

TWENTY-SIXTH DAY

Tuesday, March 5, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 10:15 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Brother Dennis Schmitz, Director, Special Ministries Marianist, after which the Roll was called showing all Senators present.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 59 to 126) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 59, transmitting H.C.R. No. 11, which was adopted by the House of Representatives on February 28, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING SCHOOLS IN HAWAII TO ENCOURAGE CALCIUM INTAKE, ESPECIALLY IN YOUNG WOMEN, AND SUPPORTING EDUCATION AND AWARENESS OF CALCIUM DEFICIENCY," was deferred until Thursday, March 7, 2002.

Hse. Com. No. 60, transmitting H.B. No. 682, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 682, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS," passed First Reading by title and was deferred.

Hse. Com. No. 61, transmitting H.B. No. 1008, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1008, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," passed First Reading by title and was deferred.

Hse. Com. No. 62, transmitting H.B. No. 1009, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1009, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN AND RECEIPT OF SPECIAL CASE ABSENTEE BALLOTS," passed First Reading by title and was deferred.

Hse. Com. No. 63, transmitting H.B. No. 1542, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1542, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER

REGISTRATION," passed First Reading by title and was deferred.

Hse. Com. No. 64, transmitting H.B. No. 1740, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1740, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed First Reading by title and was deferred.

Hse. Com. No. 65, transmitting H.B. No. 1770, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1770, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed First Reading by title and was deferred.

Hse. Com. No. 66, transmitting H.B. No. 1772, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1772, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS," passed First Reading by title and was deferred.

Hse. Com. No. 67, transmitting H.B. No. 1823, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1823, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 68, transmitting H.B. No. 1825, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1825, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 69, transmitting H.B. No. 1843, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1843, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed First Reading by title and was deferred.

Hse. Com. No. 70, transmitting H.B. No. 1864, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1864, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO VISITATION," passed First Reading by title and was deferred.

Hse. Com. No. 71, transmitting H.B. No. 1900, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1900, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed First Reading by title and was deferred.

Hse. Com. No. 72, transmitting H.B. No. 1942, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1942, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 73, transmitting H.B. No. 1976, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1976, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed First Reading by title and was deferred.

Hse. Com. No. 74, transmitting H.B. No. 2002, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2002, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was deferred.

Hse. Com. No. 75, transmitting H.B. No. 2128, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2128, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 76, transmitting H.B. No. 2132, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2132, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 77, transmitting H.B. No. 2164, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2164, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII

EDUCATOR LOAN PROGRAM," passed First Reading by title and was deferred.

Hse. Com. No. 78, transmitting H.B. No. 2195, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2195, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," passed First Reading by title and was deferred.

Hse. Com. No. 79, transmitting H.B. No. 2198, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2198, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed First Reading by title and was deferred.

Hse. Com. No. 80, transmitting H.B. No. 2216, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2216, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," passed First Reading by title and was deferred.

Hse. Com. No. 81, transmitting H.B. No. 2236, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2236, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A GEOTHERMAL-TO-HYDROGEN TAX CREDIT," passed First Reading by title and was deferred.

Hse. Com. No. 82, transmitting H.B. No. 2237, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2237, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A HYDROELECTRIC TAX CREDIT," passed First Reading by title and was deferred.

Hse. Com. No. 83, transmitting H.B. No. 2248, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2248, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," passed First Reading by title and was deferred.

Hse. Com. No. 84, transmitting H.B. No. 2249, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2249, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed First Reading by title and was deferred.

Hse. Com. No. 85, transmitting H.B. No. 2251, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2251, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed First Reading by title and was deferred.

Hse. Com. No. 86, transmitting H.B. No. 2278, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2278, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed First Reading by title and was deferred.

Hse. Com. No. 87, transmitting H.B. No. 2298, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 88, transmitting H.B. No. 2306, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2306, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," passed First Reading by title and was deferred.

Hse. Com. No. 89, transmitting H.B. No. 2307, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2307, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC TRANSACTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 90, transmitting H.B. No. 2308, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2308, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed First Reading by title and was deferred.

Hse. Com. No. 91, transmitting H.B. No. 2329, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2329, entitled: "A BILL FOR AN ACT RELATING TO MANAGED COMPETITION," passed First Reading by title and was deferred.

Hse. Com. No. 92, transmitting H.B. No. 2385, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2385, entitled: "A BILL FOR

AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINES OF KAUAI, LLC.," passed First Reading by title and was deferred.

Hse. Com. No. 93, transmitting H.B. No. 2387, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2387, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was deferred.

Hse. Com. No. 94, transmitting H.B. No. 2426, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2426, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," passed First Reading by title and was deferred.

Hse. Com. No. 95, transmitting H.B. No. 2427, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2427, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," passed First Reading by title and was deferred.

Hse. Com. No. 96, transmitting H.B. No. 2429, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2429, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed First Reading by title and was deferred.

Hse. Com. No. 97, transmitting H.B. No. 2453, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2453, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," passed First Reading by title and was deferred.

Hse. Com. No. 98, transmitting H.B. No. 2454, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2454, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed First Reading by title and was deferred.

Hse. Com. No. 99, transmitting H.B. No. 2468, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2468, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed First Reading by title and was deferred.

Hse. Com. No. 100, transmitting H.B. No. 2473, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2473, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed First Reading by title and was deferred.

Hse. Com. No. 101, transmitting H.B. No. 2478, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2478, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT STATUS OF PERSONNEL OF THE HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY," passed First Reading by title and was deferred.

Hse. Com. No. 102, transmitting H.B. No. 2485, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2485, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," passed First Reading by title and was deferred.

Hse. Com. No. 103, transmitting H.B. No. 2500, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2500, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," passed First Reading by title and was deferred.

Hse. Com. No. 104, transmitting H.B. No. 2525, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2525, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS," passed First Reading by title and was deferred.

Hse. Com. No. 105, transmitting H.B. No. 2526, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2526, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was deferred.

Hse. Com. No. 106, transmitting H.B. No. 2527, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2527, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," passed First Reading by title and was deferred.

Hse. Com. No. 107, transmitting H.B. No. 2536, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2536, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," passed First Reading by title and was deferred.

Hse. Com. No. 108, transmitting H.B. No. 2537, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2537, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed First Reading by title and was deferred.

Hse. Com. No. 109, transmitting H.B. No. 2449, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2449, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed First Reading by title and was deferred.

Hse. Com. No. 110, transmitting H.B. No. 2554, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2554, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed First Reading by title and was deferred.

Hse. Com. No. 111, transmitting H.B. No. 2563, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2563, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS," passed First Reading by title and was deferred.

Hse. Com. No. 112, transmitting H.B. No. 2565, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2565, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed First Reading by title and was deferred.

Hse. Com. No. 113, transmitting H.B. No. 2595, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2595, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," passed First Reading by title and was deferred.

Hse. Com. No. 114, transmitting H.B. No. 2613, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2613, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND

THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was deferred.

Hse. Com. No. 115, transmitting H.B. No. 2638, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2638, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," passed First Reading by title and was deferred.

Hse. Com. No. 116, transmitting H.B. No. 2659, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2659, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," passed First Reading by title and was deferred.

Hse. Com. No. 117, transmitting H.B. No. 2710, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," passed First Reading by title and was deferred.

Hse. Com. No. 118, transmitting H.B. No. 2726, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2726, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF STATE GOVERNMENT," passed First Reading by title and was deferred.

Hse. Com. No. 119, transmitting H.B. No. 2738, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2738, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE," passed First Reading by title and was deferred.

Hse. Com. No. 120, transmitting H.B. No. 2741, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2741, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," passed First Reading by title and was deferred.

Hse. Com. No. 121, transmitting H.B. No. 2752, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2752, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND

VOCATIONAL LICENSES," passed First Reading by title and was deferred.

Hse. Com. No. 122, transmitting H.B. No. 2764, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2764, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed First Reading by title and was deferred.

Hse. Com. No. 123, transmitting H.B. No. 2821, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2821, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 124, transmitting H.B. No. 2832, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2832, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed First Reading by title and was deferred.

Hse. Com. No. 125, transmitting H.B. No. 2837, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2837, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed First Reading by title and was deferred.

Hse. Com. No. 126, transmitting H.B. No. 2844, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2844, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 61) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 61 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR 'MUST-CARRY' LEGISLATION."

Offered by: Senator English.

SENATE RESOLUTION

The following resolution (S.R. No. 31) was read by the Clerk and was deferred:

Senate Resolution

No. 31 "SENATE RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR 'MUST-CARRY' LEGISLATION."

Offered by: Senator English.

ORDER OF THE DAY

MATTERS DEFERRED FROM FRIDAY, MARCH 1, 2002

REFERRAL OF HOUSE BILLS

H.B. No. 680, H.D. 2 (Hse. Com. No. 42):

By unanimous consent, action on H.B. No. 680, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," was deferred until Thursday, March 7, 2002.

H.B. No. 1717, H.D. 2 (Hse. Com. No. 43):

By unanimous consent, action on H.B. No. 1717, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," was deferred until Thursday, March 7, 2002.

H.B. No. 1725, H.D. 1 (Hse. Com. No. 44):

By unanimous consent, action on H.B. No. 1725, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," was deferred until Thursday, March 7, 2002.

H.B. No. 1727, H.D. 1 (Hse. Com. No. 45):

By unanimous consent, action on H.B. No. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL," was deferred until Thursday, March 7, 2002.

H.B. No. 1768, H.D. 1 (Hse. Com. No. 46):

By unanimous consent, action on H.B. No. 1768, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," was deferred until Thursday, March 7, 2002.

H.B. No. 2030, H.D. 1 (Hse. Com. No. 47):

By unanimous consent, action on H.B. No. 2030, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," was deferred until Thursday, March 7, 2002.

H.B. No. 2166, H.D. 1 (Hse. Com. No. 48):

By unanimous consent, action on H.B. No. 2166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, March 7, 2002.

H.B. No. 2235, H.D. 2 (Hse. Com. No. 49):

By unanimous consent, action on H.B. No. 2235, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Thursday, March 7, 2002.

H.B. No. 2302, H.D. 2 (Hse. Com. No. 50):

By unanimous consent, action on H.B. No. 2302, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR

VEHICLE DRIVERS' LICENSES," was deferred until Thursday, March 7, 2002.

H.B. No. 2311, H.D. 2 (Hse. Com. No. 51):

By unanimous consent, action on H.B. No. 2311, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," was deferred until Thursday, March 7, 2002.

H.B. No. 2460, H.D. 2 (Hse. Com. No. 52):

By unanimous consent, action on H.B. No. 2460, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Thursday, March 7, 2002.

H.B. No. 2531, H.D. 2 (Hse. Com. No. 53):

By unanimous consent, action on H.B. No. 2531, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," was deferred until Thursday, March 7, 2002.

H.B. No. 2581 (Hse. Com. No. 54):

By unanimous consent, action on H.B. No. 2581, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSING," was deferred until Thursday, March 7, 2002.

H.B. No. 2582 H.D. 1 (Hse. Com. No. 55):

By unanimous consent, action on H.B. No. 2582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Thursday, March 7, 2002.

H.B. No. 2599, H.D. 2 (Hse. Com. No. 56):

By unanimous consent, action on H.B. No. 2599, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," was deferred until Thursday, March 7, 2002.

H.B. No. 2718, H.D. 1 (Hse. Com. No. 57):

By unanimous consent, action on H.B. No. 2718, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS FOR THE UNIVERSITY OF HAWAII," was deferred until Thursday, March 7, 2002.

H.B. No. 2744, H.D. 1 (Hse. Com. No. 58):

By unanimous consent, action on H.B. No. 2744, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," was deferred until Thursday, March 7, 2002.

THIRD READING

MATTERS DEFERRED FROM THURSDAY, FEBRUARY 28, 2002

S.B. No. 2810, S.D. 2:

On motion by Senator Inouye, seconded by Senator Kanno and carried, S.B. No. 2810, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," having been read throughout,

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

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

S.B. No. 2264, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Chumbley and carried, S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2529, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2625, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2627, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2629, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2632:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2632, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2650:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2650, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS,"

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

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

S.B. No. 2651, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2696, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2518, S.D. 1:

On motion by Senator Buen, seconded by Senator Matsunaga and carried, S.B. No. 2518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

THIRD READING

S.B. No. 1157:

On motion by Senator Nakata, seconded by Senator Ihara and carried, S.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2784, S.D. 1:

On motion by Senator Nakata, seconded by Senator Ihara and carried, S.B. No. 2784, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2788:

On motion by Senator Nakata, seconded by Senator Ihara and carried, S.B. No. 2788, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2462 (S.B. No. 2183):

On motion by Senator Kim, seconded by Senator English and carried, Stand. Com. Rep. No. 2462 was adopted and S.B. No. 2183, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2062, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2126, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2472 (S.B. No. 2335):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2472 was adopted and S.B. No. 2335, entitled: "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2474 (S.B. No. 2337, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2474 was adopted and S.B. No. 2337, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2476 (S.B. No. 2481, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2476 was adopted and S.B. No. 2481, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2630:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2630, entitled: "A BILL FOR AN ACT RELATING TO VENUE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2695, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2695, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2481 (S.B. No. 2552, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2481 was adopted and S.B. No. 2552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2483 (S.B. No. 2620):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2483 was adopted and S.B. No. 2620, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2484 (S.B. No. 2691, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2484 was adopted and S.B. No. 2691, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2485 (S.B. No. 2624, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2485 was adopted and S.B. No. 2624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2486 (S.B. No. 2633, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2486 was adopted and S.B. No. 2633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2489 (S.B. No. 2692):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2489 was adopted and S.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN," having been read

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

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

Stand. Com. Rep. No. 2490 (S.B. No. 2693):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2490 was adopted and S.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2491 (S.B. No. 2704, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2491 was adopted and S.B. No. 2704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2492 (S.B. No. 2705):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2492 was adopted and S.B. No. 2705, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2494 (S.B. No. 2730, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2494 was adopted and S.B. No. 2730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2495 (S.B. No. 2731, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2495 was adopted and S.B. No. 2731, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2496 (S.B. No. 2754):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2496 was adopted and S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2497 (S.B. No. 2765, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2497 was adopted and S.B. No. 2765, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2499 (S.B. No. 2791, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2499 was adopted and S.B. No. 2791, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2501 (S.B. No. 2795, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2501 was adopted and S.B. No. 2795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2503 (S.B. No. 2840, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2503 was adopted and S.B. No. 2840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2504 (S.B. No. 3031, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2504 was adopted and S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2505 (S.B. No. 3040, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2505 was adopted and S.B. No. 3040, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2508 (S.B. No. 2093, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2508 was adopted and S.B. No. 2093, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2509 (S.B. No. 2234, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2509 was adopted and S.B. No. 2234, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2510 (S.B. No. 2291):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2510 was adopted and S.B. No. 2291, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 - SECURED TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2513 (S.B. No. 2837):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2513 was adopted and S.B. No. 2837, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2514 (S.B. No. 2990, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2514 was adopted and S.B. No. 2990, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME STOPPERS ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2046, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2523, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2523, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2685:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2708, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.B. No. 2708, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2728, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.B. No. 2728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2524 (S.B. No. 2094, S.D. 2):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2524 was adopted and S.B. No. 2094, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2525 (S.B. No. 2721, S.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2525 was adopted and S.B. No. 2721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2526 (S.B. No. 2725):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2526 was adopted and S.B. No. 2725, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2528 (S.B. No. 2769):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2528 was adopted and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read

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

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

Stand. Com. Rep. No. 2529 (S.B. No. 2772):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2529 was adopted and S.B. No. 2772, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2530 (S.B. No. 2121, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2530 was adopted and S.B. No. 2121, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2531 (S.B. No. 2132, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2531 was adopted and S.B. No. 2132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2532 (S.B. No. 2136, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2532 was adopted and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2533 (S.B. No. 2184, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2533 was adopted and S.B. No. 2184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2534 (S.B. No. 2228, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2534 was adopted and S.B. No. 2228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2536 (S.B. No. 2242, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2536 was adopted and S.B. No. 2242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2537 (S.B. No. 2245, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2537 was adopted and S.B. No. 2245, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2538 (S.B. No. 2345, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2538 was adopted and S.B. No. 2345, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2539 (S.B. No. 2482):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2539 was adopted and S.B. No. 2482, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2540 (S.B. No. 2665, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2540 was adopted and S.B. No. 2665, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2542 (S.B. No. 2931, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2542 was adopted and S.B. No. 2931, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2543 (S.B. No. 3038, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2543 was adopted and S.B. No. 3038, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN APICULTURE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2545 (S.B. No. 2703, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2545 was adopted and S.B. No. 2703, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2546 (S.B. No. 2722, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2546 was adopted and S.B. No. 2722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2547 (S.B. No. 2723, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2547 was adopted and S.B. No. 2723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2548 (S.B. No. 2724, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2548 was adopted and S.B. No. 2724, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2549 (S.B. No. 2726, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2549 was adopted and S.B. No. 2726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2555 (S.B. No. 2033, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2555 was adopted and S.B. No. 2033, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN

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

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

Stand. Com. Rep. No. 2556 (S.B. No. 2035):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2556 was adopted and S.B. No. 2035, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2561 (S.B. No. 2099, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2561 was adopted and S.B. No. 2099, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2563 (S.B. No. 2205):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2563 was adopted and S.B. No. 2205, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2565 (S.B. No. 2224):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2565 was adopted and S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2566 (S.B. No. 2233, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2566 was adopted and S.B. No. 2233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PARENT-COMMUNITY NETWORKING CENTER PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2568 (S.B. No. 2283, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2568 was adopted and S.B. No. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2569 (S.B. No. 2284, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2569 was adopted and S.B. No. 2284, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2571 (S.B. No. 2619, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2571 was adopted and S.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2573 (S.B. No. 2662, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2573 was adopted and S.B. No. 2662, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2574 (S.B. No. 2680):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2574 was adopted and S.B. No. 2680, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2575 (S.B. No. 2741, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2575 was adopted and S.B. No. 2741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2576 (S.B. No. 2792, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2576 was adopted and S.B. No. 2792, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2578 (S.B. No. 2938):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2578 was adopted and S.B. No. 2938, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2582 (S.B. No. 2232, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2582 was adopted and S.B. No. 2232, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2584 (S.B. No. 2869, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2584 was adopted and S.B. No. 2869, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2587 (S.B. No. 1399, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2587 was adopted and S.B. No. 1399, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY AMBULANCE SERVICE ON THE ISLAND OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2588 (S.B. No. 2026, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2588 was adopted and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2589 (S.B. No. 2052):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2589 was adopted and S.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2593 (S.B. No. 2150, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2593 was adopted and S.B. No. 2150, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2595 (S.B. No. 2274, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2595 was adopted and S.B. No. 2274, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUPPORT FOR THE CASE MANAGEMENT PROGRAM OF THE MAUI AIDS FOUNDATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2596 (S.B. No. 2275, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2596 was adopted and S.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MAUI ADULT DAY CARE CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2597 (S.B. No. 2351, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2597 was adopted and S.B. No. 2351, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2598 (S.B. No. 2432, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2598 was adopted and S.B. No. 2432, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2599 (S.B. No. 2591, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2599 was adopted and S.B. No. 2591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HANA COMMUNITY HEALTH CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2603 (S.B. No. 2764, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2603 was adopted and S.B. No. 2764, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO VITAL STATISTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2607 (S.B. No. 2776, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2607 was adopted and S.B. No. 2776, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2608 (S.B. No. 2781):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2608 was adopted and S.B. No. 2781, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2610 (S.B. No. 2867, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2610 was adopted and S.B. No. 2867, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2611 (S.B. No. 2881, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2611 was adopted and S.B. No. 2881, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2612 (S.B. No. 2944, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2612 was adopted and S.B. No. 2944, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH-CARE PROVIDERS OF THE MEDICALLY UNDERSERVED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2613 (S.B. No. 3047, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2613 was adopted and S.B. No. 3047, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIPAHU COMMUNITY ADULT DAY HEALTH CENTER AND YOUTH DAY CARE CENTER PILOT PROJECT," having

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

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

Stand. Com. Rep. No. 2615 (S.B. No. 3077, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2615 was adopted and S.B. No. 3077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2616 (S.B. No. 1381, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2616 was adopted and S.B. No. 1381, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2617 (S.B. No. 2223, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2617 was adopted and S.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2618 (S.B. No. 2634, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2618 was adopted and S.B. No. 2634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2619 (S.B. No. 2819, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2619 was adopted and S.B. No. 2819, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2620 (S.B. No. 2821, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2620 was adopted and S.B. No. 2821, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2621 (S.B. No. 941, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2621 was adopted and S.B. No. 941, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2622 (S.B. No. 2078, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2622 was adopted and S.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2623 (S.B. No. 2111):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2623 was adopted and S.B. No. 2111, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2624 (S.B. No. 2114, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2624 was adopted and S.B. No. 2114, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2628 (S.B. No. 2571):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2628 was adopted and S.B. No. 2571, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2629 (S.B. No. 2715, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2629 was adopted and S.B. No. 2715, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2631 (S.B. No. 2757, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2631 was adopted and S.B. No. 2757, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2632 (S.B. No. 2758, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2632 was adopted and S.B. No. 2758, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2635 (S.B. No. 2789, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2635 was adopted and S.B. No. 2789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2638 (S.B. No. 3008, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2638 was adopted and S.B. No. 3008, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2639 (S.B. No. 3010, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2639 was adopted and S.B. No. 3010, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2641 (S.B. No. 2421, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2641 was adopted and S.B. No. 2421, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2642 (S.B. No. 2635, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2642 was adopted and S.B. No. 2635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout,

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

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

Stand. Com. Rep. No. 2643 (S.B. No. 2875, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2643 was adopted and S.B. No. 2875, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2644 (S.B. No. 2904, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2644 was adopted and S.B. No. 2904, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANAE COAST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2645 (S.B. No. 2068, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2645 was adopted and S.B. No. 2068, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2647 (S.B. No. 2221):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2647 was adopted and S.B. No. 2221, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2650 (S.B. No. 2331, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2650 was adopted and S.B. No. 2331, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2651 (S.B. No. 2488, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2651 was adopted and S.B. No. 2488, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2653 (S.B. No. 2702, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2653 was adopted and S.B. No. 2702, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2654 (S.B. No. 2736, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2654 was adopted and S.B. No. 2736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT STATUS OF PERSONNEL OF THE HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2655 (S.B. No. 2737):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2655 was adopted and S.B. No. 2737, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2656 (S.B. No. 2785, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2656 was adopted and S.B. No. 2785, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2657 (S.B. No. 2817, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2657 was adopted and S.B. No. 2817, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2660 (S.B. No. 2003, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2660 was adopted and S.B. No. 2003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION," having been

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

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

Stand. Com. Rep. No. 2661 (S.B. No. 2179, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2661 was adopted and S.B. No. 2179, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2662 (S.B. No. 2238, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2662 was adopted and S.B. No. 2238, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2663 (S.B. No. 2516, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2663 was adopted and S.B. No. 2516, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2664 (S.B. No. 2615, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2664 was adopted and S.B. No. 2615, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2665 (S.B. No. 2667):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2665 was adopted and S.B. No. 2667, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2666 (S.B. No. 2669):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2666 was adopted and S.B. No. 2669, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROJECTS ON THE ISLANDS OF MAUI AND HAWAII," having been read

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

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

Stand. Com. Rep. No. 2667 (S.B. No. 2713, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2667 was adopted and S.B. No. 2713, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2670 (S.B. No. 2811):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2670 was adopted and S.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2671 (S.B. No. 2824, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2671 was adopted and S.B. No. 2824, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2814:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2827, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 2827, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFORMITY OF THE STATE TAX LAWS TO THE UNITED STATES CONSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2899:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2678 (S.B. No. 2934):

On motion by Senator Kim, seconded by Senator English and carried, Stand. Com. Rep. No. 2678 was adopted and S.B. No. 2934, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2679 (S.B. No. 2075, S.D. 2):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2679 was adopted and S.B. No. 2075, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2680 (S.B. No. 2106, S.D. 2):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2680 was adopted and S.B. No. 2106, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2008, S.D. 1:

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, S.B. No. 2008, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2001, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 2001, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2323:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2323, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2277:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2277, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSE PLATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2313:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2313, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2314:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2314, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2315, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2315, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TRANSFERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2609, S.D. 1:

On motion by Senator Tam, seconded by Senator Ige and carried, S.B. No. 2609, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3017:

On motion by Senator Kim, seconded by Senator English and carried, S.B. No. 3017, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SYMBOLS AND TRADEMARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2692 (S.B. No. 2131, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2692 was adopted and S.B. No. 2131, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2693 (S.B. No. 2666, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2693 was adopted and S.B. No. 2666, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS," having been

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

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

Stand. Com. Rep. No. 2701 (S.B. No. 2069, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2701 was adopted and S.B. No. 2069, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2705 (S.B. No. 2793, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2705 was adopted and S.B. No. 2793, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2706 (S.B. No. 2926, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2706 was adopted and S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2712 (S.B. No. 2276, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2712 was adopted and S.B. No. 2276, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI FOOD BANK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2716 (S.B. No. 2829, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2716 was adopted and S.B. No. 2829, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF PERSONS WITH IMPAIRED SIGHT OR HEARING OR WHO ARE TOTALLY DISABLED THAT ARE ENGAGED IN BUSINESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2718 (S.B. No. 2964, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2718 was adopted and S.B. No. 2964, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," having been

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

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

Stand. Com. Rep. No. 2719 (S.B. No. 2985, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2719 was adopted and S.B. No. 2985, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2721 (S.B. No. 2457, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2721 was adopted and S.B. No. 2457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2723 (S.B. No. 2112, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2723 was adopted and S.B. No. 2112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2725 (S.B. No. 3078, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2725 was adopted and S.B. No. 3078, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2727 (S.B. No. 2556, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2727 was adopted and S.B. No. 2556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2730 (S.B. No. 2137, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2730 was adopted and S.B. No. 2137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2731 (S.B. No. 2246, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2731 was adopted and S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2732 (S.B. No. 2382, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2732 was adopted and S.B. No. 2382, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2733 (S.B. No. 2526, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2733 was adopted and S.B. No. 2526, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2734 (S.B. No. 2550, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2734 was adopted and S.B. No. 2550, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2737 (S.B. No. 3048, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2737 was adopted and S.B. No. 3048, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2743 (S.B. No. 2266, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2743 was adopted and S.B. No. 2266, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2744 (S.B. No. 2278, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2744 was adopted and S.B. No. 2278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMBINED HEAT AND POWER SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2746 (S.B. No. 2804):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2746 was adopted and S.B. No. 2804, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2831, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 2831, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2036, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, S.B. No. 2036, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2755 (S.B. No. 2231, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2755 was adopted and S.B. No. 2231, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHŌ'OLAWĒ ISLAND RESERVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2756 (S.B. No. 2039, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2756 was adopted and S.B. No. 2039, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2757 (S.B. No. 2041, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2757 was adopted and S.B. No. 2041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read

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

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

Stand. Com. Rep. No. 2758 (S.B. No. 2149, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2758 was adopted and S.B. No. 2149, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2759 (S.B. No. 2684, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2759 was adopted and S.B. No. 2684, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2760 (S.B. No. 2686, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2760 was adopted and S.B. No. 2686, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2762 (S.B. No. 2818, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2762 was adopted and S.B. No. 2818, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2764 (S.B. No. 2422, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2764 be adopted and S.B. No. 2422, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Kim requested her remarks be inserted into the Journal and the Chair having so ordered, Senator Kim's remarks read as follows:

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

"The purpose of this bill is to increase the time period between mandatory motor vehicle safety inspections for most vehicles that require such an inspection.

- Annual safety inspections are burdensome, particularly for those businesses that already conduct inspections on a regular basis due to company and government regulations.
- New cars should not have to do vehicle inspections within the first two years of age. For example, 'rental motor

vehicles, under the age of two, are new and still under warranty.’

- After each rental, the vehicles are checked, and if there are any problems, they are corrected before the vehicle is rented again.
- Frequent safety inspections become costly.
- According to Hawaiian Electric Company (HECO), this bill would ‘reduce their operating expenses without impairing the safety of their vehicles.’
- With over 198 trucks in the 10,000+ pounds category, these expenses average \$17,000 per inspection cycle.
- ‘The change to annual inspections would save the companies and customers who pay electric bills, \$17,000 per year.’
- According to the Hawaii Transportation Association, commercial motor vehicles are already required by Federal and state regulations to have annual inspections, especially prior to a driver driving that vehicle.
- According to a study conducted by mainland management consulting firm, KPMG, researchers were ‘unable to detect any significant statistical relationship between the number of fatal accidents and the presence of vehicle inspection programs.’
- In Hawaii, although gasoline stations actually check and inspect, they do not get evaluated. Instead they get inspected at least once every two months.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2764 was adopted and S.B. No. 2422, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2767 (S.B. No. 2808, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2767 was adopted and S.B. No. 2808, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2310, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, S.B. No. 2310, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2320:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2320, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read

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

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

S.B. No. 2341, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2341, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2775 (S.B. No. 2490, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2775 was adopted and S.B. No. 2490, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COFFEE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2289, S.D. 1:

On motion by Senator Tam, seconded by Senator Matsunaga and carried, S.B. No. 2289, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2777 (S.B. No. 2971, S.D. 2):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 2777 was adopted and S.B. No. 2971, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2779 (S.B. No. 2334, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2779 was adopted and S.B. No. 2334, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TOWING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2780 (S.B. No. 2134):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2780 was adopted and S.B. No. 2134, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2781 (S.B. No. 2768, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2781 was adopted and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2782 (S.B. No. 2498, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2782 was adopted and S.B. No. 2498, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2470, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2787 (S.B. No. 2912, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2787 was adopted and S.B. No. 2912, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AQUACULTURE PRODUCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2789 (S.B. No. 2375, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2789 was adopted and S.B. No. 2375, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HIRE SECURITY GUARDS AND TO PURCHASE SECURITY CAMERAS FOR SENIOR AND DISABLED RESIDENCE COMPLEX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2790 (S.B. No. 2885, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2790 was adopted and S.B. No. 2885, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2750, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 2750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having

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

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

Stand. Com. Rep. No. 2797 (S.B. No. 3020, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2797 was adopted and S.B. No. 3020, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SERVICES TO LOW-INCOME INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2799 (S.B. No. 2139, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2799 was adopted and S.B. No. 2139, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2801 (S.B. No. 3063, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2801 was adopted and S.B. No. 3063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2804 (S.B. No. 3011, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2804 was adopted and S.B. No. 3011, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXPENSES OF THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2805 (S.B. No. 2021, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2805 was adopted and S.B. No. 2021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENROLLMENT IN THE CHILDREN'S HEALTH INSURANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2806 (S.B. No. 2500, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2806 was adopted and S.B. No. 2500, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2807 (S.B. No. 2210, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2807 was adopted and S.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL COUNSELORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2814 (S.B. No. 2613, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2814 was adopted and S.B. No. 2613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2816 (S.B. No. 2445, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2816 was adopted and S.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2817 (S.B. No. 2087, S.D. 2):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2817 was adopted and S.B. No. 2087, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2701, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.B. No. 2701, S.D. 1, entitled: "A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2288:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2288, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG DEALER LIABILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2826 (S.B. No. 2898, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2826 was adopted and S.B. No. 2898, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2471, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.B. No. 2471, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2830 (S.B. No. 2505, S.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Stand. Com. Rep. No. 2830 was adopted and S.B. No. 2505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

THIRD READING

MATTER DEFERRED FROM THURSDAY, FEBRUARY 28, 2002

S.B. No. 2125:

Senator Kanno moved that S.B. No. 2125, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

At 10:21 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:22 o'clock a.m.

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

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

"We support the general intent of the bill in terms of allowing admission of evidence in domestic violence cases, and certainly, we want to take care of domestic violence victims. However, the Judiciary's recommendation was to send this through the Supreme Court Standing Committee on the Rules of Evidence since that is the function of that committee, and we believe that's a good idea because this does need more scrutiny in the Rules of Evidence. And some factors are given for consideration but there's no definition of 'substantial' within the bill. When it talks about abuse against cohabitant it's defined as someone living with another for a 'substantial period of time resulting in some permanency of relationship.'

"So we support the bill, but we think that it needs tightening up and it should go to the Judiciary for their additional scrutiny.

"Thank you."

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

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

"This bill does move the criminal evidence process in the right direction. But unfortunately, it's extremely discriminatory because it singles out one particular pattern of crime and leaves out so many others that should be included. And in doing so it becomes extremely politically correct, but does not serve the criminal justice system in a fair and equitable manner. If there is a pattern of crime, whether it be sexual, violence, or otherwise, all rules of evidence should accommodate prior acts that are against the law in these areas, not just one particular type of law breaking.

"So, for this reason I laud the effort to make the system more accountable, but it should be done with all heinous crimes, not just one.

"Thank you, Mr. President."

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

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

"I think the two previous speakers have hit the point on the Rules of Evidence Committee having the opportunity to look at this, but my concerns are on the definitions of cohabitant and domestic violence. I'm concerned that some of the definitions as written here may cause additional problems, and I would just urge caution as this measure moves forward.

"Thank you."

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

The motion was put by the Chair and carried, S.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

THIRD READING

There being no objections, consideration of the following Senate bill was advanced to consider the offering of a floor amendment:

At 10:25 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:28 o'clock a.m.

Stand. Com. Rep. No. 2699 (S.B. No. 2032, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 2699 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Taniguchi moved that S.B. No. 2032, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa and carried.

Senator Ige then offered the following amendment (Floor Amendment No. 2) to S.B. No. 2032, S.D. 2:

SECTION 1. Senate Bill No. 2032, S.D. 1, is amended by amending section 302A-411, Hawaii Revised Statutes,

subsection (c) as amended by Section 2 of the bill to read as follows:

“(a) The department shall establish and maintain kindergartens with a program of instruction as a part of the public school system; provided that attendance shall not be mandatory. No child shall attend any kindergarten unless the child will be at least five years of age ~~[on or]~~ before ~~[December 31]~~ January 1 of the school year; provided that ~~[a child attending a school that convenes after the regular school schedule shall be five years of age on or before one hundred twenty-five days following the date the school convenes; and provided further that the board shall develop informational guidance to promote the understanding of a child's readiness for kindergarten.]~~ beginning with the 2005-2006 school year, no child shall attend any kindergarten unless the child will be at least five years of age before October 1 of the school year unless otherwise provided for under this subsection. For the 2005-2006 school year and in each succeeding school year thereafter, the department shall make available, upon request, to parents or guardians, an appropriate readiness assessment of children entering kindergarten who will not be five years of age before July 1 of the school year. If a child who is not at least five years of age before July 1 of the school year in which the child is to enroll in kindergarten, is assessed as ready to enter kindergarten, then the department shall allow the child to enroll.”

Senator Ige moved that Floor Amendment No. 2 be adopted, seconded by Senator Chumbley.

Senator Ige rose to speak in favor of the motion and said:

"Mr. President, I urge all of my colleagues to vote in support of this floor amendment.

"The Senate Education Committee, in hearing this measure, had proposed to make two amendments to respond to concerns raised by testifiers.

"This bill proposes to change the entry date for children being eligible to start kindergarten in our public schools. The Senate Committee on Education had agreed in their decision-making to make two amendments to this bill. The first would provide that an assessment be made available to parents that would be affected by this change, and essentially, all children that are assessed to be ready be allowed to enroll in school.

"The second amendment that the Committee agreed to was to channel any savings that would be generated from this change in the entrance date into pre-school programs and other programs that would allow children that are not ready to enter school to benefit from being in education.

"The proposed drafts, S.B. No. 2032, S.D. 1, and S.D. 2, did not include the requirement for an assessment, and as such, I believe this floor amendment more accurately reflects the decisions made in the Senate Education Committee.

"Thank you."

Senator Sakamoto rose to speak in favor of the amendment and stated:

"Mr. President, I rise in support of the amendment, and I'd like to read a memo that I sent back to the Education Committee members in response to the concerns raised: 'I've reviewed the Senate Bill 2032, S.D. 1, Standing Committee Report 2222, and it does not reflect the action taken by the Senate Committee on Education on February 1, 2002. The bill should be corrected to reflect the appropriate amendments' . . . no, I'm sorry, I'm

reading Senator Ige's letter. (Laughter.) I'm sorry, I was intending to read my response. Senator Ige in that letter pointed out that the bill didn't reflect what the Committee had voted on. So, this memo is to apprise all members that Senate Bill 2032 was passed out of the Education Committee with the understanding that the measure would be amended to include school readiness testing for those students affected by the advancement of the kindergarten entry age. While readiness was added as one of the early education programs to which savings could be allotted, the amendment as discussed and voted on was not included. When Senator Ige pointed out this mistake, I contacted the Chair of Ways and Means to request that the measure be amended in his Committee. Unfortunately, the bill had already passed out, but he agreed to reflect the expressed wishes of the Education Committee in the Ways and Means Standing Committee report.

"Discussions on this measure are continuing at a February 27th meeting at which EDU members were invited. Early education advocates identified ways of mitigating impact to families, schools and communities. In writing this letter I said, 'I hope you will be able to participate in the follow-up meeting currently scheduled for March 18. Specifics on time and place will be provided as they are confirmed.'

"So Mr. President, this is an important issue and your Chair of Education hopes that the measure can continue, and readiness is an issue that needs to be addressed, but there are other concerns and we're having on-going discussions, Mr. President.

"Thank you."

At 10:33 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:34 o'clock a.m.

Senator Hogue rose to speak in support of the amendment and stated:

"Mr. President, I rise to speak in support of this amendment and this measure.

"This bill would allow Hawaii to conform with similar kindergarten entry ages around the country, and as a parent I have been a strong advocate of this in my home. All of my children were born in the so-called latter part of the year, as covered by this bill, after July 1. As such, my wife and I started each of them in school a year late and we have seen the benefits through the years. Years later we know that we made the right decision.

"On the other side of the coin, my late wife used to be a kindergarten teacher at Kaneohe Elementary School. She taught the lowest of the low kinds. She commented to me on several occasions how she could tell the students in her class how they acted, how attentive they were, etc., etc., strictly on the basis of their birth dates. She told me that she wished the parents didn't have to send their kids to school before they were ready. Her cut-off date, just like this bill, was July 1.

"To address some of the concerns, I agree with the amendment that has been offered by Senators Ige and Sakamoto that would allow students who wish to enter early an opportunity to do so. No reason to hold back children whom parents believe are ready and this readiness situation should get them prepared.

"I urge you all to vote 'yes.' Thank you."

The motion to adopt Floor Amendment No. 2 was put by the Chair and Carried.

By unanimous consent, S.B. No. 2032, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was placed on the calendar for Third Reading on Thursday, March 7, 2002.

S.B. No. 2787:

Senator Nakata moved that S.B. No. 2787, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Sakamoto rose to speak against the measure and stated:

"Mr. President, I rise in opposition to S.B. No. 2787.

"Basically, the purpose of this measure is to raise the guaranteed monthly compensation ceiling for salaried employees from \$1,250 to \$2,000 per month. When you get down to basics, Hawaii businesses cannot afford any more mandated cost increases during these already difficult economic times.

"Additionally, the committee report says that this increase is necessary to establish equity between salaried workers and hourly wage earners whose wages will be affected by the minimum wage increase. The examples cited to justify the measure shows that an increase of \$152 a month for the minimum wage earner who averages 20 hours overtime per week, this represents an 8.7 percent increase. However, the increase provided in this measure for the minimum salaried employee who may or may not work any overtime would be \$750 or a 60 percent increase. I do not consider this equity.

"So as you vote on this measure, please consider the additional burden to employers who are trying to keep their people employed and the workers who may lose their jobs simply because employers cannot afford a 60 percent increase in cost.

"Thank you."

Senator Slom rose to oppose the measure and stated:

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

"The good Senator from Moanalua pointed out many failing aspects of the law. I would also add that during the testimony in the Labor Committee I asked the Department of Labor how they derived the \$2,000 figure and it was just a figure that they pulled from the air. There was no calculation for it. There was no comparison with anything else. It was just a figure that they thought sounded good. It only applies to the private sector and it does, as the good Senator mentioned, have the potential to impact negatively on employers. And I would remind the body that it is common practice for employers who require their employees to work overtime, to give them compensatory time in lieu of overtime and other flexible matters. So we want to continue with that process.

"I urge my colleagues to vote 'no,' as well. Thank you."

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

The motion was put by the Chair and carried, S.B. No. 2787, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW," having been read throughout,

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

Ayes, 19. Noes, 6 (Chumbley, Hemmings, Hogue, Ige, Sakamoto, Slom).

S.B. No. 2982:

Senator Matsuura moved that S.B. No. 2982, having been read throughout, pass Third Reading, seconded by Senator Buen.

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

"Mr. President, I rise to speak with reservations to this measure.

"This bill is well intended. In fact, I understand that one of our Senators, the good Senator from Hana, had a personal experience that brought him to write this bill. But it appears to protect such patient personal effects as dentures, glasses, hearing aids, etc., but it actually amounts to overkill rather than good legislation.

"First off, when a patient's personal effects are lost or missing in the hospital, the law says the burden of liability, responsibility and proof is on the hospital. As the bill reads, in section 1, paragraph B, the hospital must establish to the satisfaction of the patient or the patient's representative that the missing personal effects are a result of an act by the patient or the patient's visitors. Thus the patient in the process is essentially the judge and the jury.

"Secondly, as a penalty for the offense of losing the missing item, whether it ends up being a hearing aid, glasses or whatever, the bill requires the hospital to pay the patient three times the value of the replacement cost – not just the replacement cost, three times the cost. Furthermore, the bill states that if the hospital doesn't do this within 60 days from starting proceedings, then the hospital shall be liable for six times the cost – six times. I don't think there is anywhere else in the law where we do this.

"Mr. President, this seems to be a little bit more vindictive than good legislation. For that reason I point out, despite its good intentions, I will vote with reservations.

"Thank you."

Senator English rose to speak in favor of the measure and stated

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

"You know, Mr. President, many of you know that my grandmother passed away last year, Violet Soong English and I had a very interesting encounter with Queen's Hospital on this. They lost her dentures. Probably about, I would say, 60 days before she passed, they lost her dentures, and it made the last months of her life absolutely miserable.

"Now, the first reaction that I had from Queen's when I went in to see her (and I'm in shorts and a T-shirt and I'm the grandson to visit her) was that I said, 'where's her dentures?' And the first thing that I heard was 'We're not liable, it's not our fault.' We're not liable; it's not our fault. That wasn't the question. The question was 'where is my grandmother's dentures?' So, after much back and forth in dealing with the administration at Queen's, which was rude and quite without compassion towards my grandmother's situation, all they cared

about was 'we're not liable.' Even though, Mr. President and colleagues, when we checked my grandmother into the hospital, we did an inventory of her personal effects. And when you leave the hospital you do an inventory of what's there. That is a contract with the hospital – that there is a duty of care that the hospital has: to help you maintain your personal effects.

"Till this day, we've not resolved this issue with Queen's. And what they told me, Mr. President, by the way, before they figured out what I do, was they said, 'Well, you know, we're not responsible and it's our risk managers that deal with this. Go out and get her another pair of dentures; we're not responsible.' So I did that. And I discovered many of our kupuna, many of our elders at dental clinics replacing dentures that they lost, and I started talking with them as I'm waiting for my grandmother and listening to their stories. And the underlying very same issue was there. Then I asked them about other effects. They said, 'Well, you know, our glasses and hearing aids, Medicare and Medicaid does not cover the replacement cost of these things. The hospitals will not do the replacements.' My grandmother passed 60 days after the hospitalization. Till today we've not resolved this. What I have, Mr. President, is a pair of dentures that I kept because she used them for one day. I paid for them. She passed the next day.

"The point of this bill, colleagues, Mr. President, is that the hospitals have a duty of care. The hospitals have to have some compassion to especially the elderly, but also anyone that comes in. And yes, there is shared responsibility.

"I'm asking in this particular measure that if they don't deal with this within 30 days, then these measures with three times the damages, three times the cost of replacement go into it, because you cannot replace the quality of life of the elderly, the quality of life of someone, especially someone who passes very soon after the hospitalization.

"So, for those reasons, Mr. President, I crafted the bill the way it has been crafted. I ask for my colleagues' support and understanding in this particular measure. Thank you."

Senator Slom rose to oppose the measure and stated:

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

"I certainly agree with many of the things that the good Senator from Hana has just said, and I would have been as angry as he and we should be. I think, however, the problem here is, again, one of trying to direct specific legislation for a problem that may find its answers in either existing liability or tort law, or in other procedures, rather than crafting legislation which is going to penalize everyone, and which from the legal and judiciary standpoint I have a real problem with because there is no procedure for determining proof whatsoever in this. It is a claim or an allegation made by anyone. And again, it punishes the institution without any kind of procedure being set up to adjudicate that.

"Again, there is no excusing the loss or the transference or the theft of anyone's belongings. They're in a position where they have to have absolute trust. But I think we should be very careful in terms of crafting legislation that go after problems or symptoms rather than the cause that we're after.

"Thank you."

Senator Ihara rose and said:

"Mr. President, please note my support for this bill with reservations."

The Chair so ordered.

Senators Hemmings, Matsunaga, Ige, Inouye and Fukunaga then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2982, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2464 (S.B. No. 2009, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2464 be adopted and S.B. No. 2009, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"I have received many calls, and perhaps some of you have as well in your Senate offices, about constituents having concerns about so-called halfway houses that have suddenly shown up in their neighborhood. More than anything else they just want to know what's going on and who is moving in next door or down the street.

"This measure heads in the right direction because it defines the meaning of a halfway house and allows for public notice so that community voices can be heard. However, there's now a legal question that needs to be addressed and it has to do with equality before the law. After this bill is enacted, halfway houses would be the only type of building that would be required to get an extra use permit by state statute. All other buildings only need city and county permits. I only bring this point up because we may be exposing the state to yet another lawsuit.

"And for those reasons, these issues must be addressed. I'll be voting with reservations. Thank you."

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

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

"Mr. President and fellow colleagues, I speak in favor of this bill.

"Senate Bill 2009, S.D. 1, is a good bill. This bill mandates community hearings to express problems in homogeneous settings and lifestyles. This bill encourages public participation, thus, embracing our form of democratic government.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2464 was adopted and S.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2465 (S.B. No. 2037, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2465 be adopted and S.B. No. 2037, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"I think we all support whistleblower legislation. We've done so in the past. We continue to want to try to cut any loopholes and to make it easier for people to come forward. The only problem is there's broad and vague language within this bill – overly broad, in my opinion. Secondly, I think the provisions for rehiring, mandatory rehiring, of employees in certain cases here is a burden to employers. And finally, the extension of the statute of limitations for these causes to two years sounds reasonable, except that if the whole purpose is to report something that is an emergency, that has health and safety and welfare considerations, then one would wonder why any employee or anyone else would need up to two years to report it if it were such an emergency and if it did bare on the health of the employer, the employees, the community or anyone else, unless it has to do with legal action taken later on.

"So for these reasons, I have reservations. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2465 was adopted and S.B. No. 2037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2466 (S.B. No. 2044, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2466 be adopted and S.B. No. 2044, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hogue rose to oppose the measure and stated:

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

"Mr. President, this bill would allow a minor to pick his or her own attorney in certain family court proceedings. On the surface, it does seem well intended because it would allow, for example, an abused minor who has issues with a parent to select his or her own counsel. But there is definitely a slippery slope here.

"This bill results in a fundamental policy change because it changes the laws of competency regarding minors. Currently, parents, even sometimes bad parents, are responsible for their children. This bill would set in motion exceptions to a long held policy of parental rights. I'm a parent. I think I'm a good parent, but I can't imagine any of my four teenage children having the knowledge and the emotional base and the maturity to make such an important decision as picking their own attorney.

“Additionally, there are several other flaws in the bill including definitions of terms like hostile, and who decides if a minor is considered competent to select counsel; also confidentiality concerns and determination of actually who would pay and be responsible for the attorney fees.

“For all of these reasons, Mr. President, I’ll be voting ‘no.’ Thank you.”

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

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

“I read with great interest the first four pages of this document because it cites numerous laws and case laws from around the country. I found that very interesting and I think I should probably read them more to increase my level of comfort. However, I do feel that this is moving in a direction that raises significant concerns, and until such time I’m more prepared to increase that level of comfort, I would have severe reservations about this.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2466 was adopted and S.B. No. 2044, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FAMILY COURT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2468 (S.B. No. 2118, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2468 be adopted and S.B. No. 2118, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose to oppose the measure and stated:

“Mr. President, I rise to speak in opposition to the bill. It’s such a bad bill, I don’t know where to start.

“It would require that in any acquisition, sale or divestiture of a business that the successor firm must retain all prior employees, must pay all benefits and so forth, associated with the prior employment.

“One of the reasons that the business may have failed or sought someone to buy them is because of the total labor cost or because of the non-productivity of certain of the employees. To force a business to do this, and I don’t think there’s any other state that requires this, first of all would make it very difficult to sell any business because what new employer would want to take over the business with that kind of burden. And so what would happen is that those employees that would be given an opportunity for employment and the business that would continue and be a tax paying citizen of the community could be lost entirely.

“So, for these and other reasons it’s a bad bill. I urge my colleagues to vote ‘no.’ Thank you.”

Senator Hemmings rose to speak against the measure and stated:

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

“The Majority Party is wondering why many in this nation regard Hawaii as a business purgatory and some even call it a business hell; why local businesses are going out of business and bankruptcy; or why they’re having to sell their business to offshore ownership. This legislation, as proposed, is a wonderful example of why Hawaii is such a difficult place to do business.

“I’m hoping that the authors of this legislation and those supporting it will see what this does to the business environment in Hawaii and kill it.

“Thank you, Mr. President.”

Senators Kim, Sakamoto, Matsuura, English and Menor then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2468 was adopted and S.B. No. 2118, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Chumbley, Hemmings, Hogue, Ige, Inouye, Matsuura, Slom).

Stand. Com. Rep. No. 2470 (S.B. No. 2307):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2470 was adopted and S.B. No. 2307, entitled: “A BILL FOR AN ACT RELATING TO EVIDENCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2471 (S.B. No. 2309, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2471 be adopted and S.B. No. 2309, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“Mr. President, you may be interested to find out I occasionally ride a few waves on a surfboard, and believe it or not, Mr. President, there are times when the surf is very large and you have to take your surfboard out farther than a mile. And I would tell you, as adroit as some surfers may be, including some on our surfing caucus here at the Legislature, it would be awfully difficult to surf with a radio or an EPIRB machine.

“So for this and other reasons, because of the excessiveness of it, I have my reservations. The intent is laudatory but the application leaves a lot to be desired. I hope my colleagues will amend this bill to accommodate extenuating circumstances.

“Thank you, Mr. President.”

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

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

"Mr. President, also as a member of the surfing caucus, I'm concerned that this bill would require surfers who surf beyond one mile from putting an EPIRB on their surfboard. I haven't tried it yet, but that beeping could kind of get to you after a while.

"My main concern is really not with the surfboard. My main concern is the possibility that this law may be unconstitutional based upon Helen Gilmore's recent decision in the Hanalei boating case. In that decision she specifically mentioned that the commerce clause prohibits the State of Hawaii, unless certain very narrow exceptions are found, from regulating any vessel that has been licensed by the Coast Guard. This bill presumes to put additional regulation on vessels licensed by the Coast Guard. Based upon Judge Gilmore's ruling, she could easily find that this statute is also unconstitutional.

"I might add that there are certain things that Judge Gilmore in her decision allowed the State to get involved with. However, this bill does not attempt to address those questions or those facts or those exemptions, and I believe that as this bill goes further, either in the House or in conference, that the conference members and the Chairs would take very, very seriously what the federal court has stated in that decision.

"Thank you, Mr. President."

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

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

"Mr. President, this was a request from the Coast Guard. Right now it costs the Coast Guard \$9,000 an hour to search for people that are lost. Last year we had a kayak that was lost a whole day, and if you take 24 hours at \$9,000 an hour, that's a lot of money.

"The idea is to take away or limit the search part of search and rescue and to allow the majority of the money to be provided for those that needs to be rescued. So therefore, I urge my colleagues to vote 'aye' on this bill."

Senator English rose to oppose the measure and stated:

"Mr. President, I rise in opposition.

"You know, Mr. President, this is a laudable bill but there are some serious flaws. The first is that this is intended to help the Coast Guard, but the Coast Guard is a federal agency. So the idea of preemption comes in. How can we pass a law that imposes something on the federal system.

"The second, actually kind of, I guess, humorous part of it, Mr. President, is that while we are requiring canoes, kayaks, training sailboats, surfboards, and paddleboards that go out past one mile beyond shore to carry EPIRBs and radios, we have left off sailboarders; we have left off windsurfers and a whole other class of people. So if we're going to do this, we should be fair and require it of everyone.

"Nonetheless, because of these issues and the issues brought up by the previous speaker regarding the constitutionality of the bill, while the intention is really good, I cannot support it.

"Thank you, Mr. President."

Senator Chumbley rose to oppose the measure and stated:

"Mr. President, I, too, rise to speak in opposition of the measure.

"I would like to ask the good Senator from Kailua if he would let me be a member of the surfing caucus. I'd like to join and get lessons from him. But I have a concern because I don't have enough money to buy the escort boat when I'm out one mile and I have to get the EPIRB radio. So if he'll teach me and lend me the money for the boat, then I might be willing to consider supporting this bill.

"In all seriousness, I think that there are issues of safety here but it's just unreasonable as drafted. I believe that the good Senator from God's country obviously believes very strongly in this and his intentions are well, but it's just an unworkable bill that makes little sense.

"So for those reasons, I'll have to vote 'no.'"

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

Senator Hemmings rose and stated:

"Mr. President, I rose in support of this bill with reservations, but after the compelling arguments (laughter), and also realizing that teaching Senator Chumbley, at his age, to surf would be a difficult task, I'm going to have to change my vote to 'no.'" (More laughter.)

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2471 was adopted and S.B. No. 2309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Buen, Chumbley, English, Hemmings, Hogue, Ige, Matsunaga, Slom).

Stand. Com. Rep. No. 2473 (S.B. No. 2336, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2473 be adopted and S.B. No. 2336, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hemmings rose to speak against the measure and stated:

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

"This, though well intended, is paternalistic and overbearing. Teenagers are often permitted to go to movies, visit friends and watch school sporting events, some of which are not exempt by this bill, and those activities often require them to drive after 10:00 p.m. It is the parents' job to decide whether and how their children will attend such activities, not the state's, and it's their responsibility – the parents, not the state. The justifications are to prevent excessive speeding and drunk driving. However, we have enough laws to address those issues in other parts of our statutes.

"This bill, unfortunately, though well intended, penalizes all teens for the sins of a few, and I'm urging my colleagues to vote 'no' so we can come up with something a little more reasonable, if indeed the other laws cannot handle these problems."

Senator English rose to oppose the measure and stated:

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

"Well, here we go again. (Laughter.) This bill was here last year, and it's back before us. I may as well just take the

comments I had last year and say insert them in the record, but I won't, Mr. President.

"This bill penalizes the majority of our licensed youth who are responsible drivers and their families by severely burdening them with the added responsibility of being accompanied by someone who is 21 or older while doing everyday activities such as running errands, doing extracurricular activities not organized by their schools, going to the movies with friends, going to concerts, and working.

"Mr. President, in my district, many of Maui's rural areas, this would place an undue burden on those who work in town who are under 18 and who must travel between 10:00 p.m. and 4:00 a.m. There are some people that travel from remote districts of Kaupo into Hana, and it takes about an hour-and-a-half to get in there to make it to school. They stay late in the afternoon and to get back into their remote districts, they live in Hana, activities end 8, 9, 10 at night, and then they drive home.

"In addition, Mr. President, I believe that current legislation and county ordinances address the issue of car racing, which I think is probably behind this, more effectively than this bill, by prohibiting speeding on our roadways, prohibiting the consumption of alcohol by minors and by adults who drive as well, and providing curfews for minors unaccompanied by adults, therefore restricting a minor's mobility at night.

"I ask my colleagues to join me in voting 'no' on this bill. Thank you, Mr. President."

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

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

"Just to answer the previous speaker's comments, this bill calls for exemptions for school and work activities with the permission of the parents and with the permission of the employers or the teachers, so it's in there.

"But basically, Mr. President, this is a bill that was supported and brought up by the youth of this state. The youth of this state are asking us, the adults, to look at bills and to take care of bills that will save their lives. That's the young people, 'Youth in Action.' These people have come and testified for three years, asking for this bill. They are tired of having young people perish needlessly either as a driver or as a passenger of the car.

"Last year I had the unfortunate experience to have a friend of mine, Sam Delos Reyes, whose son was one of three passengers in a car that was killed because the person was speeding. Although he was 18, and this bill would not have done the job for this young man, this bill would have provided the education to tell them two years before at 16 and 17 that you must take responsibility of driving at night. It is imperative that our young people not only learn of the circumstances of driving at night, they must have the practical experience of driving at night.

"Therefore, Mr. President, I say that for that young man who this bill is named after, Andrew Delos Reyes, a young man, a jock, ready to get a scholarship to go to college was killed before he graduated from high school. I do not want to go to another funeral for another young man like that. I wasn't a jock in high school but I had a lot of fun at the university with my good friend from Hawaii Kai. He was a debate team captain and I was just a lonely nobody there, but I had a lot of fun at the university. I had a lot of fun going through 20 years with the Air Force. And this young man that died last year will not have

the opportunity. All I'm asking you to do is provide the practical experience that is needed to drive at night for young people.

"Therefore, I urge all my colleagues to vote 'aye' on this bill. Thank you."

Senator Kim rose to oppose the measure and stated:

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

"While I applaud the author of the bill in having put in the exceptions, I would note that how would the police know whether or not the child in question driving had a valid signature by the parent or by the employer? Would the police then have to follow them home and determine whether or not that person had a valid signature? So what we might be encouraging is our young people to forge these signatures and just carry them on their person.

"So I don't know if we would be doing what we should be, and maybe that needs to be worked on more. Thank you."

Senator Slom rose to oppose the measure and stated:

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

"With all deference to my good friend and classmate from God's country Waipahu, we introduce all of these measures with good intentions. The problem is if we have missed some of our homework and have problems within the legislation then we're creating more harm than good.

"As the good Senator from Kailua said earlier, what we're doing is painting with a broad brush all teenagers with this bill and assuming that all of them lack experience or don't have judgment or don't accept responsibility. And we don't want to stand here in this body and say that.

"We've got to also take a look at, as I said in an earlier bill, the causes of the problem. As the good Senator from Waipahu said, this bill would not have impacted or kept alive the individual for whom the bill is actually memorialized for and that there were other factors, it was not the fact that someone was out past the hours of ten o'clock at night. When we're talking about speeding or drunken driving or reckless driving, those are the causes of the problems and that's where our emphasis should be.

"Thank you, Mr. President."

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

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

"Mr. President, the Honorable Senator from Waipahu, I think his heart is in the right place. However, I have particular problems with the broad brush, as stated from the Senator from Hawaii Kai, that this bill intends to paint.

"One, according to the committee report it states that the measure recognizes and addresses the fact that 'young drivers are not as capable and experienced in driving, particularly at night.' If that's the case, Mr. President, we should focus upon all drivers who are not experienced and capable of driving at night, not just those under 17 or 18. In fact, Mr. President, I'm not sure that fact can be supported with whatever testimony is in there.

"The second thing that really particularly bothers me about this bill is that it states 'Your committee believes that this measure would also curb drag racing and driving under the influence among persons under eighteen.' I don't see how that will happen. They might be doing drag racing or drinking while they're driving with a note from their employer or from their parents that has nothing to do with their activities after their work or whatever things that their parents want them to do.

"And also it encourages other older people to be with the younger drivers and I am very fearful that these older 21-years and older drivers could be teaching the younger drivers some bad habits. In fact, I think it will probably happen. I think that we might have more drag racing and more drunken driving because it's the people over 21 that have the authority to buy the liquor in the first place. I'm very concerned with the possibility that what we will be doing is creating a worse problem than what we already have.

"Mr. President, I think the issue should be addressed. I think we should look at whether or not younger drivers should be allowed on the freeways. But the way it attempts to do that I think is way too broad and I think will cause more problems than it's intended to solve. So for those reasons I'm going to go with this measure, but with reservations.

"Thank you, Mr. President."

Senator Hogue rose to oppose the measure and stated:

"Mr. President, I rise to speak in opposition. Severe reservations are nice, but opposition is where we need to go in this particular case.

"The good Senator from Kauai did raise a very good point. I have four teenagers and I have to tell you what scares the dickens out of me as a parent is when they go out with young adults. That is exactly right; that is the scariest time.

"The other thing is the issue of the permission slips. When kids get to be 16 and 17 years old, they're in such a hurry to come from a basketball game, to go out to Zippy's or wherever it is they're going to go, that they don't stop long enough to get a permission slip. You're lucky, in fact, if they even say 'hi' and 'bye' as they slam the door as they're going out there.

"So, certainly this bill is overly burdensome to families, overly restrictive, and as written, it is also not uniform with its penalties. For example, because of the way it's worded on page 5 of the bill, a 16 year old convicted of driving late at night would have his or her license suspended for, say, 18 months, while a 17 year old convicted of the same offense could face suspension of only 6 months. Obviously, there are many flaws, and I'll be voting 'no.'

"Thank you."

Senator Chumbley rose to oppose the measure and stated:

"I rise also to speak in opposition to this.

"With all due respect to Andrew Delos Reyes and his family, who we extend our deepest condolences to and the other two individuals that were killed that night in the wreck from Iolani, for those three boys, this bill will really not solve the problem. If this were enacted and in law right now, we would still have teenagers out there driving at night. I think that peer pressure is one of the biggest things that we can encourage to help young adults understand from each other the risk and the dangers of driving at night.

"Parental responsibility is another issue that people have to take into strong consideration on this bill. The good Senator from Kaneohe commented he won't let his kids drive at night because they're too young yet. They're not old enough to drive, but he's going to give them lessons soon. This comes back year, after year, after year. The Senator from Upcountry Maui talked about it's back again this year. Well, this is about the third or the fourth year that I recall, and we have made some strides through the community and educating the young adults about the risk of driving at night, but this bill as drafted is not going to do that. Let's work with those youth who are asking us to help save them, to help them make a decision on their own to not drive at night, if they're inexperienced. And if they want the experience, then work with the parents. Have the parents take them out, drive with them; teach them how to drive at night.

"The other point that was brought up is this that issue goes beyond just the youth of our state, there are a lot of adults who need help with driving at night. So, let's be realistic about what we're trying to do here. If we want to save lives, let's address it in a more comprehensive way.

"Thank you."

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

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

"Mr. President, for about eight years, I've worked as part of the Honolulu Police Department AKAMAI program. The program is designed to work with first-time juvenile status offenders. Some of these youth offenders come through for runaway, curfew, and beyond parental control. What we've seen with working with the youth and the parents is that a large number of parents struggle with how to control their teenagers.

"A previous speaker mentioned that it is the responsibility of the parents to control when their teenager comes and goes and the extent to which they are out driving after the hours of 10:00 p.m. But having firsthand experience of working with parents who come to us and say, 'I don't know how to control my child,' one of the main issues we can look at is whether people are familiar with our curfew law. I'm not sure if the parents in the room today are familiar with what the limitations of our current curfew law are, but I can say that a large majority of the parents who come through the AKAMAI program have no idea of what the curfew law is.

"The curfew law only affects those under the age of 16. For 16 and 17 year olds, parents are really lost. For those who are familiar with the law, there may be things that they could do, but this bill enables them to add another tool to the arsenal of things that they can use to help control the behavior of teenagers. It also is supported by the police department and is another tool in the arsenal that police departments can use to control this kind of behavior between the hours of 10:00 and 4:00.

"I've worked for many years with the Boys and Girls Club and consider myself an advocate for youth. When this bill was first introduced a number of years ago, I struggled with what the right thing to do is. The conclusion that I've come down to is – What is the purpose of young people to be out on the road at two and three in the morning and is there a good purpose for that? That is what the bill is all about – creating tools for parents and the police departments to control those youth who are highly likely to get into trouble. They are in environments that are not safe, possibly doing things that are not safe, possibly driving not carefully but recklessly, and looking at the

kinds of incidents that have happened between those hours involving young people makes me a strong supporter of the bill.

“Thank you.”

Senator Hanabusa rose to speak against the measure and stated:

“Mr. President, as I sat here I was going to say I wanted to note my reservations to this bill. However, as I listened to my colleagues, I stand now in opposition to the bill.

“There comes a point in time, Mr. President, when government has got to stop trying to take over for everyone, or stop feeling like it has to have the answer for everyone, especially parents. Parents have to take the responsibility for their children and we should not be the body that basically legislates things like behavior.

“It reminds me of a conversation I had with a department head over my good friend’s, the Senator from God’s country, favorite topic – the van cams. Here’s a department’s deputy head who comes and tells me that if we do away with these van cams, ‘My 17-year-old son is going to go crazy. He and his friends are going to go out and speed.’ I told her right then, ‘What’s the matter with you? You’re the parent. I doubt that your son has access to the car except with your permission, and if your son can afford to drive his own car, pay for everything, pay for whatever he has to pay for to upkeep that car, including insurance, then fine, maybe he can make that decision.’ But how can parents turn to us and say, ‘You have got to regulate.’ Regulation is for a specific purpose, but we are not here to replace parents.

“Kids under the age of 18, we’re so concerned about them. Maybe what we should do is mandate that the parents should be forced to go through some kind of course if they can’t control their kids. That’s not our job. And in any event, I don’t believe that this particular bill is going to do that.

“So Mr. President, my W/R goes to a ‘no’ vote. Thank you.”

Senator Taniguchi rose and stated:

“Mr. President, I would just like to note my support of this bill with reservations, staying at reservations. Thank you.”

Senator Kawamoto rose and stated:

“Mr. President, I just want to add another thing. While this bill went through our Committee and into Judiciary, we had long distance phone calls from the neighbor islands expressing support of this bill. And it’s primarily not only because of the fact that we can highlight the fact that we have a curfew law, but also the fact that the crime statistics warrant that something like this will keep the children hopefully at home.

“Thank you very much.”

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

“Mr. President, I just wanted the record to note the fact that I will be voting in favor of this bill with strong reservations.

“I think that the bill should be allowed to proceed for discussion purposes.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2473 was adopted and S.B. No. 2336, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE

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

Ayes, 13. Noes, 12 (Buen, Chumbley, English, Hanabusa, Hemmings, Hogue, Ige, Ihara, Kim, Kokubun, Matsunaga, Slom).

At 11:21 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:24 o’clock a.m.

Stand. Com. Rep. No. 2475 (S.B. No. 2464, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2475 be adopted and S.B. No. 2464, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“This bill, similar to the last bill which should have gone down, is well intentioned and I strongly do support protecting victims of domestic abuse, but there are several flaws in the bill. First off, there’s a definition of ‘extreme psychological abuse’ on pages 3 and 4. It seems very broadly worded. It could include a person calmly and quietly pointing out perceived faults to someone who reacts histrionically to such rebukes. Okay? Right? This is too subjective. It is based on the alleged victim’s reactions to conduct, not upon the conduct itself.

“Also, the S.D. 1 doesn’t give a landlord any rights to evict or not rent to people who are ‘victims of domestic violence,’ no matter what. The landlord can request proof that the person is taking appropriate steps, but if the victim fails to comply or the proof is inadequate, or if the proof won’t remedy the situation, or if innocent people not party to this domestic dispute likely will be harmed or even killed, the landlord still can’t take action.

“Obviously, there are some flaws in this legislation. At this point, I’ll allow it to go forward, but I will express my reservations. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2475 was adopted and S.B. No. 2464, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Tam).

Stand. Com. Rep. No. 2477 (S.B. No. 2484):

Senator Kanno moved that Stand. Com. Rep. No. 2477 be adopted and S.B. No. 2484, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"Prior to this amendment, there was flexibility for both the consumer and the retailer to reduce or refund fees. Conceivably, if a buyer was aware of a fee inclusion in the final price of the tire, they could argue or debate with the retailer that they must sell the buyer the advertised price of the tire. This amendment takes away that option for both the buyer and the seller, and there are new penalties and sanctions.

"So while the purpose is good, there are some problems with it, including not specifying where the money for the fee will go. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2477 was adopted and S.B. No. 2484, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2527, S.D. 1:

Senator Kanno moved that S.B. No. 2527, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I rise in support of the measure with reservations. We have a full agenda of domestic violence and domestic abuse bills today it seems.

"Again, I want to restate our position that we certainly are for the protection of victims for the conviction of perpetrators, but we've got to be cognizant of the law and cognizant of the procedures. I think that the problem here is that this bill would make a misdemeanor of domestic abuse the only misdemeanor which bail was not guaranteed pending appeal for or appeal after conviction. If the pre-bail is denied, the whole sentence could potentially be served before an appeal, which could result in a reversal with the minimum imprisonment time of 48 hours.

"The actual determination of whether or not the bail would be given, in the first place, is in the discretion of the court, although there's no specific guidelines. So we would suggest that as this bill goes further that there be guidelines in there as to how we determine whether or not bail is revoked.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, S.B. No. 2527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2482 (S.B. No. 2567):

Senator Kanno moved that Stand. Com. Rep. No. 2482 be adopted and S.B. No. 2567, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

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

"Mr. President, while I applaud the efforts of the supporters of this measure to try and cut back on litter, I would like to point out that our criminal code is basically set up to punish certain crimes harsher and classify them in certain categories such as misdemeanors and class C felonies. By categorizing this type of littering as a class C felony, in essence you're making it a more serious crime than many crimes that are misdemeanors – such as abandonment of a child, abuse of a corpse, abuse of a family member, assault against a police officer, and one of my favorites, impersonating a public servant.

"So Mr. President, while I applaud these efforts, I think we should keep in mind the consistency of the criminal code.

"Thank you, Mr. President."

Senator Chumbley rose to speak against the measure and stated:

"Mr. President, I rise in opposition of the measure, and thank you for the opportunity to express why.

"Members, I agree that those who litter should suffer some consequence, but as drafted right now, this is far too excessive. Making it a felony for someone who litters in excess of 50 pounds, what if it was 45 pounds? It then remains as a petty misdemeanor? I think it's very subjective that the 50 pound level is in there.

"This is problematic, additionally, because you can actually use hearsay. So I could say that the Senator from Palolo who dumped a 51-pound refrigerator off of the edge of the cliff did so. I can take a picture of that 51-pound refrigerator and if I can convince the police that he did it, this could go to court. This is going to result in a tremendous clog at the courts and will result in really no significant increase in the reduction of littering.

"If we want to do something to reduce litter in the Aloha State, why don't we fund the litter control position that the Legislature has failed to fund year, after year, after year. That would go along with the partnerships with the private sector in reducing litter on our streets. This bill won't work.

"Thank you."

Senator Chun rose to speak with reservations and stated:

"Mr. President, I just want to explain my vote on this matter with reservations.

"My concern is it becomes a class C felony. But also, of the 50 pounds, I don't see any connection between littering and putting a poundage in terms of what a class C felony will be. It could be either one refrigerator or it could be a ton of leaves. Littering is littering is littering.

"But I think what I find very problematic is that once we have established a class C felony, which maybe as a matter of policy we'll want to do, we lessen the burden of proof by saying, well, you could be convicted of a class C felony just on the testimony of someone saying that he was the one that dumped the refrigerator.

"If we're going to make it a class C felony, we should continue to require the burden of proof to be what it is right now, and that is the officer should be able to see that or get very, very credible evidence. Right now it becomes a class C felony just upon the testimony of somebody else or a fuzzy picture somewhere. I'm very, very concerned that's the direction we're heading. If we're going to make it a class C felony, let's keep the burden out there where it should be.

"Thank you, Mr. President."

Senator English rose to speak against the measure and stated:

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

"Mr. President, I cannot support this because, well, frankly, it criminalizes way too much something that happens. We have to deal with this and I know there are many good programs to deal with it. Now, I realize the author of the bill, this may or may not be the Minority point of view, but it has moved forward. The author of the bill has good intentions with it, but it does do a number of strange things.

"The first is that it says you can admit hearsay, and you can use hearsay in court. So in the rural areas, especially out in Moloka'i or Lana'i or in Hana, all sorts of dumping goes on. It's mostly, Mr. President, of green waste, somebody chops down a tree then goes and throws it sometimes in their neighbor's yard. But if the tree or the branch happens to be over 50 pounds, the neighbor has something really, really good and can go and say, 'I saw him throw that tree in my yard and I want him to go to jail.' A \$10,000 fine, 5 years imprisonment, it's just way too much.

"The unintended returns of this is that it creates way too many problems than it helps to solve. The intention is good, though. Thank you, Mr. President."

Senator Hogue rose to speak against the measure and stated:

"Mr. President, I reluctantly rise to change my reservations to opposition. (Laughter.)

"I've heard some great speeches here and I wanted to go along with my colleague who did have good intentions, but we have learned all too often here that good intentions do not mean good legislation.

"Too often here on the Floor we have the most severe reservations. We have the strongest reservations. We are going to go down and make reservations at the Hilton Hawaiian Village. We're going to do all sorts of things with reservations but we won't vote 'no.' Come on, vote 'no.'

"Thank you."

Senator Slom rose to speak against the measure and stated:

"Mr. President, just to show how the Minority operates, I will be voting 'no' also. (Laughter.)

"Although I did have a point of information and something that needed to be cleared up, just like the quarter-pounder, we're not sure whether this is 50 pounds of dry weight or before freezing or after moisture. So that is a real bothersome issue.

"We do thank the good Senator, the tree thrower from Hana, for pointing out that we do like to be consistent. Thank you."

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

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

"I think it's served its purpose already by opening this discussion up. One of the economic realities of existing law is it's cheaper to get a ticket and pay the fine than it is to take bulk rubbish to the dump and dump it. And this would be further putting the burden on the litterers rather than on the citizens who are having to deal with the litter.

"The intent is to help protect our number one asset in this State – the natural beauty. And though I see and hear loudly the message of the excessiveness of turning littering into a felony offense, I am most willing to accommodate that point of view if, indeed, this bill could be amended in the future as it works its way through the process to dramatically escalate the misdemeanor fine, which are way, way less than it should be and oftentimes not enforced at all.

"This bill also addresses a growing problem where commercial operators have an economic incentive to dump their rubbish on the side of the street, as I said earlier, Mr. President. Commercial operators will pay more to dump it in a dump than dumping it on the street even if they do get caught and prosecuted, which very seldom happens because the police don't find the incentive to do so.

"So I agree with the critics of this bill in many ways, but I feel that it's necessary to send a strong message from this Legislature to the community that we're not going to tolerate commercial littering and excessive littering. If it takes amending the bill and removing the misdemeanor aspects of it, I certainly can live with that. I'm certainly flexible on this.

"Thank you, everyone, for your consideration of this issue."

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

"Mr. President, please note my support of this Republican bill, although with reservations."

Senators Kim, Matsuura, Chun, Buen, Ige and Menor then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2482 was adopted and S.B. No. 2567, entitled: "A BILL FOR AN ACT RELATING TO LITTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chumbley, English, Hogue, Slom).

Stand. Com. Rep. No. 2487 (S.B. No. 2645):

Senator Kanno moved that Stand. Com. Rep. No. 2487 be adopted and S.B. No. 2645, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"We all support our police officers. We all support getting those impaired off the highways, particularly drunk drivers or those using drugs and so forth, and we support the police for requiring tests. However, this bill goes further. The problem, apparently, is that in some situations those who are stopped

refuse to take tests within a certain prescribed time, and some tests will then not be effective after that period of time. So, what the bill attempts to do is to allow the police to order the type of tests including blood tests. The problem with blood tests is that they're highly invasive. They do raise legal challenges and also privacy issues.

"I think that the problem here is that what we really should be doing is creating a time limit and having penalties for refusal to take the test within that time limit and requiring that the police inform anyone that's stopped of that provision, rather than going on in this direction of allowing the police to order blood tests.

"Thank you."

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

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

"Mr. President, I have concerns regarding the potential invasive impact of this measure on people who have been stopped by the police. I think it is important that the police be given the adequate tools to enforce the laws of this state. However, there are concerns as raised by the Honorable Senator from Hawaii Kai regarding privacy. There are concerns in regards to the constitutional problems, but also, there are concerns in regards to who will administer these tests, these invasive tests. Are they properly trained and are they willing to do that? Because in previous situations we've had doctors or medical technicians say that even though they're ordered by the police department to do these tests they refuse to do that because they don't want to take the liability that comes with it, especially when you have a very uncooperative defendant.

"So Mr. President, we need to look at this issue not in terms of whether or not the police can or cannot order them, but in terms of overall how will this issue be addressed. Will there be cooperation through the courts? There are constitutional questions that have been raised. What happens in the medical profession, because they have been very, very, very concerned about doing these things without a cooperative patient. Rather than take a severe view saying 'yes, police, you can order it,' that's just a small part of the problem. We need to take a broader look at it. We need to address all the issues. We need to come together.

"But I think this bill at least brings the issue in focus in terms of whether or not we should give more time or allow the person arrested to have that kind of luxury of determining when and where to take the test.

"Thank you, Mr. President."

Senator English rose to oppose the measure and stated:

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

"Mr. President, the language of this bill is faulty in that it allows the police way too much power. Like last year, same points, same issues. Our law enforcement officers, Mr. President, are peace officers, first and foremost. Do we want to further alienate the public from an institution originally created to serve and protect?

"Mr. President, rather than perpetuating the negative specter of a frightening police of force that presupposes an individual's guilt just because they happen to be in the wrong place at the wrong time, let's say a roadblock, for instance, we need to

allow the public the right to choose whether or not they will submit to a blood test. And, Mr. President, under our implied consent laws, what type of tests he or she will be taking. By their very nature, these tests are invasive. What happens if an individual in question is terrified of needles and/or cannot urinate on demand?

"The threatening language of the bill, Mr. President, 'the law enforcement officer shall direct the person to take a blood or urine test, or both, for the purpose of determining the drug content,' is troubling in that it does not allow for any other option on the individual's part and forces them into a corner. And Mr. President, what about the medical aspect in the rural areas? Is the police officer carrying needles with him? Is he going to take the test? Are they sterile? What happens to the samples after? Out in Lana'i, medical facilities closed down. Out in Hana, there are almost no medical facilities. So how do you deal with these samples? Too many questions.

"Mr. President, it is not a testament to the fine ideals of freedom we declare to be so dear to our hearts when the law enforcement officer directing us to be penetrated by needles and submit to the indignity of a urine test is armed with a gun. I ask my colleagues to vote 'no' on this measure.

"Thank you."

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

Senator Fukunaga rose with reservations and stated:

"Mr. President, although I note that I voted free and clear in the prior two Committees, I will be voting with reservations on this measure."

Senators Ige, Chun, Kim, Matsunaga and Buen then requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Chumbley rose to oppose the measure as follows:

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

"I think there's been enough reservations that we can all go out for lunch now. It's a little bit early, but we could go to John Dominis or something. As the great Senator Whitney Anderson used to say, he'll not vote for anything without reservations first.

"Mr. President, this is far too invasive. It moves law enforcement people to be phlebotomists. Phlebotomists are the people who draw blood. And I think that there are issues here of how you are going to fund someone to be on a 24-hour call to perform duties like this. Who's going to do it? What's the liability of doing it? There are far too many unanswered questions.

"So colleagues, let's cancel your reservations. We'll all go to John Dominis. Just to vote 'no.'"

Senator Hogue rose and said:

"Mr. President, point of personal privilege. I want a spell check on that word, please. What was it again? I'll be voting 'no.' Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2487 was adopted and S.B. No. 2645, entitled: "A BILL FOR AN ACT RELATING TO USE OF

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

Ayes, 22. Noes, 3 (Chumbley, English, Hogue).

Stand. Com. Rep. No. 2488 (S.B. No. 2646):

Senator Kanno moved that Stand. Com. Rep. No. 2488 be adopted and S.B. No. 2646, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chun rose to speak against the measure and stated:

“Mr. President, with regret I will be voting ‘no’ on this measure.

“Senate Standing Committee Report No. 2488, S.B. No. 2646 makes admissible a person’s failure or refusal to take a blood test or any kinds of test. I believe that such a provision is unconstitutional and would not pass any kind of legal test. For that reason, I will be voting against this measure.

“Thank you.”

Senator English rose to speak against the measure and said:

“Mr. President, in a matter of brevity, I will ask that the comments of the previous speaker be recorded as my own and vote ‘no’ on this as well.”

The Chair so ordered.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2488 was adopted and S.B. No. 2646, entitled: “A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Chumbley, Chun, English, Hanabusa, Hogue).

Stand. Com. Rep. No. 2493 (S.B. No. 2729, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2493 be adopted and S.B. No. 2729, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“This is another one of those big bills here that has to do with business registration. Page 7 of the bill allows the Governor, also the Board of Regents, authority to increase or decrease fees for various reasons. If enacted, I think at these troubling times if the fees are increased that could hurt our businesses and our potential economic recovery.

“For those reasons, I’ll be voting with reservations. Hopefully the language can be cleaned up. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2493 was adopted and S.B. No. 2729, S.D. 2, entitled:

“A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2498 (S.B. No. 2777):

Senator Kanno moved that Stand. Com. Rep. No. 2498 be adopted and S.B. No. 2777, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hogue rose to oppose the measure as follows:

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

“This bill has to do with what happens essentially out on the highway when there is an accident. There is a document called the ‘Comfort Care Only/Do Not Resuscitate’ document (CCO/DNR) that the patient’s guardian or representative or surrogate be allowed to make a decision at the time of the accident and what could be a very, very difficult time. Many of these people will actually wear some sort of identification, a bracelet or necklace.

“I should tell all my colleagues here that I have a staffer who was an EMT and has a personal experience with this subject. The reason that people get this so-called CCO/DNR identification is so that in emergency situations, the EMT can quickly identify the person as someone who does not want to be resuscitated.

“Well, you can imagine what might happen in an emergency situation. Oftentimes people are in shock. Oftentimes people are not all themselves. Think of a situation where a husband and wife have been involved in an accident, for example, and suddenly there is a decision to change something right there when one party or the other is critically injured and may pass away, and the other one is in some kind of shock. So I don’t think that you want to have a decision made at that time by someone, frankly, who is not in the right state of mind.

“For these reasons, I will be voting ‘no’ on this particular measure. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2498 was adopted and S.B. No. 2777, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hogue). Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 2500 (S.B. No. 2794, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2500 be adopted and S.B. No. 2794, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“This gives an awful lot of discretion to the DLNR. It talks about Kona crabs and it talks about lobsters and it talks about all kinds of other things. I think part of the problem has been

that DLNR in the past has not communicated properly with both the community and the fishing community. And there is a provision in there to allow for fee structure changes. The DLNR testified that they are actually looking at reducing some fees, but I think again that would be or should be the subject of a public hearing.

“And I note, Mr. President, that this is the first of many, many bills with the defective date the year 2050. I intend to be alive at that time to be fully discussing these bills to see if, in fact, they’re still defective.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2500 was adopted and S.B. No. 2794, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Nakata).

Stand. Com. Rep. No. 2502 (S.B. No. 2823, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2502 was adopted and S.B. No. 2823, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXPLOSIVES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Nakata).

Stand. Com. Rep. No. 2506 (H.B. No. 741, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2506 be adopted and H.B. No. 741, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“Mr. President, this is a much needed measure. Too oftentimes people participating in government are subject to lawsuits that harass and try to prevent them from taking an active part in government. As a former government attorney I’ve been in a position of having to defend these individuals who have decided to take an active part in government to make a difference in the lives of their communities. Yet, time and time again they are prevented from or discouraged by being made a participant in a lawsuit that should have never been filed.

“Mr. President, these lawsuits only serve to chill a person’s rights and willingness to participate in government. The only comment I have on this bill, though, that I would like to have clarified as it progresses is that it seems to only cover people who are petitioning government from liability. It doesn’t seem to include the whole potential array of people not only who are petitioning government but actually actively participating as board and commission members. I think they are also in need of the same protections against these harassing lawsuits.

“So Mr. President, I do support this bill. I feel it should be amended or could be amended to clearly show that all who

participate in government on boards and commissions on a voluntary basis should be protected from harassing lawsuits.

“Thank you, Mr. President.”

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

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

“Mr. President, very briefly, this is important and there is another part besides protecting people from ‘SLAP’ lawsuits. The other part of it is that it does protect county government officials, board and commission members. Oftentimes, county government officials will get sued in their individual capacity for action taken in their official capacity. This is just to harass and annoy, etc.

“Nonetheless, this is much needed because it will chill the effects of ‘SLAP’ lawsuits. I ask my colleagues to support it.

“Thank you.”

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

“Mr. President, someone has to rise to support this with reservations.

“I think, as one who has protested and demonstrated and done informational picketing on a number of occasions, I support the general concept of expanding that right. However, a closer reading of this bill really brings up a number of difficulties and questions that we should be talking about here.

“The rights that are defined within the bill seem to be incredibly vague and the defendant seems to get all the benefits here. The right of expedited appeal from the court’s failure to rule is not really defined or how it’s going to be applied or how it’s going to be enforced. There are a number of other sections that I think fly in the face of the Rules of Civil Procedure, and also the constitutional right to petition under the U.S. or State Constitution is not defined and is combined with the Rules of Construction. And I think it’s open to possible abuse.

“The measure places the burden of proof on the non-moving party and this is contrary to well established pleading law. The burden of proof placed on the non-moving party is the preponderance of evidence and that is a trial standard, not a pleading standard. We can go on and on here but, as I say, a careful reading of this bill shows that there is an awful lot of boilerplate in here which I think is going to create problems later on.

“Finally, the bill does authorize damages, including both actual damages of at least \$5,000 even if the movant party is not able to prove any actual damages, and then it still allows a civil claim against the offending party.

“So, I would advise my colleagues to read this more carefully and to support with reservations. Thank you.”

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

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

“Mr. President, I just want to go on record as lauding the Majority Party’s recognition that we have terrible problems with wrongful and oftentimes frivolous lawsuits. I oftentimes

call them tort or liability extortion suits because they are just extorting the defendants to come up with some sort of settlement because it's cheaper than litigating.

"My reservations are that there are also some mechanical flaws in this bill and I'm hoping as it proceeds through the process we'll tighten up the way we implement this laudable concept.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2506 was adopted and H.B. No. 741, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2507 (S.B. No. 2045):

Senator Kanno moved that Stand. Com. Rep. No. 2507 be adopted and S.B. No. 2045, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"It goes part of the way regarding expungement of juvenile arrest records. However, it inadvertently leaves something out. Essentially, what this does is eliminates all the minor offenses that had been court adjudicated against a minor and I agree that they should be expunged. However, from time to time, juveniles will get in a little bit of a scrape and things will not be adjudicated. There will be some other discretionary measures taken, and those records are not expunged.

"So, well intended, but doesn't go far enough. We definitely need to clean it up in the process.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2507 was adopted and S.B. No. 2045, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2511 (S.B. No. 2409, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2511 be adopted and S.B. No. 2409, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

Senator Chun Oakland rose to oppose the measure as follows:

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

"This particular bill, S.B. No. 2409, S.D. 1, had a number of organizations opposed to this measure as well as approximately 80 concerned citizens voicing opposition to this measure.

"This bill, on the first page, line 13, basically references deputy sheriffs and my concern is that civil process servers are not law enforcement officers which deputy sheriffs are, as well as they are not state employees. Over the years there have been a number of complaints registered with the Sheriff's Division of the Department of Public Safety and when these complaints were investigated they were of civil process servers and not deputy sheriffs.

"So, there is a concern about what the public perceives as deputy sheriffs versus civil process servers, and I think this bill would perpetuate that misunderstanding. If this bill does go forward, I do hope that the Committee Chairs of this particular measure will correct that error because I really would not want to see that misunderstanding perpetuated.

"Thank you."

Senator English rose to oppose the measure and stated:

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

"Mr. President, this bill does not enhance public safety. The bill is intended to conspicuously identify civil process servers. Under current law, any person 18 years and older and a disinterested party to the action being served can legally serve civil documents. Designating civil process servers as 'Deputy Sheriff, Civil Section,' which is what the bill calls for, will confuse the public into believing that these civil process servers are state enforcement officers authorized to carry a gun, arrest an individual, and enforce the law. They are not. They are private individuals authorized to serve civil process by the mere attainment of the age of 18, nothing else.

"I fear that this legislation, if passed, would be used by less scrupulous private process servers to gain entry into private property by confusing the public with deputy sheriff identification badges. This bill, intended to protect the public, puts them at risk.

"I ask my colleagues to vote 'no.' Thank you."

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

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

"Senate Bill 2409, S.D. 1, relating to civil court documents, includes various types of documents which anyone can serve.

"This bill further authorizes those who are trained professionals to do the job with proper identification and others to serve there documents.

"Thank you."

Senator Chumbley rose to oppose the measure and stated:

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

"I think the good Senator from Upcountry Maui has identified many of the problems and concerns I have with this measure also.

"Just for the record, a civil service person can serve records of the court and this bill calling those individuals deputy

sheriffs is absolutely wrong. I urge you to vote 'no' on this bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2511 was adopted and S.B. No. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 8 (Chumbley, Chun Oakland, English, Fukunaga, Ige, Ihara, Inouye, Matsunaga). Excused, 2 (Nakata, Taniguchi).

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

The Senate reconvened at 12:05 o'clock p.m.

Stand. Com. Rep. No. 2512 (S.B. No. 2694, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2512 be adopted and S.B. No. 2694, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hemmings rose to oppose the measure and stated:

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

"I'm not sure if the Attorney General's Office is necessary to intervene on wiretap procedures. It seems that 'if it ain't broke, don't fix it.' Right now the county law enforcement agencies can go directly to the Judiciary and get the authority to wiretap and do not have to go through the AG's office.

"In Ways and Means I will note that we often hear about the laments of the AG's office having too much work and not enough people to do it. We'll be hearing more about it in some legislation later on, but the facts remain that I'm not sure I trust the AG's office to adequately and safely secure wiretaps and protect the rights of the people that are being tapped, and secondly, protect the people that are going to be involved in the process.

"So for these and other reasons, I urge our colleagues to take careful consideration of this legislation. I will be voting 'no.' It's unnecessary, Mr. President."

Senator Slom rose to speak in opposition and said:

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

"The bill started out, I think, just to put us in conformity with federal law, but unfortunately I think the bill goes far beyond that. And as we read the bill, under this draft the law enforcement no longer would have to explain to the judge, or even disclose to the judge, whether physical intrusion on the premises will be necessary.

"In addition to that, there is a point within the bill that talks about emergency, an emergency exception to the process of obtaining a court order before installing a wiretapping device. And the question arises when you could reasonably talk about an emergency, which would be an immediate danger of death or serious bodily injury, but you'd still have time to install a listening device for a wiretap.

"So I think we've got some serious problems with this and I think that the bill goes far beyond just putting us in conformity with federal law.

"Thank you."

Senator English rose to speak against the measure as follows:

"Mr. President, I rise in opposition.

"Mr. President, it's just fundamental to me. If you read the committee report, this measure updates Hawaii's wiretap laws, which were enacted in 1984, and brings them up to modern standards, I guess. It does something very interesting, though. The amendments make all of the reports or intercepted items a matter of public record. This would be very, very interesting reading. Can you imagine a concerned citizen wanting to go down and say, 'Let me see the files that you have on all of your intercepted communications.'

"It almost runs contrary to the idea of surveillance and confidentiality, but it's more fundamental to me, Mr. President. The fundamental part is that it cites September 11th, the terrorist attacks on the United States. I'll just read this part of the committee report: 'It quickly becomes evident that our national security depends on intelligence gathering and electronic surveillance as one of the most effective means.' Yes, Mr. President, this is so, but not against your own citizens. And this is the fundamental part that I have a problem with.

"Now, the safeguards, going to the courts to get the proper authorization, I think are good. But I cannot support this on fundamental objections.

"Thank you, Mr. President."

Senator Chumbley rose to speak in opposition and said:

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

"I'm really conflicted on this issue because I believe, philosophically, that our Constitution and the privacy rights in our Constitution should be upheld to the greatest extent. This bill attempts to codify what is more or less the federal law with regards to wiretaps to our 1984 Hawaii State law, which probably should be amended and updated. That's where my conflicts lie. Do we allow for our citizens to be listened to, to be looked upon without them knowing it for security and law enforcement purposes? I think I can live with that. What I find to be most objectionable is the inclusion of the language that OIP requested that all of the records become public records. That makes a mockery of the situation.

"Either we have a wiretap law or we don't, one or the other, but to leave this bill as is and to include that language, I think, definitely thrusts ridicule in the face of law enforcement that if there is a security breach of our country, if there is a threat of terrorism, if there is some drug ring, if there's some extortion ring, if there's something going on, everybody can read about it. And that's just wrong.

"So for those reasons, I'll be voting 'no.' Thank you."

Senator Ihara rose and stated:

"Mr. President, please note my reservations in support of this measure."

The President so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2512 was adopted and S.B. No. 2694, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Chumbley, English, Hemmings, Hogue, Inouye, Kim, Slom).

Stand. Com. Rep. No. 2515 (S.B. No. 2732, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2515 be adopted and S.B. No. 2732, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“This is another one of those bills that the good Senator from Kaneohe would say is ‘one of these big fat bills’ on registration and uniformity. And generally, we do support the efforts of Mr. Ushijima, who has been doing very diligent work in trying to conform our laws, making them more effective and more streamlined in terms of business registration. However, when one reads through this big fat bill, one finds that there is a new fee that has been added on page 4 of the bill. It is a \$20 fee for a certified copy of any document, instrument or paper relating to a corporation, and there is no relationship to why \$20 was chosen. There is also a \$25 up-front fee for any service of process on the department or director or his agent – again, no relationship to the amount of money and what the cost of the service is.

“And finally, this bill is extremely broad. The title has to do with business registration, but there is a lot of verbiage in the bill that talks about shareholder meetings, proxies and so forth, and whether or not this relates to the title is another questionable area.

“So, I’ll support the concept with reservations. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2515 was adopted and S.B. No. 2732, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2697, S.D. 1:

Senator Kanno moved that S.B. No. 2697, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

The motion was put by the Chair and carried, S.B. No. 2697, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PENAL CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2468, S.D. 1:

Senator Menor moved that S.B. No. 2468, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

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

“Every year we talk about the problem of unlicensed contractors and certainly it is a problem to some in this community even though we have a lot of laws involving unlicensed contractors. But there is a very significant difference between unlicensed contractors and handyman expenses.

“A number of years ago, the law increased the amount of money that a job could entail without requiring a licensed contractor. It went from \$100 to \$1000. And at that time, I think, all licensed contractors were in opposition to it. They didn’t want any change or they wanted a minor change.

“Now, what this bill does is it seeks to reduce that \$1,000 amount down to \$500, and testimony again showed that the licensed contractors wanted the amount even less. For those of us who do some handyman repairs and so forth, we know that \$1,000 really doesn’t go too far these days. There should be a very clear delineation, not so much in the dollar amount but in the kinds of work that’s done. It’s a lot different whether you’re doing high tech electrical work or anything that has to do with health and safety, rather than just the cost of minor home repairs.

“So I continue to support the unlicensed contractor legislation, but I think that’s an entirely separate issue and we should allow the current amount for handyman expenditures.

“Thank you.”

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

The motion was put by the Chair and carried, S.B. No. 2468, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTRACTORS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2523 (S.B. No. 2091):

Senator Menor moved that Stand. Com. Rep. No. 2523 be adopted and S.B. No. 2091, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

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

“This bill would remove the sunset date for this mandated health benefit. I think there is a reason to have sunset dates so that we can evaluate the cost effectiveness of this particular benefit. The proponents of this measure, essentially, just don’t want to come back here to the Legislature. It is our duty as a legislature to look at how benefits are spent. I think we have seen that in newspaper headlines about some problems we have seen in other areas, including the ERS.

“So I do believe that they do need to come back, that we do need to have a sunset with these mandated benefits. Thank you very much.”

Senator Slom rose to speak against the measure as follows:

“Mr. President, I’ll be voting ‘no’ on this measure.

“In the past, I have stressed the problems of increasing mandates in the prepaid healthcare act. In fact, here again is an example of what the cause of the problem is. The problem is the prepaid health care act itself. That’s what we should be addressing and we should be making amendments and changes there, rather than continuing to either add to or allow mandated benefits. They are very costly. One size does not fit all, and we should look at them independently.

“In addition to that, we do have a law requiring that the Legislative Auditor review all additional mandated benefits, but the law doesn’t specify that if a sunset date is repealed or removed, that the Auditor still has another chance to evaluate it. And I think that’s one thing that we should do.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2523 was adopted and S.B. No. 2091, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2527 (S.B. No. 2762, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 2527 be adopted and S.B. No. 2762, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2527 was adopted and S.B. No. 2762, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2535 (S.B. No. 2239, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2535 be adopted and S.B. No. 2239, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“I support the work of the Oceanic Institute. I also like to take the children to Sea Life Park. I support that. I know that the Institute and the Park are having severe financial problems. And my problem here is that if we’re going to make a straight appropriation, that’s one thing, but to obligate the taxpayers in

long-term general obligation debt, I think, is the incorrect financial way to go about this.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2535 was adopted and S.B. No. 2239, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OCEANIC INSTITUTE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2541 (S.B. No. 2673):

Senator Taniguchi moved that Stand. Com. Rep. No. 2541 be adopted and S.B. No. 2673, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

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

“Mr. President, I laud the intent of this bill. We certainly want to be more self-sufficient when it comes to the basics, such as food. But unfortunately, the food industry suffers the same consequences of doing business in Hawaii as every other industry does, and that is we are trying to run profitable businesses in a business hell.

“The cost of any business is excessively too high, and for government to come in and mandate results in an environment as onerous and punitive as this for business, will only cause more trouble. I suggest, in lieu of this as a positive alternative, we do look at legislation that will make Hawaii a more productive environment for all businesses, and certainly then, agriculture can flourish along with other businesses.

“Thank you, Mr. President.”

Senator Buen rose to support the measure as follows:

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

“The purpose of this measure is to appropriate funds to the Department of Agriculture to conduct a program to reduce by 50 percent the total amount of imported food purchased by Hawaii residents that could be purchased from locally produced sources. The effort is toward self-sufficiency in production of agricultural products to be a highly desirable state and a national security goal.

“As this bill moves through the legislative process, the exact measurement of the 50 percent reduction can be determined as was the concern of the Department of Agriculture.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2541 was adopted and S.B. No. 2673, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2544 (S.B. No. 2582):

Senator Taniguchi moved that Stand. Com. Rep. No. 2544 be adopted and S.B. No. 2582, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“I strongly agree with the part of this bill that would lower tax rates to the captive insurance industry as we have heard in CPH. This is a great industry for the State of Hawaii, and in fact, Hawaii is a leader in the captive insurance industry.

“However, there is a part of the bill that artificially raises the annual administrative expenses for this department from, get this, \$250,000 a year to \$1.5 million a year. If I remember testimony, they really couldn’t give us a good reason why. I think, once again, the department heads need to speak truthfully, honestly, and forthrightly.

“For those reasons, I’ll be voting with reservations. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2544 was adopted and S.B. No. 2582, entitled: “A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2550 (S.B. No. 2743):

Senator Taniguchi moved that Stand. Com. Rep. No. 2550 be adopted and S.B. No. 2743, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“This is the other shoe that the good Senator from Kaneohe was just talking about. It’s dropped here. In the justification sheet for the bill, it made it very clear that the whole purpose of the bill was a 5 percent raid on the funds in this fund. And so, what we’ve seen is a transfer here that just happens to equal that \$1.5 million amount that the good Senator talked about in the previous bill. So what we’re doing is we’re playing a shell game with funds and not justifying what they’re used for.

“In addition to that, by amending Section 36-27 of the Hawaii Revised Statutes but not amending 36-30, which is the special fund reimbursements for departmental administrative expenses, we read this to be that the two statutes will be in conflict.

“So for these reasons, I’m voting in opposition. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2550 was adopted and S.B. No. 2743, entitled: “A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2551 (S.B. No. 2254, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2551 be adopted and S.B. No. 2254, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I’m voting in support with reservations.

“I couldn’t gain membership in the surfing caucus and the Senator would not let me in on the techy caucus, but even so, I like the idea of streaming on the Internet. There’s just one problem. It’s just one way. The people on the neighbor islands will get to see us and hear us, but they won’t get to interact.

“So if the purpose is to expand the information and to make this a more interactive process, then we should go all the way, recognizing that there would be additional costs, but allow for direct participation, particularly by those on the neighbor islands or in rural areas.

“So, I would support it with reservations. Thank you.”

Senator English rose to support the measure and said:

“Mr. President, I’m compelled to rise in support of this measure.

“The good Senator that just spoke is absolutely correct. You know that our legislative broadcasting project does not reach neighbor islands until one week after the tapes are done. So while Oahu gets to see this live today, Maui, the Big Island, Moloka’i, Lana’i, Kaua’i will not be able to see this until next week, if they’re lucky.

“The problem, Mr. President, is that we need to improve the entire system of legislative access. I support this because this is one way of doing it. With the streaming, the neighbor islanders, believe it not, would be able to see this immediately. But granted, they may have to have a computer. They may have to know how to surf the web in some form or fashion, but it would at least allow the access.

“So, I support this even though it’s piecemeal. We should be looking at the entire system and getting access to all of the islands, but I think we should support this.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2551 was adopted and S.B. No. 2254, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2552 (S.B. No. 2412, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2552 was adopted and S.B. No. 2412, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS

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

Ayes, 25. Noes, none.

At 12:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:12 o'clock p.m.

Stand. Com. Rep. No. 2553 (S.B. No. 2540, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2553 be adopted and S.B. No. 2540, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“Under normal circumstances, I'd have my long involved speech that I know the good Chairman of the Ways and Means Committee likes so much about taxes, regulations, and mandates hampering the private sector economic development.

“This bill, while well intentioned, would throw good money after bad. I'd like to summarize it – this bill is like giving a guy in hell a popsicle and after it melts there's nothing left but continued heat and a bad economy.

“Thank you, Mr. President.” (Laughter.)

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2553 was adopted and S.B. No. 2540, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Buen, Ihara, Matsuura, Menor, Nakata, Tam).

Stand. Com. Rep. No. 2554 (S.B. No. 2012, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2554 be adopted and S.B. No. 2012, S.D. 1, 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 this time to speak against this bill.

“I had the honor of voting ‘no’ against this legislation last year when it turned into Act 308, and if you remember one of the problems we had with it is paying teachers twice – once through their retirement benefits and secondly, by coming back to work they enter into a higher pay scale. What we do need is incentives for people at the start of their career.

“It's interesting to note I have not heard of or have seen any evidence that this bill has indeed, or this process has indeed, brought many teachers back into the marketplace. Unfortunately, where we need the teachers, at the start of their

career, there are no incentives, and where teachers are retired, we're supposed to be bringing them back, and it just does not work.

“I would suggest that we vote ‘no’ on this bill and, as an alternative, give more incentives for people starting their career.

“Thank you, Mr. President.”

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

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

“There are incentives for beginning teachers or prospective teachers in terms of loans or tuition reimbursement that are proposed, and some of those measures are moving forward.

“This particular measure, I think no one is happy that we have to call on retirees to come back. But with the severe shortage we have in education, in my opinion and in other people's opinion, we need to provide as many opportunities as possible. At least for the near term it doesn't appear that there are enough people coming into the industry as teachers and there at least is an opportunity to encourage some to come back before they get too used to sucking on their popsicles, Mr. President.” (Laughter.)

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

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

“Essentially, this is double-dipping, and we allow them to double-dip a little bit sooner in the process – take a few months off, a year off, I guess, and then come on back. I think that we need to look at ways to improve the recruitment and retention of teachers, not ask for retired teachers to double-dip in our system.

“As a point of fact, it's even shown in the committee report that only three teachers – only three retired teachers – have come back into the system.

“So this bill just is not necessary. Thank you very much.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2554 was adopted and S.B. No. 2012, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Ige, Slom). Excused, 2 (Ihara, Menor).

Stand. Com. Rep. No. 2557 (S.B. No. 2038, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2557 be adopted and S.B. No. 2038, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose to speak against the measure and said:

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

“Life is full of consequences. In fact, if you're in hell, your popsicle will melt. We had a wonderful lunch today, but we

didn't have any dessert. The consequence of that is I'm still hungry for something sweet.

"Consequences of life . . . the HRS is full of consequences, both in the penal code and the civil section of our law – intentional, willful, a person could be grossly negligent, they can be negligent, and then there's just 'oops, I didn't mean to do that.'

"This bill would allow that any data collected by the Office of the Auditor, pursuant to this section, 'shall be protected in a manner that will not permit' – will not permit – 'the personal identification of students and their parents by anyone other than the auditor, the auditor's staff, or agents of the office of the auditor.' The consequence is that there is nothing in the way of a deterrent to really keep this medical information confidential – confidentiality of the medical records, confidentiality of some of the general privacy issues. You could have; you should have . . . I should have kept it confidential, if only I had known, but, oops, I didn't do that. So now there is no confidentiality to the information on that child. That is the consequence that this bill offers.

"Maybe some of this information should be looked at, but quite frankly, as drafted, there is no protection here and there is no consequence to that breach of the confidentiality. So if this measure is to go forward, it needs a lot of work and it needs a lot of hot fudge on top."

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

"Mr. President, I also rise in opposition of this measure.

"I love the Auditor. I love the Legislative Auditor and the work that she does. I understand the purpose of this particular bill. This was brought up because of the Felix hearings and we saw that there was a lot of abuse in the Department of Health and the Department of Education and it was extremely difficult to get the records. Well, let's speak to the flaws of the system that don't allow us to get to the records, rather than throwing away the baby with the bath water, etc., etc.

"There are so many confidentiality problems with regards to Felix. It is already intimidating enough as it is without getting the Auditor involved and they expressly give the Legislative Auditor access to the records, the Auditor's agents, secretaries, people who are down the hall, etc., etc., all get into these records. So there's a major, major confidentiality problem.

"If the problem is that we need to get to the financial records, well, let's correct the way that we go about our accounting. We need to have an independent CPA, perhaps, come in and address those problems. The way that we actually account for things, an independent auditor, and I wouldn't suggest, necessarily, Arthur Anderson in this case, but perhaps someone who can do a little better job than they did, but an independent auditor who can come in and can address the problems that we have in our entire accounting system. We have so many of them right now.

"The Legislative Auditor does a tremendous, tremendous job, but year in and year out we hear about the flaws and then nothing changes. So maybe we need an entire review and that's where an outside CPA comes in.

"So there's that concern and then there's the big one with the confidentiality, so I will be voting 'no.' Thank you."

Senator English rose in opposition and said:

"Mr. President, I rise in opposition to this measure and would like the remarks of the previous two speakers recorded as my own.

"Thank you."

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

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

"Mr. President, based on the Senator from Kaneohe's romantic confessions of love towards the Auditor, I must vote 'aye, with reservations.' Thank you." (Laughter.)

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

"I rise in support, Mr. President.

"I think whether it's a private auditor or Marion Higa, Legislative Auditor, none of us doubt her ability to keep information confidential, at least appropriate information, from the general public and from people who don't need to know the information. Unfortunately, as their office attempted to audit the Felix proceedings, they found that one of the barriers was 'Oh, we need to get redacted records,' which is like we see on TV when *60 Minutes* shows a paper that's half blanked out or half whited out.

"When an auditor reviews, they need access to information, and obviously confidentiality is an issue. And if we're not clearly addressing some consequences or some ability to assure that there is a clear boundary between what's allowed in and what's allowed out, I think we need to address that. But certainly, we cannot bear with redacted records. We cannot bear with when the auditor needs to do something, let's get six people's permission slips all signed in black and white and three copies, and by the way, if that happens in nine months, then maybe you can do your audit. We need to have things done in a timely manner.

"Thank you."

Senator Chun Oakland requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2557 was adopted and S.B. No. 2038, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Chumbley, English, Hemmings, Hogue, Ihara). Excused, 1 (Menor).

Stand. Com. Rep. No. 2558 (S.B. No. 2067, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2558 be adopted and S.B. No. 2067, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak against the measure as follows:

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

"It has to do with HOPE, and we all hope that this could be a great program. However, as a point of clarification, there aren't enough monies in the HOPE Special Fund to award any scholarships because since the establishment of HOPE, year

after year the University moved the funds from the HOPE Special Fund into the Student Tuition and Fees Special Fund, thereby depleting the program's resources.

"So why are we going forward with this charade? I will be voting 'no.' Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2558 was adopted and S.B. No. 2067, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2559 (S.B. No. 2073):

Senator Taniguchi moved that Stand. Com. Rep. No. 2559 be adopted and S.B. No. 2073, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak with reservations and stated:

"Mr. President, I rise to speak on this legislation with reservations.

"It seems the University of Hawaii wants autonomy for everything but their liabilities, especially the liabilities they've created through their own mismanagement. This also speaks very strongly to the fact that we do need, as has been said a few times before, we do need some tort and liability extortion lawsuit reform.

"I might note that in one particular case, which we're settling, a UH law professor received five warnings regarding some sexual harassment claims against him, and that's all the University could do to alleviate the problem. Evidently, he's still on the payroll after costing the State of Hawaii a lot of money.

"So, for this and other reasons, I caution us all to be a little more accountable with the University system. When they want autonomy, let's hold them to autonomy also with their liabilities.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2559 was adopted and S.B. No. 2073, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2560 (S.B. No. 2084, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2560 be adopted and S.B. No. 2084, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"I believe this bill has come up before. The purpose of it is to limit the liability of teachers, educational officers, and other personnel who work with the Felix class. I fully understand their concerns. Visiting classrooms over and over again, they are concerned about the legal issues.

"However, this is what they call the slippery slope – when legal exemptions are given, suddenly there's no accountability at all, and no lawsuits could be brought against individuals even if there is gross negligence on the part of education personnel.

"I urge my colleagues to vote 'no' on this. Thank you."

Senator Chumbley rose to speak against the measure and said:

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

"This is the same concern I have risen on in the past before. When operating in their scope, duty, and responsibility, these people are already covered and indemnified under existing state law. So why do we need this? Let's just make an indemnification for everyone throughout the State.

"Thank you."

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

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

"Mr. President, I applaud the efforts of the Chair of the Education Committee to try and address my concerns which are similar to those concerns expressed by the Senator from Kaneohe and the Senator from Maui. However, as pointed out by the previous speakers, in the event of even intentional or wanton willful misconduct, there is no recourse by those who are victimized. And so, what I would like to see as this measure moves forward is that some consideration be given to gross negligence, to wanton and willful misconduct, and there be some recourse for those who suffer damages because of that.

"So Mr. President, I will be voting 'aye' with reservations. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2560 was adopted and S.B. No. 2084, S.D. 2, entitled: "A BILL FOR AN ACT RELATED TO LIMITED LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chumbley, Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 2562 (S.B. No. 2100, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2562 be adopted and S.B. No. 2100, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose and said:

"Mr. President, I'll be voting with reservations.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2562 was adopted and S.B. No. 2100, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2564 (S.B. No. 2206, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2564 be adopted and S.B. No. 2206, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose in opposition to the measure and said:

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

"Colleagues, this is the lawyers' employment act of 2002. I can assure you that with all the troubles within the Department of Education, if this measure were to pass, all of you – even some of you in this room – may get some contract work. If we're going to allow every department, every agency, every entity to hire their own attorneys, this bill should have had a second section to it and that is the abolishment of the Attorney General's Office.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2564 was adopted and S.B. No. 2206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chumbley, Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 2567 (S.B. No. 2270, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2567 be adopted and S.B. No. 2270, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

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

"This is one of those bills that no one wants to be opposed to and yet, privately, they question the wisdom of why we're having the bill in the first place. I think the problem here is that we're doing several different things. We, first of all, are making policy by the Legislature as to what to teach. We are creating teacher positions to teach one aspect of our history which, with the information I have, is already being taught. Now, whether or not it is being taught adequately is another matter, but it's not a matter, I don't think, for legislation.

"I don't think we have the money or the resources or the teachers to devote to one aspect of World War II, namely the incorrect and outrageous internment of American citizens who happen to be of Japanese ancestry. This is not a racial issue. This is a question about resources and about policy. And I just wonder, for example, if we are going to mandate that we devote time and effort to talking about the internment of American citizens that we will also prescribe that the hero of the liberal political thinking in America, namely Franklin Delano Roosevelt, was the gentleman that instigated the internment of

American citizens against the wisdom and against the argument of someone who has since been vilified, and that is the former head of the Federal Bureau of Investigation, J. Edgar Hoover.

"In other words, if we're going to talk about prescribing courses to be taught from the Legislature, then who is going to prescribe what actually is the content? I think we're on very dangerous grounds here. Certainly, if we want to look at policies and we want to look at standards and all that, that's fair enough. But to prescribe that we talk about one specific event and have special legislation for it, and to go up and hire seven additional teachers to provide this information, I think is wrong.

"Thank you, Mr. President."

Senator Matsunaga rose to support the measure as follows:

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

"Mr. President, few can dispute the importance of the lessons our nation learned from the illegal and unconstitutional internment of Americans of Japanese ancestry. It is unfortunate, though, that even here in Hawaii of all places, that those lessons have not yet found a formal place in our public schools. And it is, in fact, ironic that in Hawaii, of all places, the facts and the lessons of the internment are being allowed to fade from our generational memory.

"Mr. President, in the aftermath of the tragedies of September 11, which has raised issues of civil liberties and racial and ethnic profiling, it is more important than ever to heed the lessons of our past. Mr. President, this bill offers the opportunity to finally impart those lessons by building on the efforts of numerous community, civil rights and veterans' organizations. To forego this long-delayed opportunity would diminish the sacrifices of those who suffered so that generations to follow would not have to.

"Mr. President, I urge my colleagues to vote 'aye.' Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2567 was adopted and S.B. No. 2270, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2572 (S.B. No. 2660, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2572 be adopted and S.B. No. 2660, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"First of all, I'm wondering why this is necessary. Even the DOE wondered why it was necessary. I just want to read you a paragraph from the bill and you can explain to me exactly what it means. It has to do with teacher certification:

"The board shall consider current data relating to disparity in educational outcomes for students taught by unlicensed individuals and others absent content area preparation. The board shall adopt rules that support the hiring of the best

qualified professional staff and dissemination of information about available programs for teacher licensure.’

“Okay, don’t they just do that regularly? I think they do. I think this is unnecessary. I’ll give them the benefit of the doubt and vote with reservations.

“Thank you.”

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

Senator Sakamoto rose and said:

“Mr. President, just a brief answer.

“Obviously, we need more teachers, and unfortunately, there are some individuals who are currently in our system, who are not licensed or certified, that don’t know where to go to get licensed or certified in the best manner. So this bill aims to address the problem.

“Unfortunately, maybe actions by others could have preempted something like this, but in the crisis we’re in, we need to assure that those who are not qualified be given clear opportunities and information as to how they can become fully qualified to teach our children.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2572 was adopted and S.B. No. 2660, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEACHER LICENSURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2577 (S.B. No. 2816, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2577 be adopted and S.B. No. 2816, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure and said:

“Mr. President, gee, it’s taken me three-and-a-half hours to stand up and speak against the first of several special funds that will be created. To be entirely consistent in my six years in the Legislature, I will vote against this fund also.

“It is a shame that the intent is worthy and laudable, but as we have seen and as we will continue to see for the rest of the afternoon, this State does not keep its promises. We create special funds and then we find out that they’re not so special because when they get up to a certain amount, all we think about doing is raiding them, taking them not for the purpose for which they were created, not for the purpose for which people supported them, but for filling up the general fund.

“So I will be voting against the Hawaii Educator Incentive Program special fund.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2577 was adopted and S.B. No. 2816, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STUDENT LOANS

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

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2579 (S.B. No. 3006, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2579 be adopted and S.B. No. 3006, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“The stated purpose of this measure, colleagues, is to improve the facilities management of the public schools, and to this I say, ‘Hallelujah.’ Obviously, reform in this area is much needed. The bill would transfer responsibility from inside the Department of Education to DAGS. Unfortunately, that’s like going from one black hole of the universe to another black hole. Have we really reformed anything, or have we just said we’ve done it?

“Even after this is accomplished, schools will still be working with DAGS. Oh boy, lucky them. We’ll still have the same communication problems with DAGS, the same lack of time efficiency problems with DAGS, the same attitude problems with DAGS. The list goes on and on. Unless we get all these problems taken care of, Mr. President, unless we get real reform in the areas of procurement, accountability, communication, etc., etc., this bill is like rearranging the deck chairs on the Titanic – we’re still going to sink into that big black hole.

“Thank you.”

Senator Sakamoto rose and said:

“Mr. President, just to clarify . . . the first part of the bill would consolidate the deck chairs on one part of the DAGS ship – the chairs that are in the Public Works and the chairs that are in the Central Service that deal with school construction. So, that would help those two groups communicate better. For non-school, they would be consolidated and those chairs would be on another side.

“Part two relates to should there be further consolidation between the DOE ship facilities and the DAGS ship in the reconfigured format, the school’s portion. I think this is one step to help alleviate the problems that we agree need to be addressed, but it’s taking it in steps, Mr. President.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2579 was adopted and S.B. No. 3006, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF DEPARTMENT OF EDUCATION FACILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2580 (S.B. No. 3041, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2580 be adopted and S.B. No. 3041, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in support of the measure and said:

“Mr. President, I’m quite pleased to stand up and support this bill.

“I’d like to laud the Majority Party for following our lead on this initiative. We’ve been advocating for years to get rid of the state storeroom. It’s proved to be, after the audit, the liability that Senator Hogue alluded to being a black hole where money goes in and no light or enlightenment comes out.

“We’re hoping that the Majority Party continues on with initiatives like this because there are many more that we should look at abolishing.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2580 was adopted and S.B. No. 3041, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2581 (S.B. No. 2043, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2581 be adopted and S.B. No. 2043, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose in opposition to the measure and said:

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

“Mr. President, I laud the intent of this bill, and there’s a great Hawaiian tradition, and Hawaiian culture gave us so many blessings and wonderful traditions to follow and ‘hanai’ was one of them. But unfortunately, ‘hanai’ worked well in the ancient ‘kapu’ system where the ownership and responsibility for children was not clearly defined by law but by cultural practice.

“Unfortunately, in modern society we do have laws and it’s a terrible situation when a parent or grandparent has to take over custody of a child but does not have legal custody when it comes time to make decisions on behalf of that child.

“There is and there are many mechanisms within our judicial process where this can be remedied. It’s something that doesn’t need to be studied. It’s something that needs to be implemented through existing law. This is an exercise in politically correct rhetoric when what is really needed is more decisive action.

“It also commissions a study. Originally when this was heard in Committee, the proponents said it wouldn’t cost anything to do the study, and my answer to that was – then why don’t you do it. Unfortunately, we know otherwise. It will cost something. It will result in a long delay, and will also probably obfuscate and blot out the real problem and that’s the legal remedies to enhance adoption for grandparents and others

taking care of children that had been left to the sidelines by parents who are in trouble.

“Thank you, Mr. President.”

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

“Mr. President, I’m obliged to rise in support of this measure.

“Contrary to the previous speaker, the custom of ‘hanai’ is alive and well in modern society. In fact, Mr. President, I was ‘hanai’ to my maternal grandparents.

“This is a measure that is needed. The statutory and the case law in Hawaii has been that ‘hanai’ is not recognized as a legal adoption. This has been so from the original case laws in the Kingdom of Hawaii and the first cases, I believe in the 1860s, debating this. The bottom line was inheritance. That was the bottom line with it.

“But unlike what the previous speaker said, the circumstances of ‘hanai’ were not because the children were unwanted or discarded by their parents or neglected by their parents. Quite the contrary, it was because they were loved by their parents and they wanted to pass on the cultural traditions – the arts, the history, the family genealogy of that lineage. And that was the main purpose of ‘hanai.’

“I support this, Mr. President, because never in Hawaii’s history have we recognized ‘hanai’ in the law. This sets out a mechanism to examine the case law, statutory law, Hawaiian customary and traditional practices related to ‘hanai.’ It asks that an interim report be submitted in 2003 and then a final report in 2004.

“I agree that we have to implement, but we must do it cautiously because we will be overturning over 150 years of case law in Hawaii. I think it needs to be overturned. We need to recognize ‘hanai’ but it must be done cautiously.

“So I applaud the introducers of this bill. I don’t agree with the previous speaker on some of the points said there and say that ‘hanai’ is alive and well and applaud the introducers.

“Thank you, Mr. President.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2581 was adopted and S.B. No. 2043, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ADOPTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 2583 (S.B. No. 2478):

Senator Taniguchi moved that Stand. Com. Rep. No. 2583 be adopted and S.B. No. 2478, 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 in opposition to this legislation.

“Mr. President, this legislation offers a retirement package to certain trustees that have been in the Office of Hawaiian Affairs for an amount of time to qualify for it. It’s always been my feeling that OHA should not be a state agency. It and its assets should be transferred into private trust.

“I don’t believe this is necessary and I believe that under the existing lawsuits, it threatens the viability of OHA as a state agency. We better start taking a look at doing something to address that issue, rather than making OHA more dependent on the state coffers to exist.

“Thank you, Mr. President.”

Senator English rose to support the measure and stated:

“Mr. President, again I’m obliged to support this one.

“It’s not the people; it’s the principle. The principle, Mr. President, is that under *Rice vs. Cayetano*, it became very clear – OHA is a state agency. In fact, it’s enumerated in the State Constitution. It’s laid out as a fourth branch of government, and therefore, all of the same benefits and same privileges that apply to all of the other three branches of government must, by logic, be applied to the fourth branch of government.

“Notwithstanding the previous speaker’s comments on where OHA should go, but really it is a state agency whether we like it or not, and therefore, we must extend to them fair and equal treatment.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2583 was adopted and S.B. No. 2478, entitled: “A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2585 (S.B. No. 2895, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2585 be adopted and S.B. No. 2895, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“Mr. President, this bill is well intended, and it certainly behooves us to have more Hawaiian participation in Hawaiian art in Hawaii. Unfortunately, this bill takes money out of the general revenues of the State of Hawaii and not out of the agency that should have been doing this all along, an agency who we should take a closer look at in the future – and that’s the State Foundation on Culture and the Arts. They do have the assets and the means to more adequately fund the art of the native Hawaiian culture and they have not done so in the past, and I see no evidence of them doing so in the future.

“Though this is a wonderful initiative, I caution us to not go down the road of having projects like this funded out of the general fund when they really should be funded by the State Foundation on Culture and the Arts.

“Thank you, Mr. President.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2585 was adopted and S.B. No. 2895, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPRESENTATION OF HAWAII AT THE FESTIVAL OF PACIFIC ARTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2586 (S.B. No. 251, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2586 be adopted and S.B. No. 251, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“Recently, the DCCA, the Department of Commerce and Consumer Affairs, conducted a number of studies concluding that regulation was unnecessary and this was one of those areas. The studies found limited evidence, limited evidence, of consumer harm in the practice of professional counseling. The Department added that regulation will benefit counselors more than consumers. I think that’s who we want to protect, so I’ll be voting with reservations.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2586 was adopted and S.B. No. 251, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2590 (S.B. No. 2085, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2590 be adopted and S.B. No. 2085, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in opposition and said:

“Mr. President, I rise to speak in opposition to this bill, which will create another unfunded mandate at what cost to the State, allowing minors the opportunity to receive mental health and substance abuse benefits just like adults . . . sounds like a great idea, but at what cost?

“Further, this excludes minors receiving treatment under the Felix consent decree. Testifiers pointed out in Committee that Felix treatment is educationally oriented and that Felix minors will not be able to receive full range of treatments under this bill. Therefore, it actually restricts treatment to those who may need it most, and I’ll be voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2590 was adopted and S.B. No. 2085, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2591 (S.B. No. 2140):

Senator Taniguchi moved that Stand. Com. Rep. No. 2591 be adopted and S.B. No. 2140, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"I fully understand the importance of prompt prenatal care. However, I feel the process can be addressed more effectively. Committee testimony provided a better solution by suggesting a simplified application process with immediate determination of eligibility. The Department of Human Services also expressed concern that adopting this measure could jeopardize federal funding by violating Medicaid requirements.

"For those reasons, I have reservations. Hopefully, it can be cleaned up.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2591 was adopted and S.B. No. 2140, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2592 (S.B. No. 2145, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2592 be adopted and S.B. No. 2145, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose with reservations and said:

"Mr. President, I will be voting with reservations. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2592 was adopted and S.B. No. 2145, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2594 (S.B. No. 2227, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2594 be adopted and S.B. No. 2227, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose and said:

"Mr. President, I'll be voting with reservations.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2494 was adopted and S.B. No. 2227, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2600 (S.B. No. 2717, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2600 be adopted and S.B. No. 2717, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2600 was adopted and S.B. No. 2717, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2601 (S.B. No. 2753):

Senator Taniguchi moved that Stand. Com. Rep. No. 2601 be adopted and S.B. No. 2753, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2601 was adopted and S.B. No. 2753, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2602 (S.B. No. 2761, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2602 be adopted and S.B. No. 2761, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“This bill creates a new \$20 fee for a permit to remove, bury, or otherwise dispose of a body. Once again, the State gets involved from birth to death and makes you pay all the way along.

“Allegedly, this fee will allow the Department of Health to develop a more efficient, a more efficient, electronic system to administer the burial program. But if so, why does 50 percent of this fee wind up in the general fund?

“Mr. President, death and taxes are bad enough, but taxing death really bites the big one.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2602 was adopted and S.B. No. 2761, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VITAL STATISTICS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2604 (S.B. No. 2770, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2604 be adopted and S.B. No. 2770, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition and stated:

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

“I support public health nursing and their services, but will not support a public health nursing special fund.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2604 was adopted and S.B. No. 2770, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2605 (S.B. No. 2773, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2605 be adopted and S.B. No. 2773, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition and said:

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

“During the Felix investigation we found out that a number of things that were supposed to have been done by this division were not being done or could not be accounted for. In the beginning of the bill it talks about this appropriation would be for Felix related activities but the farther you read into the bill, the more you find there are other activities totally unrelated to Felix.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2605 was adopted and S.B. No. 2773, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2606 (S.B. No. 2775):

Senator Taniguchi moved that Stand. Com. Rep. No. 2606 be adopted and S.B. No. 2775, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

“Mr. President, I’ll be voting ‘no’ on this bill.

“Every year we come back and we have emergency appropriations. This does two things. It shows that we’re not budgeting adequately or properly for our activities nor are we prioritizing. And secondly, it makes a mockery of the term ‘emergency.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2606 was adopted and S.B. No. 2775, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2609 (S.B. No. 2782, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2609 be adopted and S.B. No. 2782, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition and said:

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

“I thought the whole idea was that we were going to have the Lieutenant Governor SWAT those bad regulations, but we are not only not taking care of the most important regulations, we’re adding to the paperwork and the bureaucracy. We should not have state licensing of the hospitals. We should make it easier so that we have more access to health facilities.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2609 was adopted and S.B. No. 2782, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2614 (S.B. No. 3053, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2614 be adopted and S.B. No. 3053, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose and said:

“Mr. President, I’ll be voting with reservations. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2614 was adopted and S.B. No. 3053, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2625 (S.B. No. 2120, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2625 be adopted and S.B. No. 2120, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure as follows:

“Mr. President, I’ll be voting in opposition to this bill, as well.

“Testimony revealed that if in fact we pass this measure, we’re going to add to the already burdensome cost of workers’ compensation, which for many businesses right now either are totally unattainable or the insurance itself is unattainable because we have disturbed the workers’ comp insurance market and have fewer providers.

“So, for these and other reasons, I’ll be voting ‘no.’ Thank you.”

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

“Mr. President, please instruct your Clerk to cast a very high ‘with reservations’ vote for me.

“As a businessperson, we are suffering in the economic downturn, and I’m inclined to vote ‘no’ like the previous speaker, but I’ll vote with reservations.

“This measure will have a deleterious impact on small businesses, such as mine. We have limited resources to fall back on and yet try to maintain our minimum continuous workforce. I feel this bill is unnecessary. Existing statutes provide necessary protection for injured workers who return to work. Granting of temporary partial disability benefits for workers unable to obtain treatment before or after work could be opening a barn door for potential abuse of the law.

“Mr. President, this is another element that adds to the cost of workers’ comp, so I ask you and my colleagues, Where are the savings? Where are the measures that go the other way to make workers’ comp more efficient and more affordable?

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2625 was adopted and S.B. No. 2120, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2626 (S.B. No. 2127):

Senator Taniguchi moved that Stand. Com. Rep. No. 2626 be adopted and S.B. No. 2127, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure and said:

“Mr. President, boy, it’s a lot of fun always being the one to stand up and vote ‘no.’ This time it’s against pensioners.

“Everybody would like to say ‘yes’ and say let’s give special benefits to this group, that group, let’s have this special program and that program. But the fact of the matter is we can’t afford it. And the fact of the matter is we’re not being honest when we select different groups to have special favors.

“I’m all for alleviating the problems of those retirees on fixed incomes, but the fact of the matter is, the one reason that they’re having increased costs is because of our tax burden, because of our debt burden, because of our mandate burden. So if we really want to help those that are retirees, as well as those that are still trying to struggle and work right now, we’ve got to cut our taxes, cut our tax burden, and lower our cost of living here, while raising our standard of living. But none of the bills we have today will do that.

“Instead, we’re trying to appropriate more money. In this case, picking people that are 70 years of age or older, have 20 years of service and who have retired from the State, and now we’re going give them a bonus in addition to their retirement benefits that they’ve already earned. I would love to do that, Mr. President, and I think that those people who would like to do it should line up over on the corner there and reach in their own pockets and do it. But what we’re doing instead is picking the pockets of taxpayers, the people who are struggling right now and young people who are trying to get started. And that’s why everybody in this State is having a hard economic time.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2626 was adopted and S.B. No. 2127, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2627 (S.B. No. 2467, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2627 be adopted and S.B. No. 2467, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I oppose this bill as well.

"I supported Act 253, the collective bargaining and civil service reform act, the idea of returning the right to strike for public employees, except for those emergency personnel being police and fire. As important as nurses are, I don't think that they fall into the same category. Therefore, to move Act 253 along, I would oppose this bill.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2627 was adopted and S.B. No. 2467, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2630 (S.B. No. 2718, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2630 be adopted and S.B. No. 2718, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2630 was adopted and S.B. No. 2718, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2633 (S.B. No. 2759, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2633 be adopted and S.B. No. 2759, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"I understand your Committee finds this bill necessary to fulfill, in part, the State's workers' comp obligation. The reservation I have is regarding the cause for the bill. Why would we need a million dollars more, 20 percent more, an increase in funding for workers' compensation costs? Perhaps we're paying out too much in workers' compensation claims.

"The entire process, doling out workers' compensation costs, needs to be looked at more closely and better monitored. We need to reevaluate the entire system for efficiency and costliness, not just throw more money, a million more dollars for a quick fix."

Senator Slom rose in opposition to the measure and said:

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

"The good Senator from Moanalua made all the good points as to why we should be voting 'no' on this bill. And as I said earlier, workers' compensation is a major problem in this

community, particularly among private owners and employers. Now what we're saying is we'll look the other way in terms of public costs for workers' comp. It's time that we face the reality and look at this program and the costs realistically.

"I urge a 'no' vote on this bill. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2633 was adopted and S.B. No. 2759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Buen).

At 2:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:05 o'clock p.m.

Stand. Com. Rep. No. 2634 (S.B. No. 2786, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2634 be adopted and S.B. No. 2786, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun.

Senator Slom rose and said:

"Mr. President, I look forward to this bill every year, and we do get a different version of it every year. I was just talking to my good colleague from Moanalua, but I see he has left the building, and so therefore we'll let the bill go by this year because I know that there'll be another amendment to it next year.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2634 was adopted and S.B. No. 2786, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Buen, Kim, Sakamoto, Taniguchi).

Stand. Com. Rep. No. 2636 (S.B. No. 2900):

Senator Taniguchi moved that Stand. Com. Rep. No. 2636 be adopted and S.B. No. 2900, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Mr. President, I spoke earlier about the guy with a popsicle in hell and I must say, after all the bills we've passed turning the heat up in hell, that popsicle has obviously melted. This is another example of why we're in economic hell here in Hawaii.

"Obviously, this is a good appropriation. It has done much to help clean up our environment, a project that government should do and do well, but what we do in order to make this thing fly financially is that we exempt the people that we're hiring from the mandates and the benefits that we require the

private sector to give similar workforce employees. Therefore, the State of Hawaii is extremely hypocritical, and my offer as a solution to this ongoing problem is to pass on reductions of the mandates (taxes) that we heap on the private sector as we do for people we hire.

“Thank you, Mr. President.”

Senator English rose to support the measure as follows:

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

“Mr. President, I have some very sad news to share with our colleagues and with you. In a letter dated February 28 from the University of Hawaii, Pacific Cooperative Studies Unit, David Duffy, the leader of the unit, sent this to all of the workers. This is announcing the shutdown date of the emergency environmental workforce. The entire program, miconia eradication, dengue fever control, everything statewide will shut down on March 13, 2002.

“I would like to read you a very short letter, Mr. President. It’s a bit sophomoric and it’s a bit condescending, but nonetheless I’ll read it. It’s addressed to all of the workers and it says:

“The emergency environmental workforce was started in the dark days following 9/11 when we were in shock over what happened and worried whether we as a people would recover. Many doubted at first that the workforce could be effective. They were wrong. You chose to help make your communities better when you could have sat at home. The islands are a better place for what you have done. Unfortunately, the money is about to run out and so we will be ending your employment on March 13, 2002. There are no additional funds to extend the program, but we are hoping the Legislature will provide future support that will allow us to rehire many of you. Thanks again for your help.

Sincerely,
David Duffy’

“What’s imbedded in here, Mr. President, is both the downfall and the hope – the downfall in that the program will end on March 13, a statewide program that has done wonders at a minimal cost, and the hope that we will continue it. It put people to work that were unemployed, and I’ll come back to this. It cleaned up the environment. In fact, I understand that on the Big Island, the amount of the miconia that has been cleaned in one day is what they used to do in one year. On Maui, huge areas have been cleaned to control mosquitoes.

“Mr. President, the ironic part of this is that we will lay these people off, put them out of work, shut down the program on March 13, statewide. They will then go on unemployment. And you know what? The money that it would have taken for us to fund the program through July 1, three more months, is going to be the same amount of money that we pay out in unemployment benefits to these people. So, in the end we pay the workers, to quote again from Mr. Duffy’s letter, ‘when you could have sat at home.’ Well, yes, we’ll be paying them to stay at home now.

“This bill, Mr. President, helps to fund the project after July 1. We will shut down the program for three months and then hopefully restart it again on July 1. But the ironic part is that it doesn’t save the State any money. We pay the same amount of money in unemployment benefits as we would to provide for emergency funding for this project. And it’s not the Legislature’s fault. I have to be very clear on this. It’s an Executive decision. That’s the Executive’s choice. That’s

where the choice has been made, but nonetheless, the same amount of money will be spent.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2636 was adopted and S.B. No. 2900, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2637 (S.B. No. 2967):

Senator Taniguchi moved that Stand. Com. Rep. No. 2637 be adopted and S.B. No. 2967, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“Holy cowbells, how can anybody be in opposition to a bill that says that an employee should get 15 minutes in any 8-hour shift of work? I mean, what a mean-spirited person. Even one of our staff members had a hard time digesting that bill . . . until he listened to the rest of the story – and that is, in addition to trying to explain to teenagers how to drive at night, maybe we should spend some time educating people as to what it means to own and operate a business, and what it means when you’re a private employer and you have customers that can take their business elsewhere unless you provide service for them, or unless you have an emergency within your business.

“Now, I don’t know of any employers that systematically, and in any given period of time, tell their employees they can’t have a break or they’re not entitled to a break. What they do object to is having the government tell them what they can and cannot do. What they do object to is us spending time here with special legislation again, not helping the economic situation, not improving the business climate, but telling them we’re going to make sure that you provide that break. And how is the Legislature going to do that? How is the government going to do that unless maybe we take some of the people from the environmental workforce and create jobs for them to oversee every business to make sure to stopwatch every eight hours so somebody can take a break

“It’s not to deny anyone the break, but it is to allow full flexibility, and sometimes, Mr. President, as I’m sure you know, you are working on something and something must get done and you may pass that eight-hour time limit. So what we’re saying here in opposition is that it is not the place of government to do this and to mandate this.

“Thank you.”

Senator Sakamoto rose to oppose the measure and said:

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

“I have concerns because I feel it should be at the discretion of the employer and shouldn’t, as the previous speaker mentioned, be mandated by government that the employer give one 15-minute break for every 8 hours worked. What if the employer wants to give two 10-minute breaks? What if the employer wants to give a 12-minute break every hour? Are we as legislators so presumptuous that we have to dictate

everything to employers? Do we feel that individual employees are so powerless and meek that they will not be able to take a break?

“Mr. President, give us a break!” (Laughter.)

Senator Chumbley rose in opposition as follows:

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

“Mr. President, when I came to this Senate I had 450 employees between the two companies that I ran, and in those two companies, we have collective bargaining contracts for some of those employees, and some of them are not covered under contracts. During my whole time as an employer, I never prohibited anybody from taking a break and in fact I have provided free meals to my employees in one of the businesses.

“To be told by government now that this is going to be the word of the law, I think is just wrong, Mr. President. I don’t do this, and I don’t think many other businesses do. I think this is a solution looking for the problem, and I urge all of you to have your cake and eat it too.”

Senator Nakata rose to support the measure and stated:

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

“The opposition to this bill had beaten me into submission over the last three years, and I had decided not to touch it this Session, but low and behold, I got a message from the Minority Leader of the other house requesting that I introduce this bill. So in the spirit of bipartisanship, I thought that we should move this bill, so I urge you all to support this bill.

“Thank you.”

Senator Slom rose and said:

“Mr. President, point of information. Does this now mean that the Majority will be listening to Minority positions and seeking us out for our wise counseling and guidance? Thank you.” (Laughter.)

Senator Chun rose in support of the measure and said:

“Mr. President, in response to the Minority Leader, we always seek your assistance and your comments. We might not listen to it, but we seek it anyway.

“Mr. President, I will support this bill despite the comments of the Chair of Labor, but I believe we should have more flexibility to this bill. I think the concept is laudable. The idea is worth considering. I think we should give more flexibility in this bill by basically having the employers determine at what time and what place and how much break time they could allow and can allow employees.

“Thank you, Mr. President.”

Senator Ihara rose and said:

“Mr. President, please note my reservations in support of this bill.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2637 was adopted and S.B. No. 2967, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been

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

Ayes, 16. Noes, 9 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Kim, Matsuura, Sakamoto, Slom).

At 2:17 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:35 o’clock p.m.

Stand. Com. Rep. No. 2640 (S.B. No. 3025):

Senator Taniguchi moved that Stand. Com. Rep. No. 2640 be adopted and S.B. No. 3025, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure and said:

“Mr. President, I rise in strong support of this measure. I had to do at least one today.

“It’s a very good bill. It provides a very small window of opportunity from July 1 of last year till the end of this year for any successor employers to attain the same unemployment compensation rating and rate as the company which they took over. I think it’s a good idea. I would like to see it go past December 31st, however.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2640 was adopted and S.B. No. 3025, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsunaga, Menor, Tam).

Stand. Com. Rep. No. 2646 (S.B. No. 2077, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2646 be adopted and S.B. No. 2077, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in support of the measure and said:

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

“First off, I want to surprise my colleagues by saying something very positive about the traffic camera legislation and the Department of Transportation. I don’t want you to fall out of your chairs, but I do believe that it has been good that we’ve had this discussion. It’s been good that we reviewed our personal driving habits. It’s been good that we’ve been talking about traffic safety. It’s been good that we’ve talked about speed limits. It’s been good that we’ve talked about slowing down, and it’s been good that we’ve talked about how much police would do a much better job of enforcing our laws than picture takers sitting in vans.

“It’s especially good that we’ve had a discussion about civil rights and burden of proof in traffic court. It’s good, as well, that we’ve tried to hold our department heads accountable, even when they don’t provide the answers, or unwilling to give us those answers, or in some cases seem to be totally baffled as to what even the question is.

"But, enough already, it's time to end this ridiculously failed experiment. There are so many flaws in the current law and so many flaws in how the DOT has handled it that it's not worth any more of our time to count them all. Instead, it's time to use some common sense, for a change, and go back to the drawing board and start all over again.

"The bottom line, if I can quote a passage from a very famous movie, 'We don't need no stinking picture takers along the highway.' Let's do the right thing. Vote to repeal the traffic cams now and for the rest of this legislative session.

"Thank you."

Senator Chumbley rose and said:

"Mr. President, will the previous speaker yield to a question?"

The Chair posed the question to Senator Hogue, and Senator Hogue having answered in the affirmative, Senator Chumbley inquired:

"Could you please tell us what movie that is? We're dying to know." (Laughter.)

Senator Hogue answered:

"Treasure of Sierra Madre."

Senator English rose in support of the measure as follows:

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

"This program is distasteful to the basic tenets of democracy because it presupposes that our citizens can't be trusted and have to be watched really like naughty children. Big brother will catch you in the act now and punish you later.

"Mr. President, there's a basic problem with the concept of using cameras to monitor citizens' behavior. In a free country, where we are suppose to have rights to move unhindered, following the law, forget move unhindered, we have something recording our movements. This is a real balancing act of public safety versus civil liberties and civil rights.

"We've had the discussion. We've talked about this. I'd like to err on the side of caution. And yes, Mr. President, safety is important, but not at the cost of the civil rights of our people.

"Thank you, Mr. President."

Senator Slom rose in support of the measure also, and said:

"Mr. President, I would like to speak in even stronger terms in support of this measure than my colleague from Hana.

"As one who has voted against this legislation from its inception five years ago – only because questions were not answered and information was not given in the areas of due process, of constitutionality, of cost of implementation – I want to make it clear to those people that have called our offices and said that those of us that are supporting this repeal are supporting law breakers, we're supporting unsafe actions, and so forth. I want to reiterate again, as we have in all of our previous deliberations, in our meetings and in our hearings, safety is of prime concern, but we support the judgment, the intelligence, the experience of police officers who can be on the scene, and we need more of them to do the jobs that need to be done.

"Having a photograph of a car that has been speeding, or even done something unsafe, is not providing safety, is not getting that car off the road, is not protecting other people. And that's what this should be all about – finding ways in which we can work together.

"Had the Department of Transportation followed the recommendations of the private vendor from the beginning, two things would have happened:

1. There would have been community involvement and participation, and answers to questions before the implementation; and
2. It was their recommendation that, in fact, a realistic threshold be established not to allow scofflaws, not to allow lawbreakers, but to take into consideration the realities of everyday driving.

"Now I get calls from people that are really happy now because they can go 20 miles an hour in the left lane, and they are really happy. They say, 'See, it works; it slowed down traffic.' It certainly has slowed down traffic, although it didn't slow down the car the other night that went flying over Waialae in my district. And had we had the cameras in that area at that time, they may have gotten a nice picture of the car flying over but they would have done nothing for safety.

"So here again, we've got to keep our focus on what it is that we want to do. And if we want stronger laws and stronger safety, then we should be willing to commit to, first of all, the counties to give them the support that they need, and secondly, to the police officers to make sure that they are able to do their duty.

"I am very proud to be part of this body when this body has come together in a bipartisan measure, listened to all of the arguments, asked the very difficult questions, and now is about to repeal this God-awful law.

"Thank you."

Senator Ihara rose in support of the measure with reservations and said:

"Mr. President, I rise in support of this bill, although, perhaps, not as strong as previous speakers. In fact I have reservations about this bill although I'll be voting for it.

"I prefer a comprehensive fix than repealing this bill. Among the fixes I think are needed would be, as the previous speaker has said, using the same threshold that the county uses, the county police, for the threshold at which a ticket is issued. I think that the insurance rates need to not be impacted by a ticket, for a speeding ticket, and that the financial incentive now in the current contracts be removed. Also, I would add another criteria for the fix, and that would be to have the counties approve the cameras in their own jurisdiction.

"If these fixes are made, I would support a bill like that, if not, then I will continue to support a repeal.

"Thank you."

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

"Mr. President, I also rise in support with reservations.

"I also don't believe we should do away with the project completely. Certainly, I agree with some of the changes proposed by the previous speaker. There ought not to be profiteering. It ought not to affect the insurance rates, and also there shouldn't be speed traps, Mr. President. But I feel that the cameras have kept excessive speeders in check and have kept our roads safer.

"In fact, in response to some of the comments, I believe this measure could and is intended in part to relieve the motorcycle officers and the blue and whites from chasing after speeders and monitoring highway safety, and allowing them to perform much needed services and allow this program to deal with some of the speed problems.

"Thank you."

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

"Mr. President, I rise in favor of this measure.

"Mr. President, there is a time, place and manner for the speed cameras to be used. However, as we have learned through this experimental program, the time, place and manner need to be carefully considered, and cannot be looked at in a vacuum. We can't just look at cameras and say that will solve one part of the problem. We need to look at the speed limits. We need to look at how this will affect the drivers' abstract. We need to look at how this will really directly relate to safety and where we should have these cameras. We also need to look to see whether the contract provides them with an improper incentive or not. These things can only be done after the program is stopped and looked at comprehensively, not on a piecemeal basis.

"Mr. President, I think what we have done today is a very good bill in the spirit of bipartisanship. I want to thank the Chairman of the Transportation Committee for letting it proceed even though he had strong reservations about discontinuing the program. I think that even the Chairman has looked at this and has seen that it needs to be fixed.

"So, Mr. President, I urge the House and the Administration to look at what we're doing over here and to fix the problem, and to look at it as part of an overall plan of safety, and not just a small part.

"And by the way, Mr. President, if the Honorable Senator from Kailua does have some time, I'd like him to yield to a question and to let us know what year was that movie. (Laughter.)

"Thank you, Mr. President."

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

"Mr. President, I stand in support with strong reservations.

"I agree with the speakers from Kaimuki, Kapahulu, and Moanalua/Salt Lake. Many of the concerns they have expressed, I share. I know in the Pali Highway area, the Nuuanu residents have seen a significant, positive impact since the program has been implemented. And I know that the Kalihi residents that I also represent would look for a repeal of the program. So I think there is a split in people's concerns about this measure.

"But I would like to see some amendments made, if possible, to the program such that traffic safety, as was intended when we

had passed the bill a number of years ago, is foremost in our minds.

"Thank you."

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

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

"Mr. President, I believe that while the cameras may serve a good purpose, that it's not in the right locations as they've been implemented. As I look at the traffic safety facts of 2000, and this has been taken by the National Center for Statistics and Analysis, we see that on the interstate, speeding related fatalities, that for 55 miles and over 55 miles there were zero fatalities for the year 2000. In 1999 there was one fatality. So if we're talking about safety and we're talking about where we should put the cameras, the statistics tell us that it was in 35 miles an hour where we got 15 traffic fatalities in the year 2000 and in the year 1999 it was 11 traffic fatalities.

"So I think we really need to look at the statistics. We really need to look at where, in fact, we're placing the cameras and our efforts, and if in fact we really want to save lives, then let's put the cameras where they should be. And because of that, I really think we need to repeal the program, go back to the drawing board and make sure that what we intend to do is what we actually accomplish.

"Thank you."

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

"Mr. President and fellow colleagues, I stand to vote in favor with reservations.

"When you look at what was passed previously, the use of the traffic cameras for safety was a good concept. In my area, Nuuanu/Pali Highway, there is a problem. People tend to speed in the 35 miles per hour zone, causing many deaths to occur, whether they are in vehicles or trying to cross the highway. Unfortunately, stricter laws have to be enforced to make people more careful.

"Basically, I believe in government where people should have their input into the process before any laws are enacted and become mandatory. But, this law came about without people having their input into the process.

"I also acknowledge that the Department of Transportation's administration looked at the existing law and said this is how we're going to do it. Well, quite frankly, they did it wrong. They need to go back to the drawing board.

"I see this measure before us, S.B. No. 2077, S.D. 1, which I'm voting in favor of with reservations as a message to the state administration to get their act together and organize themselves. I think the message we're trying to send is we want safety on our roads, but the administration should utilize legal means through the Attorney General's Office to make the existing law proper.

"I have doubts about the Attorney General's Office. If I had to be represented by the Attorney General's Office, I would refuse. As friends in private practice have said, the best way to win a case is to sue the State, because they always compromise and give in.

"Thank you."

Senator Menor rose to speak in favor of the measure with reservations and said:

“Mr. President, I’d like to speak in favor of this bill, but with reservations.

“Mr. President, I will be voting in favor of this measure because I recognize the fact that I agree with everyone that there are significant flaws in the current program. However, throughout the years that I’ve served in the Legislature, Mr. President, I’ve become a more practical Legislator, and I recognize at this point in time that there is a significant difference of positions and opinions between the House and Senate at this point in time.

“I think the worst thing that can happen is for this issue to move into Conference Committee where issues cannot be resolved and the end result is legislative inaction with respect to this issue, because I think that it would be detrimental to the interest of the residents of Hawaii. Therefore, as this bill moves through the process, I’m hoping that all of my colleagues will keep an open mind to the possibility of a middle ground that may strike a more appropriate balance between a complete repeal of the current system and a retention of that system.

“During the Committee decision making on this measure, I proposed what I thought would be a good middle ground, which is to impose a one-year moratorium on this program. I know that there were some concerns with respect to that time frame, but I think that is the kind of detailed issue that can easily be resolved in Conference Committee. I think that the benefit of a moratorium is the fact that it would give the State some breathing room to be able to do the things and to address the issues that the Department of Transportation did not address prior to the initiation of this program. First of all, a moratorium would give us the opportunity to solicit widespread public input, which was not conducted or not conducted sufficiently prior to the program launch. Residents of every community in the islands, and not just those who make it to a legislative hearing, should be given the opportunity to advise elected officials on how and where photo enforcement should be conducted.

“I also think that there are some significant issues that need to be personally scrutinized, such as insurance impacts, the severity and range of penalties for photo captured speeding violations, and even the governance of the program and whether the Department of Transportation is the most suitable administrative home for a photo enforcement program.

“I think all of these issues need to be addressed if we’re going to improve the program. I don’t think that we have sufficient time during this legislative session to adequately address all of these issues and receive adequate public input. So, I hope we keep an open mind, keeping in our back pockets the possible compromise of a moratorium when it moves into Conference Committee.

“And finally, the last reservation I have about this bill is that it repeals the entire traffic safety enforcement program. It repeals not only the traffic camera van provisions, but also the provisions in the law that require the installation of the traffic cameras at busy intersections where everybody would agree we have significant problems in terms of red light running by motorists. I think that there are many people in the public who would support retention of that phase, although not supporting the other aspects of the law.

“So, as this bill moves through the process, I’m hoping that my colleagues will consider possible modifications. But at this

time I’ll vote in favor but with the reservations that I have mentioned. Thank you.”

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

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

“Mr. President, I’d like to echo the comments of the Senator from Kaimuki. In that respect, I’d also like to correct the Senator from Hawaii Kai that the Waialae Nui/Ainakoa areas are actually not in his district yet until after reapportionment. (Laughter.)

“Mr. President, it’s often been said that, before you criticize someone, you should walk a mile in their shoes. That way, when you do criticize them, you’re a mile away and you have on their shoes. (Laughter.) But, notwithstanding that comment, Mr. President, although I haven’t walked a mile in the DOT’s shoes, I do think that they absolutely botched this program. They had an opportunity to address running red lights and drag racing, and they simply fumbled.

“Mr. President, it’s also been said that good judgment comes from bad experience, and a lot of that comes from bad judgments. So, I’m very hopeful that the DOT will exercise better judgment in the future.

“Thank you.”

Senator Ige rose to speak with reservations and said:

“Mr. President, I would also like to note my support of this measure with reservations.

“I would definitely prefer that we work to fix the program, rather than repeal it outright.

“Thank you.”

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

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

“Mr. President, S.B. No. 2077, S.D. 1, which is the repeal of the traffic cam law, is really something that we should all do, and I rise in support of it.

“Let’s all step back and realize what exactly we are dealing with here. We are dealing with what was supposedly a pilot program, which on its own right is going to expire on July 1, 2003. So as we sit here and we argue the merits of giving the Department of Transportation, who’s already technically had that time since 1998 to go and fix this, what are we fixing it for, a project that’s supposed to expire by its own in 2003? So are we now saying that we’re going to de facto bless this program and keep it alive past 2003? These are the real questions we have to deal with.

“You know, before the good Senator from Kaneohe stood up and talked about that movie I hadn’t heard about, something came to mind when I thought about these traffic cams. I can say this now that I see the reporter from that station has gone. I’m not plugging a particular station. When I was a kid growing up I saw a cartoon, and I can tell you it was Channel 9 because in Waianae we only got Channel 9. And in that cartoon, there was a whole bunch of cars that were really on trial. They were on trial for hitting people; they were on trial for running red lights and all those things. And then somebody

said . . . they had this dorky looking guy being the defense lawyer defending the cars and saying, 'It's really not the cars; it's the people inside of the cars.' And even as a kid I thought, you know, that's right.

"And here we have a bill that's really focused at cars, not at the people, but at cars. And look at what people on the bench have done with this law. Look at how they've basically told people how to beat the system. And yes, if you didn't make the right argument and you still have to go to trial, they're telling everyone, 'burden of proof, burden of proof.' So we know we're going to put the people, the citizens through this process. We have those who already went below 9 miles, somehow paid all their tickets and are not going to get the benefit. We have those who now are not going to have the proper ID. We have some situations now that are coming up, one that I think was raised in Committee is how they're calibrating. There is a difference between the right hand lane where the vans are and the far left lane, however many lanes down that may be. These are all critical issues and they're going to be challenged.

"Mr. President, colleagues, we forgot the critical issue – what about the people? What about the people who through this process and through the arbitrary actions of the Department of Transportation and the State and probably also through inaction are getting hit because they don't want to take the time out, or they can't afford to take the time out, and they can't hire a lawyer to go down there, or they can't qualify for legal aid or a public defender to go down there and challenge it? What about them? And I contend that they are the ones who you should be interested in helping – the ones that we really want to be sure are not treated in this disparate matter that are being caught in this net, that are being caught to pay because they can't take the time off.

"This law has been in effect since 1998. The Department of Transportation did not enact rules. It is a requirement under the law that they enact the rules. They failed to do so. They just ignored it and said they didn't have to, even if that act said that they did. Had they done what they were supposed to do, we wouldn't be in this position today, and we're here because they didn't do it. So what do we do? Do we tell them, 'That's okay, you tried.' Yeah, maybe they tried for two weeks before they started to issue the tickets. So now what do we all do? Do we step back and let them try to fix the system – a system that every time they go to court there's some other flaw to what is going on because it is still part of the traffic code. It is still a criminal proceeding once you go to trial. There are still issues of burden of proof.

"What we are doing here is we're saying, 'Well, we can fix it along the way, and maybe, maybe by the end of Session the Department of Transportation will learn its lesson and we will have a system that can work – maybe.' But who are we experimenting on? Mr. President, we're experimenting on our constituents. Now, for me, that's a big group because most of my constituents are commuting. And yes, I understand what my colleague from Nuuanu says, and I will point out to my colleague from Nuuanu that the Governor was kind to point out that it is my district that should have those cams because it is my district that has the deaths.

"I'd also like to say that the family that lost two at Maili Point contacted me because of this specific issue. It was one of the saddest e-mails I have ever read because I did not realize that in 1985 they had lost another son at exactly, or almost exactly, the same place. And the one they lost last month was the one who was driving at that time. He was only 18, and his 11-year old brother was killed in that accident. It was the same thing – crossing the centerline and a head-on. And they contacted me to say 'the Governor is wrong. We don't need

traffic cams out here. We need infrastructural changes like the barriers. Anything to stop people from crossing over.'

"I don't want the Department of Transportation to ignore its responsibilities. Yes, we do have a lot of deaths out there, and I will tell you that my constituent base does not want traffic cams. And you know, traffic cams may do something to slow traffic, but I will tell you, put a blue and white out there and it will do a better job.

"When we were out sign-waving in honor of this family and the two deaths that they suffered, they put that little sign that tells you how fast you're going. And they had blue and whites standing by. Anybody who went over that speed limit was chased down by the blue and whites. That worked. That sent a message. But if you ask me whether that still would have stopped the crossovers of the centerline, the answer is 'no.' That's not it. It is not the fix for everything, and to simply have it said that all of us that have high traffic deaths should be in support of this law because it will do something, is, in my opinion, shirking the responsibility of the Department of Transportation.

"Stop and think, four years they do nothing. Now they want to save a program that expires in 2003, and at whose cost? Mr. President and colleagues, it's at the cost of those who can least go out and defend themselves. And that's who we are willing to experiment with because we're going to protect the department that didn't do its job. Based on that, I ask that you vote in favor of this bill.

"Thank you very much."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2646 was adopted and S.B. No. 2077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2648 (S.B. No. 2306, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2648 be adopted and S.B. No. 2306, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure as follows:

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

"You know, I have a lot of problems with this bill because of the explanations or mis-explanations that were given by the head of the Department of Transportation. First, the Department of Transportation explained that the only reason that we have this bill, which introduces a \$4.25 exit fee for every passenger leaving a state airport in Hawaii, is because other cities have had it already and they're getting it. He gave as an example that if you're flying from Honolulu through Los Angeles to Dulles, that part of the fee right now is apportioned to Los Angeles International Airport and part of the fee to Dulles. And so the argument was that we want our share and we want to get the fee. You're already paying it, but the State of Hawaii is not getting it. That was the rationale.

"And then upon questioning what would happen to L.A. and Dulles, he said in the Ways and Means Committee that L.A.

would pick up their portion of the fee from Dulles. And what would happen to Dulles? Well, I guess they would do without a fee because the people in Honolulu were paying and the State was collecting.

“The next part of the explanation was that we needed this for security. And the problem there is that the Federal Government has given all of the airports, including Honolulu International, additional appropriations, emergency appropriations, since 9/11 for security. This Legislature gave the Department of Transportation, Airports Division, additional monies for security in our Third, not so special, Special Session in October of last year.

“So I have a real problem, Mr. President, in getting straight answers from the head of the Department of Transportation, whether it’s cameras or whether it’s fees. And so, left to my own devices, I will not support the additional \$4.25 fee from Honolulu.

“Thank you.”

Senator Kawamoto rose to speak in favor of the measure:

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

“Mr. President, our passengers going to the Mainland now pay this fee. Whether we get it or somebody else gets it is up to this bill. Right now, this bill provides the capability for our DOT to receive the money as people depart the State of Hawaii. The reason why it’s a little late is that we’ve never had an exemption as we do now that the inter-island people don’t have to pay going from island to island.

“So, Mr. President, I urge my colleagues to vote ‘aye’ on this bill because these are our residents that are paying for this bill, paying this money, and it would go to other states. We should pay it and keep it here in Hawaii.

“Thank you.”

Senator English rose in support of the measure and said:

“Mr. President, I’m so pleased to support this bill.

“It started out as a bad, bad, bad bill (laughter), something we killed on the Floor last year. It started out as a bill that exempted the county airport facilities from SMA, shoreline management applications. That was the bad, bad part. This came in as an amendment in Ways and Means and we changed the bill and made this bill. This became a good, good bill. (Laughter.)

“So we learned something. The title is important. You know, I’m still a young freshman here so I’m still learning the thing about titles, and I realize that hey, if the title fits, use it. (Laughter.)

“So, Mr. President, this allows us to collect a fee that is authorized nationally that has been collected by other jurisdictions and we have been losing out. In fact, the Department has told us, and frankly, we don’t know if we can believe them anymore, but still, what they told us is that we’ve lost about \$20 million worth of revenue. So this allows us to collect it. This is a federal fee that has already been imposed since 1990 and it allows us to get our share of it. In our era of economic downturn and no revenues, it’s good to move a bill that will help us realize some revenues.

“So, I support the bill and I thank the introducer for allowing it to become what it has become. Thank you.”

Senator Ihara rose to speak in favor of the measure with reservations:

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

“Mr. President, my reservations on this bill relates to what the previous speaker mentioned. This bill did not have a hearing. The contents of the bill, the public had no opportunity to testify on this new charge, a new facility charge not to exceed \$4.50 per passenger. I would have much preferred that the committee that decked this bill allow public testimony on an S.D. 2.

“So if this bill moves along, I’m hoping that there’ll be more input and I’m hoping that this kind of practice doesn’t continue.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2648 was adopted and S.B. No. 2306, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2649 (S.B. No. 2325, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2649 be adopted and S.B. No. 2325, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition as follows:

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

“Again, Mr. President, this is another bill to raise the cost of living, raise the taxes. In this situation, the fees that are paid on your insurance for the education fund goes from \$2 to \$3. The original plan was to go from \$2 to \$5. It does not mitigate the additional cost for driver education, which is quite considerable. All it does is make sure that we’re going to pay 50 percent more in fees, and if it goes to Conference, there still will be a strong likelihood that they’ll try to push it up further than \$3.

“Thank you.”

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

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

“Mr. President, I voted ‘no’ on this bill in previous committees for the reason stated previously that we did not put a clause on there saying that this cannot be passed on to the consumer. But it really is trying to deal with a greater problem, and the greater problem is this – we enacted a program that on its face is good. The program is requiring all underage drivers, before they get their permits, to go through a driver education course. The problem is that we didn’t fund it. We didn’t give it the correct amount of instructors – neighbor islands have one or two. We don’t certify the instructors, the private instructors in time.

“So what do we do? We try to create a funding mechanism to pay for it. Now, I can agree to this because it doesn’t deal with the root problem. The root problem is that we need to certify more instructors. We need to make sure that the neighbor islands and the rural areas, and even Honolulu, have enough resources to make the program work.

“So I cannot support this for those two reasons. Thank you, Mr. President.”

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

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

“Mr. President, we had increased the driving age from 15 to 16. We had asked for some specific education processes, and we had hoped that the private sector, the insurance companies, because we hoped that there would be less accidents, we had hoped that the insurance companies would kick in some money because there would be less outpouring of some of their claims. That didn’t happen.

“We have the \$2 that we talked about – \$1 goes to the Judiciary; \$1 goes to the Department of Education for drivers’ education. All they did was come in and ask for an additional dollar because this would give them another \$700,000. We will be giving them \$1.4 million to run the drivers’ education program. This is all they wanted to do, and I urge all my colleagues to vote ‘aye’ on this bill because they need the money.

“Thank you.”

Senator Hogue rose to speak in opposition as follows:

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

“I want to give you a personal story about an unfunded mandate here. It’s kind of the unintended consequences. It sounds like not a lot of money, \$2, \$3. Here’s what ends up happening – I have a daughter who just this past year turned 16. She wanted to drive. So, I wasn’t sure if she was quite ready. I’d gone driving with her, and frankly, she was not very good at it . . . good at basketball, not good at driving, certainly needed driver’s education. Sounds like a great, great program, so I called around and tried to get her signed up. Apparently you can do this through the public schools. What ended up happening was that only one school had an opportunity for her to get on the list. All the rest of them were full. When we contacted that school, we were told that she had to get involved in a lottery. I thought a lottery was illegal here, but apparently you can do it when it comes to driver’s education. So she got on the lottery list. She didn’t get picked. It turned out that this is the way they do it at some of the other schools.

“The point is that there are a lot of kids who are out there looking for the programs and they can’t get in. So what do they do? They turn to their parents and they say, ‘Can you sign me up for a private driver’s education class?’ Well guess how much that costs – \$425. Thank you to all of you who voted for this measure when it went through, because you made me \$425 poorer. She still doesn’t have her license, by the way. It’s taking her weeks, if not months, to get through this private driver’s education class.

“Sometimes we need to think about the unintended consequences of our votes. Driver’s education sounds like a great idea, but what impact, what financial burden is that going to place on a family? So, I will be voting ‘no.’

“Thank you.”

Senator Chun rose in opposition to the measure as follows:

“Mr. President, I stand in opposition to this measure. Mr. President, it’s not often that I vote against the Transportation Chair. Usually I go ‘W/R.’ (Laughter.)

“Mr. President, this program has been before us ever since its inception in 1999. Last year we tried to extend the time period for the bill because we didn’t have enough driver’s education classes or instructors, and we’re still facing the same problem today.

“Mr. President, back in 1999 when this bill was passed, that was raised as an issue, and it was assured to us that it was going to be solved because the private sector was going to step up to the plate and enough people were going to be interested to start their own classes and the prices would be reasonable because of competition. It sounded good, however, Mr. President, that has not happened.

“It has been reported to me, and I’m trying to find out what the truth is, but it was reported to me that there is a backlog of applicants to be certified to be driver’s ed teachers. That would help the Honorable Senator from Kailua’s problem and, hopefully, help the rest of the State so that we can find adequate teachers to teach the driver’s ed classes. However, I made a phone call to the Department of Transportation. I was referred from the Traffic Safety Branch down to the Public Affairs Branch, and they said that that branch was handling the driver’s education program. I called the Public Affairs Branch and lo and behold, like a good public affairs office, I got a recording. And so I left a message with the recording and I asked specifically for that information. I gave my phone number and I said could I please have that information. I have not heard back from them, yet.

“Mr. President, the bill was laudable in its inception in 1999. I think we need to focus upon driver’s ed. We need to make sure that drivers are taught the proper way to drive. However, Mr. President, the way it has been implemented, like some other programs, is very, very problematic for all of us. And I don’t feel that the fix that is being suggested here in S.B. No. 2306 is going to work. I haven’t heard any testimony that additional monies going into the Department of Education will result in more classes being open. I don’t know whether or not there will be more teachers there. We haven’t heard whether it will work based upon this fix. We’re going to be back here again next year asking for more money.

“Mr. President, we need to have a program that is comprehensive. We need to know that it’s going to fix the problem and we have to identify the problem, which I think, according to the Senator from Kailua, the problem is we don’t have enough teachers; we don’t have enough programs. And I still haven’t heard whether or not this bill, with these fees, will result in a solution to those problems. So until I hear about that, Mr. President, I will be voting ‘no.’

“Thank you.”

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

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

“Some years back there was this famous TV host who did a show and he would hold an envelope above his head and Johnny Carson would say, ‘The great Karnak says,’ and we open the envelope that was written in 1999, and it said it’s not

going to work then; it's not going to work now. A dollar is not going to make any difference. It's not going to work. It's broken and it needs fixing, and this is not the way to fix it.

"I urge all of you to vote this down."

Senator Kawamoto rose again and said:

"I just want to add that in the hearings that we had, the DOE teachers and instructors came by and they will double the availability of schools with the doubling of the monies. So that's testimony enough for me."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2649 was adopted and S.B. No. 2325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Chumbley, Chun, English, Fukunaga, Hemmings, Hogue, Ige, Kim, Slom).

Stand. Com. Rep. No. 2652 (S.B. No. 2545, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2652 be adopted and S.B. No. 2545, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to support the measure with reservations and said:

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

"I support the idea of the Office of Information Practices but we can't seem to get it right. We keep changing the bills. We keep coming back every year. We don't fund the Office properly, and we don't even know where to put it. So, I think maybe we have to do a lot more work on this and decide where we're going to put it. I don't think we want to put it in the Governor's Office; that's one thing. And I don't think it belongs in the Legislature. So, I think we have a lot more work to do with it.

"Thank you."

Senator English rose to speak in support of the measure and stated:

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

"Mr. President, I support it because it's dealing with something very important – the idea of access to information. We have four branches of government, Mr. President – the executive, the judiciary, the legislative and, of course, OHA.

"Now this bill sets up a commission to figure out where to place the Office of Information Practices. Maybe the easy way is to just place it with OHA, the fourth branch of government and let them figure it out.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2652 was adopted and S.B. No. 2545, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2658 (S.B. No. 3049, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2658 be adopted and S.B. No. 3049, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition as follows:

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

"Well, here we go again. We want to issue bonds for a ferry system. How many pilot programs are we going to have? How many tests are we going to have to prove that people are not supporting the ferry system? We have had example after example, experiment after experiment. As long as they're subsidized, as long as the State, the Federal Government, or the taxpayers pay for it, there will be enough people that will want to ride to take a ride. But in terms of a viable transportation system, we have proven over and over again that that is not the case, and I don't want to see the taxpayers' money used for this purpose.

"Thank you."

Senator Kawamoto rose in support of the bill and said:

"I rise in support of this bill.

"Mr. President, if they read this bill correctly, it's an authorization of special facilities revenue bonds. The person that is trying to get this together will be responsible and liable for those bonds."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2658 was adopted and S.B. No. 3049, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hogue, Slom). Excused, 1 (Chun).

Stand. Com. Rep. No. 2659 (S.B. No. 3086, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2659 be adopted and S.B. No. 3086, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"I think there are a number of good features in this bill, including the fact that if an elected official becomes a candidate for another office upon resigning and after filing nomination papers, that is when the candidacy actually begins. There are other factors about money and campaign limits and that's good.

"The thing that I'm concerned about is the provision for mail-in ballots required for all special elections. As we saw in

our last general election, we had some problems with not only our mail-in ballots and absentee ballots, but even with determining whether we have citizens or live people voting. There has been a reluctance by the Office of Elections to make substantial reforms in a timely manner, and until that's done, I will have my reservations on this bill.

"Thank you."

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

"Mr. President, I rise to support this measure with separate reservations, different from the previous speaker.

"The issues, I think, are the fact that several years ago we made it easier to start new political parties. This bill now requires that each one of those individual political parties have their own special ballot. What this could result in is tens of thousands, if not hundreds of thousands, of ballots that would be printed and simply wasted because they wouldn't ever be used.

"The current process of combining the various parties on ballots may be somewhat confusing, but the solution to that is money for education as opposed to the printing of ballots that would never be used. I understand that one of the initial cost estimates just for the larger parties themselves would be in excess of \$3 million. That's a waste of money.

"The second portion of the bill, which attempts to amend Section 831-2 to deal with the situation of a recent conviction of an elected official, simply strikes the word sentence and inserts the word conviction. If you go on to read that portion of the section, lines 12 through 16, that person would still be entitled to the appeal process under the due process of law, which is right. But if that person wins the appeal, they're going to have to be reinstated. So what are you going to do during the time that you remove that person from office and the time that they would go through the appeal process? You can't go through a new election because that person who appealed could be replaced back into the office. So the simple striking of the word 'sentence' and replacing it with 'conviction' isn't going to solve the problem.

"I don't know what will at this moment but it's a complicated situation, and as the managers of this measure continue to move forward with the House in discussion, I think it needs to be looked at very close.

"Thank you."

Senators Hemmings, Hogue, Matsunaga and Chun Oakland requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2659 was adopted and S.B. No. 3086, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2668 (S.B. No. 2774, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2668 be adopted and S.B. No. 2774, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

"Mr. President, I'll be voting 'no.'

"It creates the wastewater systems special fund. And then it goes on to appropriate \$100,000 out of the newly created special fund for other purposes which may not be in keeping with that special fund.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2668 was adopted and S.B. No. 2774, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Chun, Kawamoto, Matsuura).

Stand. Com. Rep. No. 2669 (S.B. No. 2805):

Senator Taniguchi moved that Stand. Com. Rep. No. 2669 be adopted and S.B. No. 2805, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2669 was adopted and S.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chun, Kawamoto, Matsuura).

S.B. No. 2682, S.D. 1:

Senator Taniguchi moved that S.B. No. 2682, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

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

"There are a number of problems with it, Mr. President, including the old problem with tort liability. But I want to mention, particularly, that Section 2 of this measure appropriates \$1.5 million in general revenues to pay for claims against the State.

"Last year the Legislature passed H.B. No. 513 and the Governor subsequently signed it into law as Act 168. Section 6 of Act 168 stated that 'any future claim for which money is required to satisfy a judgment or settlement agreement shall be funded through each agency's department allocation and not by general fund appropriations.' So this legislation, as I now read and interpret it, breaks a law from last year and therefore I urge our colleagues to reconsider this and vote 'no' and fix it.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 2682, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE,

ITS OFFICERS, OR ITS EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Hogue, Slom). Excused, 3 (Chun, Kawamoto, Matsuura).

At 3:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:32 o'clock p.m.

S.B. No. 2826, S.D. 1:

Senator Taniguchi moved that S.B. No. 2826, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, S.B. No. 2826, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chun, English, Nakata).

S.B. No. 2748, S.D. 1:

Senator Kim moved that S.B. No. 2748, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

Senator Kim rose in favor of the measure as follows:

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

“Mr. President, it may be well and good that this bill may be too late to address the recent City’s condemnation action of private land to benefit Outrigger Hotels. After all, justice should be blind, and so I hope we will be able to vote on this bill to clarify public purpose, rather than on the specific parties involved.

“In the issue of eminent domain, let us remind ourselves what America represents. The United States have always boasted to the world how it protects and enforces private contracts and private property rights. The essence of our American democracy and citizens’ rights includes strict limitations upon government’s interruption of these rights.

“Mr. President, the Fifth Amendment of the United States Constitution accords the government the power of eminent domain. For public purpose, the Constitution provides the government to condemn private property accompanied by just compensation to the property owner. Thus, the exercise of the power of eminent domain might be viewed as an exception to the general rule of land ownership rights. Thus, Mr. President, public use or public purpose definition becomes exceedingly critical.

“Taking for public purpose, classically, is for the public safety, health, morals and general welfare. Historically, the eminent domain power has been evoked for public projects, such as roads, bridges, fire stations, schools, police facilities and the like. In more recent times, taking to provide housing as opposed to commercial activities such as shopping malls has been upheld by the Supreme Court of the United States validating Hawaii Housing Authority’s condemnation for home

ownership that included land ownership. But the recent City action appears not to be the type of qualifying for public purpose as to permit the exception to the rule of American public policy.

“Additionally, a taking must be accompanied by just compensation. This just compensation has been interpreted to mean the value determined by free market ingredients with a willing seller and a willing purchaser. Therefore, intervention by government pollutes this legally protected process.

“Hawaii’s economy, if not our existence, depends exceedingly on private capital within and without the boundaries of Hawaii. Unreasonable attempts by government to give one party more leverage in negotiations sends out discouraging signals to potential investors. These investors will hesitate to infuse new capital in a place where the state or the city is unpredictable on the basic issue of property rights.

“Mr. President, this is a matter of broad public policy, not some minor county land use decision and it goes far beyond home rule. Therefore, I urge all of my colleagues to support this bill. Let’s clarify the age-old term of public purpose and let us preserve the American dream.

“Thank you, Mr. President.”

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

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

“First of all, I want to thank the administration for providing us with this measure. And I would like to have the remarks of the good Senator from Kalihi Valley printed and given to every school child in this State so they understand what private property, freedom, competition, and the open market is all about. Maybe we should start with some of our colleagues here. They could read it too, first.

“Some people criticized this bill, this measure, as interfering with home rule and the county’s rights. I think that the good Senator put it in proper perspective. This has broad public policy involvement and our first responsibility is to our individual citizens. And the fact that a private company would try to utilize government to get an advantage, which they should negotiate freely and openly, I think is repugnant and should be repugnant to all of us.

“So I, like the good Senator, call on all of my colleagues to support this measure.

“Thank you.”

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

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

“Unlike the previous speaker, I specifically would like to have the good Senator from Moanalua’s remarks sent to the City Council. Obviously, they forgot what America is all about.

“Unfortunately, the reality is that this much needed legislation may be sadly too late for the poor land owners that had been, up to this move by the Council, in negotiation with the big land owner and pretty much have been put out of bargaining power by what the Council has done. Hopefully, by passing this legislation we’ll preempt egregious acts like this from happening in the future.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 2748, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COUNTIES’ EMINENT DOMAIN POWERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2806:

By unanimous consent, S.B. No. 2806, entitled: “A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL,” was recommitted to the Committee on Water, Land, Energy, and Environment.

S.B. No. 2322:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 2322, entitled: “A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2694 (S.B. No. 2172, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2694 be adopted and S.B. No. 2172, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I rise in opposition to this measure. Well, I understand that the House spent four hours on their bill. I’ll try to be brief. (Laughter.)

“I think that while we have differences among us in the Senate, that our position from the beginning has been almost unanimous that the administration should not get its hands on the funds in this special fund that was created, the Hurricane Relief Fund. Also, that was not the way to either balance the budget to make up for an alleged deficit or to do any kind of responsible accounting, because once that money was used, once it was gone, it was gone.

“More importantly, again, those of us that were forced to pay into this fund . . . no one contributed because it was forced and mandatory. The ideal situation is to refund the money to the individuals that paid into it and let them make the decision as to whether they want hurricane relief retrofitting or whatever they would like. But barring giving the money away to the Administration, the second best path, of course, would be to use it for the purposes for which the fund was created. Again, my personal belief is that we should refund the money.

“It’s interesting that during testimony the hurricane relief fund and various department officials said that would be really difficult because they couldn’t identify the people that had paid in. I thought it was a very simple process. However, in this bill the very same people testified in favor of the bill saying, ‘Well, yes, all you have to do is bring proof of your payment and you would be able to get some mitigation.’ The first year, I believe the bill says that, it’s only for those people that paid in, and after that it’s Johnny bar the door because anyone and everyone could get the availability of the tax credit.

“So, for these and other reasons, again, Mr. President, the right thing to do is to refund the money. Thank you.”

Senator Taniguchi rose to support the measure as follows:

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

“Mr. President, I believe strongly in a hurricane mitigation program. I believe it is a win-win situation.

“Mr. President, I’d like to note that at the hearing for S.B. No. 2172, your Committee inserted language that would authorize the issuance of taxable general obligation bonds in the event that a hurricane should strike Hawaii. That language was inadvertently left out of the bill and my staff and I missed this. I apologize to my fellow members. I will not be recommending or requesting an amendment to this bill because I believe it is still early in the Session and our Senate bill will hopefully go to Conference.

“There is also a House bill that is coming over, H.B. No. 2654, H.D. 2, which contains language authorizing the issuance of taxable general obligation bonds to recapitalize the Hawaii Hurricane Relief Fund. Thus I’m confident that discussion will continue on this aspect of this very important issue.

“Thank you, Mr. President.”

Senator Hogue rose to speak in opposition to the bill and said:

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

“This bill, as it is now written, appropriates an amount to be designated later, perhaps up to \$30 million as we requested from the \$240 million hurricane relief fund for so-called ‘wind mitigation’ devices that would help homeowners against future hurricanes. Now, of course, if this was all the debate was about, I might be inclined to vote with reservations only. As the good Senator from Manoa pointed out, this sounds like a good idea. Perhaps we can help some homeowners mitigate against high winds.

“My problem with the bill as written would have been that the dollars used aren’t designated as coming from only interest as they had been billed in the past. Testimony has shown that all the monies in the fund are now commingled.

“I would have also had reservations about the fact that the State would have had no liability in the use of these mitigation devices. Would they hold up in a powerful 150-mile-an-hour hurricane? We don’t know. And if they didn’t, who would be liable? The bill doesn’t specify accountability.

“I would have also had reservations if the program is now available to all homeowners after year number one of a three-year program, not just those who paid into the fund originally. In other words, everybody would get a chance to spend the money even though it’s never been properly called a tax. But a tax it really is or will be, because everyone in this chamber and everyone who follows this issue across the state knows what the real intent of this title is. Should we raid the hurricane fund or not? Should we keep it intact for another hurricane? Should we give it back to the people who paid into the fund, or should we use it to balance the budget?

“Personally, I think that there are great arguments to either giving the money back, as the good Senator from Hawaii Kai mentioned, or holding at least a portion of that money for another hurricane. Those arguments make sense, but if we give in to the cries of wolf, the cries of wolf that we have been

hearing out of the other chamber, then we are taking the coward's way out. This is a time to stay courageous here in this chamber and stand up for what we can afford. We can't afford big government.

"We have to do what a family does when it's confronted with major financial problems. We must tighten the belt and we must prioritize. If we give in to the easy cash cow, we have failed this Session. It's a one shot financial windfall and then we're right back here again next year trying to figure out how come we can't balance a continually bloated budget.

"I encourage all of my colleagues to do the right thing. Vote 'no' on the real issue here, raiding the monies of the Hawaii Hurricane Relief Fund.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2694 was adopted and S.B. No. 2172, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2695 (S.B. No. 2520, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2695 be adopted and S.B. No. 2520, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in opposition to the measure as follows:

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

"I, too, am concerned with the rising cost of prescription drugs. All of us are. I'm concerned, though, that passing this bill will result in a costly legal battle with the pharmaceutical industry further damaging Hawaii's very, very challenged fiscal future.

"Several states, several of them, are experimenting with ways to address increasing drug costs. This bill, in fact, mirrors a State of Maine program currently tied up in court. It is the nation's most controversial plan because of its use of price controls. The Maine RX program has cost the state, the State of Maine, millions of dollars through legal challenges and awaits action by the United States Supreme Court. The program cannot be implemented until a decision is made. Such a delay in Hawaii will help nobody.

"My colleagues are well aware of the legal challenges that await that state and the costs associated, should we proceed with this program, Mr. President. There have been alternative plans warranting discussion that are less controversial and could possibly be more effective. Additionally, there are no income guidelines and all residents are eligible to participate in the current language in this bill, Hawaii RX. Even Maine, with their controversial measure, restricts their plan only to state residents without prescription coverage.

"I will not vote to pass a legally questionable and untested plan that will cost Hawaii's taxpayers hundreds of millions of dollars in legal fees and taxes through implementation. For these reasons, I will vote 'no.'

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2695 was adopted and S.B. No. 2520, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2696 (S.B. No. 2247, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2696 was adopted and S.B. No. 2247, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2697 (S.B. No. 2411, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2697 be adopted and S.B. No. 2411, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Mr. President, to summarize my remarks, this is another popsicle for the guy in hell. Thank you."

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

"Mr. President, I speak in favor of S.B. No. 2411, S.D. 2.

"Mr. President and fellow colleagues, this bill is an effort to promote Hawaii's existing and future diverse economy, which we do have. Otherwise, we would not be able to live here in our State of Hawaii. Yet, many people think tourism is our only economy, but we have many other industries.

"According to the terminology used by Dr. Seiji Naya of the Department of Economic Development and Tourism, Hawaii is currently known for its sun and surf. There is, however, a positive future for Hawaii, domestically and internationally. Representatives from Hawaii's industries have requested that the Committee on Economic Development and Technology support this bill.

"Thank you."

Senator Slom rose in support of the bill with reservations as follows:

"Mr. President, I support the bill with reservations.

"My the reservations have to do with the ability of the Department of Business and Economic Development to adequately market this program. We have continued to give money to the department for various marketing programs and we've not held them accountable or tried to measure the results.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2697 was adopted and S.B. No. 2411, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING OF HAWAII PRODUCTS AND SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2698 (S.B. No. 3014, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2698 be adopted and S.B. No. 3014, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2698 was adopted and S.B. No. 3014, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA STADIUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2700 (S.B. No. 2060, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2700 be adopted and S.B. No. 2060, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2700 was adopted and S.B. No. 2060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2702 (S.B. No. 2211, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2702 was adopted and S.B. No. 2211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2703 (S.B. No. 2512, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2703 be adopted and S.B. No. 2512, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

At 3:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:52 o'clock p.m.

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

"Mr. President, I stand to speak in favor of this legislation.

"Mr. President and Majority Party colleagues, as you well know, the three of us have sometimes been perceived as having the daunting task of being the checks and balances in the process, and we're sometimes referred to as the 'loyal opposition.' But increasingly frequent in this Senate under your leadership, Mr. President, under the leadership team you have assembled, we have time to work together in a bipartisan manner to do something that just is so obviously correct.

"I want to read into the record a letter from the business manager of a school that has been tremendously affected by the Charter School legislation and was under threat of demise because of what the BOE, the DOE, and with complicity, the HSTA has done. This letter certainly will speak well of what we've done here today. In addressing the letter, I'd like to quote:

'I like what the Ways and Means Committee did to S.B. No. 2512. The excellent work of the Committees on Education and Labor was enhanced, in my opinion, by Ways and Means. Our goal is to achieve predictability and equity for all charter students and teachers no more or no less than other public schools.'

At this point, she is very happy. She continues on after the letter, lauding what has been done by the Ways and Means Committee:

'Our Legislators have heard our message and we thank you deeply for your focus and timely response. Our board, our staff, our students and all our families in our expanded community are deeply appreciative and look forward to your victories on the Senate Floor and, we assume, also in the House of Representatives.'

And this is signed by the business manager of an award winning charter school, Ms. Carolyn Smith of Lanikai School.

"So colleagues, I'm tremendously proud of what you've done, and Mr. Chairman of the Senate Ways and Means Committee and committee members, I'm tremendously proud to be on the committee that did what is right and not necessarily what the nay sayers in opposition to charter schools wanted.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2703 was adopted and S.B. No. 2512, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chumbley, English, Matsuura).

Stand. Com. Rep. No. 2704 (S.B. No. 2738, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2704 be adopted and S.B. No. 2738, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"I'm very happy to speak in favor of this measure because when it was originally drafted it established the school bus fare special fund, and then in the Ways and Means Committee in the Senate Draft the special fund was changed to a revolving fund. So I welcome the addition from the Ways and Means Committee and say, why can't we do that with other measures rather than creating special funds? Revolving funds will work just fine. It will do what is intended and is not a subterfuge for later raiding.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2704 was adopted and S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chumbley, English, Matsuura).

Stand. Com. Rep. No. 2707 (S.B. No. 3007, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2707 be adopted and S.B. No. 3007, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in opposition as follows:

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

"Mr. President, this bill has so many flaws, frankly, I don't know exactly where to start. First, it was originally intended to be a way to abolish the Board of Education and establish governance of the schools by having the Governor appoint the school superintendent among other things. That bill was gutted because it was obviously a bad idea, and in its place an equally bad idea. The committee report even reflects that by stating that your committee passed along this measure unamended in order to provide a vehicle for various educational reform initiatives. Well, this isn't it.

"Now the bill gets the Governor involved in the charter school process. I know that's not what we intended when we began charter schools. But this bill would allow the Governor to appoint nine members to a commission to oversee the charter movement and make so-called recommendations. And while well intended, by talking about accountability, fostering community partnerships and facilitating grants, it does nothing but get in the way of the local charter school boards doing their job.

"We need legislation to help the charter school movement, and apparently we are doing that with the bill that the Senator from Kailua and Waimanalo talked about. We don't need another dysfunctional board in the school's chain of command. And for that reason, I'll be voting 'no.'

"Thank you."

Senator Sakamoto rose to support the measure as follows:

"Mr. President, I rise in support.

"As pointed out by the good Senator from Kailua, the Governor does appoint, but it's appointed from a list presented to the Governor by each local school board. So he's not appointing people outside the people that schools themselves send forth for him to appoint from.

"In the discussions with the charter schools and hearing from different people, some of them self-anointed to speak for themselves and others, I believe the Hawaiian group of about a dozen charter schools said, group us up in a Hawaiian district. I think other charter schools have different ideas, but this measure is an attempt to help, rather than hinder, the charter schools' effort in having them formalize a place where they can deal with issues that some of them have in common and some not, but at least for innovative ideas to have a place to come together in a more formal structure than outside of government. And this, hopefully, would help them as opposed to hinder them."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2707 was adopted and S.B. No. 3007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Ige).

Stand. Com. Rep. No. 2708 (S.B. No. 3018, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2708 be adopted and S.B. No. 3018, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to support the measure with reservations and said:

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

"Mr. President, I'm glad that both Houses of this current Legislature are doing the right thing and moving, finally, towards decentralization. We need to have more local decision making in order to help our schools. That's very, very necessary and evident.

"This bill establishes seven regional districts and seven elected school boards. I support that. My colleagues here in the Minority support that. I hope you'll support that too. It makes sense, for example, for the people of Kauai to make their own decisions about what's best for the school children of Kauai.

"My reservations have to do with another statewide board above those boards. I ask you the question, What for? We already have a dysfunctional statewide board getting in the way. I think people in this legislative body recognize that. We don't need another one to get in the way as this one will. Let's take that part out and move ahead with real local control.

"For those reasons, I'll be supporting that with reservations. Thank you, Mr. President."

Senator Hemmings rose to speak against the measure and said:

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

"To make a long story short, Mr. President, the reason why charter schools work so well is because they're controlled by charter school boards made up of parents, something we've always talked about. What really is the earmark of their success is they do not answer to the BOE and the DOE. They are autonomous and therefore they function under the recognizance

of their leadership in their neighborhood with their parents and with their teachers. Therefore, it does not make sense to add back into the process another level statewide to regulate this process.

“Thank you, Mr. President.”

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

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

“Mr. President, it is a laudable effort by the Chairman of the Education Committee to bring forth this legislation to revamp the governance of the Department of Education. It is a step in the right direction and I’m very happy to support it.

“I’d like to note, Mr. President, that we should go forward even beyond this bill and remember that the issuance of governance and decentralization being addressed in terms of the Board of Education is a separate issue from the decentralization of the Department of Education because we need decentralization and local control not only on the policy making side, which this bill does attempt, but we need to give that same kind of control, that same kind of autonomy on the department level, on the administrative level. And as these issues progress, we should focus on both of those two things because they are separate issues. I think they both need to be addressed in this legislation.

“Thank you, Mr. President.”

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

Senator Sakamoto also rose in support of the measure as follows:

“Mr. President, I rise in support of this measure. I won’t read all of my remarks, but some of them relate to this measure as well as S.B. No. 2102, which relates to the same issue.

“In response to the comments about the need for a state level board, absent a state level board, we may have, whether it’s seven as this measure proposes or 15 as the House measure proposes, that many different parties coming to this body asking for support for numerous measures that might be, in fact, worthy from their perspective but confuse the issue much more in terms of helping education as a whole.

“I think this measure, hearing my colleagues’ comments about what they felt was too complicated or what they felt needed to be done and hearing the public in saying they continue to want elected officials serving them, the state board is composed of members that come from each of the seven elected district boards. So I believe this is a good way to meet the objections of having too many renegade boards or too many well meaning boards but still have statewide policy in terms of accountability, statewide policy in terms of graduation requirements, statewide policy in terms of how we meet federal requirements, but giving the people representation closer to their schools.”

Senator Tam rose with reservations and said:

“Mr. President, fellow colleagues, I stand to vote ‘yes, with reservations’ on this bill.

“As many of you know, my involvement in the community is basically within the public school system where I sit on five PTSA boards. As I look at this bill, the concept is good for

public participation, but unfortunately it adds more layers of government and confuses the community.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2708 was adopted and S.B. No. 3018, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 2709 (S.B. No. 2476, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2709 be adopted and S.B. No. 2476, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“In that this bill does not specifically appropriate a whopping sum of money to OHA, I will go along with keeping it alive for the purposes of changing it dramatically in the future. This potentially allocates \$17 million, as it started out with, out of general fund revenues to the Office of Hawaiian Affairs. It has been reported time and time again and is so well enunciated in one of the legislative audits on OHA, that most of their money is spent on their own administration and benefits and too little is spent benefiting the Hawaiians.

“It also has been reported recently in the newspaper that OHA is once again under threat of a legal suit that may in fact threaten its very existence. Most of these suits have been won, including the Rice decision in the federal court, challenging the constitutionality of OHA. So the responsible thing is to find another solution to the problem, and that is possibly found in the future with turning OHA into a private trust modeled along the lines of an Ali`i trust which functioned very well, absent politics.

“Mr. President and colleagues, OHA’s time has come. It’s come time to put aside the promise of the 1978 Constitutional Convention which ironically was given out by the members of the Majority Party who assumed leadership in this State and then those same leaders turned around and ignored the requirements they themselves put into the Constitution.

“The Hawaiians deserve a fair and equitable solution to this problem, and continuation of OHA as it now exists is not going to do that. In telling the Hawaiians that they will get their sovereignty and autonomy once we pass the Akaka bill in Congress is another tremendous injustice because that, we know, is stalled and does not have a glimmer of hope at this point. It’s legislative history. Therefore, the right thing to do is to solve the problem for the long term, rather than to continue to put band-aids on a program that has failed miserably.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2709 was adopted and S.B. No. 2476, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2710 (S.B. No. 2763, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2710 be adopted and S.B. No. 2763, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure and said:

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

“The original draft had created a special fund and the S.D. 1 deleted the special fund, then the S.D. 2 put back the birth defect special fund. So I’m voting against it because of the creation of yet another special fund.

“In addition to that, this special fund is supposed to be funded by an increase in the marriage fees which we will get to in a later bill.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2710 was adopted and S.B. No. 2763, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BIRTH DEFECTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2711 (S.B. No. 2027, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2711 be adopted and S.B. No. 2027, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose against the measure and said:

“Please execute my ‘no’ vote for the special fund created in this bill. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2711 was adopted and S.B. No. 2027, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2713 (S.B. No. 2302, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2713 be adopted and S.B. No. 2302, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in opposition to the measure and said:

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

“Essentially, this is the HMSA regulation bill. There was a lot of discussion during testimony that HMSA needs to further allow the sunshine in, and perhaps that is the case. There was some discussion that HMSA maybe needs to do a little bit better job in public relations, and perhaps that is the case.

“However, this bill goes too far. This bill allows the insurance commissioner to dictate – to dictate – the rates that health insurance must charge. There’s a section in here that says, ‘The commissioner may mandate filings for health insurance when the commissioner has actuarially sound information that current rates may be excessive, inadequate or unfairly discriminatory.’ Now, at first blush, this may sound reasonable. But the insurance commissioner is not required to be an underwriter or an actuary or even to understand the principles of either discipline and neither is his boss, the Governor.

“Furthermore, even if both of these two people did understand these principles, they can be motivated to act in accordance with transient political considerations and, in fact, are likely to do just that. They do not meet the fiduciary responsibilities of an underwriter or an actuary working for an insurance company to protect the interest of the policyholders and insure that claims get paid.

“Through regulation, this bad bill will stifle competition and deplete the reserves insurers need to pay claims. It’s a bad idea to allow government price controls. It’s an awful idea to let someone set rates for health insurance if they are not required to understand basic underwriting and actuarial principles and do not have a direct fiduciary responsibility to the policyholders.

“For these many reasons, I’ll be voting ‘no.’ Thank you.”

Senator Chumbley rose to support the measure with reservations as follows:

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

“While I do believe there are certain justifications with respect to the issue of oversight and holding the insurers accountable to justifying how they come to their rates, I don’t feel that moving all the way to regulation in one fell swoop is possibly the right way to handle this issue.

“I understand that we are moving a bill that requires an audit of the insurers, so I think that would give us some insight as to what’s going on within their financial books that maybe we don’t have full access to right now. So I’ll reserve my ability to vote ‘no’ on this measure as we move forward.

“Thank you.”

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

Senator Menor rose to support the bill as follows:

“Let me just keep my remarks brief in support.

“I’m going to offer some comments because if I think that my colleagues are going to be voting with me, they should understand the reason why they’re voting with me on this bill. So, I just wanted to offer some compelling reasons why this bill is necessary.

"First of all, I share the concerns of those who have expressed reservations or who have expressed opposition to this bill that in general, the free market ought to be allowed to prevail. Philosophically, I believe that where we have a free market that includes healthy competition among various companies, that, basically, government should get out of the way and allow businesses to compete and to conduct their activities without government interference.

"However, I believe that this bill addresses a very different kind of situation, given the fact that when you look at the health insurance market, it is not a competitive market. In fact, it is dominated by two major health insurers who exert virtual monopolistic control over the market, and I think that the statistics clearly bear that out.

"Moreover, I think that this bill is definitely a pro-consumer, pro-business measure. Mr. President, businesses and consumers have been hurt by rising health insurance premiums. With the existing of four health plans and the resulting lessening of competition in the market, health insurance premiums have risen faster than wages or inflation, overall. Therefore, I believe that rate oversight is necessary to provide assurance to consumers and businesses that these rates that are increasing are justified and bear a reasonable relationship to the costs that health insurers have to cover.

"Some concerns have been expressed in regards to the fact that it says that this bill goes too far, that with the enactment of this bill that it's going to give the insurance commissioner certain powers to regulate where the office lacks the expertise to be able to conduct an actuarial analysis and to undertake the basic kind of financial analysis that's necessary to determine the adequacy and appropriateness of rates. However, I think that these criticisms misunderstand the bill, because what the bill would essentially do is apply the same kind of rate regulation process that currently applies to auto insurance, workers' compensation insurance, and other lines of insurance in the health insurance area.

"With respect to the regulatory laws that apply to the other lines of insurance, the insurance commissioner consults with experts including a state actuary who helps the commissioner evaluate financial data, evaluate the methods and assumptions that the insurers are using and setting in proposing rates, and then ultimately determining whether those rates are appropriate and are not excessive and would be consistent with the interest of consumers. So, in fact, the insurance commissioner would have expertise, as he has his expertise with respect to other lines of insurance.

"I'd also like to point out the fact that there are other provisions in this bill that are very pro-consumer in nature. There is a provision that would mandate the return of excess reserves. It would require consideration of investment gains in setting rates. And I believe that these provisions are responsive to the public's concerns about these very critical issues.

"The other point that I'd like to make is the fact that I know one of the concerns that has been expressed is the fact that we need rate oversight instead of rate regulation. There are several problems with that argument. First of all, rate oversight would be appropriate, but without rate regulation then the insurance commissioner would not have the tools to be able to adequately protect the consumer's interest. So, for example, if as a result of rate oversight the commissioner determines that based on his review of the methods and assumptions that are used by health insurers that the rates are excessive, then the insurance commissioner would not have the authority to be able to reduce those rates and provide badly needed relief to consumers.

"It's also been pointed out or suggested that the insurance commissioner already has the power to conduct financial audits and examinations, but this only goes to the financial strength of the insurance carriers. It doesn't go to, again, an analysis of the methods and assumptions that form the basis for the insurance of setting of rates. What's critical about giving the insurance commissioner the authority to look at that is because he would also have the power under this bill to be able to eliminate the biases that oftentimes color the insurers, the calculations of premiums and rates to the benefit of insurers. And because of that, you could have substantial deviations between the insurance commissioner's calculations and the insurance company's calculations.

"One clear example of that was, as you know, Mr. President, several years ago the Legislature had a significant and extensive debate on auto insurance reform, and as the Chair of the House Consumer Protection Committee I was very much involved in that debate. And at the time that we were looking at implementing automobile insurance reform, there were differences of opinion with respect to the analysis of the state actuary and the insurance commissioner on the one hand, and the insurance companies on the other. I recall the insurance companies making these exaggerated claims that if we enact auto insurance reform, we're going to see premiums going up significantly. In fact, one insurance company, I recall, said that we would see a 40 percent increase in automobile insurance rates if we imposed rate regulations with respect to automobile insurance in Hawaii. Of course, that has not happened. In fact, quite the opposite is true. Millions of dollars have been saved to consumers with respect to auto insurance. I also point out that millions have been saved with respect to workers' comp insurance through rate regulations.

"So for all of these reasons, Mr. President, I think that this measure is a pro-consumer bill. For all of those who have already indicated that you are going to be voting in favor of the bill, it's too late to withdraw your vote. I hope I've given you an adequate basis to justify your support for this measure and in joining me in supporting this bill.

"Thank you very much."

Senator Hemmings rose to speak against the measure and said:

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

"The reality is, and I'll summarize my remarks by saying, price regulation and insurance commissioner oversight is the exact opposite of what is needed in the marketplace of insurance in the State of Hawaii. What is needed is competition for the one who does appear to have a monopoly. And in doing that, we must also ask why this one company needs to dominate the market and others will not enter into it, although there may be some that are big enough to compete.

"It's simply because of the policies of this Legislature and this government, not the least of which is the prepaid health act, which is a virtual disaster for insurance, for consumers, and for the State of Hawaii. It's such a disaster that the State of Hawaii exempts itself from it.

"So the real reform has to come from creating a more competitive economic environment for insurance companies, not regulating the one monopoly. This state is full of government mandated and regulated monopolies, and the list goes on and this would be another monopoly that allegedly is regulated by the insurance commissioner that ultimately will result in less competition in the marketplace and more cost to the consumers.

“And in closing, Mr. President, I might also remind this body that this wonderful insurance commissioner’s office that we look to for such wonderful regulations is the same insurance commissioner’s office that was regulating hurricane insurance money when the company, owned and operated by Hawaii’s biggest monopoly, went bankrupt on Kauai and left everybody holding the bag and took a walk on the responsibility and no one, including the insurance commissioner, did a thing about it.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2713 was adopted and S.B. No. 2302, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2714 (S.B. No. 2416, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2714 be adopted and S.B. No. 2416, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose and said:

“Mr. President, I beg your and the Majority Party’s indulgence. I’ve deliberately tried to stay on the sidelines for many of the measures spoken to today. Because of being of Portuguese ancestry, among other things, I could have said a lot and consumed a lot of time, and I wanted to devote some attention to this incredible boondoggle that’s being proposed. It’s so incredible that I am quite complimented that the Governor sent me an e-mail this morning challenging my comments regarding this program in the paper.

“I might add, Mr. President and colleagues, that this body, the Senate, has seized the high ground on several initiatives, and each time we’ve done so, we’ve emerged correct. But more importantly, we’ve done a great service to the constituents we represent. We seized the high ground in denouncing the traffic cams. We seized the high ground on veto overrides. We seized the high ground on the King Ben bill last session and sent back a realistic bill to the House and forced them to acquiesce to our common sense.

“The responsible thing to do now is to kill this bill. It is worse than the prepaid health act.

“The Governor, in his somewhat caustic remarks to me, could not miss the opportunity to take a personal shot at me. I won’t respond, but I will respond to his claims. The Governor claims an article in this morning’s Advertiser quotes me as saying that private insurance can provide long-term care cheaper than the proposed bill. The article actually quotes me saying ‘this will end up being like most other government insurance programs costing twice as much and doing half as much.’

“I do not have enough time to list all the government programs that have exceeded cost that we’ve spent a lot of time today funding with special funds and juggling funds to pay for programs that have exceeded cost, many of the Governor’s programs, I might add. The Governor also would like examples of private policies that offer better coverage. Well, we have three, and here’s one right here and I’m going to send it up to the Governor’s office. This would give a 50-year-old the premium of \$25 a month for double the state’s coverage, twice

as long. As you know, this proposed legislation only gives coverage for one year. This policy would give the individual insured double the coverage, twice as long, and it’s immediate. The insurer gets the insurance now, and a year from now if they need it, they get it. In the legislation we’re looking at today, you need ten years of payment before you’re vested. Oh yes, you can get insurance two years from now – you’ll get \$14 a month, or two-tenths of what’s being proposed.

“These policies that the private sector can provide offer full benefits immediately. There is a big difference between that and what the Governor is proposing. My office would be more than happy to provide the Governor’s office with these policies.

“The Governor asked what coverage the private policies offer. Do the insurance carriers have the right to drop coverage at any time, implying that these greedy insurance companies would drop it. Well, what the Governor did not know when he asked the question is that it’s forbidden by federal law.

“Also, this morning’s article pointed out another trick that supporters are using. They claim the tax helps target groups that cannot afford private insurance but have too much money to qualify for Medicaid. Why is it, then, that this bill has no qualification guidelines? It opens all income levels. If supporters were truly concerned for the needy, they would help them and not those people protecting their assets, which this would do.

“This is a bad bill, my colleagues. We have an opportunity to really do something bold here and kill it and send a message to the House of Representatives that we have to pursue making a competitive insurance environment in the private sector, allow individuals choice, an opportunity in the marketplace rather than creating another government monopoly that soon will cost us more and provide us less.

“Mr. President, this is a very, very serious matter. I think it was in 1974, as the Senator from Hawaii Kai pointed out, that this Legislature passed the prepaid health act. Remember the promises back then – employers will pay 50 percent, beneficiaries will pay 50 percent. This is such great legislation, all the other states are going to copy it, and the list went on and on. Well, that one prepaid health care act probably is the hallmark of the failure of the private medical insurance industry in Hawaii. This will be the same thing. Let’s take a long look at this. Let’s vote ‘no’ and send the message out that we believe in deregulating government monopolies and putting the power and resources in the hands of the people.

“In closing, Mr. President and colleagues, this whole initiative is a cruel hoax on the elderly in our community who think they’re going to get something for nothing. To think they’re going to get coverage for \$10, you think they know they won’t be eligible for it for ten years after vesting. Do you think they know that every person over 25 years old is going to have to pay \$10, taking \$80 million a year out of the economy. Mr. President and colleagues, the real thing to do is to vote ‘no’ and let the House and the Governor deal with this boondoggle proposal.

“Thank you, Mr. President.”

Senator Hogue rose to speak against the measure and stated:

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

“I first want to tell you of a private conversation that my wife and I had a few days go. Sometimes we get a chance to talk about legislative matters. Other times we do not. I would say, frankly, I think that I’m a relatively moderate fellow; she’s

probably a little bit more liberal than that. So we were talking about long-term care and she said, 'Why in the world would you be against that?' Well, I started to explain how it would work, and then I started to go down through the list of things but I only got as far as saying that it would cost \$10 a month, \$120 a year, and she went, 'What, you mean like forever?' And I said, 'Well, yes, that's exactly right. Well, until you passed away, obviously.' And she said, 'Are they crazy?' Are they crazy? I mean well intentioned, but a crazy idea.

"Proponents claim that the purchase of private policies is not widespread. This is one of the claims that they make, but this is untrue. The purchase of private policies, in fact, has more than tripled over the last decade. More and more we are seeing that private long-term care insurance is affordable. In fact, you can come up to my office and we'll show you how affordable that it can be.

"According to the Executive Office on Aging, one of the major proponents of this measure, last year Hawaii taxpayers paid over \$200 million in state taxes to cover Medicaid long-term care services. This bill would add nearly \$100 million in what the Governor doesn't like to refer to as taxes, but really is. That would be like the GET going from 4 percent to 8 percent.

"I oppose this bill for many reasons besides the \$10 a month. The long-term care tax is a regressive tax. The poor will pay a greater proportion of their income than those will in upper income brackets. Eighty-seven percent of monthly expenses for a family of four are spent on childcare, housing, taxes and food. These families can't afford \$120 more a year. In fact, if I read this correctly, it will go up with inflation. Taxes for Care-Plus increase every year, while private purchasers enjoy level premiums. Proponents did not anticipate that the federal government will tax the funds received from Care-Plus by Hawaii residents. Additionally, actuarial data has been deemed unworkable by an outside source.

"Other states have joined the private sector to come up with solutions while the drafters of Care-Plus have avoided input from the private sector. Page 20, line 7, of this bill states that 'the board of trustees may contract with a qualified entity to administer the program.' It turns out that there are over 800,000 people over 25 years of age in Hawaii. And General Electric, the largest long-term care provider in the world, has less than 700,000 policies. In other words, it can't be done.

"This plan has very good intentions, but it is so severely flawed. I certainly urge all of my colleagues to stand up right now and vote 'no' and not allow this flawed bill to go further anymore.

"Thank you, Mr. President."

Senator Sakamoto rose to support the bill with reservations and said:

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

"Very concisely, you pay for what you get. And it's hard to believe for \$10 a month that all of us are going to have 'happy days are here again' when we need the money. It's not clear on the eligibility and some of the other cost factors.

"So with those concerns, I think we need more facts before we can be assured that this going to work, if indeed it's possible."

Senator Tam then said:

"Mr. President, I vote with reservations on this bill.

"I have a wide range of constituents from rich to poor.

"Thank you."

Senator Ige rose and said:

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

The Chair so ordered.

Senators Kim, Chun, Matsunaga, Kokubun, Chumbley, English and Menor requested their votes be cast "aye, with reservations," and the Chair so ordered.

At 4:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:35 o'clock p.m.

Senator Slom rose in opposition to the measure as follows:

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

"I want to give full opportunity for all my colleagues, though, to put their strong weak reservations in on this badly flawed, ridiculous bill.

"The problem with having a long memory and being around a long time is that you remember a lot of promises that were made and statements that were made. The good Senator from Kailua alluded to the statements that were made in selling the prepaid healthcare act to the public in 1974 – none of the promises of which were kept. We have our state, which is the only state in the Union to have a single statewide school district. Everybody was going to follow us. Nobody did. We have the worst education system in the nation. We were going to tout our Felix special education program and it came under federal control. Our mental health services came under federal control. Our corrections system came under federal control. But now we're going to have a state program on long-term financing that's going to work. Somehow it's going to be different.

"Some of us remember the ten-year battle by advocates for what was it called, Project Hope, Project This, Project That, all the different projects, which from the very beginning was a program to get the taxpayers to subsidize a program on long-term care. I've testified in the past before I was in the Legislature. I've testified as a member of a two-year joint House/Senate long-term committee that was supposed to be objectively looking for viable alternatives because long-term care is, in fact, a major problem. And those of us who have gone through it with parents or loved ones know that it is emotionally, physically and financially draining. There's no question about that.

"The question comes in, What do you do about it? And what you have before you here is not the right answer. It's not an answer at all. And that's why so many of you know it won't work, and yet you're trying to salvage it through your reservations.

"It's interesting when you read the original committee report because there's a page of debate. Nobody wanted to call it a tax. They want to argue and call it something else. But finally, at least honestly, by this version it is a tax. It's very clearly a tax. What is not honest is the fact that the two years that the Joint Committee on Long Term Care put in showed that there are, in fact, viable, voluntary, competitive market alternatives for long-term care. There also is a movement across the

country to get the federal government to be directly involved in this issue because it does involve the elderly in all 50 states.

“There’s no other state that is going in the direction that we’re going in now. And this is at minimum a \$100 million tax increase. Make no mistake about it. And those people that have written me and called me and said that they’re in favor of it and they want to do it, I said, ‘That’s fine. I’d like you to have the opportunity to do it too.’ And if it’s such a good program, it should be voluntary. But it’s not! It is mandatory. It is forced. It is compulsory. And it affects anyone and everyone that makes a paycheck, no matter how they are, no matter what their conditions are, no matter what their wealth is. As long as they get a paycheck, they have to pay into this program. And in terms of the benefits that they get back, after the waiting period, as the Senator said, \$70 a day for long-term care. Get real! What do you get for \$70 a day? The good Senator from Moanalua said you get what you pay for. No, you don’t. No, you don’t. Not in this program here.

“This is a fraud and it is a scam on the public of this State. And we should be ashamed if we pass this out because it is nothing more than a tax increase. And the fact that some people in high places are very directly and personally involved should not be the issue here. It should be based on the facts of the matter. And the facts of the matter are that none of you – none of you – can justify this and none of you would support this unless it was made mandatory. And that’s what we’re trying to do right now.

“And we’re not looking for a solution to long-term care. We are looking for yet another state government financed program. Do any of you really believe that this will stay at \$10 a month regardless of what the benefits are? Well, even in the bill it says it’s going to go up 5 percent per year. I wouldn’t believe that because every one of the State’s estimates for every one of its previous programs have been underestimated and wrong. And the proponents know that! But it sounds so attractive – only \$10 a month and you’ll be cared for. You will not be cared for, and once the program is begun and once the State embarks upon this, then you have people that are dependent upon it. And when the cost figures rise and when the problems continue to escalate, then you are putting every taxpayer, regardless of age or economic condition, at risk to support the program, not to alleviate the problems of long-term care, but to support this tax monolith.

“So the prudent thing to do, and we should have learned with the tax scam cam and all of the other things that we’ve talked about today and previously, do the homework first. Get the answers first. Put it in black and white first, before we go forward. You cannot, in good conscience, enact this tax today because that’s what it is. And you’re going to have to explain it not to the elderly who will be bitterly, bitterly disappointed just as workers and employers and sole proprietors and independent contractors are today because they can’t get healthcare. You’re going to have to explain it to young people and to the people that will be forced to leave here in even greater numbers because this is yet another tax, and another burden, which they can’t afford.

“Think about it, colleagues. Let’s work on long-term care. Look at the examples that we have uncovered. Look at the options that are available. Let’s work in that direction, but do not pass this tax.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2714 was adopted and S.B. No. 2416, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII

LONG-TERM CARE FINANCING ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2715 (S.B. No. 2568, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2715 be adopted and S.B. No. 2568, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition and said:

“Mr. President, I’ll be voting against this too. I’m sorry the good Senator from Maui was unable to hear me during the last presentation. (Laughter.)

“Here we are, we have all these educational programs, all these English language programs, and now we’re going to duplicate it even more to try to encourage people to do what? People who don’t speak any English to make sure that they can access greater health benefits, greater welfare benefits, greater DHS benefits. We haven’t even talked about whether or not they’re citizens or whether or not they’re entitled to the benefits, but let’s make sure that they have enough English proficiency to fill out the required forms so that they can get the benefits. I cannot support it, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2715 was adopted and S.B. No. 2568, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Buen).

Stand. Com. Rep. No. 2717 (S.B. No. 2871, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2717 be adopted and S.B. No. 2871, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in opposition to the measure as follows:

“Mr. President, I rise to speak in opposition to this bill. I’ll make it short.

“This is an attempt, a possible attempt, to yank the tax exemptions for Kaiser and HMSA by giving the Department of Taxation the authority to do that using ambiguous reasons with no objective criteria. Basically, this bill could result in a hidden tax increase that would cause health insurance rates to rise. That in turn would drive some employers out of business, costing people their jobs.

“I’ll be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2717 was adopted and S.B. No. 2871, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE INSURERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Ige, Slom). Excused, 1 (Buen).

Stand. Com. Rep. No. 2720 (S.B. No. 2760, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2720 be adopted and S.B. No. 2760, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose in opposition to the measure and stated:

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

“I can’t find my paper but it really doesn’t matter because this is another fee increase. Do you realize that in the last eight years the marriage fee has increased by more than 200 percent? Eight years ago it was only \$16. It’s gone up a couple of times to \$50. Now they want to raise it to \$60. Where are we going with this thing?

“We already are increasing fees and taxes on the other end, at burial. Apparently, now you can’t even go out and have fun on your honeymoon because they’re taxing you for your marriage license as well. Say ‘no’ to this and stop the fee increase.

“Thank you, Mr. President.”

Senator Nakata rose for a conflict ruling as follows:

“Mr. President, I need to request a ruling on a possible conflict of interest. I’m covered by this fee.”

The President ruled that Senator Nakata was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2720 was adopted and S.B. No. 2760, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MARRIAGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Buen).

Stand. Com. Rep. No. 2722 (S.B. No. 3051, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2722 be adopted and S.B. No. 3051, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to support the measure with reservations as follows:

“Mr. President, I rise in support with reservations on this bill.

“I think overall the idea is laudable. The question and the problem I have is that we’re going to be using the bonds for construction of both a drug rehabilitation and a parole violations center in Halawa. And I can see the use of the bond funds for the drug rehabilitation center. I’m wondering if we really want to put the parole violators in the same area that we have the drug rehabilitation. That’s my question.

“Thank you.”

Senator Kim rose to oppose the measure as follows:

“Mr. President, I’ll be voting ‘no’ on this bill.

“It places this drug rehab center and parole in our area of Halawa. No one has come to speak to us about this. This whole thing, to me, is not planned out well. And until I get more information on it, I cannot support it at this time.

“Thank you.”

Senator Ige rose in support of the measure with reservations and said:

“Mr. President, I would just like to note my support with reservations for many of the same reasons.”

The Chair so ordered.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2722 was adopted and S.B. No. 3051, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kim). Excused, 1 (Buen).

Stand. Com. Rep. No. 2724 (S.B. No. 2983, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2724 be adopted and S.B. No. 2983, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose with reservations and said:

“Mr. President, I speak with reservations on this bill.

“Mr. President, I want to remind my colleagues, especially my colleagues in the Ways and Means Committee, that it was reported several weeks ago that the pension had lost \$1.5 billion. And I questioned what happened to that money several times in the Ways and Means Committee. The first couple of times I was looked at rather incredulously . . . Why are you asking a dumb question? And finally, one of the committee members, in an effort to get me to stop asking the question, said, ‘Well, don’t you know? The stock market lost money. Everybody lost money.’

“Well, Mr. President, colleagues, it seems that at least \$90 million that was lost by the employees’ retirement fund should have not been lost. The answer to what really happened can be found in the newspaper where the pension fund manager – obviously with a conflict of interest, at least the appearance of a conflict of interest as they like to disguise it – continued to invest in a company that had in its employ the former chairman of the pension fund. The professionals who are in charge of making recommendations for investments, for five years, said that this particular company was under-performing. From December of 1999 till now, this one bad investment lost the retirees, the people vested in this fund, \$90 million.

“So, what is the answer to losing this money? Was it the stock market, or was it the good old-fashioned system of doing business in the State of Hawaii – it’s not what you know, but who you know. And oh, the retirees of the State, especially the union members, are going to vote for us and endorse us, anyway. They can take a \$90 million hit and they’ll barely know the difference. Heck, they had close to \$10 billion.

“Well, this is exactly what’s wrong with this process. And the least we can do is investigate, honestly, what is being done to the ERS and the pension by the trustees allegedly working in favor of the beneficiaries. I’m really pleased about this particular article because it does answer the question that I could not get the answer to in the Ways and Means Committee.

“Colleagues, I recommend that we hold the ERS system accountable, otherwise this type of questionable transactions will continue at the expense of the people that pay and work their lifetime money into the system.

“Thank you, Mr. President.”

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

Senator Hemmings rose again and said:

“Mr. President, I gave such an eloquent and persuasive speech, I decided to vote ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2724 was adopted and S.B. No. 2983, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hemmings). Excused, 1 (Buen).

Stand. Com. Rep. No. 2726 (S.B. No. 2350, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2726 be adopted and S.B. No. 2350, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose and said:

“A ‘no’ vote for me on this special fund, please.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2726 was adopted and S.B. No. 2350, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Buen).

Stand. Com. Rep. No. 2729 (S.B. No. 2907, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2729 be adopted and S.B. No. 2907, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2729 was adopted and S.B. No. 2907, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Fukunaga, Ige). Excused, 1 (Buen).

Stand. Com. Rep. No. 2728 (S.B. No. 2709, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2728 be adopted and S.B. No. 2709, S.D. 2, having been read

throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose and said:

“Mr. President, no, no. There’s two special funds, so I get two ‘no’ votes on this. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2728 was adopted and S.B. No. 2709, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Buen).

Stand. Com. Rep. No. 2735 (S.B. No. 2601, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2735 be adopted and S.B. No. 2601, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure and said:

“Mr. President, I have to vote ‘no’ on this.

“As I read this bill, this is the anti-segway bill. It would regulate and restrict the segway, which we’ve all been told is going to be the greatest invention since sliced bread – that little scooter thing that the post office is going to use so they can further lose our mail. But I think it’s interesting that the State of Hawaii wants to regulate it before it’s even here. I think that really says a lot about our business climate, about everything we do. We haven’t even given birth to it; we haven’t seen it yet, but we’re going to regulate it. I have to vote ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2735 was adopted and S.B. No. 2601, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2736 (S.B. No. 3009, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2736 be adopted and S.B. No. 3009, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure as follows:

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

“I checked the records. I don’t think we have a state poet, but if we did, the state poet would go into this office here, which will be newly created – the Office of Grant Writing – because grant writing is poetry. In testimony in previous hearings, I asked, and many of the departments already have people that do grant writing, but I was told that they’re not very good at it. So the idea is we’ll keep them even though they’re not good at it, and now we’ll create another office for grant writing.

“I don’t think our problem is in getting grants, Mr. President. I think our problem is in implementing the programs that we have.

“Thank you.”

Senator Hemmings rose to speak against the bill and said:

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

“Mr. President, to summarize my remarks, this is simply another example of us paying twice to get one job done. This is happening in all the departments, especially in legal proceedings where we’re now asking the Attorney General to be augmented by lawyers in particular departments. Now we’re asking a grant writer to augment grant-writing initiatives.

“I could support initiatives along this line if there was a corresponding cut in the personnel in the departments that are failing to do the grant writing properly in the first place.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2736 was adopted and S.B. No. 3009, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF GRANT WRITING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2738 (S.B. No. 3060, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2738 be adopted and S.B. No. 3060, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2738 was adopted and S.B. No. 3060, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BICYCLE SAFETY EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2739 (S.B. No. 2330, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2739 was adopted and S.B. No. 2330, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WHARFAGE FEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2740 (S.B. No. 3028, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2740 be adopted and S.B. No. 3028, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“The bill, as I understand it, was written by what some are referring to as quasi-insurance firms. These quasi-insurance firms sell overpriced policies that don’t cover really a whole lot. These policies are disguised as vehicle theft protection and sold to unwary car buyers, pumping up auto dealer profit margins at the expense of consumers.

“Now, I’ve never been a real fan of over-regulation, but in this case I think that these quasi-insurance firms probably ought to be regulated through our insurance codes. Now, they don’t really want to do that. In fact, these warrantors are afraid of being regulated under the insurance code because then they would have to comply with rules that protect consumers. So, these warrantors have made up a rather lengthy brand new section of the law that would allow them to continue to operate without adequate regulations.

“I’ll be voting with reservations. I’m almost like Senator Hemmings. I’m almost considering changing it to a ‘no,’ but I’ll stay ‘with reservations.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2740 was adopted and S.B. No. 3028, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2741 (S.B. No. 2681, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2741 be adopted and S.B. No. 2681, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose in opposition to the measure as follows:

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

“To make a long story short, this bill borders on lunacy. It will require, if taken to its absurd ends, a landscape architect to be on the site to watch trees being planted, or engineers and architects must observe the alterations or new construction as it’s being done. And what it will do is, its fiscal impact will add dramatically to the cost of all public works. I recommend that we reconsider this bill and kill this initiative with a ‘no’ vote.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2741 was adopted and S.B. No. 2681, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORKS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Matsuura).

Stand. Com. Rep. No. 2742 (S.B. No. 2177, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2742 be adopted and S.B. No. 2177, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hanabusa rose to support the measure with reservations as follows:

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

“Mr. President, fellow colleagues, the idea expressed in this bill is a good one and one that we must explore, especially since we all know the waterways of Ala Wai have been a constant plague for us all with bills addressing Ala Wai coming before us every single year. My reservation is because of the fact that this material, whatever you want to call it – sludge, grime, bottom of the Ala Wai, mud, whatever – when that gets dredged, it’s got to go somewhere. And this whole concept of bioremediation needs acreage, as I understand it, to get that soil or sludge, or whatever you want to call it, dried up, tested, remediated in some form or another.

“Maybe it’s paranoia, but when you represent what is presently the 21st Senatorial District and part of this may go to Senator Kanno in the next reapportionment, you get awfully suspicious, especially when they talk about barging or they talk about the need for large land masses. There usually is only one place it ends up and that’s on the Leeward Coast. Of course, maybe the neighbor islands want it. But assuming that they don’t want to barge as far as Molokai or Maui or the Big Island, it’s probably going to end up near the 21st Senatorial District.

“For that reason, I have to go with reservations, Mr. President, because we have so much of that. We have more than our share and we’ve done more than our share in taking the opala, taking everything. We generate your electricity. We have the only major heavy industrial park. We have the only live fire exercise. I can go on and on and on.

“So please, when you look at something like that, I don’t want to see anymore in the 21st District, especially if Kalaeloa, or you may know it as Barbers Point, may be the objective or the end point, because that area has to be redeveloped. It has so much potential, and adding to the already existing sludge piles – yes, we have them; we also have the military landfill there – we don’t need anymore.

“Thank you.”

Senator Kawamoto rose and said:

“Mr. President, as you go to the 21st District, you have to come through the 19th District. So therefore, I have to go with reservations.

“Thank you.”

Senator Kim rose and said:

“Mr. President, reservations, because if it doesn’t go there, it’s going to go in Kalihi, so . . .” (Laughter.)

Senator Kanno rose and said:

“Mr. President, I’ll be voting ‘no’ for the reasons stated. Thank you.”

Senator Slom rose to speak on the measure and said:

“Mr. President, in all honesty, I’m just jealous of the 21st District, the 19th, the 18th, the 17th, and so forth. We don’t get to have any of that out in the 8th District (laughter), so I will go with reservations.

“Years ago the Governor promised me a private prison, right next to the Little League baseball field, and he didn’t deliver on that, so I’ll go with reservations to support our good colleagues.”

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

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

“To just clear up some people’s fears, I think no one wants dumping in their district. Part of this started with the Ala Wai waste or sludge or the numerous terms that the Senator from Waianae brought out and it was proposed, at one time, to dump that on Sand Island, proposed to dump that near the reef runway, proposed to dump that in the ocean. And certainly, there are different orders of magnitude of how toxic or how potentially harmful this material is.

“The bill hopes to address, if indeed it needs to be dumped somewhere, can it be bioremediated first. Can we bioremediate things in place, such as in the Ala Wai, bioremediate in the waterway partly, prior to moving? I think, certainly, no one wants this in their district, but this is an aim to say if it has to go on land somewhere, can we clean it up first.

“Thank you.”

Senator Chun rose to support the measure with reservations as follows:

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

“Mr. President, there is a lot of fear regarding this provision. Fear as to where it’s going to go. Fear in terms of what’s inside the sludge. Fear in terms of whether or not we can actually effectively remove some of the contaminants in that sludge. Mr. President, all these things are very relevant and real fears that need to be discussed.

“I feel that the Department of Health or whatever department that’s going to be in charge of this should go a lot further in trying to alleviate these fears. I think they should go and do their tests first, and that’s why I support this. I think we need to do the first part, the \$400,000 to conduct the test in terms of how to do this. But in terms of raising the level and saying ‘I want the money to build it even though I’m not telling you where I’m going to build this facility; I’m not going to tell you where this facility is going to be located or what it’s going to be doing, or how effective it’s going to be, or the impact on the neighborhood.’ I think they should just go step by step, rather than increasing the fear, and just do their test first and then talk later about where they want to do this remediation project.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2742 was adopted and S.B. No. 2177, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RESEARCH AND BIOREMEDIATION OF MATERIAL DREDGED FROM STATEWIDE WATERWAYS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Stand. Com. Rep. No. 2745 (S.B. No. 2802, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2745 be adopted and S.B. No. 2802, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

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

"Mr. President, colleagues, I find this incredibly ironic that the organization that has a monopoly on energy distribution in most of the big markets in Hawaii and certainly has the monopoly on energy production is testifying in favor of this, while those companies that offer viable alternatives and have been stifled for years by the monopoly are opposing it, and that's the Hawaii Renewable Energy Alliance.

"I think it's important for all of us to take note of an issue that has been under the radar screen of the public and, might I add, under the radar screen of scrutiny by this Legislature. I find it quite ironic that certain politicians made a big issue out of the excessive prices of gasoline in this State when electric rates are 75 percent over the national average, when Hawaii is still dependent on foreign crude and fossil fuels as we ever were, and where Hawaiian Electric, not by their words but by their deeds, has had a stranglehold on the electric generation business. So bad is it, that on the Big Island they're proposing a \$100 million addition to their Keahole fossil fuel burning plant, while geothermal energy, which could make the Big Island totally energy self-sufficient, is going untapped.

"It's also interesting to note that for well over two years Hawaiian Electric Company has not signed a contract with the wind farm that can produce renewable energy with no environmental impact, simply because it would interfere with their justification for putting in their improvements at Keahole. If you really, really want to look at an egregious monopoly that hurts the consumers of Hawaii, Hawaiian Electric stands first and foremost and most prominent on that list. And it's time that this Legislature starts recognizing, as we have learned in the Water, Land and Energy Committee, or at least I've learned, that Hawaiian Electric regulates the PUC. Of course, not by their words, once again, Mr. President and colleagues, but by their deeds, the PUC acquiesces every time to Hawaiian Electric's requests.

"I will not go into the depth and detail of what could be said about energy in Hawaii, other than to say that this bill is going to empower Hawaiian Electric further by their manipulation of the political process. And the results will continue that the energy consumers of Hawaii continue to pay 75 percent higher energy prices than the national average. That also exceeds the rates paid in California, which was the subject of national news because of their rates escalating when they tried to deregulate improperly.

"Colleagues, I hope you take a long, close look at what's happening to consumers in this State and the injustices being perpetrated on them by Hawaiian Electric. Unfortunately, they seem to own the political process and we do not regulate them.

"Thank you, Mr. President."

Senator Inouye rose to support the measure as follows:

"Mr. President, I stand to speak in support of this bill.

"This bill allows the Board of Land and Natural Resources to lease public lands to renewable energy producers through direct negotiations. DLNR is already authorized to lease public lands to public utilities, including electric utility companies, and this bill will provide a welcoming incentive to diversify our energy portfolios.

"In recent years, DLNR has received requests to lease public lands for wind farms and other renewable energy projects. Their inability to secure a land lease during a project development process has been cited by renewable energy developers as an impediment to development, and in some cases, developers have proceeded through the relatively lengthy and costly development process, only to be outbid for the land leases.

"This bill will remove the uncertainty for renewable developers, thereby encouraging the development of renewable energy projects and reducing the State's dependence on fossil fuels. I urge my colleagues to support S.B. No. 2802.

"Thank you, Mr. President."

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

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

"Mr. President, the idea of allowing direct negotiations of government land to renewable energy producers, I think, is laudable. Too often, renewable energy producers have been stymied in their attempts to obtain either permits or lands in order to produce energy for the benefit of the people of Hawaii.

"However, I think this bill does not provide adequate safeguards to insure that in the future that government will not give these leases only to a select and favored few. I think we need to include in this bill some kind of safeguard, some kind of safeguard to protect against any abuse of the system. It is true that the existing law already allows direct negotiations for leases by government agencies and public utilities. But direct negotiations are allowed in those kinds of situations because (1) the government agencies are there for the good of the people, and (2) public utilities are already regulated by the government. So there is no fear that there'll be too much political favoritism going on there, but our opening it up to just generic renewable energy producers opens this potential problem to a whole gamut of abuses.

"For those reasons, Mr. President, I feel this bill is a step in the right direction. We need to go further and provide safeguards against potential abuses.

"Thank you, Mr. President."

Senator Ihara rose and said:

"Mr. President, could you note my reservations on this bill for the reasons stated by the previous speaker?"

The Chair so ordered.

Senator Tam rose and said:

"Mr. President, also with reservations due to the reasons mentioned by my colleague from Kauai."

The Chair so ordered.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2745 was adopted and S.B. No. 2802, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY

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

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 2747 (S.B. No. 2812, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2747 was adopted and S.B. No. 2812, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2716, S.D. 1:

Senator Taniguchi moved that S.B. No. 2716, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak on the measure and said:

“Mr. President, this is a raid! This is a raid on the funds on the special and revolving funds. It seems that we have so much money”

Senator Chumbley interjected:

“Mr. President, is the speaker speaking for or against the measure?”

Senator Slom replied:

“I’m speaking against the bill, Mr. President and my colleague. Thank you.

“It seems we have so much money. My gosh, we have \$2.8 million in the agricultural loan revolving fund; \$2.0 in the state parking revolving fund; \$2.3 in the capital loan fund; \$250,000 in the foreign trade zone fund; \$4 million in the housing finance fund, \$1.5 and so on and so on and so on till we get to \$20.4 million. And what this shows again, colleagues is: (1) the idiocy of creating special funds; and (2) if we have this much money left over, it means that the fees and/or taxes are too high and they should be reduced, not put into the general fund.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 2716, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2013, S.D. 1:

Senator Sakamoto moved that S.B. No. 2013, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Chumbley rose in opposition to the measure as follows:

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

“Colleagues, I think this issue is best left to the Board of Education, not the Legislature. We keep talking about governance and wanting to free up the schools to do more.

Well, let’s let the Board of Education take their responsibility and let’s let them do this.

“As drafted, this creates some special classes of individuals who may be given a geographical exception to go to a school in a different district. While that may be worthy because these are folks who may need special attention, I think that we’ve left out the child of a legislator so we might as well include those individuals in this and create classes and classes and classes. This is best left with the board, so I would urge you to vote ‘no’ on this measure.”

Senator Hogue rose in opposition to the measure and said:

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

“I believe that this measure was well intended, but you can see there are unintended consequences. We’ve gotten involved in the prioritization of children with geographic exceptions. Laudable, we want to include now foster kids, adopted kids, etc., etc. Besides the reasons that were eloquently explained by the Senator from Maui and Kauai, there’s also the problem of what happens to the kids that are already there with geographic exceptions. My understanding is that they are out of luck, and that certainly is not good to their further education.

“So I urge you to stop this right now and vote ‘no.’ Thank you.”

Senator Tam rose and stated:

“Mr. President, please register a ‘no’ vote for me.

“This is the responsibility of the Board of Education, the policy making body. We’re interfering in education. I think basically there’s confusion in terms of their roles under the Board of Education.

“Thank you.”

Senator Sakamoto rose to support the bill as follows:

“Mr. President, I rise in support.

“This measure started with our interest in ‘Felix’ and what’s going on and what’s wrong with the cost structure and why are there so many problem children. It started off looking at foster children, and one individual who visited our office had 16 transitions of schools and foster children, foster care. Something’s wrong with that.

“And yes, maybe the board should have addressed it, but they didn’t. The board should have addressed a whole bunch of things, but did they? So I feel, in this issue, Mr. President, if the transitions from a school because someone is adopted, in a foster home, out of that district, either adopted in a foster situation or adopted in a regular situation, but staying in that school will help that child, I believe demands action.

“I believe child care is an important thing, so the next measure of grandparents and families are important things. They need to provide before and after school care, as well.

“And in support of the employees, the full time employees at our schools, Mr. President, the last part of this bill addresses their needs to have their child stay in the complex in which they work. And these, possibly as the Senator from Kailua pointed out, could displace someone, but at a certain point these are added to other priority items and not to displace other priority items.

“And certainly, if we’re moving toward an ability for people to have schools of their choice, I would think our colleagues in the front row would be happy to have more flexibility as opposed to less.

“Thank you.”

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

The motion was put by the Chair and carried, S.B. No. 2013, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Chumbley, Fukunaga, Hogue, Slom, Tam).

At 5:18 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:24 o’clock p.m.

S.B. No. 2102, S.D. 1:

Senator Sakamoto moved that S.B. No. 2102, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

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

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

“This bill, well intended, moves towards decentralization, but there are some problems. I like the idea of abolishing the statewide board of education, but later on there’s an establishment of another statewide board of education. There’s another problem here that requires the governor, by and with the advice and consent of the Senate, to appoint the state superintendent of education from a list of not less than four and not more than six nominees for the vacancy. This isn’t a good idea, even if the next governor is going to be Linda Lingle.

“There are other problems along the way in this, but we are moving toward decentralization which is a good idea but we do have to watch out for adding layers as impediments throughout our school system. So for those reasons, I’ll be voting with reservations.

“Thank you very much, Mr. President.”

Senator Sakamoto rose in support of the measure as follows:

“I rise in support, Mr. President.

“I’m not clear on the former speaker. I’m not sure what version of the bill he was referring to about the governor appointing, but the current version would be that the state board would still have that authority. So maybe he needs a Pepsi, Mr. President.” (Laughter.)

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

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

“I think, Mr. President, the issue of governance of education is a critical one this year. And colleagues, I had introduced a bill calling for a constitutional convention. If you really want to

make change in public education, let me tell you, the only way you’re going to do it is through a revolution and that revolution is the constitutional convention. We can tinker on the sides of making statutory changes and proposing constitutional changes such as this, but we’re not going to make any real difference in public education till we face up to the real issue of governance and the real issue of public funding for the educational system. And that’s only going to come through a constitutional convention.

“The other thing that concerns me is when you create the constitutional questions, you have to be very careful about how you phrase the question, otherwise it creates tremendous confusion. I’ve read this question three or four times. I’ve counted 79 words in this question. There’s going to be 79 interpretations of this question and I think it’s just going to lead to greater confusion and questions about what are we doing and what are we trying to do. Trying to develop an educational effort to explain to the public what this will really do is going to be a tremendous effort.

“So for those reasons, I would ask the Chair of the Committee to move cautiously and reconsider that constitutional convention, and really fix public education.

“Thank you.”

Senator Tam rose to speak on the measure with reservations as follows:

“Mr. President, I stand to vote ‘yes’ with reservations on this bill.

“I acknowledge the desire to have dialogue on the issues before us and this is one issue that I guess we need to clarify. As I was raised by my parents, my father always said dialogue is healthy; it brings together people. Maybe this is what we’re trying to do, bring people together.

“Let me emphasize – the real issue is understanding each other’s role. We’re not doing anything to educate anyone at this point. We’re confusing the issue. We’re empowering people because they want power. Let’s get down to the fundamentals of understanding each other’s roles so that our students will be better educated.

“Thank you.”

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

The motion was put by the Chair and carried, S.B. No. 2102, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2753 (S.B. No. 2294, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2753 be adopted and S.B. No. 2294, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"This is another one of those big whopper bills. You gotta look through all the pages and check and make sure that you like everything along the way. If you go all the way back and turn to pages 68 and 69 in the S.D. 2, you will see sections allowing interest rates approaching, get this, 31.66 APR, nearly 32 percent, plus other fees. This just strikes me as usury, an unconscionable attempt to prey upon consumers. I hope that we can delete this section and substitute a more reasonable interest rate.

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2753 was adopted and S.B. No. 2294, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2754 (S.B. No. 2733, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2754 be adopted and S.B. No. 2733, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, once again I speak in favor of the bill with reservations.

"Another whopping bill, 200 pages. Looks pretty doggone good except for on page 14 you will see wording that allows the insurance commissioner to authorize fines of 'not less than \$500, and not more than \$50,000' – quite a range there, \$500 to \$50,000. I think we probably deserve some justification.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2754 was adopted and S.B. No. 2733, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2761 (S.B. No. 2779, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2761 be adopted and S.B. No. 2779, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2761 was adopted and S.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2763 (S.B. No. 2321):

Senator Kanno moved that Stand. Com. Rep. No. 2763 be adopted and S.B. No. 2321, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, here we go again with this one. This is the big kid in the little seat, booster seat situation.

"First of all, I rise to speak in opposition to this bill, Mr. President, and I'll tell you just a little humorous story. I know it's late and I won't bore you too long.

"Many of you, I'm sure, were visited by the people who were proponents of this bill. They visited my office. I took pictures with them and a great little kid that they put in the booster seat. But there was one kind of humorous story or situation that happened during the visit that really speaks to the problems with this particular measure. They, first of all, put the little 5-year-old boy, and he was just a darling, and they put him in a little regular what would be essentially like a passenger seat, and they put the shoulder harness over his head and they said, 'See, here's a problem with it. Look at this, the shoulder harness catches him right here under the neck. Boy, that's a real major problem.' You have to agree.

"So then, the next thing that they do is they pull out this little plastic seat, which they guarantee that you can go to Toys R Us and buy for just 29 bucks, and they put the kid on the seat again. They sit him down. They put the shoulder harness over his head, and immediately it catches him right in the neck again. Now, I wouldn't even have noticed that except for they made sure that I wasn't supposed to notice it by reaching down and moving the shoulder harness and having the kid sit upright so that there wouldn't be this obvious problem. And this speaks really to the flaw of this particular bill.

"There are so many things that you can come up with, situations where this wouldn't work. It puts a financial burden on the family. I have a staffer who says that he's got about a 75-pound five-year-old in his family and that there's no way he could fit into one of these booster seats.

"There are problems over and over again throughout this entire endeavor. I know that we argued about this thing ad infinitum the last Session. I encourage you, at this point, to do the right thing and vote 'no.'

"Thank you very much, Mr. President."

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

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

"Mr. President, last year we passed this bill through the House and Senate. The Governor vetoed the bill, primarily he was worried about the cost and availability of the seats. In the meantime, we have had people like the Ford Company, State Farm, different companies out there teaching people how to install the seats, certifying people to install the seats, providing seats for free, and those kinds of things that we have out there.

"Basically, what we're saying is that this is a trend that's come across the nation, across the nation looking to try to save lives of young people. And I personally said that if I can save one life, that would be worth all the seats in the world. So I urge all my colleagues again to look at the good aspects of the safety of this concern that we have out there. Thank you very much.

"I urge my colleagues to vote 'aye.'"

Senator Chumbley rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure, not 'aye.'"

"I applaud the good Senator for all of his efforts, and if nothing else, he has helped bring some public awareness to this issue. Because in the last three years or four years that he's been wanting to do this, I'm sure that certain parents have paid attention to some of our debates, the news articles and comments from the Governor and others, and it's led to increased parental responsibility. But this is another one of those issues where government needs to step out of the face of the parent, and let the parent make that decision to do this.

"Not only is this 8 years old but it's eight and 80. So it's a double whammy. So for those of you who have a lot of children and don't have a lot of back seat space and not a lot of seats for your cars, you have to be concerned about this. While the Committees have tried to address some of the exemption issues, I still think it is a parental responsibility issue and it's best left to the parents to make this decision.

"Please vote 'no.'"

Senator English also rose in opposition and said:

"Mr. President, I'll be very succinct. I rise in opposition to the bill.

"In my district in most of the rural areas, hey, the kids are big. They're young; they're big. This won't work.

"Thank you."

Senator Chun rose to support the bill with reservations as follows:

"Mr. President, I stand in support of this bill with reservations.

"Mr. President, as a parent I always make sure that my children are properly strapped in either with a booster chair or a child or infant seat. But Mr. President, aside from my own personal responsibility as a parent, I do feel that government needs to take an active role in ensuring that safety is in the forefront of most parents' minds. I applaud the good Senator from Waipahu for bringing these issues to the forefront.

"The problem I have with this bill is that it provides or requires children who are 8 and under 80 pounds to be strapped in the seat. As we looked at the examples that were given by the proponents of this measure, one of the big factors is the height of the child and where exactly the strap will fall across that child's body. He could have been 80 pounds, but the strap still would fall in the wrong place. I feel that by focusing too much on the weight of the child, we're losing sight of the important issue and that is the placement of that strap across the child's chest.

"So Mr. President, I think this bill would be an easier bill to accept if the language of the bill would have read '8 years or under 80 pounds,' because I think it will not focus too much on the weight of the child but upon the age, which is more related to the height.

"Thank you, Mr. President."

Senator Hanabusa rose in opposition and said:

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

"Mr. President, it's in line with my other position that I've taken. The problem with these bills, as well intended as the good Senator from Waipahu and God's country is, is that it seems to assume that parents do not want to keep their children safe. And I am not a parent and I don't intend to speak as if I am, but I find that offensive that somehow government feels that parents are not going to do what's in the best interest of their children.

"After the age of four years old between 80 pounds, under 80 pounds, whatever, leave it to the parents to do the right thing, especially when we went over in caucus whether you have enough room and seat belts in the back seat and what the requirements are then. You don't have to have them all in seats if you don't have enough room. And it does create a problem for the rural communities.

"Mr. President, colleagues, vote 'no.' There comes a point in time when we've got to say that parents will do the right things for their own children. Let's not assume that they will endanger their most precious assets, their children.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2763 was adopted and S.B. No. 2321, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Chumbley, English, Hanabusa, Hemmings, Hogue, Ige, Ihara, Kim, Matsunaga, Menor, Nakata, Slom).

Stand. Com. Rep. No. 2765 (S.B. No. 2487, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2765 be adopted and S.B. No. 2487, 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 might as well be battering my head against the wall here, but I rise to speak in opposition to this well intended measure of the good Senator from God's country. You are blessed, Senator, you really are.

"This is another well intended measure that deserves a good old nice try and at least we don't have that old 45 degree angle problem that we did in this measure last year. But there are definitely some problems in this pedestrian measure because now it 'mandates.' Listen to this, it mandates that the pedestrian 'make every effort to make eye contact with the driver of the approaching vehicle.' Now, what does that mean? What if the pedestrian thinks he made eye contact and the driver was actually squinting into the sun, or maybe the driver was cross-eyed or something. I think you get the picture here.

"Then on page 5 it says that – this is where it gets really kind of crazy – it says that the adjacent vehicle, that's the vehicle next to the car that has already stopped for a pedestrian in a crosswalk, it says that this vehicle 'shall not allow the front of the driver's vehicle to pass beyond the front of the other stopped vehicle.' Now, does that mean that if you're, say, a few inches beyond the first vehicle, still well away from the crosswalk, that you get nailed for the fine of \$200 or worse? In fact,

this bill would fine you \$500 and imprison you for three days for a third such offense.

"I agree, Mr. President, that pedestrian safety is no laughing matter. Unfortunately, we need to get serious with how we write this particular bill. For these reasons, I will be voting 'no' and I certainly hope that the good Senator from God's country isn't quite as lucky on this one.

"Thank you, Mr. President."

Senator Kawamoto rose to speak on the measure as follows:

"Mr. President, I don't know if I'm lucky, but I think that the fact remains that there needs to be some semblance of safety on the highways.

"We just repealed a bill that 64 percent of our state surveyed supported – the bill on running red lights for pedestrians.

"This was a bill that was a flagship to have the concerns of pedestrians being hit. Last year we hit over 857 pedestrians. That's 857 people. I realize some of you didn't have your relatives or your friends being hit, but what if that were your relatives or friends being hit because of people running red lights, because people are not paying attention and because of the fact that we have not educated the pedestrians. This is an education bill for the pedestrians, also. You can be dead right, like the say – dead right. You can be in the crosswalk; you have the right of way, but somebody runs the red light and bangs you. So you should be watching and insuring that you look, and it says 'should' make eye contact, not will, should make eye contact with the driver coming across, just to save your life . . . just to save your life, you know. Whenever you walk the crosswalk or whatever intersection you have, you should look at the cars, not just walk right across the street.

"My colleagues, we tried everything. This bill was a bill that the country of Canada used and they used pointing at the lane that you're going to pass. So again, in the interest of safety and pedestrian safety, I urge my colleagues to vote 'aye' on this bill."

Senator Chun rose to speak in opposition to this measure and said:

"Mr. President, I reluctantly must vote in opposition of this bill.

"Mr. President, this bill is unworkable. It's not going to add to pedestrian safety. In fact, I think it's probably going to be more dangerous for the pedestrian if we put this bill into place. For example, as pointed out by the Honorable Senator from Kailua, you're going to have to look for a break in traffic that will permit vehicles to stop safely, for one thing. Then you have to make every effort to make eye contact with the driver of the approaching vehicle, and that's not bad, and you can try. What I feel is very, very dangerous is once you tried that, especially if you're here in Oahu, where you have multi-lane roadways, you're going to have to stop in that lane to make sure. And that's what it says – stop, prior to entering each lane of traffic to insure that the other driver is aware or the lane is clear for entering. Mr. President, while I'm stopped in this lane to make sure that the other lane is free, this other car is probably going to be hitting me. (Laughter.)

"I don't think we want to make a law that says that pedestrians, to make sure that you're safe, you've got to stop in the middle of the road. To me, that is ridiculous. To me, I think this bill is unworkable. I think if you really want to focus

on pedestrian safety, let's educate the pedestrians. That is probably more useful and safer than this bill.

"Mr. President, I reluctantly must vote 'no' on this bill. Thank you."

Senator English rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to this bill. I'm just wondering if a stink eye is considered eye contact. (Laughter.)

"Mr. President, if you look at another bill coming up, S.B. No. 411, S.D. 2, inattention to driving, it puts you in a very strange circumstance. Because one bill requires you to make eye contact and look at the guy on the side of the road, but the other bill says if you're doing anything but looking at the road, it's inattention to driving. So, you know, how can you do this? How can you do this?

"Vote 'no' on the bill. Thank you."

The motion was then put by the Chair, Stand. Com. Rep. No. 2765 failed to be adopted and S.B. No. 2487, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 6. Noes, 18 (Buen, Chumbley, Chun, Chun Oakland, English, Fukunaga, Hanabusa, Hemmings, Hogue, Ige, Ihara, Kim, Kokubun, Matsunaga, Matsuura, Menor, Nakata, Slom). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 2766 (S.B. No. 2628, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2766 was adopted and S.B. No. 2628, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 5:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:54 o'clock p.m.

Stand. Com. Rep. No. 2768 (S.B. No. 2007, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2768 be adopted and S.B. No. 2007, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator English.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2768 was adopted and S.B. No. 2007, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Stand. Com. Rep. No. 2769 (S.B. No. 2909, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2769 be adopted and S.B. No. 2909, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

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

Senator Kim rose and said:

“Mr. President, I have remarks that I’d like included into the Journal.”

The Chair having so ordered, Senator Kim’s remarks read as follows:

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

“The purpose of this bill is to require the counties to establish a program for recycling food waste as a part of the county integrated solid waste management plans under chapter 342G, Hawaii Revised Statutes, and to authorize the counties to assess a food waste recycling surcharge.

- 12 years ago, Act 324 had addressed the need to divert ‘recyclable, reusable’ items from the solid waste stream being disposed at Hawaii’s landfills.
- Under the Integrated Solid Waste Management Plan, Honolulu had solid waste diversion goals of 50 percent by 2000 – yet here we are 2002 only at 20 percent, they are two years past due.
- In the meantime, landfills on all islands are approaching or have already reached capacity.
- Both expansions of current landfills and relocation are meeting widespread community opposition.
- High acidic content of food waste could lead to the deterioration of the lining and leaching that can result in ground water contamination when disposed at a landfill.
- Alternative such as H-Power is counter-productive using the current inputs in that it takes much MORE energy to burn WET, mixed waste.
- In 2000, Oahu’s wet food waste was 134,503 tons. (94,503 tons were disposed by H-Power and landfill) Only 40,000 tons were recycled. Source: www.opala.org.
- Recycling is a necessity, not a luxury.

“Thank you.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2769 was adopted and S.B. No. 2909, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2770 (S.B. No. 411, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 2770 and S.B. No. 411, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” were recommitted jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary.

Stand. Com. Rep. No. 2773 (S.B. No. 2290, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2773 was adopted and S.B. No. 2290, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2778 (S.B. No. 2005, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 2778 be adopted and S.B. No. 2005, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2778 was adopted and S.B. No. 2005, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2783 (S.B. No. 2890, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2783 be adopted and S.B. No. 2890, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Fukunaga rose and said:

“Mr. President, please note my reservations on this bill. Thank you.”

The Chair so ordered.

Senator Ihara rose and said:

“Mr. President, I have reservations on this bill also.”

The Chair so ordered.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2783 was adopted and S.B. No. 2890, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARING PLANS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2784 (S.B. No. 313, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2784 be adopted and S.B. No. 313, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure and said:

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

"Let me first say that I am opposed to the monopoly merger of Aloha and Hawaiian Airlines, and a number of people who came down and supported this bill, that was their primary motivation, as well. They also wanted to make sure that the local airlines would find legislative ways in which they could be helped, if in fact they really do need financial help.

"Unfortunately, this vehicle, S.B. No. 313, S.D. 2, is not the vehicle to do it. And as a matter of fact, there is a very serious legal challenge as to whether or not the bill does what the title says. The title talks about relating to boards and commissions, and what happens in the bill is that the air carrier commission which was established in 1993 and which was set to sunset, that sunset date is taken away. That's fine, because that is a board and commission.

"However, the other part of it, the financial part that some of the supporters came to testify in favor of, which would allow one or more of the local airlines to qualify, possibly, for a 90 percent loan guarantee, does not fit within the title and, as a matter of fact, would create a number of different problems, if in fact that date, which was also I believe in 1993, was changed.

"So I think that again the idea of trying to resurrect a bill should be done with a proper vehicle, and this is not it. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2784 was adopted and S.B. No. 313, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2734, S.D. 1:

Senator Menor moved that S.B. No. 2734, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose in opposition to the measure and stated:

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

"This bill will contain several new fee increases, including a new licensing fee of 'up to \$200 to be paid to restore a license.' Also the bill imposes fines of up to \$1000 for any violation of any part of this chapter or any rule of the director. Finally, this bill requires that 'every applicant shall possess a reputation for honesty, truthfulness, financial integrity and fair dealing.' Obviously, this is a totally standardless subjective criterion.

"As I read this bill, if the director says he doesn't completely trust you, he can start hitting you for up to \$1,000 fines without any proof of wrongdoing. I'll vote 'no.'

"Thank you."

The motion was put by the Chair and carried, S.B. No. 2734, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL EMPLOYMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2788 (S.B. No. 2913, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2788 be adopted and S.B. No. 2913, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2788 was adopted and S.B. No. 2913, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2791 (S.B. No. 2383, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2791 be adopted and S.B. No. 2383, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President and fellow colleagues, I rise to speak in favor of S.B. No. 2383, S.D. 2, Relating to Taxation to Stimulate the Economy.

"The purpose of this bill is to (1) provide a tax credit for commercial construction and remodeling; and (2) expand the definition of 'qualified hotel facility' to include property on which commercial or recreational use is permitted and off-site improvements to service resort areas. In essence, this bill will contribute towards the revival and growth of Hawaii's economy, especially in the hotel construction and recreational facilities which will result in an increase in the State of Hawaii's revenues to pay for public services demanded by the public, especially for public education needs, and a decrease in unemployment.

"S.B. No. 2383 is one of two bills passed by the Senate Committees of Economic Development and Technology and Ways and Means to stabilize and stimulate Hawaii's economy for the people of our State.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2791 was adopted and S.B. No. 2383, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2792 (S.B. No. 2097, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2792 was adopted and S.B. No. 2097, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2793 (S.B. No. 2919, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2793 be adopted and S.B. No. 2919, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“This is a huge step in the right direction. I might tell my colleagues that one of the most refreshing hearings I’ve ever attended in my career as a legislator back in the House in the ’80s and in the Senate was having children of Hawaiian ancestry come in and reiterate the failure of public education to address their needs, and then affirming in such glowing ways how wonderful the charter school that they’re in is for them. It was actually very heart-warming, Mr. President and colleagues, to see children so effervescent, so positive, so full of self-confidence and self-esteem that they bear testimony to the success of charter schools.

“My reservations are that the charter school movement is still under threat and this bill, though not perfect, does pose some constitutional ongoing questions, but is a huge step in the right direction.

“I want to congratulate the Chairman of the Hawaiian Affairs Committee and also the Chairman of the Education Committee for amending this bill and making it accommodate what is obviously a very successful program.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2793 was adopted and S.B. No. 2919, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAIIAN EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2794 (S.B. No. 2055, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2794 be adopted and S.B. No. 2055, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2794 was adopted and S.B. No. 2055, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2796 (S.B. No. 2024, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2796 be adopted and S.B. No. 2024, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure as follows:

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

“During the hearings we got conflicting testimony from the Dental Health Division in terms of what they were doing, particularly for the Neighbor Islands, and also in carrying out their mandates for dental health. And as was pointed out, the Division of Dental Health has spent a great deal of time in the last two years: (1) trying to get rid of the very successful school dental health program; and (2) spending a great deal of time trying to force everybody to have compulsory fluoridated water.

“So I question the ability of the Dental Health Division, and I’ll be voting ‘no.’”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2796 was adopted and S.B. No. 2024, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DENTAL HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2798 (S.B. No. 2438, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2798 be adopted and S.B. No. 2438, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

Senator Sakamoto rose in opposition to the measure and stated:

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

“I believe we must do all that’s possible to prevent and deter domestic and sexual violence and abuse. I also believe it is right for us to provide support to victims of this crime. I do not believe it is right or justifiable for us to mandate that employers pay for it. That’s what this bill does.

“It also makes employers vulnerable to additional civil rights litigation, requires them to make accommodations far and above that provided to other employees that seem to prohibit disclosure, when in fact the security and safety of all concerned may in fact require disclosure.

“According to this bill, domestic violence already costs employers between 3 and 13 billion dollars annually. Why should they be expected to pay more?”

“Thank you.”

Senator Slom rose and said:

“Mr. President, after the eloquent discussion by the good Senator from Moanalua, please cast my vote as a ‘no’ vote.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2798 was adopted and S.B. No. 2438, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAII VICTIMS’ ECONOMIC SECURITY AND SAFETY ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Sakamoto, Slom).

Stand. Com. Rep. No. 2800 (S.B. No. 2883, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 2800 was adopted and S.B. No. 2883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (English).

Stand. Com. Rep. No. 2802 (S.B. No. 2908, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2802 be adopted and S.B. No. 2908, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Mr. President, members, my reservation on this measure is the fact that . . . now, don't get me wrong; it's not like I don't want to see somebody take the load off of Waimanalo Gulch and possibly create a landfill somewhere else. But the problem is that having gone through Waimanalo Gulch, I don't want to see another community get saddled with the same problems.

"There are two related concerns on this particular issue. One is the fact that it is supposed to go in the Kunia area, actually very near the presently used ag lands. The agricultural community has contacted me and they are concerned of the loss of those lands. The second issue is one that is very dear to my heart and that is the potential fact that it will conflict with the use of Hawaiian Home Lands. Hawaiian Home Lands, as you know, through the Kalaeloa Redevelopment, has succeeded to parcels within Kalaeloa. One of the parcels is the infamous raceway park. There are negotiations ongoing between the owners of the raceway park, Campbell Estate, and Hawaiian Home Lands to possibly exchange the parcels.

"They are looking at three potential parcels in this area. One that has been identified is within a mile of this potential site. As a result of that, as much as I would like to see another facility take the load off of Waimanalo Gulch and eventually see the total closure of Waimanalo Gulch – which by the way is not in the district of my good Senator from Waimanalo, but in the 21st District, and we're the only landfill operation existing now – I cannot support this measure straight up, and must do so with reservations.

"Thank you."

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

Senator Nakata rose in opposition and said:

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

"My understanding is that at least part of this site is over the largest portable aquifer on this island, the Pearl Harbor aquifer, and I do not think it's wise to place a facility like this over that aquifer.

"Thank you."

Senators Ihara, Buen, Chun Oakland and Ige requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2802 was adopted and S.B. No. 2908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CENTRAL OAHU RECYCLING AND DISPOSAL FACILITY, INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Kanno, Nakata).

S.B. No. 2832, S.D. 1:

Senator Taniguchi moved that S.B. No. 2832, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

"Mr. President, I vote 'no' on this bill.

"It was very interesting in Committee because the tax director, you've got to love her, first came in with an administration bill that was going to change the current gallonage tax to an ad valorem tax. And when we had testimony from the few remaining vintners in the State of Hawaii who said that they would be put totally out of business, and from other retailers and wholesalers, the kind tax director relented and came back with only a 50 percent tax increase – a return to the gallonage tax that would only cripple, mortally, these businesses rather than kill them outright. And I know that a number of my colleagues received calls from their constituents who urged them to take a very wimpy W/R position on this rather than vote 'no.'

"This is not good for the economy. It doesn't help. It's not needed. It's not going to save the budget or anything else, and it's not justified. The tax director showed us all a graph, and on that graph she had listed all of the taxes and how they generate income. Of course, the general excise tax was up at the top. The liquor tax was down near the bottom. The bottom, of course, was corporate income tax which was to the left of the graph showing a negative and declining situation. And the argument from the State is that the liquor tax is just not pulling its own. We're just not drinking enough liquor and alcoholic beverages to justify the increase in revenues.

"However, as I pointed out to the tax director, if you tax the wholesaler or the manufacturer or both for providing beer, alcohol or spirits and then those products wind up at Longs or Safeway and you go in and purchase them at retail, you are paying the general excise tax on those purchases so you're paying tax on top of the tax, and that's what helps make that nice long graph on the general excise tax even bigger.

"This is not going to help our economy. It's not going to help small business, and I urge a 'no' vote on this tax increase."

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

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

"Mr. President, I also rise to speak in opposition.

"I rise to speak in opposition because this bill has been characterized as simply a tax that will inconvenience beer

drinkers or individual wine connoisseurs. However, like the good Senator from Hawaii Kai, I'm really concerned about what this bill will do at a time when many sectors of our economy can least afford any further burdens.

"Consider the following:

- In January 2002, our State's unemployed amounted to 28,900 residents;
- Among the unemployed who filed claims through February 23rd:
 - 14,708 were from the hotel and visitor industry;
 - 2,946 residents have been laid off in the food and beverage industry; and
 - 8,559 residents were jobless as a result of layoffs in the retail sector.

"Some say that the visitor, restaurant, and retail industries are bouncing back. However, as of January 2002:

- There were 2,550 less hotel and visitor industry jobs than in August 2001;
- There were 1,900 less food and beverage industry jobs than in August 2001; and
- There were 4,100 less retail jobs than in August 2001.

"Further examples from some of the beer wholesalers and distributors paint an equally gloomy picture likely to result from this one bill. They estimate that job losses in Hawaii's brewing industry, wholesale and retail sector, would amount to anywhere upwards of 182 jobs, sales declines of approximately 400,000-plus cases, and over \$1,200,000 in reduced revenues.

"Here I'd just like to quote briefly from the Hawaii Restaurant Association's testimony:

'Hawaii has the highest liquor taxes in the country and raising them further will only insult our customers. Believe me, they know when they are being ripped off. Increasing the liquor tax, the highest liquor taxes in the country, will take jobs away from people who are trying to feed their families. The point we would like to make is that Hawaii needs lower taxes and we need to be more competitive than we have ever been.

'We are entering a time of hyper competition. We need to give our customers the best value that we can and have visitors leave telling their friends and neighbors how much fun they had and what a good deal it was. This bill is bad legislation and will cause more unemployment.'

"For these reasons, I urge my colleagues to vote 'no.'"

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

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

"Mr. President, the current tax on a case of beer is \$1.95, just about \$2.00. This tax would increase it to close to \$3.00 a case. This is not including the general excise tax. So the tax alone would go from \$2 for a case of beer to \$3 a case of beer, plus you have to buy the beer. I believe, Mr. President, that this qualifies as gouging beer drinkers by the state government. Therefore, I will vote 'no' against this bill.

"Thank you."

Senator Chumbley rose in opposition to the measure as follows:

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

"I tried to call the legislative wine caucus together to have a discussion about this, but they were so scared to get together and talk about the tax increase and what it may mean to their individual pockets that no one showed up at the meeting. So I just partook by myself. (Laughter.)

"This is one measure that I've gotten quite a few phone calls on that really surprises me. We've gotten phone calls in our office from the hotel and restaurant industry, primarily in Maui and a few calls from Kauai, expressing concern about what would this proposed increase do to the visitor industry and the restaurant business throughout the State. I've gotten phone calls from Tedeschi Vineyards, which is a vineyard up in Ulupalakua in Maui. They claim that this could have a significant adverse impact to them because it's quite difficult to pass some of these additional taxes on.

"I can't understand why we would want to increase our taxes so significantly when we are the highest in the nation already. If we need revenues to balance our budget, let's look at other places to get it. Let's not balance it on the back of 'Joe Six-pack,' and his weekend enjoyment. So, I will be voting 'no' on this measure.

"Thank you."

Senators Menor, Kawamoto, English and Tam requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2832, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX RATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Ihara, Kim, Matsunaga, Slom).

Stand. Com. Rep. No. 2808 (S.B. No. 2431, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2808 be adopted and S.B. No. 2431, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the bill with reservations and said:

"Mr. President, I support this bill with reservations.

"It's a good start for the bill. It needs to go further. It's got a defective date in it of 2050. And it got weakened in terms of contributions that can be made by those contractors doing business with the state or county governments. That's what needs to be firmed up.

"Thank you."

Senator Chumbley supported the measure with reservations as follows:

"Mr. President, I, too, support this measure with some reservations.

"Colleagues, I think one thing that needs to be discussed as this measure continues to go forward is that you level the playing field between the elected official and the opponent. Right now, as drafted, this bill would apply primarily to the

ected official with regards to the prohibition of the collection of some contributions. That doesn't seem to be fair because it should apply to the office as opposed to the individual.

"The other thing, on page 16, lines 8 through 12 of the bill, this extends, for the purposes of this section, the definition of person to be an individual or partnership as partners in a company and its owners, its immediate family and household members of each of these individuals. Quite frankly, that's going to be unconstitutional. You cannot go that far. You cannot tell employees of a company that they cannot contribute to a candidate of their choice.

"So as laudable as this cause of campaign finance reform is, let's approach it in a realistic, reasonable way that will result in a fair, level playing field for all of the candidates and it results in money coming to candidates in a way that makes more sense than this bill tends to approach it.

"Thank you."

Senator Sakamoto also rose to support the bill with reservations as follows:

"Mr. President, I rise in support with reservations, as well.

"My reservations lie in disallowing contributions from any corporation unless they set up a separate segregated fund. In particular, this would discourage small businesses that want to help or be involved. And if a small business has to set up a special fund for that purpose, making a contribution to a candidate, they may opt not to contribute because of the inconvenience of setting up and maintaining this separate fund.

"Large corporations and unions already have political action committees. Small corporations may be comprised of one or two people. They deserve the ability to participate in our democratic process. They deserve to be able to support candidates if they choose. Now, who would want only big corporations, big unions, and the wealthy to contribute to campaigns?"

Senators Hogue, Matsunaga, Menor, Fukunaga and Nakata requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2808 was adopted and S.B. No. 2431, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2809 (S.B. No. 2477, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2809 be adopted and S.B. No. 2477, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"My reservations are echoed in my previous concern about the continued funding of OHA with no accountability. I remain leery of this office in its present operations and failure to deliver

to their Hawaiian beneficiaries' services while they spend 60 percent of their money on themselves and their hairdos.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2809 was adopted and S.B. No. 2477, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2810 (S.B. No. 2842, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2810 be adopted and S.B. No. 2842, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to support this legislation with reservations.

"This is the bill to extend relief for the airport concessionaires and the original bill had a lot of questions to it. A draft that was provided by the Department of Transportation was a terrible draft. The chairmen have tried to work with this, tried to bring the parties together, and I think we're moving in the right direction. But I would caution that it still does not provide the relief that the concessionaires require and need, and I want to make sure that they are involved in every step of this process.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2810 was adopted and S.B. No. 2842, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2811 (S.B. No. 3021, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2811 be adopted and S.B. No. 3021, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to support this legislation with reservations.

"I always like tax cuts and tax credits. The only problem is that we've been heavy into the area of motion picture and film productions to the extent that we have not given the same kinds of credits to retailers, wholesalers, and small businesses in this State. And what we've seen in the past is that some of the money has gone for productions like 'Bay Watch' and 'Surfer

Girl' and 'Pearl Harbor' which garnered the award as worst movie of the year by some critics on the Mainland.

"Just because we have something filmed here and it either has a monster or it has a war does not guarantee that it's going to be a reflective and positive reflection upon the State of Hawaii and the people of Hawaii. As I said, I think that we should be working for tax reductions, but we should be doing it across the board rather than for specific businesses or specific industries.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2811 was adopted and S.B. No. 3021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2812 (S.B. No. 3061, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2812 be adopted and S.B. No. 3061, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President and fellow colleagues, I rise to speak in favor of S.B. No. 3061, S.D. 2, Relating to Economic Development.

"This bill along with the previous bill, S.B. No. 2383, S.D. 2, Relating to Taxation to Stimulate the Economy, is the catalyst to stabilize and stimulate our State's economy. S.B. No. 3061 contains 14 legislative measures proposed and lobbied by Hawaii's industries in the Senate. All 14 legislative measures are needed to help stabilize and stimulate our economy and to minimize budgetary cuts for public education's fiscal year 2002-2003. The Senate's first priority is funding public education, as it must move forward not backwards in order to provide quality education.

"The framework of the 14 legislative measures are:

1. Issue bonds to the macadamia nut industry for process, manufacture and production facilities.
2. Appropriate money to formulate a strategic plan to make Hawaii the 'Geneva of the Pacific.' Hawaii is currently an international destination and can play a very important role in international diplomatic relationships and business. One positive asset is the existence of multi-ethnic cultures. Some of you may laugh at this, but this is a positive asset, as currently, we have more than 100 ethnic cultures. We talk of Americans doing international business in China and Taiwan because they are now members of the World Trade Organization, but Hawaii's business community can be the leader in doing international business in Asian countries successfully. Now I understand why former U.S. Senator Sparky Matsunaga promoted Hawaii as the international center. Mr. Michael Fitzgerald, the current President & CEO of Oahu Economic Development Council, has informed me of Hawaii's economic niche in international diplomatic relations and business due to its multi-ethnic cultures. Kakaako is the desired location for an international center, where there is over 19 acres of available land.

This would embrace a positive future for Hawaii economically.

3. Appropriates the funds for the marketing of Hawaii products and services.
4. Supports the activities of PACON International in the design and planning of an ocean park.
5. Creates a statewide unifying entity of 17 members from the public and private sectors to create a strategic economic plan and to appropriate money for its development. If I may add, I learned in my visits to Taiwan and China that they have economic plans, however, the United States does not and neither does Hawaii. We are not number one in international business. We are number two as compared to that of the Asian countries and European countries. Hawaii comes in last.
6. Amends the hiring requirements for firms enrolled in the Hawaii Enterprise Zones (EZ) partnership.
7. Clarifies the application of certain high technology tax incentives.
8. Appropriates funds for the Community-Based Economic Development Program of the Department of Business, Economic Development and Tourism. Colleagues, I believe everybody in our respective districts can benefit as every district has a community-based organization.
9. Establishes a council to advise and assist the legislature on the economy. Here we have some guidance and we'll get some guidance in terms of the direction of our economy, rather than fighting among ourselves.
10. Extends the general excise tax exemption of the enterprise zone to retailers in East Maui until June 30, 2007.
11. Repeals the June 30, 2002, sunset date for the Regulatory Flexibility Act and the small business defender, and making other changes to more effectively assist small businesses, which is the meat of our economy.
12. Changes the frequency for adjustment of the loan interest rate for the Hawaii Capital Loan Program from semiannual to the first of each month. This is how government can support the business industry so that they can make money and in essence, pay more taxes to provide public services, whether it be education, human services, health, etc.
13. Allows the Department of Business, Economic Development and Tourism to provide low interest loans to inventor or authors for the development of their new manufactured products, marks, works, works of authorship, or inventions.
14. Professional musicians should be exempt from general excise taxation, as we are losing talented performers here. They are moving away from us.

"These legislative measures will have short and long-term economic financial gains in Hawaii. Let us join together in our efforts to stabilize and stimulate our economy!

"By the way, members, in my last conversation with my counterpart, Representative Lei Ahu Isa, I was informed that the House of Representatives does not have any legislative

proposals to stabilize and stimulate our economy which is needed to pay for the demand of public service needs.

“Colleagues, I ask for your support. Thank you.”

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

Senator Inouye rose and said:

“Mr. President, reservations for me please.

“This bill has been amended and there are some amendments on page 3 of the committee report that seems like it interferes with land divisions and I’m really not sure what that stands for on item 2 on page 3, so please register my W/R.”

The Chair so ordered.

Senator Slom rose in support of the bill with reservations and said:

“Mr. President, I support the bill and I congratulate the Chairman for all of the multi-talented, multi-faceted, multi-ethnic, multi-things that were put in here. But I do have reservations and part of the reservations has to do with the section specifically about the ‘Geneva of the Pacific.’ I would like to see us become the Hawaii of the Pacific. I’d like us to establish our own identity first and be that of a free market competitive economy.

“And secondly, in the area of small business regulation, I congratulate the chairman because I think he did a number of very good things there. However, one of the hallmarks of this legislation over the past five years was the small business defender, which was never funded, which was never placed anywhere within the Legislature or within an administrative agency, and what this bill does now is to simply take it out and eliminate it.

“So I do have some concerns but it’s a good vehicle to continue. Thank you.”

Senator Tam rose and said:

“Mr. President, I thank you for those expressed concerns.

“Once again, this is only a framework. More work needs to be done, and if you have any other comments, I’ll welcome it.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2812 was adopted and S.B. No. 3061, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2813 (S.B. No. 2838, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2813 was adopted and S.B. No. 2838, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2815 (S.B. No. 2528, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2815 was adopted and S.B. No. 2528, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2818 (S.B. No. 2180, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2818 be adopted and S.B. No. 2180, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Hogue rose and said:

“Mr. President, I have reservations on this.

“Thank you.”

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

“Mr. President, I support the legislation with reservations and specifically those reservations have to do with testimony that was made by certain insurers and others that the definition of genetic testing actually would include a number of things that they do today that we take for granted, such as blood and urine testing. That would fall into this area and would hamper efforts to get reliable information and would definitely impact consumer costs and insurance.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2818 was adopted and S.B. No. 2180, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2819 (S.B. No. 410, S.D. 3):

Senator Menor moved that Stand. Com. Rep. No. 2819 be adopted and S.B. No. 410, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

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

“Interesting legislation, Mr. President and colleagues, because last year on the 60th day of the Legislature, I made a motion to override the veto by the Governor to this bill when it was passed unanimously by both chambers of the Legislature last year. In that, I addressed the constitutional question of us exercising our responsibility and duty, not to be a rubber stamp to the executive branch of government. But I also pointed out that there were a lot of good hard working people, especially the

Committee Chair. And I will be the first to acknowledge, as a member of the Minority Party, the work that the Chairs put into legislation – long hours organizing their committees, doing all the leg work, hearing the testimony, only to have it unilaterally overridden last year.

“One of the things that I pointed out, reading out of my Journal last year, was the amount of time and effort that was being wasted and we weren’t able to defend ourselves with a simple veto override. So here we are, back again, doing what we should have done last year by simply overriding the Governor’s veto.

“I’m in favor of this legislation and I’m hoping that as time goes on that we will have the courage of our convictions when and if the Governor overrides legislation similar to this or this legislation, that we have the courage to override his veto.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2819 was adopted and S.B. No. 410, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 883, S.D. 1:

Senator Kanno moved that S.B. No. 883, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose in opposition to the measure and said:

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

“Colleagues, this is not an issue that belongs in a constitutional amendment. This is an issue that we need to deal with right here on this Floor and with our House counterparts in Conference Committee. This is not an issue that should go into the Constitution.

“When the hearing was held, it was my understanding, and you may correct me if I’m wrong, there was no testimony in support of this – not one piece of testimony in support. All of the comments during the public hearing, I understood, were on the issue of the existing bill that’s in Conference Committee right now. So there is a way to deal with this and that way is to get the Chairs of the various committees assigned to the bill that is still alive from the Conference Committee last year to make a policy decision. And that policy decision is – should non-violent first-time drug offenders be incarcerated or should they receive treatment?

“This morning in the editorial of the Honolulu Advertiser, I think that they captured the sentiment of this succinctly and I’ll read just a portion of it: ‘If the Senate comes to believe that the treatment for a non-violent drug offender is simply the better way to go, then there’s no need to pussyfoot around a constitutional amendment. The Legislature can and should simply make it law. But putting the question to the voters may just be a bit too clever. That way lawmakers don’t have to take a position on it and they can’t be blamed either way in the next election.’

“We’re not going to be perceived as soft on crime if we pass a statute that says first-time non-violent offenders should receive treatment, even if it may be for crystal meth. That’s

nothing that I fear and I hope it’s nothing that you fear. It’s probably the right thing to do. Treatment instead of incarceration for first-time drug offenders is way overdue and it should become law this year. We’ve got the chance to make it become law through the bill that’s in the Conference Committee right now.

“So I urge all of you to vote down this proposed constitutional amendment and to focus our efforts on the bill that’s in Conference and put together a treatment program that’s fully integrated and that is comprehensive all the way from first-time abusers through those on parole or probation.

“Mr. President, I’d like to submit this editorial into the Journal for the record.”

The Chair having so ordered, the editorial reads as follows:

“Senate makes progress toward drug treatment

Last year, a worthy bill proposed by Gov. Ben Cayetano substituting probation and drug treatment for incarceration for first-time nonviolent drug offenders was canned by Senate Judiciary Committee Chairman Brian Kanno.

The bill was worthy because our prisons are overcrowded and treatment is a lot cheaper than incarceration. And while the chances of achieving total, long-term sobriety for a given individual are uncertain, it’s still far more likely that individual will emerge a better citizen, requiring no further attention from the criminal justice system, from treatment than from prison.

Now Kanno has changed his mind, somewhat. He proposes to offer, as a constitutional amendment, this question: ‘Shall nonviolent first-time drug offenders be sentenced to undergo and complete a drug treatment rather than to incarceration?’

With the state facing an estimated \$315 million budget shortfall, the savings represented by treatment over imprisonment are a major attraction. ‘This is a primary means to address budget cuts,’ Kanno said.

But to his credit, Kanno also allows that the state is failing many incarcerated drug offenders who would benefit from treatment. We’ve been arguing this for years.

If Kanno comes to believe that treatment for nonviolent drug offenders is simply the better way, then there’s no need to pussyfoot around a constitutional amendment. The Legislature can and should simply make it a law.

But putting the question to the voters may be just a bit too clever; that way lawmakers don’t have to take a position on it, and can’t be blamed either way in the next election.

Judiciary chairman is an important leadership position. Kanno should lead, follow or get out of the way. Treatment instead of incarceration for first-time drug offenders is way overdue and should become law this year.”

Senator Matsunaga rose in opposition to the measure and stated:

“Mr. President, I rise in opposition.

“Mr. President, first let me commend the Chair of Judiciary for addressing such a significant social problem that our society faces, but I would have to agree with my colleague from Maui

that this language simply does not belong in our Constitution. It should be in the penal code.

“One of the concerns I see is that the language, as drafted, would require that someone convicted of a drug offense for the first time, even in conjunction with property offenses, would be required to be sentenced to drug treatment rather than incarceration, and this could be somebody that’s a perpetual burglar. One of the things that my community has stressed to me is that for these people that continually and perpetually burglarize homes, they want them to see some prison time, off the street, so that they won’t be burglarizing our homes and our community.

“So Mr. President, I think this is something that should go in the penal code. It’s something that we should craft accurately and precisely and to avoid ridiculous interpretations.

“Thank you, Mr. President.”

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

The motion was put by the Chair and carried, S.B. No. 883, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Chumbley, Chun Oakland, Fukunaga, Hemmings, Hogue, Ige, Ihara, Inouye, Matsunaga, Slom).

S.B. No. 2115:

Senator Kanno moved that S.B. No. 2115, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“I restate my absolute solid support for free speech, but I wonder about the true motives of this particular bill and the fact that it’s proposed as a constitutional amendment. It was proposed not by the American Civil Liberties Union or any civil liberties group, but by the ILWU union. They were the only ones that proposed it. And they’re saying that this is like a provision in the California State Constitution. I’m not sure whether that’s true or not. What I am sure of is that the bill is extremely vague and it talks about the guarantee of free speech in quasi-public facilities which could mean a number of things. From the union standpoint, I’m sure what they’re talking about is businesses, hospitals, shopping centers and private property. But it could also mean religious institutions, private clubs and so forth.

“So, it expands not only the object of free speech but also the territory and geography, and I think that when it says that it’s available for any forum, there are limitations on free speech just as there are limitations on private property rights. I think this is a bad measure.

“Thank you.”

Senator Sakamoto rose also in opposition to the measure and said:

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

“People are allowed to hold demonstrations or hand out leaflets on public sidewalks or streets. My concern is when a demonstration or protest enters into the private property, which might prohibit or discourage even others from entering or for people there who are having a peaceful day.

“I don’t feel that every situation of private property rights must give way to free speech rights. A single person could disrupt a shopping mall. A single person might annoy hotel guests. A single person could preach in someone else’s house of worship. Is this what we are willing to surrender? I think not.

“There are ample opportunities for free speech in appropriate venues. Thank you, Mr. President.”

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

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

“Mr. President, when I introduced this bill and when I held the hearing on it, I was doing it for the people who asked me to introduce it. But as I have looked at the measure, I think there is merit. There are flaws, certainly, but there is a need for more public discourse on any number of issues.

“In this legislative arena we frequently have one-way conversations or dialogues. I think there is a need for broader discussions and in a quasi-public place like a shopping mall, these kinds of discussions, multi-level different points of view, possibly multi-issue, can happen. Certainly, the demonstrations, the leafleting, and things like that could go on, but at this point in our history, I think we are suffering from lack of such activity rather than too much.

“I think the bill does not need further work. I’m willing to work on it further, but I think that discussion would be useful to have and I’m open to hearing more points of view on the measure at this time. But I would like to urge my colleagues to continue the movement of this bill to discuss what its implications are. This State, as was recently reported, has the lowest voter turnout and the lowest voter registration in the country. So I think we need to find ways to stimulate public discussion over issues.

“Thank you.”

Senator Chun rose to speak in opposition to the measure and said:

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

“Mr. President, I am not opposed to public discourse or public discussion of the issues. In fact, I welcome it. Mr. President, what bothers me about this bill is that I still haven’t heard from anybody regarding the need for this bill. I think everybody here supports free speech in quasi-public forums. In fact, the report that’s supporting this bill specifically states that Hawaii has already ruled on that issue – that free speech in quasi-public forum is a right guaranteed by the United States Constitution. And I believe that is the current state of the law today, not only in Hawaii but also in most states throughout the United States. But if that’s true, then why do we need to change our Constitution to reflect what is actually happening now?

“So I question, first of all, what is the need for it because we’re not here questioning whether or not free speech should be allowed. I think everybody says that we should. What we are questioning here and what I am looking for is why do we need

the bill? That question has not been answered, and I really wanted to find out more information about that one. But until that is presented to us, I don't feel there is a big need to support this bill.

"But more importantly, Mr. President, is the conflict between the title of the bill and the actual language of the bill. For example, the title of the bill specifically states – 'to expand the constitutional guarantee of free speech to quasi-public facilities.' Now that's fine, because that's what the state of the law is already. When we read the language of the bill, it goes beyond just quasi-public facilities and it says, 'every person may freely speak, write, or publish the person's sentiments on all subjects in any forum' – in any forum. It doesn't say quasi-public forum as the title states, but any forum. That is the dangerous part of this bill because any forum means my house. It means your house. It means any individual church. It means any clubhouse. It means the Outrigger, for some of you who are members of the Outrigger Club.

"It is extremely dangerous and that, Mr. President, is not the current state of the law. That is not what the United States Supreme Court intended and it is not what the Hawaii Supreme Court intended. And if we are to adopt this language, we are going beyond the existing law without any reason to find out what is the real problem.

"I'm open to discuss this issue if there is a problem. But in all of these discussions, in all the reports that have been filed, nobody points out why we need to have a change in the existing law. Because, let's face it, Mr. President, this bill as currently worded goes way beyond the existing law and the reports do not justify that. So until I hear anything different, Mr. President, I will have to vote 'no' on this bill.

"Thank you."

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

The motion was put by the Chair and carried, S.B. No. 2115, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 4, OF THE CONSTITUTION OF THE STATE OF HAWAII TO EXPAND THE CONSTITUTIONAL GUARANTEE OF FREE SPEECH TO QUASI-PUBLIC FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Chumbley, Chun, Chun Oakland, English, Fukunaga, Hemmings, Hogue, Ige, Ihara, Matsuura, Sakamoto, Slom).

S.B. No. 2547, S.D. 1:

Senator Kanno moved that S.B. No. 2547, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Chumbley rose to speak against the measure as follows:

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

"I'm going to be in big trouble when I go back to Maui because my wife is going to scold me – she's a former Maui Humane Society board of directors member and has several cats. So when she hears me speak on this one, she's going to be a little bit upset with me.

"Mr. President, I think what I find concerning about this measure . . . and there are, quite frankly, some things in here that we should have a discussion on and there should be some evaluation of public policy changes with regards to the protection of animals and certain cruelty acts. What I find problematic is, primarily, page 12, section 10 of the bill and forward, where it deals with an exemption on the restrictions of the Department of Land and Natural Resources. This bill, in this section, attempts to deal with the Department of Land and Natural Resources and the exemption from the restriction they would have in conjunction with activities relating to the elimination and control of feral pigs.

"Mr. President and colleagues, about ten years ago, the East Maui Watershed Partnership was formed, and under that partnership, they worked on and around Haleakala to preserve the watershed area. In 1998, we formed the West Maui Watershed Partnership. And just from this point forward, if I can ask all my colleagues to indulge me for one second, West Maui Mountains is the only mountain in Hawaii that does not have a Hawaiian name in the State. So let's not call West Maui Mountains West Maui any longer. It's Mauna Kahalawai. Kahalawai is the Hawaiian name for the West Maui Mountains. (Senator English may be shaking his head, but according to all the Maui experts, that's what they tell us.)

"In the last three years, we've done a lot of work on that watershed and we've done work to remove the feral ungulates from that area. Feral ungulates include pigs, and in this proposed bill, DLNR would still have the ability to go up onto that watershed in that mountain, Kahalawai, and remove the pigs, but I wouldn't as a private landowner, and that doesn't seem to be right. Feral ungulates also include goats, sheep, cows, and in Maui we have a deer problem. As cute as Bambi may be, we have an excess of 5,000 wild deer that are devastating Haleakala right now. Under this measure, I would not be able to eradicate those deer from the forest reserve watershed area.

"This bill just attempts to take away the things that I feel we should be able to do, which is the right thing, which is to protect that watershed to help the native species – all of the plants and understory that are critical to a good rain forest.

"Right now, DLNR has the ability to go up in helicopters and eradicate pigs, goats, sheep, cows. Under this bill, it's not clear that they would be able to continue to do it because of concerns about the cruelty to the animals. But clearly, we, as the landowners, would not be able to go up and any longer remove those threats from the forest.

"So, as this measure goes forward, I would ask those Chairs who are responsible for this to think about the protection of the watershed and address these issues so that you don't take away the ability of the Nature Conservancy and others like myself, as a landowner, who are trying to do the right thing to protect our watersheds.

"Please consider a 'no' vote on this measure. Thank you."

Senator English rose to speak against the measure and said:

"Mr. President, I, too, have to vote 'no' on this bill.

"With the constituency in my area, I have to consider their lifestyle. As the Senator from East Maui and Kauai talked about, the rural areas are somewhat dependent on this for lifestyle issues, ways of living, hunting, gathering, also the projects to preserve the environment.

"So, yes, cruelty to animals is an important issue and I believe in treating animals humanely, but by the same token, Mr. President, we have to really guard lifestyles, and that's what I seek to do, at least in my district. For the people on Moloka'i, Lana'i, East Maui, Upcountry, this is a very important issue.

"Just as a side note, Mr. President, there is still a raging debate on Maui as to what is the name of what they call the West Maui Mountains. Some say it is Mount Kahalawai. Others say it's Hale'eke. There are a few other names, so I think that the best way out of this is to pick one and let's go with it.

"Thank you, Mr. President."

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

"Mr. President, I speak in opposition to this bill.

"I concur with my colleague from East Maui and North Kauai and I ask the Clerk to enter into the Journal his comments as though it were mine.

"Mr. President, I believe there's an impact, a grave impact, on the neighbor islands as well, with regards to watershed areas, and I'd like to ask my colleagues to please consider your vote on this measure.

"Thank you."

Senator Chun rose to speak against the measure as follows:

"Mr. President, I must again reluctantly vote against this bill.

"I do agree with some of the comments from my colleague from West Maui. I have no idea what the West Maui Mountains are called.

"Mr. President, what disturbs me about this bill is the heavy-handed way in which it tries to treat all animals being kept as pets. For one thing, it requires some ambiguous standard for healthcare to be 'sufficient to prevent or alleviate suffering due to an injury or illness.' If we don't comply with that standard, pet owners will be guilty of withholding necessary sustenance. Again, we are going down a very, very difficult thing of making illegal, something that we really don't know what it is.

"What confuses and concerns me the most is the requirements on page 14, lines 8 and 9, which talk about tethering of animals. At the Committee hearing, I specifically asked whether the proponents of this bill would consider a chain run as 'tethering' of the animal, and they definitely said yes, it would. So I gave them this situation – what happens with a homeowner like myself that has a fence around his house, and owns a dog. The dog loves to dig, like most other dogs, and he can easily dig underneath the fence and get loose. So, to stop that, the owner tethers him to a running chain, which basically allows the dog the free run of the whole backyard. The chain, however, prevents him from digging under the fence and getting loose. This bill would make this action illegal. The proponents would rather have this dog run around, dig under the fence and make a nuisance of himself in the neighborhood. What am I do to, Mr. President? I don't know. There is almost no choice. The only other choice I would have is to lock him in the house, and this is a 100-pound dog and I don't think I want to have that dog in the house.

"I believe this bill goes way beyond what is needed. I think it tries to take a situation which may be good for populations in

the urban core, but which are totally unworkable for the populations in the rural districts.

"I believe that before we go forward with this, the proponents of this bill should be very, very sensitive to the fact that pets are not only considered pets and companions on the neighbor islands and rural districts. These animals oftentimes assist the owners in providing sustenance to their owners. There are some people who have dogs that help them to hunt. This helps put food on their tables.

"If we're going to put that restriction on them, we better think very, very seriously about the consequences to those people.

"Thank you."

Senator Ihara rose and said:

"Mr. President, please note my reservations in support of this bill. It needs a lot more work."

The motion was put by the Chair and carried, S.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Buen, Chumbley, Chun, English, Hemmings, Hogue, Inouye, Kim, Matsuura, Slom). Excused, 1 (Taniguchi).

At 7:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:04 o'clock p.m.

Stand. Com. Rep. No. 2825 (S.B. No. 2698, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 2825 be received and placed on file, seconded by Senator Matsuura.

Senator Kanno noted:

"Mr. President, your Committee on Judiciary took two votes on this bill and the original record of votes sheet was inadvertently filed with the committee report."

The motion was put by the Chair and carried.

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 2698, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2827 (S.B. No. 2973):

Senator Kanno moved that Stand. Com. Rep. No. 2827 be adopted and S.B. No. 2973, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"Well, if you didn't like S.B. No. 2115, the constitutional amendment provision for quasi-public facilities, then you shouldn't like this bill either, because here again, to quote the

good Senator from Kauai, is a cause that's looking for an object. There was no problem that has been complained of. The legislation was suggested by the AFL-CIO union. There is no problem right now with picketing or protesting or demonstrating on the public sidewalks or any public area fronting personal residents.

"However, this bill would go much further and allow people to picket and protest at a personal residence, as it says in the bill, 'before or about the residence,' which doesn't really determine where that position is, but it's not on public property, it's on private property. This is taking the idea of picketing and protesting right up to the residence and people that may or may not be involved, particularly family members.

"It is not a good precedent. There's no need for it. There is no other jurisdiction which has held that this is the proper use of picketing powers.

"I urge a 'no' vote on this bill. Thank you."

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

"Mr. President, I also rise in opposition.

"I reviewed the Committee's report and it states that there have been cases in other states where the US Supreme Court has ruled that a state cannot prohibit the right to picket. I believe people and organizations have the freedom of speech, but I also believe that people have the right to privacy. Our State Constitution, Article I, Section 6, states that, and I believe that picketing in front of a private residence or dwelling shouldn't be allowed.

"Each case is different. Each situation is different. Therefore, we need to let the courts decide based on the details of each individual case. I don't believe repealing this prohibition on picketing is the answer.

"Thank you."

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

"Mr. President, I speak in opposition to this bill.

"I will tell you a story of picketing at my residence as former Mayor of the County of Hawaii. When the geothermal well blew, I had everyone from Puna at my cul-de-sac home and got the residents very upset. Fortunately, my neighbor, Ms. Joan Butterfield, is about 5' 11" and went out with her bamboo stick and chased these people and said, 'You leave my Mayor alone!'

"So I believe that the right to privacy is something that we should all be able to enjoy. Thank you."

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

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

"Unlike the other one, our Hawaii Revised Statutes do have a provision in it that prohibits picketing. There is really substantial Supreme Court case laws to say that it's probably unconstitutional. So it's a removal of that section of the statutes.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2827 was adopted and S.B. No. 2973, entitled: "A BILL FOR AN ACT RELATING TO PICKETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Chumbley, Chun Oakland, English, Hemmings, Hogue, Ige, Inouye, Kim, Sakamoto, Slom).

Stand. Com. Rep. No. 2828 (S.B. No. 2969, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2828 be adopted and S.B. No. 2969, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Mr. President, I rise in opposition to this measure for the same reasons that I stated earlier.

"This allows the Department of Education to appoint its attorneys and creates some indemnification that isn't necessary. If those provisions weren't in the bill, which I remind you this is two bills with those in now, this may be a more palatable bill, but with that, it's definitely a poison pill for me.

"Thank you."

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

"Mr. President, I rise in support.

"I hear the Senator from Maui, and perhaps as the bill moves forward, some of the problematic positions can be removed. But I believe the majority of the bill attempts to address things that were brought up in the Felix investigation from June to November and are now continuing and are important issues that we need to address, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2828 was adopted and S.B. No. 2969, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1280, S.D. 1:

On motion by Senator Tam, seconded by Senator Ige and carried, S.B. No. 1280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2832 (S.B. No. 2243, S.D. 2):

Senator Tam moved that Stand. Com. Rep. No. 2832 be adopted and S.B. No. 2243, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Menor.

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

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

“No, Mr. President, this is not a transportation measure. This is not a van-cam. The purpose of this bill is to encourage greater use of renewable energy by establishing green marketing programs for green power generated from green sources such as wind, solar, biomass, and hydro. Green marketing programs offer consumers the opportunity to purchase electricity from green power sources, which supports the state’s energy policies. Currently about 2,700 customers are participating in a green power program, and that green marketing could increase this number significantly.

“Green marketing programs are not a new idea; over 80 such programs are in place in the United States today. A state-led program will help build community support for green marketing programs. It is appropriate for DBEDT to take the lead on green marketing to ensure that our utilities meet the requirements of our renewable portfolio standards.

“Mr. President, just as a reminder, the last several years this body has passed landmark legislation on energy renewables and incentives. This is another, complementing the continued work of your Committee.

“Passage of this measure will provide the Legislature with a good measure of how solid the grassroots support for renewables is in Hawaii. We need to do everything we can to reduce Hawaii’s dependence on imported fossil fuels and increase our use of indigenous resources.

“I encourage my colleagues to vote ‘aye’ on this bill. Thank you.”

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

“Mr. President, very briefly, I rise in opposition to this measure, not in opposition to the renewable portfolio issues and not in opposition to the issue of the green power marketing programs.

“Colleagues, I think that my opposition can be used as an example that if this measure was to pass, the utility companies will stand behind this and say ‘look, there is a voluntary program; you go over there.’ Therefore, we would never be able to move forward with developing meaningful, mandated renewable energy portfolio standards that will move us in the area of less dependency on oil.

“So, just for the voice of that, I’ll be voting ‘no.’ Thank you.”

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

“Mr. President, I support renewable energy and alternatives, but I’ll be voting with reservations because this is in fact a flawed bill with a defective date, and listening to the various parties that testified, there is less likelihood of them working together with this format.

“Thank you.”

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

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

“I acknowledge the concerns expressed by my colleagues and the previous speakers. If you read the committee report, there are 11 concerns the alternative energy people and others have which should be resolved before we end Session on May 2. If not, I think there will be problems with the bill.

“Thank you.”

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

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

“I think the good Senator from Maui announced some of the problems we have when you pass legislation like this. The energy renewable portfolio standards that we passed last year were basically a recodification of existing standards.

“More importantly, Mr. President, we have a situation where most of the production of electricity in Hawaii is controlled by one company. Virtually in the larger markets, all the distribution is controlled by one company, and oftentimes, as we’ve heard in testimony in Water, Land, Energy, and Environment, the people controlling the distribution oftentimes thwart the entrance of renewable energies into the marketplace by simply not signing a timely and good contract with the people wishing to provide the energy from a renewable source. This unilaterally allows the distributor, in this case HECO or HEI, to basically block renewables from entering the marketplace in a timely and cost-effective manner.

“This and other reasons lead me to believe, once again, that we have a very unhealthy monopoly in the energy market here in Hawaii, not with production, but more importantly with distribution. I’m hoping that this bill, as it continues on, will be able to circumvent that monopoly. But unfortunately, because of Hawaiian Electric’s control of the PUC and of a lot of the political processes, oftentimes they prevail.

“So, I vote ‘with reservations’ on this legislation. Thank you, Mr. President.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2832 was adopted and S.B. No. 2243, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chumbley).

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

“Mr. President, on behalf of the Minority, we want to thank you for your kind generosity and wonderful lunch this afternoon and we would like the opportunity to once again initiate the second annual Republicans host the Democrats at the second crossover, which I believe is April 9. We’d be very happy to do that.

“The other thing that I’d like to say is we would like to congratulate the Senate Clerk and his staff particularly for taking to heart the remarks that were made at the end of the Regular Session by Senator Kim, making this much more

readable and much easier to follow and all of the hard work that they did.

“Thank you, Mr. President.”

ADJOURNMENT

At 7:18 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 7, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate