

FORTY-NINTH DAY

Thursday, April 12, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Marilyn Chinen, Senate Majority Office, after which the Roll was called showing all Senators present.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 275, advising the Senate of the withdrawal of the nomination of LINDA R. LAI to the Board of Trustees, Hawaii Public Employees Health Fund, under Gov. Msg. No. 250, dated April 5, 2001, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 275, the nomination listed under Gov. Msg. No. 250 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 381 to 561) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 381, returning S.B. No. 45, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 382, returning S.B. No. 174, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 383, returning S.B. No. 175, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 384, returning S.B. No. 176, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 385, returning S.B. No. 205, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 386, returning S.B. No. 264, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 387, returning S.B. No. 499, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 388, returning S.B. No. 630, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 389, returning S.B. No. 840, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 390, returning S.B. No. 1010, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 391, returning S.B. No. 1017, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 392, returning S.B. No. 1018, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 393, returning S.B. No. 1039, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 394, returning S.B. No. 1047, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 395, returning S.B. No. 1049, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 396, returning S.B. No. 1073, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 397, returning S.B. No. 1108, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 398, returning S.B. No. 1111, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 399, returning S.B. No. 1138, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 400, returning S.B. No. 1161, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 401, returning S.B. No. 1171, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 402, returning S.B. No. 1192, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 403, returning S.B. No. 1195, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 404, returning S.B. No. 1198, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 405, returning S.B. No. 1203, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

Hse. Com. No. 406, returning S.B. No. 1377, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, was placed on file.

proposed by the House to S.B. No. 1385, and requested a conference on the subject matter thereof.

Hse. Com. No. 549, returning S.B. No. 1405, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1405, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 550, returning S.B. No. 1414, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1414, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 551, returning S.B. No. 1435, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1435, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 552, returning S.B. No. 1455, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1455, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 553, returning S.B. No. 1460, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1460, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 554, returning S.B. No. 1473, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1473, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 555, returning S.B. No. 1512, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1512, and requested a conference on the subject matter thereof.

Hse. Com. No. 556, returning S.B. No. 1534, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1534, and requested a conference on the subject matter thereof.

Hse. Com. No. 557, returning S.B. No. 1535, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1535, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 558, returning S.B. No. 1550, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1550, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 559, returning S.B. No. 1561, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1561, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 560, returning S.B. No. 1577, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1577, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 561, returning S.B. No. 1035, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1035, S.D. 1, and requested a conference on the subject matter thereof.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1595) recommending that H.B. No. 240, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 240, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1596) recommending that the Senate advise and consent to the nominations of SUMNER PARDEE ERDMAN and SUSAN MATSUSHIMA to the Board of Agriculture, in accordance with Gov. Msg. No. 177.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1596 and Gov. Msg. No. 177 was deferred until Monday, April 16, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1597) recommending that S.C.R. No. 24 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION URGING A STUDY OF OLDER UNDERGROUND PLUMBING SYSTEMS AND WATER SYSTEMS STATEWIDE TO ASSESS HEALTH RISKS," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1598) recommending that S.R. No. 19 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 19, entitled: "SENATE RESOLUTION URGING A STUDY OF OLDER UNDERGROUND PLUMBING SYSTEMS AND WATER SYSTEMS STATEWIDE TO ASSESS HEALTH RISKS," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1599) recommending that S.C.R. No. 133, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 133, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE PUBLIC HEALTH NURSING PROGRAM," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1600) recommending that S.C.R. No. 150, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 150, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING COMMITTEE TO DEVELOP A PRESCRIPTION DRUG ACCESS PROGRAM FOR ELIGIBLE MEDICARE BENEFICIARIES IN HAWAII," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1601) recommending that S.C.R. No. 29, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 29, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF AN ECONOMIC TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S ECONOMIC DIVERSITY," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1602) recommending that S.R. No. 95, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 95, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FORMATION OF AN ECONOMIC TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S ECONOMIC DIVERSITY," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1603) recommending that S.C.R. No. 36, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 36, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A COMPREHENSIVE MASTER PLAN FOR STATE PARKS," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1604) recommending that S.C.R. No. 40, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO REASSESS THE ADMINISTRATIVE PRIORITIES IN HIS EXECUTIVE BUDGET," was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1605) recommending that S.R. No. 31, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 31, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO REASSESS THE ADMINISTRATIVE PRIORITIES IN HIS EXECUTIVE BUDGET," was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1606) recommending that S.C.R. No. 73, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING INCREASES TO THE BUSINESS EXPENSE TAX DEDUCTION BY THE FEDERAL GOVERNMENT AND THE HAWAII STATE GOVERNMENT," was referred to the Committee on Ways and Means.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

ORDER OF THE DAY**ADOPTION OF RESOLUTIONS****MATTERS DEFERRED FROM
TUESDAY, APRIL 10, 2001**

Stand. Com. Rep. No. 1576 (S.C.R. No. 42):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1577 (S.R. No. 33):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1578 (S.C.R. No. 15):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1579 (S.R. No. 12):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1580 (S.C.R. No. 92, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the Committees was adopted 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 adopted.

Stand. Com. Rep. No. 1581 (S.R. No. 70, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the Committees was adopted 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 adopted.

Stand. Com. Rep. No. 1582 (S.C.R. No. 100, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the Committees was adopted 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 adopted.

Stand. Com. Rep. No. 1583 (S.C.R. No. 107):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1584 (S.R. No. 80):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 80, entitled: "SENATE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A HEALTH POLICY GUIDEBOOK," was adopted.

Stand. Com. Rep. No. 1585 (S.C.R. No. 149):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted with Senator Hemmings voting 'No.'

Stand. Com. Rep. No. 1586 (S.R. No. 64):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1587 (S.C.R. No. 153):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1588 (S.R. No. 45, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION ESTABLISHING POLICIES FOR CAPITOL TELEVISION CABLECASTS OF SENATE PROCEEDINGS," was adopted.

Stand. Com. Rep. No. 1589 (S.C.R. No. 89):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1592 (S.R. No. 97, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MAHA'ULEPU," was adopted.

Stand. Com. Rep. No. 1593 (S.C.R. No. 34, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 1594 (S.R. No. 28, S.D. 1):

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 adopted.

THIRD READING

MATTERS DEFERRED FROM TUESDAY, APRIL 10, 2001

Stand. Com. Rep. No. 1455 (H.B. No. 862, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1455 be adopted and H.B. No. 862, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure and said:

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

"We have, by every statistic available, one of the largest state workforces in the nation. I suggest, in my ongoing efforts for systemic reform, that we look at ways to amend our civil service laws to allow more flexibility in how we deploy our state workers, rather than hiring new ones while other ones could probably do the job.

"So, Mr. President, I will be voting 'no' on this legislation."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1455 was adopted 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Ihara, Matsuura).

Stand. Com. Rep. No. 1471 (H.B. No. 620, H.D. 2, S.D. 2):

Senator Chun moved that Stand. Com. Rep. No. 1471 and H.B. No. 620, H.D. 2, S.D. 2, be recommitted to the Committee on Ways and Means, seconded by Senator Chumbley.

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

Senator Kawamoto rose to speak against the motion and said:

"Mr. President, I oppose the motion to recommit.

"Mr. President, we had moved a bill called 749, Relating to State Residents, insuring that we could correct the procurement code that's currently flawed. We are allowing people with non-state residents on their payroll to qualify for Department of Public Works jobs plus the 7 percent preference."

Senator Chun interjected:

"Mr. President, point of order.

"Mr. President, the motion is to recommit, not on the merits of the bill."

Senator Kawamoto responded:

"Mr. President, if you recommit this bill, the House has already killed 749 by recommitting that bill that we've passed from this body. All I'm asking – all I'm asking – is to let me do my job by not recommitting this bill. If you recommit this bill, it's going to take another year to correct the flaws in the procurement code.

"I, as Chair of TMG, am responsible for that. You are taking the tools from my hands to do my job as you appointed me to do. By recommitting this bill, you have now, in essence, taken all the tools that I have to correct the procurement law and process.

"I ask my fellow colleagues to vote 'no' on this deferment. If you have problems with it, then let's vote on it. Let's find out who doesn't want to work to resolve the procurement code and reform it. If we defer again, that opportunity is going to be lost for another year.

“Thank you, Mr. President.”

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

Senator Chun rose in support of the motion and said:

“Mr. President, I stand in support of the motion.

“Mr. President, as we stated on Tuesday, we had this bill deferred until we were sure that a vehicle for privatization passed the House. That bill passed – S.B. No. 1096 passed the House on Tuesday night. When we talk about vehicles, the vehicle that is important to the majority of this Senate is to ensure that we have a valid privatization bill to reform our civil service system. That bill has passed. That vehicle is there.

“The problem that we have with this bill, and the Majority and the Committee members really clearly stated in their votes in WAM and in the different Committees, was that there was included another provision not related to privatization, not related to the civil service system, but related to procurement that the Honorable Senator from Waipahu is speaking about. The Majority is uncomfortable about that and we should go with a clean, unadulterated version of the bill that has passed, which is a Senate bill.

“I think, at this point in time, this House bill is not needed and we should continue on. Thank you, Mr. President.”

Senator Kawamoto rose again and said:

“Mr. President, I beg to differ with the number two Majority Leader, the junior Majority Leader. (Laughter.)

“I'd just like to say that this body passed a procurement bill. The title of this bill is called 'Relating to Government.' Procurement is related to government. It has the title, has the opportunity, and we've done this before. Everybody has done this.

“All we're asking of you is to get a fair hearing on the other side so we can discuss the matter with the House. Yes, we have 1096 over in the House for privatization, but we do not have a 749. It was previously pre-arranged for that bill to be killed after we pass it from the Senate. This is the opportunity that we have to provide this bill to go across and have a normal life. By political maneuvering, we have now created a situation where this bill would be killed – not because we voted down on the bill, but because of the fact that we have collectively done something pre-arranged to kill the bill.

“That's unfortunate because, like I've always said, I've been here eight years and I've learned something every year, and this is something new. We've never done this before – pre-arranging what bills should be passed and not passed and not letting the body vote on it. This is just another political maneuver to kill the bill that's going to address the concerns over our procurement laws.

“Mr. President, I ask for a Roll Call vote.”

Senator Matsunaga rose in opposition to the motion and said:

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

“Mr. President, whether one agrees with the senior Co-Majority Leader or not on this issue, I think the most important

point we're missing here is that the public has a right to know where we stand on this issue.

“I think a re-committal would deprive the Chair a chance to do his job, as he stated. I think a re-committal would deprive members of a chance to vote up or down on this issue. But most importantly, Mr. President, I believe a re-committal would deprive the public of the right to know where we stand.

“Thank you, Mr. President.”

Senator Hogue rose in opposition to the motion as follows:

“Mr. President, I rise in opposition.

“I also believe that we should be open. We have a lot of people looking down on us today. They're wondering about how we're going to react to different measures.

“I understand that this motion was put forward basically to 'save face.' It's not important whether we save face today; it is important that we do it out in the open, and so I will vote 'no' to this motion.

“Thank you.”

Senator Kawamoto rose and said: “I . . .

Senator Chun interjected:

“Point of order, Mr. President. Senate Rules state that no Senator should speak more than two times on a single motion.”

The President recognized Senator Kawamoto, and Senator Kawamoto said:

“Mr. President, a rebuttal. A rebuttal for the fact that the public . . .

Senator Chun interjected again:

“Point of order, Mr. President.”

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

Senator Chun rose and said:

“Mr. President, I move to withdraw the motion to recommit.

“Mr. President, I would disagree with the Honorable Senator that this motion would stop public debate. If the Senator will remember, if you recommit, it goes back to the hearings in Committees and the purpose of hearings in the Committees is to hold a public hearing and to have valid discussion. Public hearings are not held in this open session here and I find it confusing that he would not want to have a public hearing on these matters.

“Be that as it may, if the membership wants to vote on the merits of this motion, I'm open to that. I thought this would be a nice way to do it gently without harming the reputation of the Chairs and making fun of the bills that were passed by the Committees, but if the Committee wants to do that, I am open to that.”

Senator Chumbley rose and said:

“Mr. President, I rise to second the motion, and I’m happy to be voting on this bill.”

On motion by Senator Chun, seconded by Senator Chumbley and carried, the Senate withdrew its motion to recommit 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.”

Senator Taniguchi then 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 Kawamoto.

Senator Slom rose to speak against the measure and said:

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

“I think as the Co-Majority Leader had pointed out, the sense of the Senate, not just the Majority of the Senate but the sense of the Senate, has been to support a very strong and clear privatization measure. No less an expert than Mr. Gary Rodrigues had come before our Committees and said, ‘When is the Senate going to take a position? Are you for or against privatization? You talk story. You talk both ends of the conversation, but you don’t take a position.’

“I’m very happy this year that the Senate has taken a position. The position is strong in favor of privatization, not as an end all to our problems, not as a panacea to solve everything, but as an option which can be utilized by government to solve or to help solve many of the problems that we have. It is part and parcel a major part of civil service and collective bargaining reform, and as such, we need to have a very strong and clear bill. Unfortunately, with the amendment to this bill it does not do that.

“I certainly agree with and salute the tenacity of the Senator from God’s country, Waipahu, also known as the ‘opihī,’ and I know that his intentions are good in terms of securing improvements to the procurement code. This bill, like so many other bills, was debated. It was voted upon. It was passed by this body. It was not passed by the other body. Lord knows, Mr. President, I’ve been on the losing end of bill, after bill, after bill, after bill, but that’s the process – we discuss it, and sometimes it prevails, and sometimes it doesn’t.

“In this case, the ideas embodied in the amendment are not only to define state resident, which the good Senator from Waipahu and I agree we should have a definition, but also to change the rules in procurement, and with that definition, instead of trying to be inclusive, to be exclusive. For example: under the rules of this amendment, the contractor from Maui that was able to do such a tremendous job of building an emergency road out on the North Shore would not be considered a State of Hawaii resident and would not be qualified for that state work even though, as we know, they came in with a good bid, they came in under budget, and they came in under time. There are other examples of local family-owned businesses that because of the economic problems recently, they’ve had to sell the business and change the actual ownership while the resident population workers still remained. Under this amendment, they would be excluded from bidding for state projects as well. I do not think that’s fair.

“Finally, this bill would raise the preference for state resident contractors from 7 to 13 percent. Now, we all know and we agree that in the past, local contractors have been at a disadvantage because a number of times mainland and foreign contractors have put in bids that did not reflect the cost of our general excise gross income tax, the cost of workers’ compensation, temporary disability, liability, and all of the

other mandates that Hawaii businesses are forced to endure and to pay. But to pick a number – 13 percent – is not only not fair to the contractors, saying that they are not able to compete on their own, but more importantly, Mr. President, it is not fair to the taxpayers, because it ensures and guarantees that we will have even higher costs in the future.

“So, for these reasons, I urge my colleagues who believe in strong privatization to vote this bill down and to support the bill that’s coming to us from the House with which we can make modifications.

“Thank you, Mr. President.”

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

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

“Mr. President, truly we had an opportunity, both the House and the Senate, to pass bills. We had an opportunity in which we had hearings on bills. This amendment to H.B. No. 620 was heard subject matter in TMG and LBR and was passed to WAM. The bill passed. We had a hearing. It was over on the other side. Then we had this 620 and we put the bill across with the bill as an amendment. This bill also had a hearing. So, to say that it did not have a proper hearing is false, because we were there and we supported the bill.

“Going back to the good Senator from Hawaii Kai, we had in 1996 a preference bill of 15 percent and it was law. The next year somehow through Conference, it was knocked down to 7 percent. But we had a bill that had a 15 percent preference because we felt by research that that was proper. This year we felt that the opportunity to revisit this state resident and preference was needed, so we went up to 13 percent – 2 percent less than what was in the bill in 1996.

“The concern the Senator from Hawaii Kai had about families not going into business, this is one of the reasons why the procurement bill currently is in error. Currently, any project that is \$5 million or less, all you need is a track record of two years of operating here in Hawaii. Almost all contractors doing business in Hawaii fit the definition in this bill, even the mainland contractors that come down here. But what it does not do is allow the family members, like the Senator from Hawaii Kai said, to go out and break with the family and start a new business and try to get the preference and be considered a state contractor – you do not qualify. Therefore, with this bill we’re requesting that we have 85 percent of the state contractors to be state residents as defined in the state tax code. This will help those who reside in the state using state money.

“So, what we’re trying to do is fix a bill to give the breaks and the opportunities for the people that live in Hawaii to use the money that is collected from Hawaii people by state taxes. That’s all we’re trying to do. We’re trying to provide what’s good for the residents of the State of Hawaii and provide them with the jobs that we generate.

“Mr. President, last year we passed a state residents for federal jobs. I’m not saying that we did it all, but I think the movement towards this idea has increased the construction industry from minus 10 percent to this year’s plus 10 percent – a 20 percent swing for the construction business for the State of Hawaii. That’s because we’ve always insured and made known to our friends in the military to help us with our concerns with the economy of our state and especially the economy of our local contractors.

"We need this bill because the bill for state resident and state contractors was recommitted by the House two nights ago. So we're asking that my colleagues again give me a chance to address this concern.

"Thank you very much."

Senator Hanabusa rose in opposition to the measure and said:

"Mr. President, I rise to speak in opposition to H.B. No. 620, H.D. 2, S.D. 1.

"Mr. President, I rise in opposition to this bill because part 2 of H.B. No. 620 is not as it is represented to be. Let me explain – we have a concern that's been evidenced by many of the e-mails that we received of late about the public's interest and open discussion. We are going to go forward into Conference, which means the public does not have input in Conference. We are supposed to be fine-tuning and finalizing the bills. Fine-tuning and finalizing means that you cannot have a bill that is inherently flawed, at this stage, moving forward, and that is what part 2 is.

"Let us really look at part 2 of the bill. Mr. President, it begins in Section 4 with this statement, 'Beginning with Section 8078 of the United States Defense Appropriations Act of 1986, all subsequent Defense Appropriations Acts.' This is a defense appropriation act. Now, it should sound familiar to my colleagues who were here last year, because what is now Act 286 begins with, 'Beginning with part 8078 of the United States Defense Appropriations Act of 1986, all subsequent Defense Appropriations Act.' Sound familiar? Because it's already part of the law that we passed to define for the federal government what a 'state resident' is.

"Now, to have that as Section 4 is stating our purpose, this Legislature's purpose in enacting this bill. Now what's the significance of the so-called purpose clause? It is because we are talking about a residency durational requirement. Colleagues, that means that we are talking about the 14th amendment. We are talking about interference with a person's rights, interference with the classic concept of the right to travel. And in order for us to do that, we must show compelling state interest. That is what DAGS said in their testimony in opposition – that durational residency requirements must withstand scrutiny.

"Our preamble to this section refers to the United States Defense Appropriations Act. This is not the United States Defense Appropriations Act; this is the State of Hawaii's residency requirement for procurement. This will not withstand Constitutional challenge. That's my first problem with the bill.

"My second problem with the bill is with the definition of 'state contractor,' which we are trying to help. I don't think there's anyone in this body who does not want to help the state contractors, our state guys, but let us look as to how we have defined them. We have the usual verbiage about being registered here, being licensed here, that's fine. Then we have this interesting one saying that a person is a state contractor if, 'employs more than 85 percent of its employees who are "state residents."' What does this mean? It means that a lot of your 'larger contractors' who may have been successful in Hawaii – who are doing projects, say, in Saipan, Guam, maybe Australia, maybe New Zealand, maybe the continental United States – at any given time will not have 85 percent of its employees being state residents because they have jobs all over the place, which we would like to see our contractors become successful and do. They will not qualify.

"But that's not the problem. The problem is in 'state resident.' Look at how we have defined 'state resident' in this bill. We are requiring a 'state resident' to be an individual . . . now, remember, 85 percent of your workforce must be state residents. We are requiring that individual to submit an affidavit to the procuring officer and say, 'I've been here 200 some odd days,' and not only that, 'I have filed my state tax return and I am current,' not that I filed and I have some way of paying, 'I am current. I have paid my taxes.' If I don't do that, I am not a state resident. And that's what we are saying by this bill. That is the definition of a state resident. I have problems with that – one, the privacy issue. For my boss to be able to file as a state contractor, I have to give up my privacy and say to somebody that I have filed my tax return and I am current. What if I'm not? That means I don't count in the 85 percent.

"Then this bill goes on. Now, we are here to try and help our contractors. Do you know why DAGS took the position that they are willing – willing – to support this bill? Because we have inserted (this is our S.D. now), we have inserted a provision in there that if a contractor fails to comply with any provision of this law, we are going to debar him for five years. Do you know what that will do to a contractor, debarring him for five years? He can't bid on any state contract for five years because it may be that one of his employees was a little embarrassed and said 'I'm current,' and in fact he's not current. That is also part of this bill.

"Now, another concern is those who are sitting in education, I'm sure you've heard of the PIPS program. This is DAGS new way of issuing contracts and it's supposed to be a very good way. The PIPS system is one that says it isn't going to be a low bid; it is going to be on the most qualified bidder. These are words that we like to hear, most qualified. Most qualified means of course that either your product is certified, your workmanship has been certified, so we're not supposed to have problems. And they've done it in education, particularly with roofs. And they say it works. So they're really hot on this. And they're asking for support on this.

"What this bill says is that any contract \$10 million or less and you have two state contractors, it goes to the lowest bidder. So what happens to the concept of most qualified? It's out the window. And we say that we want to reform procurement? We can't reform procurement by having different provisions of the law fight each other. And in this case, this will prevail. This is going to be law. PIPS is not law; it is just a methodology that DAGS wants to employ.

"These are very serious concerns. At this stage, you want to have reformation to procurement. You want to have an open process so when the public comes to see us, they know that we're listening to them. How are you going to, at this stage of the proceeding, make these changes so that it meets (1) constitutional challenge; (2) addresses the privacy rights of individuals that we're requiring them to submit affidavits in order to be a state resident; and (3) five-year debarment? I doubt, I doubt that state contractors realize what a five-year debarment will do.

"I cannot support 620 with part 2 attached to it, because I do not believe, at this stage of where we are in this Legislative Session, that we have enough time to make the necessary changes to make this bill right. We don't want to recommit it because we want to have an open process. Now, this is why I'm asking you, my colleagues, that you cannot, you cannot possibly vote in favor of H.B. No. 620 as it now stands because it's going to deprive those who this bill is supposed to be helping, possibly their livelihood – five years debarment and the privacy of those 'state residents,' those employees that we are trying to help.

“There comes a time when we have to admit our good intentions are not going to work, and this is one of them. Thank you, Mr. President.”

Senator Chumbley rose in opposition to the measure and said:

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

“Mr. President and colleagues, I first would like to ask the Clerk to enter the words of the previous speaker into the Journal as if they were my own. I wish that she had so eloquently stood up with me opposing this bill in 1996, 1997, 1998, 1999, 2000, and now again in 2001. It keeps coming back, and it is still a bad bill. It is a bill that we don't need.

“There are two points that I'd like to add because the previous speaker has covered virtually everything that's wrong with this bill. These are two areas that I think I'd like to bring some additional light to. One of the provisions in the bill if passed would disallow a state contractor to enter into a joint venture. It puts the same additional obligations on the people who would be, say, an investor with a state contractor under this law from being prohibited to participate in these bids because if that individual is not a state resident but yet he is an investor into the company, they wouldn't qualify under this law. That's another flaw with this.

“The other bigger flaw that I see is that, if this were to be adopted into law, there will be games played by contractors who may choose not to become a domestic corporation in the State of Hawaii. They would simply create a shell company and put a few thousands of dollars into that shell, and in the event there was a default and in the event there was a lawsuit against that contractor, because of that shell that was created by the contractor to comply with this law, we have no or little recourse to the assets of that contractor. I see that as a significant problem.

“The definition of state resident, as the previous speaker had identified in section 4 of this bill, tries to deal with the federal issue. This bill goes way beyond what we did, even under my objections of that definition of state resident, to a situation that is totally unworkable. This bill will hurt people. This bill will harm companies. This is something that we don't need at this time.

“Thank you.”

Senator Chun rose in opposition to the measure and said:

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

“Mr. President, I agree with the statements of the Honorable Senator from East Maui and the Senator from Waianae. Mr. President, we have to ask a bottom line question – What does this bill mean to the small contractors, to the mom and pop guys that are the backbone of our society?

“Let's look at this situation over here. We have a typical mom and pop operation. The father runs the business. He has two sons or maybe a son and a daughter working with him side by side. One of the children decides to go and advance himself and goes to college to get a degree or to do something else with his life. That mom and pop operation, as long as that one child is away for school, cannot bid for any state contracts. No matter if the father has been there for his entire life; no matter if their oldest child or youngest child, the one remaining, has been there their entire life; no matter if they've been paying taxes for

their entire life; no matter that they're losing money and that they can't get any support. They cannot bid as long as that child is deciding to advance his education and go to school. Yes, the bill provides that if the child comes back, the business can qualify as a state resident again, but, Mr. President, that's too late. So you're going to have a child come back and not complete his education because the father and mother can't make a go of it because we disqualified them from bidding on state contracts. It doesn't make sense, Mr. President.

“Mr. President, the other point is that it's unconstitutional. I totally agree that this is an unconstitutional provision. There are serious constitutional problems and that's one reason why I wanted to have it recommitted. Mr. President, the procedure for this bill, if there's a serious constitutional provision, a legal problem with the bill is, it referred to the honorable Committee on Judiciary. That's where we should talk about our legal problems. That's where we should solve whether or not something is constitutional or not.

“Mr. President, this provision, this part adding an unconstitutional provision was added at the last minute and avoided Judiciary because no referral was made. That's an underhanded way of avoiding the legal issues – stick it in at the end, make sure that Judiciary doesn't have a chance to look at it. That's why I wanted the bill recommitted. I wanted it to go back to Committee and give Judiciary a chance to look at the tough, hard legal questions. That's not done. Instead, we're faced to argue with the bill, which is obviously unconstitutional right now, and vote on it.

“I wanted to give the Honorable Senator from Waipahu a chance to amend it to meet the constitutional requirements in Committee. He doesn't want to do it. He wants to vote on it now. So be it. It is unconstitutional. It's going to hurt our families. It's going to hurt our state residents.

“Thank you, Mr. President.”

Senator Hemmings rose to speak against the measure and said:

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

“We've heard a lot of discussion on what's wrong with this bill. I'd like to ask the question, Why are local contributors, local businessmen, local contractors, local businesses less competitive in their own state than people that can fly here from the mainland and compete against them?

“I would like to suggest the answers are quite obvious, and I'd like to propose a solution for the good Senator from Waipahu. If we really want to help the local people, especially the contractors and all the businesses for that matter, what we have to do is create a more fertile environment for those businesses here in Hawaii where our people are competitive. Maybe if we became competitive with mainland businesses, our people could even go to the mainland and do business. Isn't that better?

“We ultimately want to save the taxpayers the cost of paying excessive prices to have things done here in Hawaii. One of the reasons we don't have the money to pay for some of the basics in our public system is because we're paying excessive prices for acquisition of goods, properties, and construction.

“So the real solution is not to penalize mainland competition for coming to Hawaii, but to make Hawaii contractors more competitive! The real solution is to cut the taxes that make local contractors uncompetitive, to cut the regulations that make local contractors uncompetitive, to cut the politics that requires

a tremendous amount of time and money to get in a favorable approval to get something done in this state. We have to cut the cost of living, cut the cost of land, and cut all those other costs that do indeed make our local businesses less competitive than their mainland counterparts.

“So you see, Mr. President and the good Senator from Waipahu, there is a solution to the lack of competitiveness of the local businesses – and that is to make them competitive by getting the yoke of high taxation and big government off their back so they indeed can compete with their mainland counterparts so that we can become a place where business can prosper and spread economic benefit around this state.

“Thank you, Mr. President.”

Senator Kim also rose in opposition to the measure and stated:

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

“First, Mr. President, I really want to commend the Chairman of TMG and our Senator from Waipahu. He, as the Chairman, really believes in this issue and has worked hard to try and find measures and ways in which he could keep the measure alive, being that it died over in the House. But at the same time, I think those of us the measure was referred to jointly, the three Committees, I think all of us tried to support the Chair and support his efforts in keeping the measure alive and working this measure out.

“I believe I made it very clear that I was concerned that if this portion of the bill was going to jeopardize the entire privatization bill, that I could not be in favor of it. I did relay that concern to the Chairman, and as this bill moved forward I had hoped that he would be able to work it so that this would be agreeable. I understand that the Governor has said that he may veto the bill if this measure was included into it, as well as it may not pass the House.

“So, based on those reasons, I will not be able to support the bill at this juncture. Thank you.”

Senator English rose in opposition and said:

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

“Mr. President, often times we’re faced with very hard decisions and we’re faced with dilemmas where a bill has a good part and a bad part. A lot of times that’s a technique that’s used where you know that there’s a lot of support for one part of the bill and you add on something else that there’s not that much support for, and then we’re forced, Mr. President, to weigh our distaste and displeasure for one part and our wish to see another part become law.

“In this particular instance, the bad part outweighed the good part, section 2 of this bill, and a lot has been said about that. I will not reiterate that. But that’s where my opposition comes from – I like one part of this bill; I do not like another part of this bill. If you follow this bill throughout the Committees, you’ll find that there was more reservation votes than votes in support. That was a clear message that there were a lot of people, a lot of Senators, a lot of people in the public that did not like the second part of this bill.

“So here we are, Mr. President, looking at a bill that has a good part and a bad part, and unfortunately the bad part has outweighed the good part. That’s why I’m voting ‘no’ on this bill.

“Thank you, Mr. President.”

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

“Mr. President, all I can say is look at all the testifiers that came when this bill came through. Not one ‘no’ vote. Even one, that was Kiewit, is now not considered a state contractor, but said given time, he would consider and he would turn and become a state contractor.

“Mr. President, the testifiers came by, even the procurement officer, even DAGS came by and testified in favor of this bill, not because of the one point that was mentioned, but because they realized that the procurement law currently is flawed.

“I’d also like to address the fact that we didn’t underhandedly put that legal thing in as the Majority Leader said. The Judiciary Chair sits on transportation in our Committee and when we put that amendment in we again had an opportunity for discussion on this matter. Therefore, we’re not dealing underhandedly. We were up-front, and people that know me know I’m always up-front. We’re always in front. We always provide the opportunity for people to discuss the things that we want to put in the bill, even the entire public. And the people that do and work in this business came out and testified on this bill. I’d say about 95 percent of the contractors that are out there have either written or testified on this concept in the last three or four years in favor of this bill.

“Thank you very much.”

At 12:53 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:56 o’clock p.m.

Senator Sakamoto rose to speak in support of the measure with reservations and said:

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

“Certainly I support the first part of the bill. Certainly there are many valid concerns with the second part of the bill, not just this year, but over many years. I do support the intention to help local contractors. And when it says local contractor, many of us think of building or contractors of that type, but there are many different types of state contractors.

“I believe the process of going to Conference Committee could easily undo what we’ve taken a long time to do. To go along with the process, I’ll support going forward with an ‘aye,’ but with reservations and in agreement with many of the concerns raised. The bill does have a severability clause so that if one part of the bill is unconstitutional that part dies. So with that, thank you, Mr. President.”

Senator Slom rose and said:

“Mr. President, Roll Call vote, please.”

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

The motion was then put by the Chair, Stand. Com. Rep. No. 1471 failed to be adopted and H.B. No. 620, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” having been read throughout, and Roll Call Vote having been requested, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 13 (Buen, Chumbley, Chun, Chun Oakland, English, Hanabusa, Hemmings, Hogue, Inouye, Kim, Kokubun, Nakata, Slom). Excused, 1 (Matsuura).

H.B. No. 830, H.D. 2, S.D. 2

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

Senator Hogue rose in opposition to the measure and said:

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

“In our last discussion, we talked about good points and bad points and this bill does have some good points in it. It’s about public safety and making our roads safer. But there are so many nonsensical points when our bills that are supposed to go forward and are supposed to make common sense requires licensed drivers under 18 years of age to be accompanied in a motor vehicle by a licensed driver over the age of 21 between the hours of 11:00 p.m. and 5:00 in the morning.

“I think all of us can think of stories in which this bill would be rather ridiculous. It’s discriminatory towards teenagers. It’s restrictive of rights of people who have reached the age of majority. And it is most likely unenforceable. I can’t imagine a police officer pulling somebody over to check out whether or not they’ve got a note from a business owner or a parent, or to make sure that everybody in the car is over 18 or has somebody in there that is 21. It’s really well intended, but poorly written.

“I think the public is looking for common sense, not nonsense, and I will vote ‘no.’ Thank you.”

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

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

“Mr. President, we know in the last few years that night driving is a concern for our young people. Our insurance goes up because of the fact that young people are driving and driving at night without the proper training and experience.

“The concern, again, is our young people driving at night and not knowing the realistic task it is to drive at night. We do have a curfew on the books where we require young people to be at home from 10:00 at night to 4:00 in the morning.

“In our efforts to require an education program, our intentions were, again, safety. Our intention is to again address the concerns we have of our young people either getting killed or killing other people because they’re driving at night without the proper training and experience. We had hoped that the education would provide the incentive to be more cognizant of the dangers of night driving. That’s the reason why we had the education part of our driving requirements provided as a law last year.

“Unfortunately, our desires for safety could not keep up, or the process could not keep up with the amount of driver teachers or instructors, and facilities to accommodate this new law. We have been requested to look again at providing some time where we could get the facilities and get this law on the road, so we have amended this bill to suspend our rules or our law for two years to allow this to happen. In the meantime, our hopes of providing the education in this new requirement to educate our drivers will not be there because we have suspended the rules or the law. Therefore, this bill is out there

for discussion purposes again to address the concerns of safety and to address the concerns that we are unable at this time to provide the education that’s necessary on this requirement.

“Thank you.”

Senator Slom rose to speak against the measure and stated:

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

“As we were reminded, last year we passed a defective bill – defective in that while the intent was for safety, we did not take into consideration the hardships that were going to be caused by requiring all of the additional driver education, defective because we did not first look into what resources were available, defective because we didn’t look into what the costs were going to be for families and individuals to comply with this law, defective because we didn’t understand what burdens would be placed upon those businesses that needed to buy new equipment and other things to comply with the law to be able to provide services for the law.

“So, in this part now with this amendment, now we’re saying, after people have done all of those things, spent the money, provided the resources, geared up to meet the law, now we’re saying okay, let’s make it not effective until January 1, 2003.

“Then in the second part, we’re going to penalize drivers 18 years of age. And as the good Senator from Kaneohe said, we’re using a blanket brush to assume that all teenagers are irresponsible. We can’t do that if we’re talking about responsibility and accountability.

“We continue to send mixed messages in this state. We continue to pass flawed legislation. It’s absolutely ludicrous that in this state with the lowest age of sexual consent at 14, we can say that our teenagers can have sex but they can’t drive a car past 11:00.

“Thank you, Mr. President.”

At 1:06 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.

Senator Chumbley rose to speak in opposition and said:

“Mr. President, I rise to speak in opposition to this measure. As I have done in the past, colleagues, I will continue to oppose these measures.

“I think that this is poorly drafted, unenforceable, and unfair to those teenagers who are in fact responsible. I also have some concerns about applying a two-year moratorium on the obligations that we previously passed, I believe it was two years ago, and gave the Department of Transportation 18 months to put into place these provisions. I think that this moratorium, if adopted as written, will have a negative financial impact on some individuals in this state and I think that’s unfair.

“For those reasons, I’ll be voting ‘no.’”

Senators Matsunaga, Chun, English, Chun Oakland, Kokubun, Nakata and Taniguchi 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. 830, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DRIVER LICENSING,” having been read throughout,

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

Ayes, 14. Noes, 9 (Chumbley, Hanabusa, Hemmings, Hogue, Ige, Ihara, Menor, Slom, Tam). Excused 2 (Kim, Matsuura).

ADVISE AND CONSENT

Stand. Com. Rep. No. 1575 (Gov. Msg. No. 114):

By unanimous consent, action on Stand. Com. Rep. No. 1575 and Gov. Msg. No. 114 was deferred until Friday, April 20, 2001.

Senator Kanno, Chair of the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. No. 90 and S.R. No. 68, and the Chair granted the waiver.

At this time, Senator Hogue, on behalf of the Senate, extended happy birthday wishes to Senator Slom.

At 1:15 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate stood in recess until 4:00 o'clock p.m.

AFTERNOON SESSION

The Senate reconvened at 4:31 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 276 to 297) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 276, submitting for consideration and confirmation to the Civil Service Commission, the nomination of CHAMP S. ONO, term to expire June 30, 2002, was referred to the Committee on Labor.

Gov. Msg. No. 277, submitting for consideration and confirmation to the Disability and Communication Access Board, the nominations of KENNETH C.C. CHANG, MARIE E. KIMMEY, AIA, STERLING KRYSLER, NORMAN F. OLESEN and KRISTINE PAGANO, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 278, submitting for consideration and confirmation to the Education Commission of the States, the nomination of GALEN K. ONOUE, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 279, submitting for consideration and confirmation to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nominations of RUSSELL Y.J. CHUNG, WALLACE T. OKI and KEN OTA, terms to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 280, submitting for consideration and confirmation to the Hawai'i School-to-Work Executive Council, the nominations of: ALBERT S. NISHIMURA, term to expire June 30, 2003; and KATHRYN K. INKINEN, HARVARD C.S. KIM, THERESIA C. MCMURDO and LYNNE E. WOODS, terms to expire June 30, 2004, was referred to the Committee on Education.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nomination of FAIRFAX A. REILLY, M.ED., terms to expire June 30, 2001, and June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 282, submitting for consideration and confirmation to the Hawai'i Television and Film Advisory Board, the nominations of: JOHN (JACK) W. BATES, term to expire June 30, 2001, and June 30, 2005; CHRISTOPHER LEE, term to expire June 30, 2002; ALBERT A. BURNS, term to expire June 30, 2003; and RAY L. LOVELL, term to expire June 30, 2004, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of: WILLIAM D. O'CONNOR, term to expire June 30, 2003; TERRI FUJII and MARK H. YAMAKAWA, terms to expire June 30 2004; and WILLIAM "SPEEDY" BAILEY, LILI BRYAN-CONANT, JESS DAVID CURB, M.D., KATHLEEN DELAHANTY, SUSAN K. FORBES, DR.P.H., JOANNE H. KEALOHA, PETER C. LEWIS, SARAJEAN A. TOKUNAGA and SABRINA R. TOMA, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of: TERRI FUJII, term to expire June 30, 2003; and MARY DIXON, DEBORAH K. MORIKAWA and DONN TAKAKI, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 285, submitting for consideration and confirmation to the West Oahu Subarea Health Planning Council, the nominations of: LANCE K. SEGAWA, term to expire June 30, 2004; and CREIGHTON LIU, MARY ANN PYUN and BRAD GERALD WHITE, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 286, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: BARBARA J. PENNIAL, term to expire June 30, 2003; and JULIA E. THORNTON, term to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 287, submitting for consideration and confirmation to the Hawai'i County Subarea Health Planning Council, the nominations of: LESLIE SOOK-HEE CHOW, term to expire June 30, 2003; WAYNE S. HIGAKI, KERRY A. K. INOUE and LESTER M. INOUE, terms to expire June 30, 2004; and KARLSON PUNG and JULIETTE M. TULANG, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 288, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: ELDRED KAGAWA, ALAN R. KIMURA, ZACHARY OCTAVIO, TRINIDAD RAVAL and THOMAS W. RITA, terms to expire June 30, 2004; and MAXINE M. CORREA and KATHERINE H.J. GOO, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of: WILLIAM F. STATON, term to expire June 30, 2002; and THOMAS R. FITZGERALD, JR.,

and PATRICIA MARY RAFFETTO, terms to expire June 30, 2005, was referred to the Health and Human Services.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of PAUL C. AKEO, term to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Board of Regents, University of Hawai'i, the nomination of DUANE K. KURISU, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 292, submitting for consideration and confirmation to the State Rehabilitation Council, the nominations of: KATHLEEN DELAHANTY, term to expire June 30, 2002; LOURDES P. MUGAS, term to expire June 30, 2003; and MAUREEN BATES, CHARLES E. CONANT, GERALDINE M. FERGE, LUANA S. NAKANO, VICTORIA A. SUYAT and MIKEY T. TOMITA, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nominations of: AL M. INOUE and DENNIS OKIHARA, terms to expire June 30, 2001, and June 30, 2005; WARREN ORIKASA and KATSUMI TANAKA, terms to expire June 30, 2002; SIDNEY A. QUINTAL, MAILE V.O. ROMANOWSKI and ROBERT SPEERS, PH.D., terms to expire June 30, 2004; and NOLAN S.B. AHN, CAROLANN G. GUY and PHYLLIS N.T. SHEA, terms to expire June 30, 2005, was referred to the Economic Development and Technology.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of FAITH Y. LEBB and NORA A. NOMURA, terms to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Stadium Authority, the nominations of ANTHONY R. GUERRERO, JR., and CAROLE KAI ONOUYE, terms to expire June 30, 2005, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of GEORGE M. MENOR, term to expire June 30, 2004, was referred to the Committee on Ways and Means.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nominations of: GLADYS C. BAISA, term to expire June 30, 2004; and MAMO P. CUMMINGS, SUSAN AU DOYLE and ALAN L. GARSON, ED.D., terms to expire June 30, 2005, was referred to the Committee on Labor.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 562 to 564) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 562, returning S.B. No. 423, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 423, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 563, returning S.B. No. 932, S.D. 2, which passed Third Reading in the House of Representatives on April 12, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 932, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 564, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 11, H.D. 2 (S.D. 2);
 H.B. No. 14, H.D. 1 (S.D. 2);
 H.B. No. 16, H.D. 2 (S.D. 2);
 H.B. No. 17, H.D. 2 (S.D. 2);
 H.B. No. 77, H.D. 1 (S.D. 1);
 H.B. No. 79, H.D. 1 (S.D. 1);
 H.B. No. 87, H.D. 2 (S.D. 2);
 H.B. No. 94, H.D. 1 (S.D. 1);
 H.B. No. 100 (S.D. 2);
 H.B. No. 118, H.D. 3 (S.D. 2);
 H.B. No. 123, H.D. 1 (S.D. 1);
 H.B. No. 135, H.D. 2 (S.D. 1);
 H.B. No. 152, H.D. 1 (S.D. 2);
 H.B. No. 159, H.D. 1 (S.D. 1);
 H.B. No. 160, H.D. 1 (S.D. 1);
 H.B. No. 161, H.D. 2 (S.D. 2);
 H.B. No. 168, H.D. 1 (S.D. 2);
 H.B. No. 171, H.D. 1 (S.D. 2);
 H.B. No. 173, H.D. 2 (S.D. 2);
 H.B. No. 175, H.D. 2 (S.D. 2);
 H.B. No. 186 (S.D. 1);
 H.B. No. 200, H.D. 1 (S.D. 1);
 H.B. No. 201, H.D. 1 (S.D. 2);
 H.B. No. 202, H.D. 1 (S.D. 2);
 H.B. No. 204, H.D. 1 (S.D. 1);
 H.B. No. 210, H.D. 1 (S.D. 2);
 H.B. No. 212, H.D. 2 (S.D. 2);
 H.B. No. 223, H.D. 1 (S.D. 2);
 H.B. No. 236, H.D. 1 (S.D. 1);
 H.B. No. 269, H.D. 1 (S.D. 2);
 H.B. No. 271, H.D. 1 (S.D. 1);
 H.B. No. 282, H.D. 2 (S.D. 1);
 H.B. No. 284, H.D. 1 (S.D. 2);
 H.B. No. 301, H.D. 2 (S.D. 1);
 H.B. No. 321, H.D. 1 (S.D. 2);
 H.B. No. 336 (S.D. 2);
 H.B. No. 369, H.D. 2 (S.D. 1);
 H.B. No. 382, H.D. 1 (S.D. 2);
 H.B. No. 384, H.D. 1 (S.D. 1);
 H.B. No. 407, H.D. 1 (S.D. 1);
 H.B. No. 411, H.D. 2 (S.D. 1);
 H.B. No. 424, H.D. 1 (S.D. 1);
 H.B. No. 429 (S.D. 1);
 H.B. No. 432, H.D. 2 (S.D. 2);
 H.B. No. 451, H.D. 1 (S.D. 1);
 H.B. No. 461 (S.D. 1);
 H.B. No. 462, H.D. 1 (S.D. 2);
 H.B. No. 469, H.D. 2 (S.D. 1);
 H.B. No. 480, H.D. 1 (S.D. 2);
 H.B. No. 498, H.D. 1 (S.D. 1);
 H.B. No. 502, H.D. 2 (S.D. 2);
 H.B. No. 503, H.D. 2 (S.D. 2);
 H.B. No. 511, H.D. 1 (S.D. 1);

H.B. No. 513, H.D. 1 (S.D. 2);
 H.B. No. 516, H.D. 1 (S.D. 1);
 H.B. No. 526, H.D. 1 (S.D. 1);
 H.B. No. 531 (S.D. 1);
 H.B. No. 533, H.D. 2 (S.D. 1);
 H.B. No. 538, H.D. 2 (S.D. 2);
 H.B. No. 539, H.D. 1 (S.D. 1);
 H.B. No. 543 (S.D. 2);
 H.B. No. 550 (S.D. 1);
 H.B. No. 554, H.D. 2 (S.D. 2);
 H.B. No. 562, H.D. 2 (S.D. 2);
 H.B. No. 568, H.D. 2 (S.D. 1);
 H.B. No. 576, H.D. 2 (S.D. 1);
 H.B. No. 583, H.D. 1 (S.D. 2);
 H.B. No. 584, H.D. 2 (S.D. 2);
 H.B. No. 585, H.D. 1 (S.D. 1);
 H.B. No. 586, H.D. 1 (S.D. 1);
 H.B. No. 588, H.D. 1 (S.D. 1);
 H.B. No. 589, H.D. 1 (S.D. 1);
 H.B. No. 590, H.D. 1 (S.D. 1);
 H.B. No. 594, H.D. 2 (S.D. 2);
 H.B. No. 595, H.D. 1 (S.D. 1);
 H.B. No. 596, H.D. 2 (S.D. 1);
 H.B. No. 599, H.D. 1 (S.D. 1);
 H.B. No. 600, H.D. 1 (S.D. 1);
 H.B. No. 602, H.D. 1 (S.D. 1);
 H.B. No. 603, H.D. 2 (S.D. 1);
 H.B. No. 613 (S.D. 2);
 H.B. No. 614, H.D. 2 (S.D. 1);
 H.B. No. 624 (S.D. 1);
 H.B. No. 628 (S.D. 1);
 H.B. No. 632, H.D. 3 (S.D. 2);
 H.B. No. 638, H.D. 1 (S.D. 2);
 H.B. No. 644, H.D. 1 (S.D. 2);
 H.B. No. 646, H.D. 1 (S.D. 2);
 H.B. No. 650, H.D. 2 (S.D. 2);
 H.B. No. 653, H.D. 1 (S.D. 1);
 H.B. No. 654, H.D. 1 (S.D. 1);
 H.B. No. 666, H.D. 1 (S.D. 1);
 H.B. No. 695, H.D. 1 (S.D. 2);
 H.B. No. 702, H.D. 2 (S.D. 1);
 H.B. No. 728 (S.D. 1);
 H.B. No. 731, H.D. 1 (S.D. 2);
 H.B. No. 733, H.D. 2 (S.D. 2);
 H.B. No. 735 (S.D. 1);
 H.B. No. 771, H.D. 1 (S.D. 1);
 H.B. No. 786, H.D. 1 (S.D. 1);
 H.B. No. 815, H.D. 2 (S.D. 1);
 H.B. No. 828, H.D. 1 (S.D. 1);
 H.B. No. 840, H.D. 2 (S.D. 1);
 H.B. No. 852, H.D. 2 (S.D. 2);
 H.B. No. 860, H.D. 1 (S.D. 2);
 H.B. No. 861, H.D. 2 (S.D. 2);
 H.B. No. 868, H.D. 1 (S.D. 1);
 H.B. No. 896, H.D. 1 (S.D. 1);
 H.B. No. 945, H.D. 1 (S.D. 2);
 H.B. No. 946 (S.D. 2);
 H.B. No. 962 (S.D. 1);
 H.B. No. 978, H.D. 1 (S.D. 1);
 H.B. No. 996 (S.D. 1);
 H.B. No. 1000, H.D. 1 (S.D. 2);
 H.B. No. 1004, H.D. 1 (S.D. 1);
 H.B. No. 1026, H.D. 1 (S.D. 2);
 H.B. No. 1028, H.D. 1 (S.D. 1);
 H.B. No. 1041, H.D. 2 (S.D. 2);
 H.B. No. 1048, H.D. 2 (S.D. 1);
 H.B. No. 1056, H.D. 1 (S.D. 1);
 H.B. No. 1074, H.D. 2 (S.D. 2);
 H.B. No. 1089, H.D. 2 (S.D. 2);
 H.B. No. 1100, H.D. 1 (S.D. 1);
 H.B. No. 1111, H.D. 1 (S.D. 2);

H.B. No. 1115 (S.D. 1);
 H.B. No. 1138 (S.D. 1);
 H.B. No. 1156, H.D. 2 (S.D. 1);
 H.B. No. 1211, H.D. 1 (S.D. 1);
 H.B. No. 1216, H.D. 1 (S.D. 1);
 H.B. No. 1231, H.D. 1 (S.D. 1);
 H.B. No. 1233, H.D. 1 (S.D. 2);
 H.B. No. 1234, H.D. 1 (S.D. 2);
 H.B. No. 1243, H.D. 1 (S.D. 1);
 H.B. No. 1245, H.D. 1 (S.D. 1);
 H.B. No. 1255, H.D. 1 (S.D. 1);
 H.B. No. 1256, H.D. 2 (S.D. 2);
 H.B. No. 1273, H.D. 2 (S.D. 1);
 H.B. No. 1282, H.D. 2 (S.D. 2);
 H.B. No. 1287, H.D. 1 (S.D. 2);
 H.B. No. 1309 (S.D. 2);
 H.B. No. 1339, H.D. 1 (S.D. 1);
 H.B. No. 1391, H.D. 1 (S.D. 2);
 H.B. No. 1400 (S.D. 1);
 H.B. No. 1405, H.D. 1 (S.D. 1);
 H.B. No. 1538 (S.D. 1);
 H.B. No. 1556 (S.D. 1);
 H.B. No. 1561, H.D. 2 (S.D. 1);
 H.B. No. 1586, H.D. 1 (S.D. 2);
 H.B. No. 1589, H.D. 1 (S.D. 1);
 H.B. No. 1595, H.D. 1 (S.D. 1);
 H.B. No. 1662, H.D. 1 (S.D. 2);
 H.B. No. 1667, H.D. 2 (S.D. 1);
 H.B. No. 1668, H.D. 1 (S.D. 1);
 H.B. No. 1679, H.D. 1 (S.D. 1);
 H.B. No. 1685, H.D. 1 (S.D. 1); and
 H.B. No. 1686, H.D. 1 (S.D. 1),

and informing the Senate that the Speaker on April 12, 2001, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

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

Representatives Takamine, chair, Cabrerros, Espero, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Djou, Leong, Moses.

In accordance therewith, the President appointed Senators Taniguchi, chair, Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kawamoto, Kim, Sakamoto, Tam, Hemmings, Slom as managers on the part of the Senate at such conference.

H.B. No. 1000, H.D. 1 (S.D. 2):

Representatives Takamine, chair, Cabrerros, Espero, Hamakawa, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Djou, Leong, Moses, Rath.

In accordance therewith, the President appointed Senators Taniguchi, chair, Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tam, Hemmings, Slom as managers on the part of the Senate at such conference.

H.B. No. 1100, H.D. 1 (S.D. 1):

Representatives Takamine, chair, Cabrerros, Espero, Hamakawa, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Djou, Leong, Moses, Rath.

In accordance therewith, the President appointed Senators Taniguchi, chair, Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kawamoto, Kim, Sakamoto, Tam,

Hemmings, Slom as managers on the part of the Senate at such conference,

was placed on file.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1607) recommending that the Senate advise and consent to the nomination of ORRIN A. HAWORTH, AIA, to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 156.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1607 and Gov. Msg. No. 156 was deferred until Monday, April 16, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1608) recommending that the Senate advise and consent to the nomination of CAPSUN M. POE to the Board of Regents, University of Hawai'i, in accordance with Gov. Msg. No. 186.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1608 and Gov. Msg. No. 186 was deferred until Monday, April 16, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1609) recommending that the Senate advise and consent to the nominations of LYNN C. KINNEY and EUGENE N. TIWANAK to the Board of Directors, Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 187.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1609 and Gov. Msg. No. 187 was deferred until Monday, April 16, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1610) recommending that the Senate advise and consent to the nomination of RAYMOND S. ONO to the Western Interstate Commission for Higher Education (WICHE), in accordance with Gov. Msg. No. 188.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1610 and Gov. Msg. No. 188 was deferred until Monday, April 16, 2001.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1611) recommending that S.C.R. No. 98 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 98, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE TRANSPORTATION FOR STUDENTS INVOLVED IN AFTER SCHOOL EXTRACURRICULAR ACTIVITIES," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1612) recommending that S.C.R. No. 99, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 99, S.D. 1, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY, BENEFITS, AND COSTS ASSOCIATED WITH LINKING THEIR INDIVIDUAL STUDENT INFORMATION SYSTEMS TO CREATE A LINKED K-16 DATABASE," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1613) recommending that S.C.R. No. 152, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 152, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT ALL MIDDLE AND INTERMEDIATE SCHOOL STUDENTS ARE PROVIDED WITH ENRICHMENT ACTIVITIES," was adopted.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1614) recommending that S.R. No. 90, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the Committees was adopted and S.R. No. 90, S.D. 1, entitled: "SENATE RESOLUTION ESTABLISHING A SENATE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1615) recommending that S.C.R. No. 65, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the Committees was adopted and S.C.R. No. 65, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1616) recommending that S.R. No. 55, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 55, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY, BENEFITS, AND COSTS ASSOCIATED WITH LINKING THEIR INDIVIDUAL STUDENT INFORMATION SYSTEMS TO CREATE A LINKED K-16 DATABASE," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1617) recommending that S.C.R. No. 26, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII RENAME THE RAINBOW BASEBALL STADIUM TO THE LES MURAKAMI BASEBALL STADIUM," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1618) recommending that S.R. No. 20, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII RENAME THE RAINBOW BASEBALL STADIUM TO THE LES MURAKAMI BASEBALL STADIUM," was adopted.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1619) recommending that S.C.R. No. 31, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII TOURISM AUTHORITY," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1620) recommending that S.C.R. No. 156, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE ECONOMIC VIABILITY OF RELOCATING THE OAHU COMMUNITY CORRECTIONAL CENTER," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1621) recommending that S.C.R. No. 119, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT AND REVIEW OF EXISTING AGRICULTURAL THEFT LAWS AND ENFORCEMENT ISSUES THAT HAMPER THE ARREST AND CONVICTION OF PERSON'S CAUGHT OR SUSPECTED OF AGRICULTURAL THEFT," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1622) recommending that S.R. No. 88, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 88, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT AND REVIEW OF EXISTING AGRICULTURAL THEFT LAWS AND ENFORCEMENT ISSUES THAT HAMPER THE ARREST AND CONVICTION OF PERSON'S CAUGHT OR SUSPECTED OF AGRICULTURAL THEFT," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1623) recommending that S.C.R. No. 138 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT AND THE UNITED NATIONS TO REVIEW THE ACTIONS TAKEN IN 1959 RELEVANT TO

HAWAII'S STATEHOOD," was adopted with Senators Hemmings, Hogue and Slom voting 'No.'

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1624) recommending that S.R. No. 98 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 98, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT AND THE UNITED NATIONS TO REVIEW THE ACTIONS TAKEN IN 1959 RELEVANT TO HAWAII'S STATEHOOD," was adopted with Senators Hemmings, Hogue and Slom voting 'No.'

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1625) recommending that S.C.R. No. 8, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 8, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONTINUED DISCUSSION FOR A COMPREHENSIVE REVIEW OF CURRENT CHILD PROTECTION LAWS," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1626) recommending that S.R. No. 5, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 5, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING CONTINUED DISCUSSION FOR A COMPREHENSIVE REVIEW OF CURRENT CHILD PROTECTION LAWS," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1627) recommending that S.C.R. No. 70, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 70, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW AND COMPARE SELECTED PROVISIONS OF HAWAII FAMILY LAW," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1628) recommending that S.R. No. 51, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 51, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW AND COMPARE SELECTED PROVISIONS OF HAWAII FAMILY LAW," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1629) recommending that S.C.R. No. 62, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, THE PROSECUTING ATTORNEY OF EACH COUNTY, THE

POLICE DEPARTMENT OF EACH COUNTY, AND PRIVATE GROUPS SUCH AS THE OHANA HO'OPAKELE, TO IMPLEMENT PROGRAMS OF RESTORATIVE JUSTICE AND ESTABLISH WELLNESS CENTERS TO REDUCE THE RATE OF INCARCERATION AND INCREASE OPPORTUNITIES FOR INMATE REHABILITATION, PARTICULARLY AMONG NATIVE HAWAIIANS," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1630) recommending that S.C.R. No. 160, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 160, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COALITION FOR THE PREVENTION OF SEX ASSAULT TO CONVENE A TASK FORCE TO ENGAGE IN A COMPREHENSIVE REVIEW OF THE ISSUES, AND THE DIFFERING VIEWPOINTS, CONCERNING THE AGE OF CONSENT FOR CONSENSUAL SEX CONDUCT," was adopted with Senators Hemmings, Hogue and Slom voting 'No.'

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1631) recommending that S.C.R. No. 117, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF ELECTION OFFICER TO CONVENE AN ELECTIONS PARTICIPATION TASK FORCE TO PROPOSE A PLAN TO INCREASE PARTICIPATION IN ELECTIONS, TARGETING BOTH REGISTERED VOTERS WHO DO NOT VOTE AND ELIGIBLE VOTERS WHO ARE NOT REGISTERED," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1632) recommending that S.C.R. No. 90, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was adopted.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1633) recommending that S.R. No. 68, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 68, S.D. 1, entitled: "SENATE RESOLUTION ESTABLISHING A TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was adopted.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1634) recommending that S.C.R. No. 139, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee 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 adopted.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1635) recommending that S.R. No. 99, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee 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 adopted.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1636) recommending that S.C.R. No. 124, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 124, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO COME UP WITH RECOMMENDATIONS TO MODIFY THE MAKE-UP OF ITS BOARD TO INCLUDE MORE PRIVATE SECTOR PARTICIPATION," was adopted.

Senators Chun and Sakamoto, for the Committee on Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1637) recommending that S.C.R. No. 76, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the Committees was adopted and S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO ESTABLISH A FORMAL POLICY SUPPORTING NATIVE HAWAIIAN CULTURE AND ARTS," was adopted.

Senators Chun and Sakamoto, for the Committee on Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1638) recommending that S.R. No. 54, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the Committees was adopted and S.R. No. 54, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO ESTABLISH A FORMAL POLICY SUPPORTING NATIVE HAWAIIAN CULTURE AND ARTS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1639) recommending that S.C.R. No. 41, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 41, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THAT PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1640) recommending that S.R. No. 32, S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 32, S.D. 1, entitled: "SENATE RESOLUTION URGING THAT PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1641) recommending that S.C.R. No. 10 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 10, entitled: "SENATE CONCURRENT RESOLUTION URGING THE IDENTIFICATION OF INAPPROPRIATE AND PORNOGRAPHIC MATERIAL ON THE INTERNET," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1642) recommending that S.R. No. 7 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 7, entitled: "SENATE RESOLUTION URGING THE IDENTIFICATION OF INAPPROPRIATE AND PORNOGRAPHIC MATERIAL ON THE INTERNET," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1643) recommending that S.C.R. No. 23, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 23, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FORMATION OF A WORKING GROUP TO DEVELOP A STATEWIDE CERTIFICATION PROGRAM FOR LONG-TERM CARE PROVIDERS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1644) recommending that S.R. No. 18, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 18, S.D. 2, entitled: "SENATE RESOLUTION URGING THE FORMATION OF A WORKING GROUP TO DEVELOP A STATEWIDE CERTIFICATION PROGRAM FOR LONG-TERM CARE PROVIDERS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1645) recommending that S.C.R. No. 87, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 87, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE IDENTIFICATION OF APPROPRIATE SITES FOR TELECOMMUNICATION TOWERS AND ANTENNAE TO PROVIDE OPTIMUM COVERAGE," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep.

No. 1646) recommending that S.R. No. 65, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 65, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE IDENTIFICATION OF APPROPRIATE SITES FOR TELECOMMUNICATION TOWERS AND ANTENNAE TO PROVIDE OPTIMUM COVERAGE," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1647) recommending that S.C.R. No. 91, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 91, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT A SPECIAL COMMITTEE DEVELOP AND IMPLEMENT A LONG-TERM CARE FINANCING PLAN FOR THE STATE OF HAWAII," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1648) recommending that S.R. No. 69, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 69, S.D. 1, entitled: "SENATE RESOLUTION URGING HEALTH CARE PLANS AND PROVIDERS TO PROVIDE COVERAGE FOR AND UTILIZE HEARING SCREENING IN OLDER PATIENTS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1649) recommending that S.C.R. No. 121 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 121, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE LICENSING OF PRIVATE TRADE, VOCATIONAL OR TECHNICAL SCHOOLS," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1650) recommending that S.C.R. No. 127 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 127, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1651) recommending that S.C.R. No. 128 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 128, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF MANDATING PUBLIC EMPLOYEE HEALTH INSURANCE COVERAGE FOR NATUROPATHIC CARE AND A STUDY OF OTHER NATUROPATHY ISSUES," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1652) recommending that S.C.R. No. 61, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO THE MANAGEMENT OF THE AHUPUA'A 'O KAHANA," was adopted.

Senators Tam and Kim, for the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1653) recommending that S.C.R. No. 96, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the Committees was adopted and S.C.R. No. 96, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP FOR ECONOMIC DEVELOPMENT BETWEEN THE STATE OF HAWAII AND THE GEOGRAPHICAL AREAS OF TAIPEI, TAI CHUNG, AND TAINAN, TAIWAN," was adopted.

Senators Tam and Inouye, for the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 1654) recommending that S.C.R. No. 140, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the joint report of the Committees was adopted and S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE RECREATIONAL AND HISTORIC PARK AND NATURE RESERVE AT KAPUA, HONOMALINO, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN SOUTH KONA AND KA'U, ISLAND OF HAWAII," was adopted.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1655) recommending that S.C.R. No. 85 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO GATHER PUBLIC INPUT AND RECOMMEND STATUTORY CAVE LAW," was adopted.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1656) recommending that S.R. No. 63 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 63, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO GATHER PUBLIC INPUT AND RECOMMEND STATUTORY CAVE LAW," was adopted.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No.

1657) recommending that S.C.R. No. 146, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RETENTION AND PRESERVATION OF OPEN SPACE AND VIEW PLANES, HISTORIC SITES, AND TRADITIONAL ACCESS ALONG THE COASTLINE OF THE NORTH KOHALA DISTRICT, HAWAII," was adopted.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1658) recommending that S.C.R. No. 13, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the majority of the Committee was adopted and S.C.R. No. 13, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING, AND REQUESTING A REPORT ON, SOCIALLY RESPONSIBLE INVESTMENT," was adopted with Senators Hemmings, Hogue and Slom voting 'No.'

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1659) recommending that S.R. No. 10, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the majority of the Committee was adopted and S.R. No. 10, S.D. 2, entitled: "SENATE RESOLUTION ENCOURAGING, AND REQUESTING A REPORT ON, SOCIALLY RESPONSIBLE INVESTMENT," was adopted with Senators Hemmings, Hogue and Slom voting 'No.'

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1660) recommending that S.C.R. No. 35, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 35, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FULL FEDERAL FUNDING FOR MANDATED PROGRAMS AND SERVICES," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1661) recommending that S.R. No. 27, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 27, S.D. 1, entitled: "SENATE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FULL FEDERAL FUNDING FOR MANDATED PROGRAMS AND SERVICES," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1662) recommending that S.C.R. No. 97, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 97, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO COORDINATE EFFORTS IN THE UNITED STATES CONGRESS TO OBTAIN FUNDING FOR FORTY PERCENT OF THE COST OF SPECIAL

EDUCATION AND RELATED SERVICES FOR CHILDREN WITH DISABILITIES," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1663) recommending that S.C.R. No. 102, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 102, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF FEDERALLY MANDATED STATE PROGRAMS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1664) recommending that S.C.R. No. 116 be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY COMPENSATION OF LICENSED ATTORNEYS EMPLOYED BY THE STATE OF HAWAII," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1665) recommending that S.C.R. No. 120, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO IDENTIFY THE FULL COST OF EDUCATING FEDERALLY CONNECTED CHILDREN WITH DISABILITIES AS ALLOWED BY THE FEDERAL IMPACT AID FORMULAS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1666) recommending that S.R. No. 76, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Chun and carried, the report of the Committee was adopted and S.R. No. 76, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF FEDERALLY MANDATED STATE PROGRAMS," was adopted.

At this time, Senator Slom extended happy birthday wishes to Senator Kawamoto on behalf of the Senate.

At 4:37 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:38 o'clock p.m.

ADJOURNMENT

At 4:39 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:00 o'clock a.m., Monday, April 16, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate