

FORTY-EIGHTH DAY

Thursday, April 11, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 3:18 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Lorraine R. Inouye, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

Senator Matsunaga introduced and congratulated the Queen of the 50th Annual Cherry Blossom Festival, Lisa Okinaga, and her court: First Princess Katie Young, Princess and Miss Popularity Nina Hashimoto, Princess Charlene Sakuma, Princess Michele Nakata, and Miss Congeniality Nicole Kuwahara. Accompanying the young ladies was Ceanne Englar, who serves as the assistant queen's advisor.

Senator Buen then introduced and congratulated Elroy Makia Malo on being recognized as the SFY 2001 Outstanding Rehabilitant and extended heartfelt appreciation for his valued and inspirational contributions to the community. Accompanying Mr. Malo was his wife Ann, his counselor Jerry Mina, and Neil Shim, Administrator of the State Vocational Rehabilitation and Services for the Blind Division, Department of Human Services.

At this time, Mr. Malo performed one of his Hawaiian chants for the members of the Senate and their guests.

At 3:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:48 o'clock p.m.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 21, from the State Auditor dated April 8, 2002, transmitting a report, "A Study on the Licensing of Private Trade, Vocational, and Technical Schools," (Report No. 02-08), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 358 to 505) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 358, returning S.B. No. 23, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 23, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 359, returning S.B. No. 233, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 233, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 360, returning S.B. No. 251, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 251, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 361, returning S.B. No. 484, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 484, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 362, returning S.B. No. 594, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 594, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 363, returning S.B. No. 706, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 706, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 364, returning S.B. No. 720, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 720, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 365, returning S.B. No. 940, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 940, and requested a conference on the subject matter thereof.

Hse. Com. No. 366, returning S.B. No. 941, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 941, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 367, returning S.B. No. 996, which passed Third Reading in the House of Representatives on April 9, 2002, in an amended form, was placed on file.

Hse. Com. No. 494, returning S.B. No. 2723, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 495, returning S.B. No. 2729, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 496, returning S.B. No. 2730, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 497, returning S.B. No. 2765, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 498, returning S.B. No. 2768, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 499, returning S.B. No. 2769, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 500, returning S.B. No. 2787, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 501, returning S.B. No. 2792, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 502, returning S.B. No. 2805, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 503, returning S.B. No. 2881, S.D. 1, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 504, returning S.B. No. 3010, S.D. 2, which passed Third Reading in the House of Representatives on April 9, 2002, was placed on file.

Hse. Com. No. 505, informing the Senate that the Speaker on April 9, 2002, made the following changes to the conferees on the following bill:

H.B. No. 1256, H.D. 2 (S.D. 2):

Discharged Representative Nakasone as third co-chair.
Appointed Representative Saiki as third co-chair,

was placed on file.

SENATE COMMUNICATION

Sen. Com. No. 3, notice to the Governor dated April 11, 2002, transmitting H.B. No. 1012, S.D. 1, and H.B. No. 2848, H.D. 1, S.D. 2, which propose amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"April 11, 2002

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii

State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following House Bill(s), a copy of which is attached hereto:

H.B. NO. 1012, SD 1
'PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES.'

H.B. NO. 2848, HD 1, SD 2
'PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES.'

Respectfully,

/s/ Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate"

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3375), recommending that S.C.R. No. 120 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 120, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT MANOA HAMILTON LIBRARY PRESERVATION DEPARTMENT, IN COOPERATION WITH THE LEGACY FOUNDATION OF THE PACIFIC AND OTHER PUBLIC AND PRIVATE ENTITIES, TO ESTABLISH A HAWAII MEDIA PRESERVATION AND TECHNOLOGY ARCHIVING APPLICATIONS PILOT PROJECT," was referred to the Committee on Ways and Means.

Senators Matsuura and Sakamoto, for the Committee on Health and Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3376), recommending that S.C.R. No. 124 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 124, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT IN HAWAII, OF A CENTER FOR THE HEALTH, WELFARE, AND EDUCATION OF CHILDREN, YOUTH, AND FAMILIES FOR ASIA AND THE PACIFIC AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3377), recommending that S.C.R. No. 139, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 139, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE RETAIL BUSINESS INDUSTRY TO DEVELOP A PLAN FOR ITS DIRECTION FOR THE FUTURE," was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3378) recommending that S.C.R. No. 85, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3378 and S.C.R. No. 85, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO INVESTIGATE EXISTING CONFLICTS BETWEEN ORGANIZED WATER SPORTS EVENTS AND INDIVIDUAL RECREATIONAL USERS AND DEVELOP RECOMMENDATIONS FOR EQUITABLE ACCESS TO AND USE OF THE WATERS AND BEACHES OF THE STATE," was deferred until Friday, April 12, 2002.

Senators Sakamoto and Tam, for the Committee on Education and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 3379) recommending that S.C.R. No. 176, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3379 and S.C.R. No. 176, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, DEPARTMENT OF EDUCATION, AND GOVERNOR'S SPECIAL ADVISOR FOR TECHNOLOGY DEVELOPMENT TO ENDORSE AND PROMOTE THE HAWAII CUBESAT PROJECT," was deferred until Friday, April 12, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3380) recommending that S.C.R. No. 132, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3380 and S.C.R. No. 132, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was deferred until Friday, April 12, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3381) recommending that S.R. No. 76, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3381 and S.R. No. 76, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was deferred until Friday, April 12, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3382) recommending that S.C.R. No. 16 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3382 and S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was deferred until Friday, April 12, 2002.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3383) recommending that S.C.R. No. 2 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3383 and S.C.R. No. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF AFGHAN WOMEN TO THE PROVISIONAL GOVERNMENT OF AFGHANISTAN TO ENSURE EQUITABLE TREATMENT OF WOMEN IN THE NEW GOVERNMENT," was deferred until Friday, April 12, 2002.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3384) recommending that S.R. No. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3384 and S.R. No. 1, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF AFGHAN WOMEN TO THE PROVISIONAL GOVERNMENT OF AFGHANISTAN TO ENSURE EQUITABLE TREATMENT OF WOMEN IN THE NEW GOVERNMENT," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3385) recommending that S.C.R. No. 100, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3385 and S.C.R. No. 100, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE GUARDIANS AD LITEM/ATTORNEY STATUTORY FEE REQUIREMENTS TO DETERMINE IF THERE IS A MORE EFFECTIVE MODEL THAT COULD BE ADOPTED FOR HAWAII, AND REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE GUARDIAN AD LITEM FEES," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3386) recommending that S.R. No. 55, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3386 and S.R. No. 55, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE GUARDIANS AD LITEM/ATTORNEY STATUTORY FEE REQUIREMENTS TO DETERMINE IF THERE IS A MORE EFFECTIVE MODEL THAT COULD BE ADOPTED FOR HAWAII, AND REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE GUARDIAN AD LITEM FEES," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3387) recommending that S.C.R. No. 150, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3387 and S.C.R. No. 150, S.D. 1, entitled: "SENATE

CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK', was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3388) recommending that S.R. No. 89, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3388 and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK'," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3389) recommending that S.C.R. No. 151, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3389 and S.C.R. No. 151, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3390) recommending that S.R. No. 90, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3390 and S.R. No. 90, S.D. 1, entitled: "SENATE RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was deferred until Friday, April 12, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3391) recommending that S.C.R. No. 63 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3391 and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE PANEL TO DEVELOP A STANDARD PAYMENT RATE FOR MENTAL HEALTH SERVICES PROVIDED TO CHILDREN UNDER STATE CONTRACTS," was deferred until Friday, April 12, 2002.

Senators Inouye and Kim, for the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3392) recommending that S.C.R. No. 95 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3392 and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOALS OF THE HAWAII WATCHABLE WILDLIFE PROGRAM AND ENCOURAGING COLLABORATION AMONG ALL FEDERAL, STATE, AND COUNTY AGENCIES, AS WELL AS NON-PROFIT ORGANIZATIONS, AND PRIVATE SECTOR IN PROMOTING RESPONSIBLE WILDLIFE VIEWING AND NATURE-BASED TOURISM THAT BENEFIT THE PEOPLE OF THE STATE OF HAWAII," was deferred until Friday, April 12, 2002.

Senators Inouye and Kim, for the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3393) recommending that S.R. No. 53 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3393 and S.R. No. 53, entitled: "SENATE RESOLUTION SUPPORTING THE GOALS OF THE HAWAII WATCHABLE WILDLIFE PROGRAM AND ENCOURAGING COLLABORATION AMONG ALL FEDERAL, STATE, AND COUNTY AGENCIES, AS WELL AS NON-PROFIT ORGANIZATIONS, AND PRIVATE SECTOR IN PROMOTING RESPONSIBLE WILDLIFE VIEWING AND NATURE-BASED TOURISM THAT BENEFIT THE PEOPLE OF THE STATE OF HAWAII," was deferred until Friday, April 12, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3394), recommending that S.C.R. No. 21, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," was referred to the Committee on Ways and Means.

Senators Inouye and Tam, for the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 3395) recommending that S.C.R. No. 68, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3395 and S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was deferred until Friday, April 12, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3396), recommending that S.C.R. No. 136, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 136, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES AND DEVELOPMENT OF A MASTER PLAN FOR STATE PARKS," was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3397), recommending that S.R. No. 81, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 81, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES AND DEVELOPMENT OF A MASTER PLAN FOR STATE PARKS," was referred to the Committee on Ways and Means.

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

No. 3398) recommending that S.C.R. No. 98, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3398 and S.C.R. No. 98, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A CONSIDERATION OF THE FEASIBILITY OF OPENING A PUBLIC UTILITIES COMMISSION DOCKET RELATING TO STANDBY CHARGES AND CUSTOMER RETENTION DISCOUNTS," was deferred until Friday, April 12, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3399) recommending that S.C.R. No. 115 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3399 and S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN MOTOR VEHICLE INSURANCE," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3400) recommending that S.C.R. No. 82, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3400 and S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY AND THE STATE ATTORNEY GENERAL TO CONDUCT AN INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM," was deferred until Friday, April 12, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3401) recommending that S.R. No. 48, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3401 and S.R. No. 48, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIARY AND THE STATE ATTORNEY GENERAL TO CONDUCT AN INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3402) recommending that S.C.R. No. 3, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3402 and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3403) recommending that S.C.R. No. 19, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3403 and S.C.R. No. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3404) recommending that S.C.R. No. 69 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3404 and S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO ALLOCATE ADDITIONAL FUNDING FOR THE RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3405) recommending that S.C.R. No. 157, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3405 and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, HIGH TECHNOLOGY DEVELOPMENT CORPORATION, HAWAII TECHNOLOGY TRADE ASSOCIATION, AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO SET THE DIRECTION FOR THE HIGH TECHNOLOGY INDUSTRY," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3406) recommending that S.R. No. 94, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3406 and S.R. No. 94, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, HIGH TECHNOLOGY DEVELOPMENT CORPORATION, HAWAII TECHNOLOGY TRADE ASSOCIATION, AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO SET THE DIRECTION FOR THE HIGH TECHNOLOGY INDUSTRY," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3407) recommending that S.C.R. No. 7, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3407 and S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE TANF REAUTHORIZATION ACT OF 2001," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3408) recommending that S.C.R. No. 35, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3408 and S.C.R. No. 35, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COLLABORATIVE EFFORTS AND THE PARTNERING INITIATIVES OF THE VETERANS' ADMINISTRATION (VA) STATE HOME CONSTRUCTION OFFICE IN WASHINGTON, D.C., THE HAWAII VA MEDICAL AND REGIONAL OFFICE CENTER (VAMROC), AND THE HAWAII OFFICE OF VETERANS' SERVICES, TO ESTABLISH A STATE-OF-THE-ART VA STATE HOME FACILITY ON THE CAMPUS OF THE HILO MEDICAL CENTER WHICH WILL PROVIDE CRITICALLY NEEDED, HIGH QUALITY, ACCESSIBLE LONG-TERM CARE SERVICES TO VA BENEFICIARIES RESIDING IN EAST HAWAII COUNTY," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3409) recommending that S.C.R. No. 39, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3409 and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3410) recommending that S.C.R. No. 48, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3410 and S.C.R. No. 48, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR NATUROPATHS, ACUPUNCTURISTS, AND CHIROPRACTORS," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3411) recommending that S.R. No. 19, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3411 and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3412) recommending that S.C.R. No. 58, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3412 and S.C.R. No. 58, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT SENATE-HOUSE REVIEW COMMITTEE TO REVIEW PETROLEUM FUEL PRICE ISSUES," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3413) recommending that S.C.R. No. 64, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3413 and S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF STATE PROGRAMS INVOLVED WITH OR PROVIDING LONG-TERM CARE SERVICES FOR HAWAII'S ELDERLY," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3414) recommending that S.C.R. No. 79, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3414 and S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES HISTORIC PRESERVATION DIVISION," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3415) recommending that S.R. No. 38, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3415 and S.R. No. 38, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES HISTORIC PRESERVATION DIVISION," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3416) recommending that S.C.R. No. 103, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3416 and S.C.R. No. 103, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3417) recommending that S.C.R. No. 109 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3417 and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3418) recommending that S.R. No. 58 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3418 and S.R. No. 58, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3419) recommending that S.C.R. No. 112, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3419 and S.C.R. No. 112, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A STATEWIDE ECONOMIC DEVELOPMENT TASK FORCE TO DEVELOP AND ADMINISTER AN ECONOMIC DEVELOPMENT PLAN FOR THE STATE," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3420) recommending that S.C.R. No. 113 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3420 and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3421) recommending that S.C.R. No. 134, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3421 and S.C.R. No. 134, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CONVENE A TASK FORCE TO ADDRESS THE CONTINUAL NEED AND UNMET DEMAND FOR TRANSITIONAL HOUSING AND SOCIAL WELFARE FACILITIES IN THE STATE," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3422) recommending that S.C.R. No. 169, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3422 and S.C.R. No. 169, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF THE POWER QUALITY TASK FORCE TO STUDY ISSUES RELATING TO RESPONSIBILITY OVER POWER QUALITY IN HAWAII," was deferred until Friday, April 12, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3423) recommending that S.R. No. 105, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3423 and S.R. No. 105, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FORMATION OF THE POWER QUALITY TASK FORCE TO STUDY ISSUES RELATING TO RESPONSIBILITY OVER POWER QUALITY IN HAWAII," was deferred until Friday, April 12, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3424) recommending that S.C.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3424 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO ADVANCE THE CUTOFF DATE FOR KINDERGARTEN TO JUNE 30 BEGINNING WITH THE 2005-2006 SCHOOL YEAR," was deferred until Friday, April 12, 2002.

Senators Sakamoto, Inouye and Chun, for the Committee on Education, the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3425) recommending that S.C.R. No. 137, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3425 and S.C.R. No. 137, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY AND UNIVERSITY OF HAWAII BOARD OF REGENTS TO ASSURE NO FURTHER DEVELOPMENT OR CONSTRUCTION ON THE SUMMIT OF MAUNA KEA UNTIL APPROPRIATE ENVIRONMENTAL IMPACT STATEMENTS OR ENVIRONMENTAL ASSESSMENTS HAVE BEEN COMPLETED," was deferred until Friday, April 12, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3426) recommending that S.C.R. No. 53, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3426 and S.C.R. No. 53, S.D. 1, entitled: "SENATE

CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO DEVELOP LEGISLATION ESTABLISHING A CENTER FOR NURSING IN HAWAII," was deferred until Friday, April 12, 2002.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3427), recommending that S.C.R. No. 127, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 127, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ADEQUATE FINANCIAL IMPACT ASSISTANCE FOR PROVIDING SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES WHO RESIDE IN THE STATE OF HAWAII," was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3428) recommending that the Senate advise and consent to the nomination of JUNE S. TAKENO to the Board of Acupuncture, in accordance with Gov. Msg. No. 171.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3428 and Gov. Msg. No. 171 was deferred until Friday, April 12, 2002.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3369 (Gov. Msg. No. 187):

Senator Tam moved that Stand. Com. Rep. No. 3369 be received and placed on file, seconded by Senator Ige and carried.

Senator Tam then moved that the Senate advise and consent to the nominations to the Board of Directors, Natural Energy Laboratory of Hawai'i Authority of the following:

MARNI HERKES, term to expire June 30, 2003;

RICHARD HENDERSON, term to expire June 30, 2004; and

THOMAS P. WHITTEMORE, term to expire June 30, 2006,

seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 3370 (Gov. Msg. No. 188):

Senator Tam moved that Stand. Com. Rep. No. 3370 be received and placed on file, seconded by Senator Ige and carried.

Senator Tam then moved that the Senate advise and consent to the nominations of HOWARD Y. IKEDA, GILBERT M. KIMURA and ALVIN S. NARIMATSU to the Stadium

Authority, terms to expire June 30, 2006, seconded by Senator Ige.

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

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 9, 2002

Stand. Com. Rep. No. 3347 (S.C.R. No. 37, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY TO DESIGNATE A SINGLE DEPARTMENT TO OVERSEE THE FUNDING AND REGULATION OF ADULT RESIDENTIAL CARE HOMES AND FOSTER HOMES," was adopted.

Stand. Com. Rep. No. 3348 (S.R. No. 17, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 17, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A STUDY TO DESIGNATE A SINGLE DEPARTMENT TO OVERSEE THE FUNDING AND REGULATION OF ADULT RESIDENTIAL CARE HOMES AND FOSTER HOMES," was adopted.

Stand. Com. Rep. No. 3349 (S.C.R. No. 116):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE WAYS TO CONTROL THE USE OF MOTORIZED SCOOTERS AND OTHER MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND PUBLIC AREAS," was adopted.

Stand. Com. Rep. No. 3350 (S.R. No. 63):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 63, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TASK FORCE TO EXAMINE WAYS TO CONTROL THE USE OF MOTORIZED SCOOTERS AND OTHER MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND PUBLIC AREAS," was adopted.

Stand. Com. Rep. No. 3351 (S.C.R. No. 152):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 152, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ENACT ENABLING LEGISLATION TO PERMIT STATE REGULATION OF INTERISLAND AIR CARRIERS BY AN AIR CARRIER COMMISSION PURSUANT TO ACT 332, SESSION LAWS OF HAWAII 1993," was adopted.

Stand. Com. Rep. No. 3352 (S.R. No. 91):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and S.R. No. 91, entitled: "SENATE RESOLUTION REQUESTING CONGRESS TO ENACT ENABLING LEGISLATION TO PERMIT STATE REGULATION OF INTERISLAND AIR CARRIERS BY AN AIR CARRIER COMMISSION PURSUANT TO ACT 332, SESSION LAWS OF HAWAII 1993," was adopted.

Stand. Com. Rep. No. 3353 (S.C.R. No. 158):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 158, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE SECURING SPACE FOR THE COMMERCIAL HAUL OUT OF BOATS FOR SAFETY, COMPLIANCE INSPECTIONS, AND ECONOMIC DEVELOPMENT," was adopted.

Stand. Com. Rep. No. 3354 (S.R. No. 95):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.R. No. 95, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE SECURING SPACE FOR THE COMMERCIAL HAUL OUT OF BOATS FOR SAFETY, COMPLIANCE INSPECTIONS, AND ECONOMIC DEVELOPMENT," was adopted.

Stand. Com. Rep. No. 3355 (S.C.R. No. 174, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE INABILITY OF INSULIN USERS TO OBTAIN A COMMERCIAL DRIVER'S LICENSE," was adopted.

Stand. Com. Rep. No. 3356 (S.R. No. 109, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 109, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE INABILITY OF INSULIN USERS TO OBTAIN A COMMERCIAL DRIVER'S LICENSE," was adopted.

Stand. Com. Rep. No. 3357 (S.C.R. No. 106):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 106, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PEOPLE OF HAWAII TO RECOGNIZE U.S. MILITARY PERSONNEL AND THEIR FAMILIES AS HAWAII RESIDENTS," was adopted.

Stand. Com. Rep. No. 3358 (S.R. No. 74):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 74, entitled: "SENATE RESOLUTION

REQUESTING THAT NEW STATE AND COUNTY BUILDINGS BE NAMED IN HONOR OF HAWAII RESIDENTS WHO HAVE BEEN AWARDED THE CONGRESSIONAL MEDAL OF HONOR FOR ACTS OF HEROISM DURING WORLD WAR II, THE KOREAN WAR, AND THE VIETNAM WAR," was adopted.

Stand. Com. Rep. No. 3359 (S.C.R. No. 30, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 30, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO PLACE A HIGHER PRIORITY ON MEETINGS, CONVENTIONS, AND INCENTIVES MARKETING AS A BENEFIT TO THE LARGER ECONOMY," was adopted.

Stand. Com. Rep. No. 3360 (S.R. No. 11, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 11, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO PLACE A HIGHER PRIORITY ON MEETINGS, CONVENTIONS, AND INCENTIVES MARKETING AS A BENEFIT TO THE LARGER ECONOMY," was adopted.

Stand. Com. Rep. No. 3361 (S.C.R. No. 161, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 161, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE MUNICIPALITY OF TIANJIN IN THE PEOPLE'S REPUBLIC OF CHINA," was adopted.

Stand. Com. Rep. No. 3362 (S.R. No. 99, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 99, S.D. 1, entitled: "SENATE RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE MUNICIPALITY OF TIANJIN IN THE PEOPLE'S REPUBLIC OF CHINA," was adopted.

Stand. Com. Rep. No. 3363 (S.C.R. No. 101, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO'OLAWA," was adopted.

Stand. Com. Rep. No. 3364 (S.R. No. 54, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 54, S.D. 1, entitled: "SENATE RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO'OLAWA," was adopted.

Stand. Com. Rep. No. 3365 (S.R. No. 50):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 50, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF STATE YOUTH SERVICES AND A STUDY ON CONSOLIDATING YOUTH SERVICES," was adopted.

Stand. Com. Rep. No. 3366 (S.R. No. 51, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.R. No. 51, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ADOPTION OF THE ECONOMIC PLANS OF EACH COUNTY TO STABILIZE AND STIMULATE THE STATE'S ECONOMY," was adopted.

Stand. Com. Rep. No. 3367 (S.C.R. No. 17, S.D. 2):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 17, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MENTAL DISORDERS," was adopted.

Stand. Com. Rep. No. 3368 (S.C.R. No. 9):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE REPORTING DATE OF THE TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was adopted.

Stand. Com. Rep. No. 3372 (S.C.R. No. 131, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EXPEDITED BUDGETING, FINANCING, AND CONSTRUCTION OF NEW SCHOOL FACILITIES," was adopted.

Stand. Com. Rep. No. 3373 (S.R. No. 113, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 113, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING EXPEDITED BUDGETING, FINANCING, AND CONSTRUCTION OF NEW SCHOOL FACILITIES," was adopted.

At 3:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:36 o'clock p.m.

S.R. No. 114:

Senator Ihara moved that S.R. No. 114 be adopted, seconded by Senator Chumbley.

Senator Ihara rose to speak in favor of the resolution as follows:

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

"Mr. President, this resolution would prohibit the inclusion in any House/Senate conference procedures or rules any requirement that would give one Conference Committee member greater than one vote. It would basically ban a Chair veto.

"I wanted to point out, in support of this resolution, that in the past the Conference Committee procedures were negotiated and signed by the Majority Leaders prior to the 2000 Session. As Majority Leader, part of that in the Senate as well as in the House, I had, myself, signed a number of Conference Committee procedures.

"In the 2000 Session a change was made, and that change was that for the first time Conference Committee decisions were made by open voting. This was, by the way, 22 years after the requirement was adopted in 1978.

"I point out that in the State Constitution, Article III, Section 12, it says that 'Each house shall choose its own officers, determine the rules of its proceedings and keep a journal.' Each house shall determine the rules of its proceedings . . . it doesn't say the presiding officer shall determine the rules of this proceeding. It says each house. This is the majority of each house.

"In doing research on this resolution, I discovered that an assumption I had was erroneous. I had assumed that the Senate Rules delegated the body's authority as a group to determine its rules, delegated it to the President. I found out that Senate Rules do not, in fact, delegate to the President or anyone the authority to determine rules for Conference Committees.

"In fact, Mr. President, should this resolution fail, I believe that a member would have a right to object to the rest of the conference procedures. I'm presuming that if this resolution passes, then it would be the body's statement on its position on a conference rule for or against, but it still leaves in question the rest of the conference procedures and another member could object to those procedures.

"I pointed out that in that same section 12 of the Constitution where we had open committee voting for the first time, and that prior to the 2000 Session, Conference Committee members would vote by passing around a ballot which was the conference committee report. Under that procedure, the Committee Chairs did have the power to veto because they would either not circulate the committee report or when they received the committee report they could put it in their desk and the ballot would not get circulated to get a majority. A majority of the Senators agreed that was not proper, and therefore a requirement was placed in the Conference Committee procedures to require open voting. This was in the 2000 Session.

"This open voting requirement effectively, at that time in the 2000 Session, took away the Chair's power to single-handedly kill good legislation. A Chair veto power would continue to take away the rights of the majority of the Committee.

"I also talked to the National Conference of State Legislatures' staff that deals with legislative management and they sent me a number of cites from Mason's which govern our Senate and House's legislative procedures, including conference committees. I wanted to cite a few items. Under the general parliamentary principles and rules it says on page one: 'Every member of an organization is presumed to be the equal of each other member, and each has rights that must be respected.' Rule 2, under the Ten Principles that Govern

Procedure in Group Decision Making, I quote: 'When authority is vested in any group . . .' which the constitution has vested in the House and the Senate the power and authority to adopt its own rules for its proceedings, Mason's says: 'When authority is vested in any group, it is vested in the group collectively and not merely in the individual members of the group.'

"In Section 50, paragraphs 1, 2 and 4, in 1 it says: 'A fundamental and seemingly universal principle is that at least a majority of the vote cast is required to make decisions for a group.' Paragraph 4 says: 'The requirement of a majority to take an action is not in any sense an arbitrary rule but is a fundamental principle.' In Section 52 it says: 'In public bodies the equality of members' – the equality of members – 'is presumed. It would seem that, for any democratic group to be able to operate, acceptance of the principle of equality of members is essential. Unless that equality is recognized, there is no basis upon which it can be determined who or what number has authority to speak for the group and to make its decisions. Equality seems essential also to secure the acceptance in good faith of decisions of the group.'

"Section 80 says: 'The decision [of a legislative body] is the decision of the group, not of the individual members.' Section 510 says: 'In the conduct of the business of an assembly, the principle of majority rule is of the very essence. Parliamentary law is based firmly upon it. It is, in fact, the basis upon which popular self-government largely rests.'

"And finally, in Section 626, and this I did not know, it says: 'It is the duty of the chair to call the committee together, but if the chair is absent or neglects or declines to call a meeting of the committee, a meeting may be held on the call of the majority of its members.' So this Mason's section gives the majority of a committee the right and the power to call a meeting even when a chair neglects or declines to call a meeting.

"I understand that there may be a compromise proposal being considered that would allow for an override of a chair veto by having a majority of chairs override a single chair veto. I wanted to point out that in the 2001 Session there were 330 bills that went to Conference and more than half of those Conference Committees had exactly two chairs. So even if this veto override procedure is agreed to and adopted, a single chair could still outvote a majority of members.

"I'm trying to avoid a situation where you have a . . . since open voting is required and you have a Conference Committee that meets, and basically its made up of two separate and independent committees that meet at the same time – the House Conference Committee and the Senate Conference Committee – the Senate Conference Committee, let's say if it has five members on that Senate Conference Committee, if there was a vote taken on an amendment or a measure, four members vote aye and one member who is a chair votes no, and if the chair veto or some version of it is in place, then that single chair has the equivalent of four votes. So you have five members with eight votes. The four single members would have one vote each and the chair would have four votes.

"I believe, Mr. President, that that is an undemocratic rule and situation and I urge all my colleagues to vote 'aye' for this resolution. Thank you."

Senator Chumbley rose in support of the resolution and said:

"Mr. President, I rise to speak in support of the resolution.

"Colleagues, you've heard the good Senator from Kaimuki lay out all the reasons that you should do this . . . constitutional

reasons, integrity reasons. I want to give you another reason – it's called courage. Sometimes you have to have some courage to do what may be unpopular. Creating towers of power is not something that any of us were sent here to do.

"This principle that's outlined in this resolution, you know in your heart, is the right thing to do. We are here because of a democratic society, because of democracy. To allow a single chair to be able to entirely stop the work that was done by the committee and by the members is wrong, and I hope that you realize that.

"Think long and hard about how you vote on this resolution, because this is the very heart of the democracy of why you're here.

"Thank you, Mr. President."

Senator Ihara rose and said:

"Mr. President, I call for a Roll Call vote."

The Chair so ordered.

The motion was put by the Chair and, Roll Call vote having been requested, S.R. No. 114, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII, 2001-2002," failed to be adopted on the following showing of Ayes and Noes:

Ayes, 9. Noes, 14 (Buen, Bunda, Chun, English, Hanabusa, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Nakata, Sakamoto, Tam). Excused, 2 (Matsuura, Taniguchi).

THIRD READING

H.B. No. 2827, H.D. 1, S.D. 2:

Senator Hanabusa moved that H.B. No. 2827, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Buen.

Senator Slom rose in opposition to the measure and said:

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

"You know, in the six years I've been here, I've voted against the creation of every special fund. The reason for that was that, as I said six years ago, and five years ago, and three years ago, and this year, every time we create a special fund, it's not special at all.

"We fool the people two ways: (1) in terms of the budgeting process; and (2) in terms of thinking that the money that goes into a special fund and it's earmarked for special purposes is actually going to go for that purpose, and we haven't done that.

"Now the Legislative Auditor has advised getting rid of special funds and I absolutely agree with that. That's not what this bill does. I think that if we were to be honest and we got rid of all of the special funds, that would be great, but we're not doing that.

"We're taking a portion of these funds, we're going to continue to fill them up again and raid them again later on. We're creating new special funds, as we did the other day. And in addition to the special funds, we're taking revolving funds; we're taking trust funds; we're taking reserve funds; we're taking all kinds of funds.

"I think, as I say, we do a disservice to those people who figured that the money that they were paying, even though they didn't want to do it, even though they didn't have to do it, they reluctantly agreed to do it because at least it would go for a good purpose whether it was the tobacco fund which was going to go for education, or the highway fund which was going to fix the potholes and the lousy roads and highways that we have in Hawaii, or parks fund, or anything else. And we haven't done that.

"At some point, Mr. President, we're going to have to learn that we can balance the budget and still keep the faith and be honest to the people that pay all of the bills in this State.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against H.B. No. 2827, H.D. 1, S.D. 1.

"This raid validates the good Senator from East Oahu's 'no' votes against special funds. It validates Marion Higa's recommendations regarding eliminating special funds. But more importantly, it bears evidence to a much more serious problem. And that problem is that the state budgeting process is fraudulent. Those may be strong words but the definition of fraud, among other things, is a deliberate deception.

"The state budget process is a deliberate deception. For instance, these funds are created to specifically help or be involved in special efforts in the executive branch of government – the agricultural loan revolving fund, stadium special fund, cigarette tax enforcement special fund. There are some huge ones here – dwelling unit revolving fund, \$24 million. And the list goes on to add up to \$122 million that constitutes a great portion of money in the special fund that's now being taken and put back into the general fund.

"So, somewhere along the line, someone was deceived. And unfortunately, I think once again it was the taxpayers.

"Once again, I reserve the right to take my time in pointing out other deceptions in the budget that necessitate us taking from the special funds and putting back into the general fund these monies. This Legislature, in spite of what they call us otherwise, have been fraudulent in how money has been accounted for and spent in the general fund. And we're finding out how disingenuous and, I might say, dishonest cabinet level officials are and those in the administration that come in year in and year out to the Legislature and tell us they need more money to fund their programs.

"They tell us, for instance, the state budget, which this fund is going to transfer money back into, has very itemized position counts and the money to pay for it. But we find out that those position counts and the money to pay for them are a smoke screen, that really, in addition to those, they're using vacant position funding to augment other things. We don't know where else the vacant money goes.

"I could go on, and on, and on, regarding the inequities, the inconsistencies, and the contradictions in the budget process and the state budget. Of course, you've heard much of it before and you've read about it in Marion Higa's audits. But here we go again – \$122 million-plus taken out of special funds in a disingenuous manner to fund the mismanagement of our general fund appropriations.

“So for this reason, I’ll be voting ‘no.’ What I hope the message gets through, because I see a glimmer of hope being offered through Senate Leadership, is that we’ll start taking a more serious look at the budget process. We’ll start holding department heads accountable, and we’ll make the budget numbers really mean something, rather than getting to the end of the year and running out of money and saying ‘okay, we’ll raid this fund and we’ll turn the hurricane relief fund into a tax and we’ll figure out other ways to milk more money out of the poor working men and women of Hawaii.’

“I’m hoping that the Majority Party Leadership will come to their senses and see that the growth of the state budget does not have to be three times larger than the growth of the private sector economy and that we can survive by cutting not necessary programs that are oftentimes held hostage, but the malfeasance, the misappropriations, and the outright dishonesty found in many budget appropriations in the general funds, which is being augmented by the passage of H.B. No. 2827, H.D. 1, S.D. 1.

“By voting ‘no’ against this, we will send a message out that we’re going to balance the budget honestly, rather than raiding funds and doing all the other tricks that are being offered as a remedy to Hawaii’s economic malaise.

“I hope that the Majority Party members will take serious consideration as we go into Conference. Thank you, Mr. President.”

At 4:57 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:59 o’clock p.m.

The motion was put by the Chair and carried, H.B. No. 2827, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE STATE FINANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Hogue, Slom). Excused, 3 (Ihara, Matsuura, Taniguchi).

Senator Hanabusa, Vice Chair of the Committee on Ways and Means, requested that the referral of S.C.R. No. 121 to the Committee on Ways and Means be waived, and the Chair granted the waiver.

RECONSIDERATION OF ACTIONS TAKEN

S.C.R. No. 121:

Senator Buen moved that the Senate reconsider its action taken on April 5, 2002, in adopting Stand. Com. Rep. No. 3316, seconded by Senator Kawamoto and carried.

Senator Buen then moved that Stand. Com. Rep. No. 3316 be received and placed on file, seconded by Senator Kawamoto and carried.

By unanimous consent, S.C.R. No. 121, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CURRENT POLICIES AND CRITERIA USED IN CONDUCTING SUNRISE REVIEWS PURSUANT TO CHAPTER 26H, HAWAII REVISED STATUTES,” was placed on the calendar for Adoption on Friday, April 12, 2002.

At 5:04 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:09 o’clock p.m.

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

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

“Mr. President, it’s not often that I would take the time to respond to a newspaper article, but this is one of those times I think requires it because it addresses a very fundamental issue that we’re grappling with here in the Legislature on behalf of all the people of the State of Hawaii. The headline of the article says ‘State officials spar over the budget.’ One of the Senate leaders who did not sign the ‘no hurricane fund’ oath said the decision by other Senators could be politically dangerous. After signing it, it would be very difficult to backtrack. Those who have signed it would have to expect that there will be questions why they signed it and then unsign it.

“Well, Mr. President and colleagues and the good Senator from Waianae, I don’t plan on unsigning anything. What we’re dealing with here is a principle. And the principle is that we have already pointed out clearly and well-documented malfeasance in the state budget and many opportunities – including eliminating vacant positions, reduction of the state workforce through attrition, holding departments accountable for documented poor spending – that we can balance the budget by reducing spending. And that’s a principle, Mr. President and colleagues.

“I’m so pleased that this Senate, by pulling the hurricane relief fund off the table and hopefully back in the hands of the people who were forced to pay it, that we are embarking in a new direction of accountability in the budget process. And so, the intention may be well founded to use every cent possible. The facts are, in principle, it is a continuation of a failed formula of economic management, and I offer as evidence the economy and I offer further evidence the poor state of financial solvency that the State of Hawaii is in.

“That’s a point that I hope will be considered as we go into Conference and discuss all of these issues. And I certainly hope the hurricane relief fund stays off limits as a means to balance the budget.

“Thank you, Mr. President.”

Senator Chumbley rose on a point of personal privilege and said:

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

“Colleagues, unlike the good Senator from Hawaii Kai, I haven’t received an important document. On Tuesday, the 9th, I had asked, under Rule 84, that the Budget and Finance Director respond to a question that was posed. Mr. President, has that response been delivered to the Clerk yet?”

The President posed the question to the Clerk and the Clerk having responded in the negative, Senator Chumbley continued:

“Mr. President, in Rule 84 it states that the officer questioned shall deliver the response to the question the following day unless the Senate grants a time extension for replying. Mr. President, would you please order the Clerk to correspond with the Budget and Finance Director and ask him why he’s tardy in responding to his question.”

The Chair so ordered.

Senator Chumbley continued:

“Thank you, Mr. President.

“In addition, colleagues, I read, with interest, an article in Friday’s Maui News written by the good Bruce Dunford who covers our proceedings. It says that the Governor has publicly stated that he would not oppose a VEBA bill if it included its retirees. I found that of great interest. In fact, he went on to say that the other unions should possibly consider a VEBA and take their own retirees because then the state could just make a contribution under the defined contribution change of Act 88. So I’m glad to see that the Governor has in fact realized that there are other opportunities.

“Thank you, Mr. President.”

ADJOURNMENT

At 5:14 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., Friday, April 12, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate