

## FIFTY-SIXTH DAY

**Wednesday, April 25, 2001**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Derald Skinner, Senior Pastor, Calvary Chapel, Pearl Harbor, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 658 to 662) were read by the Clerk and were placed on file:

Hse. Com. No. 658, returning S.C.R. No. 89, which was adopted by the House of Representatives on April 24, 2001.

Hse. Com. No. 659, returning S.C.R. No. 140, S.D. 1, which was adopted by the House of Representatives on April 24, 2001.

Hse. Com. No. 660, returning S.B. No. 483, which passed Third Reading in the House of Representatives on April 24, 2001.

Hse. Com. No. 661, returning S.B. No. 1509, which passed Third Reading in the House of Representatives on April 24, 2001.

Hse. Com. No. 662, informing the Senate that the Speaker on April 25, 2001, appointed Representatives Kanoho, chair, Hale, Jaffe as managers on the part of the House for the consideration of amendments proposed by the House to S.C.R. No. 85 (H.D. 1).

## CONFERENCE COMMITTEE REPORTS

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1339, H.D. 1, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 1339, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and H.B. No. 1339, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER SUPPLY BOARDS," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 118, H.D. 3, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 118, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and H.B. No. 118, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1756) recommending that the Senate advise and consent to the nomination of BENJAMIN T. TORIGOE, AIA, to the Hawai'i Historic Places Review Board, in accordance with Gov. Msg. No. 248.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1756 and Gov. Msg. No. 248 was deferred until Thursday, April 26, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1757) recommending that the Senate advise and consent to the nomination of GALEN K. ONOUYE to the Education Commission of the States, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1757 and Gov. Msg. No. 278 was deferred until Thursday, April 26, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1758) recommending that the Senate advise and consent to the nominations of ALBERT S. NISHIMURA, KATHRYN K. INKINEN, HARVARD C.S. KIM, THERESIA C. MCMURDO and LYNNE E. WOODS to the Hawai'i School-to-Work Executive Council, in accordance with Gov. Msg. No. 280.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1758 and Gov. Msg. No. 280 was deferred until Thursday, April 26, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1759) recommending that the Senate advise and consent to the nomination of FAIRFAX A. REILLY, M.ED., to the Hawai'i Teacher Standards Board, in accordance with Gov. Msg. No. 281.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1759 and Gov. Msg. No. 281 was deferred until Thursday, April 26, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1760) recommending that the Senate advise and consent to the nomination of DUANE K. KURISU to the Board of Regents, University of Hawai'i, in accordance with Gov. Msg. No. 291.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1760 and Gov. Msg. No. 291 was deferred until Thursday, April 26, 2001.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1761) recommending that the Senate advise and consent to the nominations of CORINE HAYASHI, EUNICE M. DEMELLO and ALFRED LAURETA to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1761 and Gov. Msg. No. 303 was deferred until Thursday, April 26, 2001.

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. 1762) recommending that S.R. No. 100, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1762 and S.R. No. 100, S.D. 1, entitled: "SENATE 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 deferred until Thursday, April 26, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1763) recommending that the Senate advise and consent to the nomination of FRED T. YAMASHIRO to the Board of Taxation Review, Third Taxation District (Hawai'i), in accordance with Gov. Msg. No. 238.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1763 and Gov. Msg. No. 238 was deferred until Thursday, April 26, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1764) recommending that the Senate advise and consent to the nomination of EDUARDO TOPENIO JR. to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1764 and Gov. Msg. No. 239 was deferred until Thursday, April 26, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1765) recommending that the Senate advise and consent to the nomination of GEORGE M. MENOR to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 296.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1765 and Gov. Msg. No. 296 was deferred until Thursday, April 26, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1766) recommending that the Senate advise and consent to the nominations of GEORGE FREITAS, MARILYN J. GAGEN, CRAIG K. HIRAI, JAMES E.T. MONCUR, PH.D., MARILYN M. NIWAO, CYRUS I. ODA and LEIGHTON H.C. WONG to the Tax Review Commission, in accordance with Gov. Msg. No. 310.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1766 and Gov. Msg. No. 310 was deferred until Thursday, April 26, 2001.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

#### MATTER DEFERRED FROM FRIDAY, APRIL 20, 2001

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

Senator Nakata moved that Stand. Com. Rep. No. 1575 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of DAVIS YOGI as the Director of Human Resources Development, term to expire December 2, 2002, seconded by Senator Ihara.

Senator Nakata rose to speak in support of the nominee as follows:

"Mr. President, I rise to speak in favor of this governor's message.

"We have the privilege this morning of acting on the confirmation of Davis Yogi as the Director of the Department of Human Resources Development.

"We need to congratulate him on his other role as the chief negotiator for the state in successfully bringing to a conclusion the negotiations with public employee unions. I think we need to thank him for that work. The success of especially the HSTA negotiations, I think difficult as they were, are going to be of benefit to the state. They were difficult. Teachers went through a lot of hardship. The administration bargained hard. And in that process, I think we had a crucible in which relationships were built, empowerment took place, and I hope that very respectful relationships have been formed which will really be of great importance to our public education. The difficulties of the negotiations, now that they have been successfully concluded, I believe will really prove to have been that kind of crucible which produces stronger people and stronger relationships. To his credit, I think Mr. Yogi has helped in that process.

"But we're here not to confirm him to that role as chief negotiator but as Director of the Department of Human Resources Development. In speaking with him, he spoke of his management style – that he wants to see those who work for him empowered to do the jobs that they have been hired to do. I have seen evidence of that at work. I have seen his staff move with the freedom that he has given them, freedom and authority he has given them. They are putting in great work in implementing the civil service reform that we put in place a year ago. We have allowed them two years to put that in place and they are doing good work to bring that to a conclusion under his able leadership.

"I think this is what has enabled him. His style has enabled him to continue to be the chief negotiator while also acting as Director of DHRD. We had questions about that in Committee. I think that's something that still needs to be addressed – that dual role. But as far as Mr. Yogi is concerned, I believe he has successfully been carrying out both responsibilities.

"The fact that almost his entire top level staff is here with him attests to the success of that management style. Again, in speaking with him, I have this sense of a staff that is empowered to do the work and therefore the burden is not so heavy.

"In conclusion, I would urge my colleagues to vote for the confirmation of Mr. Davis Yogi to be the Director of the Department of Human Resources Development. Thank you."

Senator Chun also rose in support of the nominee and said:

"Mr. President, I rise in favor of the nominee.

"Mr. President, it is with pleasure that I also add my words to the words of the Honorable Senator from Kahaluu in support of Mr. Yogi.

“Mr. Yogi has in depth and detailed knowledge not only in the public, working in the civil service side as a member of the administration in the Office of Collective Bargaining, but he also has significant experience in the private sector and how the labor negotiations should be conducted in those kinds of sectors. I think with his combined knowledge in both public and private sector labor laws and his knowledge of the civil service system along with collective bargaining, he adds a great deal of perspective and knowledge to the position, which will be a great help to this state.

“So I stand fully in support of the nominee, Mr. President.”

Senator Sakamoto rose to speak in support of the nominee and stated:

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

“I would like to add to the comments made by the speakers from Kahaluu and Kauai, Mr. President. Over the last few weeks we saw the pressure Mr. Yogi has been under. As Education Chair, I understand that some of the measures before us increased the difficulty of the negotiations. Though not so difficult for this body, I commend his incorporating these good measures into the negotiations to help the teachers – such as their career ladder in the increments issue, such as dealing with performance for teachers and incentivising national certificated teachers – I applaud him and the efforts to improve quality teaching. These are the types of things that we’ve pushed as well. Certainly his ability to incorporate these good ideas serves us well and I support his nomination and hope we all do as well.

“Thank you.”

Senator Slom rose to support the nominee as follows:

“Mr. President, I rise in support of the nominee. I’d like to add my words of congratulations also to Mr. Yogi and to support his nomination for Director of Human Resources Development.

“I would like to follow up on the comments made by the good Senator from Kahaluu because I think it’s extremely important that we examine whether or not one individual should have the dual responsibility of heading up this department and also being the state’s chief negotiator. It is, I think, very fortunate that we’ve had a conclusion to this devastating strike. Of course, now we’ll never know whether it was the prodding of the federal judge, or whether it was because of state athletic tournaments, or whether it was because of the deadline to get the confirmation of Mr. Yogi, or anything else that we had a successful conclusion to this event, or the fact that the teachers if they would have gone another day would have had to extend the school year and then we would have worried about who got paid for that.

“In any event, I think that we have to look at our whole process of negotiating because I think it failed us. I think the state has failed us. I think that as we look closer at some of the details of those negotiating arrangements that were made, we’re going to find out that some of the educational reforms that we were asking for and the changes that we were asking for are not in that crucible and maybe we should take a closer look at the crucible.

“So as I say, Mr. President, I support the nominee because I know he worked hard, however, the question remains as to whether or not one individual should be charged with this responsibility. I did notice, after coming from the Labor hearing, we had a great deal of testimony – we had testimony

from the business community, we had testimony in favor from most of the public labor unions. It was the UHPA that did question the duplicative role of this position, but I think we should also take note that the HSTA submitted no testimony whatsoever on this nominee.

“Thank you, Mr. President.”

Senator Hemmings rose to speak in favor of the nominee and said:

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

“I’m hoping that Mr. Yogi, who comes well recommended from almost everybody in the process, addresses the larger issues that we’re facing as government. One particular issue will affect future negotiations. It seems the State of Hawaii has one of the largest work forces on a per capita basis of any state in the nation and yet we face disaster after disaster regarding implementation of many of the programs that state employees are designated to do.

“It seems obvious that we definitely need civil service reform and we need other reforms that Mr. Yogi can help actuate to make things happen on behalf of the taxpayers. Our state government is very large and in many areas it’s very ineffective by every measure of the standard. Mr. Yogi will have a responsibility to manage this work source and our human resources in such a manner that in the future we don’t face the trying times we’ve just faced with the recent strike. I’m hoping that he’ll be successful in his efforts there.

“Thank you, Mr. President.”

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

Ayes, 23. Noes, none. Excused, 2 (Matsuura, Menor).

At this time, Senator Nakata introduced Mr. Yogi to the members of the Senate. (Mr. Yogi, who was seated in the gallery with members of his staff, rose to be recognized.)

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

The Senate reconvened at 12:06 o’clock p.m.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1742 (Gov. Msg. No. 165):

Senator Kim moved that Stand. Com. Rep. No. 1742 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of DAVID H. GLEASON to the Board of Directors, Hawai’i Tourism Authority, term to expire June 30, 2004, seconded by Senator English.

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

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

Stand. Com. Rep. No. 1743 (Gov. Msg. No. 169):

Senator Kim moved that Stand. Com. Rep. No. 1743 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of SHELLY R. COBB to the King Kamehameha Celebration Commission, term to expire June 30, 2002, seconded by Senator English.

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

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

Stand. Com. Rep. No. 1744 (Gov. Msg. No. 276):

Senator Nakata moved that Stand. Com. Rep. No. 1744 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of CHAMP S. ONO to the Civil Service Commission, term to expire June 30, 2002, seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 1745 (Gov. Msg. No. 297):

Senator Nakata moved that Stand. Com. Rep. No. 1745 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

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,

seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 1746 (Gov. Msg. No. 277):

Senator Matsuura moved that Stand. Com. Rep. No. 1746 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of KENNETH C.C. CHANG, MARIE E. KIMMEY, AIA, STERLING KRYSLER, NORMAN F. OLESEN and KRISTINE PAGANO to the Disability and Communication Access Board, terms to expire June 30, 2005, seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1747 (Gov. Msg. No. 283):

Senator Matsuura moved that Stand. Com. Rep. No. 1747 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

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,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1748 (Gov. Msg. No. 284):

By unanimous consent, Stand. Com. Rep. No. 1748 and Gov. Msg. No. 284 were recommitted to the Committee on Health and Human Services.

Stand. Com. Rep. No. 1749 (Gov. Msg. No. 285):

Senator Matsuura moved that Stand. Com. Rep. No. 1749 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the West Oahu Subarea Health Planning Council of the following:

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,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1750 (Gov. Msg. No. 286):

Senator Matsuura moved that Stand. Com. Rep. No. 1750 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Windward Oahu Subarea Health Planning Council of the following:

BARBARA J. PENNIALL, term to expire June 30, 2003; and

JULIA E. THORNTON, term to expire June 30, 2005,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1751 (Gov. Msg. No. 287):

Senator Matsuura moved that Stand. Com. Rep. No. 1751 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Hawai'i County Subarea Health Planning Council of the following:

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,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1752 (Gov. Msg. No. 288):

Senator Matsuura moved that Stand. Com. Rep. No. 1752 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Kauai County Subarea Health Planning Council of the following:

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,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1753 (Gov. Msg. No. 289):

Senator Matsuura moved that Stand. Com. Rep. No. 1753 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Maui County Subarea Health Planning Council of the following:

WILLIAM F. STATON, term to expire June 30, 2002; and  
 THOMAS R. FITZGERALD, JR., and PATRICIA MARY RAFFETTO, terms to expire June 30, 2005,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1754 (Gov. Msg. No. 304):

Senator Matsuura moved that Stand. Com. Rep. No. 1754 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the State Planning Council on Developmental Disabilities of the following:

ORALIE DELGADO CARTER and ANN COLLINS, terms to expire June 30, 2001, and June 30, 2005;  
 THOMAS G. NELSON and KIYOKO K. NITZ, PH.D., terms to expire June 30, 2002;  
 PAUL K. HIGA, term to expire June 30, 2003; and  
 LANI L. BARTHOLOMEW, PATRICIA HEU, M.D., CINDY OGATA, MARK F. ROMOSER and MARK YASUO YABUI, terms to expire June 30, 2004,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 1755 (Gov. Msg. No. 268):

Senator Buen moved that Stand. Com. Rep. No. 1755 be received and placed on file, seconded by Senator Chun and carried.

Senator Buen then moved that the Senate advise and consent to the nominations of CARLTON L. AGENA, CLYDE M. FUJIKAWA and CARL T. MASAKI to the Advisory Committee on Pesticides, terms to expire June 30, 2005, seconded by Senator Chun.

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

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

**FINAL READING**

Conf. Com. Rep. No. 1 (S.B. No. 1193, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 1 and S.B. No. 1193, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX ON NONPROFIT ORGANIZATIONS," was deferred until Tuesday, May 1, 2001.

**THIRD READING**

Stand. Com. Rep. No. 1698 (H.B. No. 1118, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1698 and H.B. No. 1118, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," was deferred until Tuesday, May 1, 2001.

H.B. No. 567:

By unanimous consent, action on H.B. No. 567, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred until Tuesday, May 1, 2001.

H.B. No. 715:

By unanimous consent, action on H.B. No. 715, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1725 (H.B. No. 144):

By unanimous consent, action on Stand. Com. Rep. No. 1725 and H.B. No. 144, entitled: "A BILL FOR AN ACT RELATING TO KAHO'OLAWA ISLAND RESERVE," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1726 (H.B. No. 444, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1726 and H.B. No. 444, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1727 (H.B. No. 505, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1727 and H.B. No. 505, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1728 (H.B. No. 508):

By unanimous consent, action on Stand. Com. Rep. No. 1728 and H.B. No. 508, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1729 (H.B. No. 540, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1729 and H.B. No. 540, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1730 (H.B. No. 544, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1730 and H.B. No. 544, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1731 (H.B. No. 545):

By unanimous consent, action on Stand. Com. Rep. No. 1731 and H.B. No. 545, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1732 (H.B. No. 564, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1732 and H.B. No. 564, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1733 (H.B. No. 565, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1733 and H.B. No. 565, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1734 (H.B. No. 611, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1734 and H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS AT PUBLIC LIBRARY FACILITIES," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1735 (H.B. No. 612, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1735 and H.B. No. 612, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1736 (H.B. No. 647, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1736 and H.B. No. 647, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1737 (H.B. No. 670, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1737 and H.B. No. 670, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1738 (H.B. No. 676, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1738 and H.B. No. 676, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1739 (H.B. No. 708):

By unanimous consent, action on Stand. Com. Rep. No. 1739 and H.B. No. 708, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1740 (H.B. No. 869):

By unanimous consent, action on Stand. Com. Rep. No. 1740 and H.B. No. 869, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," was deferred until Tuesday, May 1, 2001.

Stand. Com. Rep. No. 1741 (H.B. No. 693):

By unanimous consent, action on Stand. Com. Rep. No. 1741 and H.B. No. 693, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," was deferred until Tuesday, May 1, 2001.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1101 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments

proposed by the House to S.B. No. 1101, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1101 on the following showing of Ayes and Noes:

Ayes, 3 (Chun, Kanno, Kokubun). Noes, none. Excused, 1 (Slom).

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.B. No. 1101, seconded by Senator Kanno.

Senator Chun noted:

“Mr. President, the House included in S.B. No. 1101 a severability clause. That was the only difference between our bill and the House version. In discussions with the Judiciary Chair, we felt that the severability clause does not add or subtract anything. In fact, it probably is a good idea to add such a clause into the bill, so we have agreed to the House amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1101 and S.B. No. 1101, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 28 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 28, seconded by Senator Hanabusa and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 28 on the following showing of Ayes and Noes:

Ayes, 4 (Nakata, Hanabusa, Buen, Chun). Noes, none. Excused, none.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 28, seconded by Senator Hanabusa.

Senator Nakata noted:

“Mr. President, this bill is in regards to notifications for plant closings. The federal requirement is for a 60-day notice and this is what we are agreeing to. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 28 and S.B. No. 28, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 716, S.D. 2 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 716, S.D. 2, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 716, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Hanabusa, Matsuura). Noes, none. Excused, 1 (Hemmings).

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 716, S.D. 2, seconded by Senator Matsuura.

Senator Hanabusa noted:

“Mr. President, S.B. No. 716 is a special purpose revenue bond for the Kahala living facility. There are no substantive differences between the bills. There’s an agreement as to the amount of this special purpose revenue bond. The only major difference may have been the day that the bond lapsed, but the Senate has agreed to that date change.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 716, S.D. 2, and S.B. No. 716, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 1164, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1164, S.D. 1, seconded by Senator Kokubun and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1164, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Inouye, Chun Oakland, Kokubun). Noes, none. Excused, 2 (Taniguchi, Hemmings).

At 12:13 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 Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 1164, S.D. 1, seconded by Senator Kokubun.

Senator Inouye noted:

“Mr. President, for S.B. No. 1164, H.D. 1, the purpose is to protect Hawaii’s natural resources and support their management. It authorized conveyance tax funds to be expended to administer the Forest Stewardship Program. Your Committee decided to agree to H.D. 1 because the House made only technical and nonsubstantive changes.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1164, S.D. 1, and S.B. No. 1164, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE FOREST

STEWARDSHIP PROGRAM,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 1165, S.D. 1 (H.D. 2):

Senator Inouye moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1165, S.D. 1, seconded by Senator Kokubun and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1165, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Inouye, Kanno, Chun Oakland, Kokubun). Noes, none. Excused, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 1165, S.D. 1, seconded by Senator Kokubun.

Senator Inouye noted:

“Mr. President, S.B. No. 1165, H.D. 2, is to protect Hawaii’s natural resources by establishing administrative fines for violations relating to the Natural Area Reserves System or NARS, as we know it, and the state Endangered Species Act or ESA. It also removes the maximum ceiling provisions for violations of the ESA. Further, it increased fines for intentionally, knowingly, or recklessly killing a threatened or endangered species.

“Your Committee decided to agree to the House changes because the amendments were technical and nonsubstantive amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1165, S.D. 1, and S.B. No. 1165, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PENALTIES FOR NATURAL RESOURCES,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 1262 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1262, seconded by Senator Kokubun and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1262 on the following showing of Ayes and Noes:

Ayes, 4 (Inouye, Taniguchi, Chun Oakland, Hemmings). Noes, none. Excused, 1 (Ihara).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 1262, seconded by Senator Kokubun.

Senator Inouye noted:

“Mr. President, S.B. No. 1262, H.D. 1, amends Act 208, Session Laws of Hawaii 2000. The purpose of this bill is to increase the amount of the special purpose revenue bonds to be issued for the establishment of an expanded chilled water

cooling system in downtown Honolulu. It amends the lapsing date. The House amended the bill by extending the lapsing date to June 30, 2005, and making technical and nonsubstantive amendments.

“Your Conference Committee decided to go along with H.D. 1 because the supporters of the bill were satisfied with the changes. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1262 and S.B. No. 1262, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 597, S.D. 1 (H.D. 1):

Senator Kanno moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 597, S.D. 1, seconded by Senator Hanabusa and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 597, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kanno, Hanabusa, Hogue). Noes, none. Excused, 1 (Ihara).

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 597, S.D. 1, seconded by Senator Hanabusa.

Senator Kanno noted:

“Mr. President, the measure changes the name of the State Planning Council on Developmental Disabilities to the State Council on Developmental Disabilities. It also amends the state law to comply with recent changes in the federal disability law.

“The House version we are agreeing to had technical, nonsubstantive amendments. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 597, S.D. 1, and S.B. No. 597, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 525, S.D. 1 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 525, S.D. 1, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 525, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Sakamoto, Chun Oakland, Hogue). Noes, none. Excused, 2 (Matsunaga, Taniguchi).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 525, S.D. 1, seconded by Senator Kanno.

Senator Sakamoto noted:

“Mr. President, S.B. No. 525, S.D. 1, H.D. 1, is related to textbooks. The purpose of this measure was to enable the schools to be responsible for the maintenance of inventories and allow principals to collect fees and other fines. The House made clarifying amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 525, S.D. 1, and S.B. No. 525, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEXTBOOKS,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 535, S.D. 2 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 535, S.D. 2, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 535, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Kanno, Taniguchi, Hogue). Noes, none. Excused, 1 (Kawamoto).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 535, S.D. 2, seconded by Senator Kanno.

Senator Sakamoto noted:

“Mr. President, on S.B. No. 535, S.D. 1, H.D. 1, Relating to Education, the purpose of the measure was to clarify that the after-school programs and weekend school activities for children are child care programs and not educational programs.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 535, S.D. 2, and S.B. No. 535, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 670, S.D. 1 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 670, S.D. 1, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 670, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Chun Oakland, Tam, Hogue). Noes, none. Excused, 1 (Taniguchi).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 670, S.D. 1, seconded by Senator Kanno.

Senator Sakamoto noted:

“Mr. President, on S.B. No. 670, S.D. 1, Relating to the Hawaii State Student Council, some provisions related to the Conference procedures were deleted by the House on this measure.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 670, S.D. 1, and S.B. No. 670, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 1207, S.D. 1 (H.D. 2):

Senator Sakamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1207, S.D. 1, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1207, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Kanno, Taniguchi, Ige). Noes, none. Excused, 1 (Hogue).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 1207, S.D. 1, seconded by Senator Kanno.

Senator Sakamoto noted:

“Mr. President, on S.B. No. 1207, S.D. 1, H.D. 2, the purpose was to require the University of Hawaii general counsel to advise its clients on how to avoid future claims and clarifies the liabilities incurred through suits by the UH and the state.”

“The House added a provision related to disclosure of privileged communication should not constitute a waiver of attorney/client privilege.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1207, S.D. 1, and S.B. No. 1207, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 1208, S.D. 1 (H.D. 3):

Senator Sakamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1208, S.D. 1, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1208, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Sakamoto, Kanno, Hogue). Noes, none. Excused, 2 (Ige, Matsunaga).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 1208, S.D. 1, seconded by Senator Kanno.

Senator Sakamoto noted:

“Mr. President, on S.B. No. 1208, S.D. 1, H.D. 3, Relating to the University of Hawaii, this was related to clarifying the roles of the senior vice president for legal affairs and the University general counsel representing the University.

“The House added a provision that when real property transactions are made, the authority is allowed to the University except for transactions that do not require legislative appropriations. Thank you, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1208, S.D. 1, and S.B. No. 1208, S.D. 1, H.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

S.B. No. 758, S.D. 1 (H.D. 2):

Senator Kawamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 758, S.D. 1, seconded by Senator Kim and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 758, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kawamoto, Kim, Fukunaga). Noes, none. Excused, 1 (Taniguchi).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 758, S.D. 1, seconded by Senator Kim.

Senator Kawamoto noted:

“Mr. President, the House amendments require the examiner of drivers to provide foreign language examinations. Those languages are to be determined by the Department of Transportation effective July 1, 2001. The Senate draft said that the examiners of drivers may provide exams in a foreign language and the foreign language be in the language used at least by 10,000 persons in the state population according to the last census. We had the effective date January 1, 2001, that was passed.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 758, S.D. 1, and S.B. No. 758, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DRIVER’S LICENSES,” was placed on the calendar for Final Reading on Tuesday, May 1, 2001.

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.R. No. 75, and the Chair granted the waiver.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following House bill and resolutions:

H.B. No. 1345;  
H.C.R. No. 11; and  
H.C.R. No. 12,

and the Chair granted the waiver.

At this time, Senator Kim, on behalf of the members of the Senate, extended happy birthday wishes to President Bunda.

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

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

“I think that many of us over the past 24 to 48 hours have been very pleased that the teacher’s strike is over. Unfortunately, there might be some casualties that have come out of that. One of them might be those who participate in the world of sports.

“Now I think all of us have recognized how important sports and sports-related activities are in our lives. There are Legislators here on the Floor who participated in sports very actively in Hawaii. The esteemed Senator from Kauai was a track star at Kauai High School. I don’t know how fast he ran that 100-yard dash, but by golly, they may still be timing him. (Laughter.) The Senator from Kalihi Valley, as a matter of fact, was a great swimmer at Farrington High School, and I understand she’s still selling her posters from when she was a song girl. (Laughter.) The Senator from Waimanalo, besides being a world champion surfer, was also an all-star football player. He played lineman, one of the smallest linemen in Punahou history. And the birthday boy, Mr. President, was an outstanding basketball and baseball player at Leilehua High School.

“So I think that we can all see that there are some very good things that happen because we have this great experience in the world of sports.

“There are some youngsters today who may not be able to realize their full potential and their full dream in the world of sports if something goes forward that was talked about yesterday. Our Superintendent of schools, Dr. Paul LeMahieu, first issued a statement because he was concerned about missed class time that would pull the public school participation in the state athletic tournaments. After a huge public outcry led by members of the board of education and others, he reconsidered.

“I have talked to Dr. LeMahieu personally and he says as long as there is not missed class time, we will go forward with these state tournaments, but we must come up with some creative solutions and it’s very important.

“So I ask you, please, in your busy schedules, if you’ve got some ideas, to make sure that some of these future legislators get an opportunity to participate in these very important tournaments, that you perhaps drop them by my office because the kids really deserve this opportunity.

“There will be a meeting tomorrow, as a matter of fact, at the Department of Education to talk about potential solutions. I applaud the Superintendent’s reconsideration to move forward on this.

“Mr. President, we need to save the state tournaments. We need to let the kids realize their dreams. These kids have been victims once; they don’t deserve to be victims again.

“Thank you very much.”

**ADJOURNMENT**

At 12:29 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 6:30 o'clock p.m., Thursday, April 26, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate