds are.

“Those special funds that we create in this Legislature are for a specific purpose, and we’re told because we need to allocate the money and earmark the money to do that, and then we know full well we’re not going to do that. That’s dishonest. It is not good accounting. It is not good fiscal procedures. It’s not just my opinion. We can look at the tax foundation. We can look at other people that have looked at this procedure. It is a way of

hiding funds and disguising it from the public. And would I like to have everybody come in and ask for their two cents here and fifty cents there? You bet I would, because what we need is more of an open process.

“We do too many things behind closed doors and we lump everything together, and legislators and the public cannot find out exactly what we’re doing. That’s part of the problem right now. So if we’re going to be fiscally responsible, we’ve got to first of all be fiscally honest. And if we’re saying that we’re putting funds away, and then we find out that we have too many funds, that means that we’ve overtaxed and over-regulated the people to get those funds there in the first place.

“Let’s keep it clear, and simple, and open, and let’s discuss it on that basis. Thank you, Mr. President.”

Senator Sakamoto rose and said:

“A short follow-up, please.

“Mr. President, when I left my home this morning, it was raining on me and the teachers, Mr. President.”

The motion was put by the Chair and carried, H.B. No. 1245, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUDGET,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 1558 (H.B. No. 407, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1558 was adopted and H.B. No. 407, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1560 (H.B. No. 554, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1560 be adopted and H.B. No. 554, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“This bill gives the Hawaii Community Development Authority the ability to issue special facility revenue bonds for what they deem to be eligible projects. Again, we have seen that the Legislature, I think, is not taking full responsibility for the accountability of fiscal measures and I oppose this.

“Thank you.”

Senator Tam rose to speak in favor of the measure and stated:

“Mr. President, I stand in favor of H.B. No. 554, H.D. 2, S.D. 2.

"The bill provides for special facility revenue bonds for an ocean science center, a multi-cultural village and ocean park in the Kakaako Community Development District.

"This bill embraces the development of a community involving state land for local community family usage.

"I thank the various community groups at the public hearings on their visions beyond that of Governor Cayetano's limited vision.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1560 was adopted and H.B. No. 554, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

H.B. No. 815, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 815, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1563 (H.B. No. 173, H.D. 2, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 1563 be adopted and H.B. No. 173, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Inouye rose to speak in support of the measure as follows:

"Mr. President, I am in support of H.B. No. 173, S.D. 2, Relating to Renewable Energy Resources.

"This bill establishes goals for electric utility companies to implement renewable portfolio standards, which include a minimum percentage of renewable energy resources or energy efficiency programs within their overall resource portfolio. It also provides net energy metering for eligible customer generators.

"Mr. President, production of energy from locally available sources has long been a state objective, and instituting a renewable portfolio standard has been identified as the single most effective means of accomplishing that and Hawaii's other energy objectives.

"The recently completed analysis have confirmed that a standard of 10.5 percent by the end of 2010 would be reasonable and cost effective. Analysis also shows that such a standard is not likely to result in increased costs and could very well reduce costs to taxpayers through decreased reliance on imported oil.

"Though I'd like to see the stronger language in S.D. 1, this measure should move to Conference for further discussion. H.B. No. 173 also contains language on net energy metering. Net energy metering would support Hawaii's energy objectives by encouraging the use of renewable energy through the diversification of our net energy sources, reduction of the need

for imported oil, support of local businesses, and reduction of pollution and greenhouse gas emissions. To date, net energy metering legislation has been enacted in 30 other states.

"Mr. President and members, I urge everyone to support this measure. Mahalo."

Senator Hemmings rose to speak in favor of the measure and stated:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, someday I think we'll realize that this bill's time has come and this will be a real sleeper for the future well-being of this state. I want to recognize the good efforts of the Chairman of the Water, Land, Energy, and Environment Committee in her bipartisan effort to have our state be weaned from fossil fuel energies.

"If nothing else, Mr. President, we saw, from the visitor we had in your caucus room this afternoon for lunch, the vivid illustration of the energy problems our country is facing by being over-dependent on fossil fuels and not managing our energy resources correctly. The State of Hawaii should have been, many years ago, the petri dish for energy diversification and the scientific development of other ways to power our day-to-day lives.

"We have the tremendous blessings of nature that could help diversify our energy sources. We have on the Big Island, everything from wind to solar energy and of course the geothermal wells at Puna. We have tremendous technologies developing with fuel cells. Someday, we may have houses and cars totally independent of outside fossil fuel needs by being independent with fuel cells.

"This bill is a small step in the right direction. I regret it's so late in coming, but it is a step in the right direction. I applaud the Committee Chair who has been at the forefront of developing this process. If anything this Legislature could be proud of this Session, it would be taking a step towards energy self-sufficiency, and this bill is a step in that direction.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1563 was adopted and H.B. No. 173, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1565 (H.B. No. 202, H.D. 1, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 1565 be adopted and H.B. No. 202, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

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

"It's a two part bill. The first part has to do with clean claims. I really don't have a big problem with the clean claims provision. However, there was a rather interesting quote from HMSA in this bill. When it was talking about this bill in Committee, HMSA has received 'no complaints from

participating providers with respect to this law.’ So I’m not sure if it’s needed.

“Then later, there was an amendment, and this part two is where the problem is because it was tacked on after the bill crossed over. This part attempts to add another well-intentioned, mandated health insurance benefit. And that could drive up costs exponentially to businesses. Besides that, it goes beyond the spirit of the law, if not the letter of the law, because it would enact new mandated benefits without first getting the approval of the legislative auditor.

“I certainly hope that we will look at this second provision before it goes any further, and that’s why I’m voting with reservations. Thank you.”

Senator Slom rose to speak against the measure as follows:

“Mr. President, I will be voting ‘no’ on this bill, precisely because it is another mandate and precisely because it does extend existing benefits.

“Certainly we should have mental health parity and we should have parity for all of the other health provisions as well, but this bill does not really do that. The mandates are going to be costly, and they are not going to be fair to all concerned.

“Thank you.”

Senator Chumbley rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of the measure with reservations.

“During the Committee hearing, we had a very spirited debate. Towards the end of the hearing when the Chairs made their recommendations, the good Senator from Kauai had brought up a point about the drafting of the bill and the potential conflict that it does not address and exempt out those Felix services as the parties had intended. I do want to continue the discussion on this measure, but I do have very serious concerns about the mandate on business to expand this coverage and also the drafting of the bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1565 was adopted and H.B. No. 202, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 1568 (H.B. No. 271, H.D. 1, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 1568 be adopted and H.B. No. 271, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition to this bill, and also I will rise in support of the good Senator from Maui, who I’m going to read some of his testimony.

“Currently, we prohibit paying car rental agency employees any compensation for so-called collision damage waivers or CDWs when they go to the car rental agency. We enacted the

current law because, as the good Senator from Kahului, Maui so eloquently and passionately pointed out in our CPH Committee, these companies practice abusive, hard sell tactics with these highly profitable add-ons.

“The normally soft-spoken Senator told us, if you tried to refuse the CDW, the employees wouldn’t take no for an answer. They keep on asking you again and again. If you persisted in declining, they’d walk you out to the car and make you stand there as they slowly inspected the rental car for every single ding and scratch on it. And then sometimes they still wouldn’t take no because they would put it in anyway and hope you wouldn’t notice.

“The rental car companies would have you to believe that those bad old days are gone and they’d only evaluate their employees ‘indirectly, rather than directly, for the profits brought in by CDWs.’ Well, it really doesn’t matter whether they evaluate their employees directly or indirectly. If the employees get paid for these add-ons, they will push the poor Senator from Maui beyond reproach.

“So therefore, Mr. President and colleagues, because the CPH Committee not only stands for commerce but consumer protection, I urge you to follow the strong, passionate words of the Senator from Maui and vote this measure down.

“Thank you.”

Senator English rose in support of the measure with reservations and stated:

“Mr. President, I have to say . . . Mr. President, this is a very difficult one for me because I will support this measure with extreme, extreme reservations and here is why.

“This is something that is very distasteful to me, and I do not like the way that the industry does this. But, in our jobs as Legislators, we have to sometimes look at the merits of things, despite our own personal dislike for it. And that’s what I did here. I looked at this very carefully, and I have an extreme – extreme – reservation about voting. It’s almost no. The ‘n’ is being formed . . . NNNNN . . . yes, all right. But I see enough movement, Mr. President, between the DCCA and Catrala, the industry’s lobby group, that I think this can be worked out.

“Now, I can tell you that the lobby group went so far as to have a couple hundred faxes sent to me from workers saying that they’re being paid minimum wage and that this will give them more money, which then leads me back to the original argument. Because if they were being indirectly compensated for this and it’s not a direct commission, then why are these people who are being paid minimum wage, which hopefully we will raise, so passionate about this commission, unless they will be paid directly?

“So, the lobbyist Catrala maybe did such a good job that maybe I may step over the line. Nonetheless, I’ll support the Chair on this because I think they’ve made enough of a good faith effort to move it forward. But I thank the Senator from Kaneohe for so eloquently quoting me in Committee.

“Thank you.”

Senator Chumbley rose to speak in opposition to the measure and stated:

“Mr. President, I feel compelled to rise to speak in opposition to this measure.

“The good Senator from Kahului, if he only used his American Express card, would not have to worry about it, because when you use the American Express card to rent a car, you’re covered with CDW. So now everyone knows the secret.

“Mr. President, I, too, received a flush of faxes over the weekend and late yesterday too – all from employees, all a form letter, all signed by employees – saying how they were being evaluated against their mainland counterparts, and that if this law was to pass, they would be able to be paid indirect commissions and earn a little bit more money. The rental car companies can already pay them more money. If they really want to do it, they can do it. They don’t need the law to say that only if we make more money through CDWs, through pressure tactics to the consumer, that I’ll pay you more money.

“So I think that the companies really need to think about how they’re treating their employees and the hammer that they’re holding over their head in comparing them to their mainland counterparts. Remember, use the card.”

Senator Matsunaga rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Mr. President, I, too, have struggled with my decision on this measure like the normally soft-spoken Senator from Maui. But based on the convincing arguments from the not normally soft-spoken Senator from Kaneohe, and the not normally soft-spoken Senator from East Maui, I think I will vote ‘no’ on this measure.

“My concern is the impact upon our golden goose – and that’s tourism – and the goslings, which are tourists. Mr. President, I’m concerned that the first impact that our tourists might have upon arriving in Hawaii would be, first they would be leid and then they would be skewered (I said skewered) by the rental car company.

“So I will vote ‘no,’ Mr. President. Thank you.”

Senator Sakamoto rose in support of the measure with reservations and stated:

“Mr. President, I rise in support with reservations.

“I don’t know about cooked goose, but I do know that yourself and our colleagues as well as other tourists do not only come here. They travel to many locations. And if the way of doing business here, if we feel we have to protect everybody more than we protect them somewhere else, I think we have a problem. I do believe we shouldn’t get to the point where we take advantage or car rental companies take advantage of people, but I think the Chair understands some of the concerns, and I’ve expressed some suggestions. Hopefully the measure will be improved if it goes forward, Mr. President.”

Senator Menor rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor of this measure.

“I wholeheartedly agree that my esteemed colleague from Kahului is a very wise individual because he has made a decision out of his wisdom to support the Chair, and he sees definitely the merits of this bill. So, for reasons that are maybe not quite the same as the Senator from Waimanalo, I do thank the Senator from Kahului for his support of this measure, understanding, however, his reservations.

“I did have several responses to the concerns that have been raised about this bill, which I think are important to note because they help to clarify this measure. First of all, when the Legislature passed the current law in 1990, barring the payment of any commissions based on collision damage waivers, it was because of the abuses that were taking place. These abuses were in large part due to the fact that the sales were based on the payment of direct commissions to employees for such sales. However, it should be emphasized that this measure that’s before us would not allow direct commissions. It would still prohibit direct commissions based on the sale of CDWs.

“The passage of this bill will only allow consideration of such sales on an indirect basis, or in other words, the sales would be one of many factors and not the sole factor in determining an employee’s overall performance or compensation. In other words, one of the key protections in the current law that has had the effect of reducing or minimizing these abuses from occurring, the prohibition on direct commissions, this bill would not eliminate that.

“In addition, there are other protections in the current law, pro-consumer protections in the current law, that were adopted in 1990 to prevent these abuses that would still be retained under the measure that’s before us. For example, under the current law, which would not be changed by this bill, any company or employee who pays direct commissions in violation of this law, or who would engage in hard pressure sales tactics to mislead car renters, would be subject to harsh penalties of Section 480-2 of the Hawaii Revised Statutes, allowing consumers treble damages and payment of attorney’s fees and costs by all violators. In other words, Section 437D-15 of the present law provides a very strong deterrent to any violators who seek to abuse the provisions of the law.

“It should also be emphasized that Hawaii is the only state which does not allow a company to consider either directly or indirectly, the sales of collision damage waivers in evaluating or paying compensation to an employee. In this regard, I believe that Hawaii companies and their employees could benefit from a change in the law, since they are often at a disadvantage when compared to their mainland counterparts.

“Finally, I would like to reiterate to my colleagues the practical effect of our decision to move this bill out to Conference Committee, which is that if we pass this bill out, what we’re doing is basically keeping the measure alive for further discussion so that the important issues and concerns that have been raised about this bill can be further dialogued between the Conferees. This bill would still have to come back to this body for final action before it could be sent to the Governor for his signature. I would also like to indicate that I recognize that there are concerns about this bill, but I would respectfully ask my colleagues to give your House and Senate managers an opportunity to be able to resolve these concerns in the course of discussing the measure in Conference Committee.

“Another important point that needs to be raised is the fact that the various parties who have testified on this bill – the representatives of the Office of Consumer Protection and the rental car companies – have expressed the willingness to dialogue further about this bill.

“One of the issues that I think we need to take a look at is the fact that it is very overly broad. The current law is overly broad to the extent that it prevents the consideration of the sales of CDWs even in those cases where employees are not going to be paid monetary compensation but where such sales might be considered for the purposes of evaluating the overall job performance of the employees. In fact, the Director of the Office of Consumer Protection and their representatives have

indicated that there may in fact be limited instances or cases where considerations of such sales may be appropriate in the right circumstances.

“So I think it’s clear that this measure really is entitled to further dialogue. For the sake of keeping this measure alive, not enacting it into law at this point, but to keep it alive for further discussion, I’d respectfully request my colleagues to allow this measure to move into Conference Committee.

“Thank you.”

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

“I’ve heard a lot about the consumer throughout the discussion on this bill. The consumer does have one ultimate protection on being exploited by collision insurance salespeople . . . it’s simple – say no. I would also like to add that there are some other exploitations of the consumer where he doesn’t have the luxury of saying no, because when he rents a car, he’s going to have to pay \$3 a day in the form of a fee or tax to the state government. He has to pay 4 percent excise tax and he has to pay 53 cents on every gallon of gas that car consumes while it’s being driven. There’s no choice there.

“So if we’re really interested in helping the consumers, maybe there’s other areas we can help them make Hawaii affordable again. Thank you, Mr. President.”

Senator Taniguchi rose to speak with reservations on the measure and said:

“Mr. President, based on the comments of the Chair, I’d like to just note my reservations with this bill.”

Senators Hanabusa, Kanno, Nakata and Kim requested their votes be cast “aye, with reservations,” and the Chair so ordered.

Senator Taniguchi rose and said:

“Mr. President, I forgot to note that I had planned to vote ‘no,’ but I will be voting up with reservations.”

The Chair so ordered.

Senator Hemmings rose and said:

“Mr. President, I rose to speak in favor with reservations, but after the wonderful oratory of the Good Senator from Manoa, I change my vote to ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1568 was adopted and H.B. No. 271, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Ihara, Matsunaga).

H.B. No. 595, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 595, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this measure with reservations.

“While I did vote ‘no’ on this measure as it passed out of the Senate with a Senate version, during the Committee hearings we had a commitment from the Chair of the Committee, the advocates, and the proponents for this, that upon the receipt of the actuarial study from Marty Simons, the State Actuary, that if there is any impact to insurance rates, this measure will be withdrawn at that time.

“So with that commitment, I’m willing to continue the discussion and debate on it. Thank you.”

Senator English rose in support of the measure with reservations and stated:

“Mr. President, I stand to support this measure with reservations.

“Like the Senator from Kauai just stated, we have the assurances of the Chair of the Committee that there will be an actuary study coming forward within the next week regarding this and its impact on insurance rates. We’re hopeful that this will not have a negative impact to insurance rates or, to put that into plain English, it will not raise insurance rates to the customer.

“So with that, I will be supporting this with reservations. Thank you.”

Senator Hogue rose and stated:

“Mr. President, I just want to note that we already have some of the highest auto insurance rates in the nation. I appreciate the assurances from the Chair of the CPH Committee, but this bill could make insurance even more expensive. So I’d like to say, why don’t we just preempt it now and vote ‘no.’

“Thank you.”

Senators Matsunaga, Fukunaga, Sakamoto and Ihara then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 595, H.D. 1, S.D. 1, 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, 21. Noes, 4 (Hemmings, Hogue, Ige, Slom).

At 3:34 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:38 o’clock p.m.

THIRD READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 1380 (H.B. No. 636, H.D. 1, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 1380 and H.B. No. 636, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REIMBURSEMENT FOR NONINSTITUTIONAL PROVIDERS OF MEDICAL CARE

FOR SERVICES,” were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 1471 (H.B. No. 620, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1471 be adopted and H.B. No. 620, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Kawamoto rose to speak on the measure as follows:

“Mr. President, I realize that there’s some concern on this bill. We have two bills in this bill: (1) privatization; and (2) concern about procurement on state resident and the jobs that we have let go to the mainland contractors.

“Mr. President, we have two bills, and the merits of both of these bills was discussed earlier in this Session and they’re on the other side in the House. With this bill, I’m trying to do my job as lead of the TMG Committee of both bills. We want to be sure that we can at least go to Conference.

“A long time ago when I first started in the Senate, I learned a lesson – a lesson that you cannot pass a perfect bill across. You need the buy-in of many people. And one of the tactics we’ve allowed to the Chairman of the Committees that we chair today is to ensure that we can get good ideas across.

“Even our colleagues from the Minority Party have indicated earlier that we need to reform privatization, and we need to reform some of the procurement laws that we have out there. The current procurement laws, again, allow companies that have no state resident to continue to receive state contracts and get the preference. As late as today, when we were talking about the PIPs program, that is a concern of DAGS, and that’s why they support this bill.

“I ask you to let me take our management team across to work to ensure that these bills go into Conference and we can discuss this with the managers of the House to do the right things for the good of the State, which we believe we are doing. So therefore, I ask all my colleagues to give me that chance.

“Thank you.”

At this time, Senator Chun moved that action on Stand. Com. Rep. No. 1471 and H.B. No. 620, H.D. 2, S.D. 2, be deferred until Thursday, April 12, 2001, seconded by Senator Chumbley.

At 3:42 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:49 o’clock p.m.

Senator Kawamoto rose and said:

“Would the maker of the motion yield to a question?”

The President posed the question to Senator Chun, and Senator Chun having replied in the affirmative, Senator Kawamoto asked:

“I’d like ask the maker of the motion the purpose of this deferment?”

Senator Chun replied:

“Mr. President, the motion is made because there is a House vehicle on privatization that is moving in the House. They are not scheduled to act on that bill until later on today.

“The purpose of the motion is to see exactly what happens in the House, and if the House is successful on that bill in front of them, then any kind of discussion on our bill, H.B. No. 620, at this point in time would be moot. So I’m asking for a deferral until we know for sure what the House will be doing on their bill.”

Senator Kawamoto then said:

“My question then, Mr. Chairman, is that we’re waiting just for one bill? We have two bills here. My question is: Do we wait further or do we kill both bills? Or are we concerned with the question of procurement on the state resident bill, which we had passed over to the House in a different bill? I don’t see the rationale in waiting until Thursday when we can take action and say whether we approve of both bills, which we did previously.”

President Bunda then stated:

“Deferment will not kill this particular bill. It’s still alive until Thursday.”

The motion was put by the Chair and carried, action on Stand. Com. Rep. No. 1471 and H.B. No. 620, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” was deferred until Thursday, April 12, 2001.

At 3:50 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:52 o’clock p.m.

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTION**

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

Senate
Concurrent
Resolution Referred to:

No. 123 Jointly to the Committee on Economic Development and Technology, the Committee on Health and Human Services, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary

**RE-REFERRAL OF
SENATE RESOLUTIONS**

The Chair re-referred the following resolutions that were offered:

Senate
Resolution Referred to:

No. 30 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs

No. 91 Jointly to the Committee on Economic Development and Technology, the Committee on Health and Human Services, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary

Senator Taniguchi, for the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

S.C.R. No. 13;
S.C.R. No. 18;
S.C.R. No. 35;
S.C.R. No. 97;
S.C.R. No. 102;
S.C.R. No. 116;
S.C.R. No. 120;
S.R. No. 10;
S.R. No. 13;
S.R. No. 27; and
S.R. No. 76,

and the Chair granted the waiver.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following governor's messages:

Gov. Msg. No. 224;
Gov. Msg. No. 240;
Gov. Msg. No. 242;
Gov. Msg. No. 252; and
Gov. Msg. No. 258,

and the Chair granted the waiver.

At 3:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:07 o'clock p.m.

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. No. 96, and the Chair granted the waiver.

Senator Chumbley then inquired:

"Mr. President, point of inquiry. Will we be taking up the deferred bills at the 11:30 calendar on Thursday?"

The President replied: "Yes."

ADJOURNMENT

At 4:09 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 12, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate