

# **JOURNAL**

of the

**SENATE OF THE**

**TWENTY - FIRST LEGISLATURE**

of the

**STATE OF HAWAII**

---

**Regular Session of 2002**

**Convened Wednesday, January 16, 2002**

**Adjourned Thursday, May 2, 2002**

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STATE OF HAWAII  
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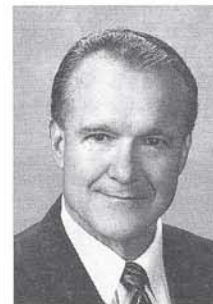
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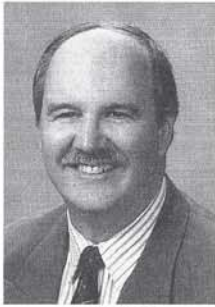
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Note: . In accordance with Article III, Section 10, of the Constitution of the State of Hawaii, the mandatory (five days) recess was held on February 21, 22, 25, 26 and 27, 2002; other recesses were held on January 24, March 4, 6, April 8, 10, 16, 29, and May 1, 2002.

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THE  
TWENTY-FIRST LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 2002  
JOURNAL OF THE SENATE

## FIRST DAY

Wednesday, January 16, 2002

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, was called to order at 10:02 o'clock a.m., by the Honorable Robert Bunda, President of the Senate.

At this time, the members of the Senate and guests rose to sing the National Anthem and "Hawaii Pono'i" led by Ms. Amy Hanaiali'i Gilliom.

The Divine Blessing was then invoked by the Reverend Paul Miguel.

The President directed the Senate Clerk to call the Roll. The Clerk called the Roll showing all Senators present.

The President then addressed the members of the Senate and guests as follows:

"Governor and Mrs. Cayetano; Chief Justice Moon; Senator and Mrs. Akaka; Congressman Abercrombie; Congresswoman Mink; Mayors Harris, Apana, Kim, and Kusaka; Governor and Mrs. Waihee; Mrs. Jean Ariyoshi and son Donn; esteemed colleagues; honored guests; ladies and gentlemen:

"It is indeed a pleasure and a privilege to open the 2002 Regular Session of the Twenty-First Legislature. Welcome to what promises to be another demanding and challenging 60 days of hard work.

"At the end of our last session, we congratulated ourselves on what we accomplished. We found the resources to meet the many needs of our community. The economy was rebounding, tax collections were up, and we seemed to be finally turning the corner on our long-standing budget woes. Our work done, we adjourned, relieved and satisfied with what we had achieved. But an already faltering national economy, the September 11<sup>th</sup> terrorist attacks, a local economic crisis, and three special sessions later, it is clear that our relief was not meant to last. In fact, our work had only just begun.

"This year, we'll be reopening our budget, not to add supplemental items but to find ways to fund or cut \$150 million or more. How we find the money will be at the very top of our legislative agenda. As we deliberate on the issues before us, let us keep in mind the responsibilities and powers we hold as members of the Senate. I speak of our responsibility and power for oversight of government. I am speaking of control. For too many years, particularly during flush times, we have approved spending without asking the tough questions surrounding those expenses. We need to regain our control over the direction of government and public expenditures, because if we don't, who will?

"Let me give you a prime example of program spending that is out of control. The Joint House and Senate Investigative Committee on Felix revealed the flaws in our blanket approval of funding for the consent decree, now almost \$1.5 billion since 1994. The fact is, no one really knows the true cost of Felix. Furthermore, neither the Department of Education nor the Department of Health can accurately account for the use of this public money . . . accurate by our standards – not the Department's, not the court-appointed monitor, and not even Judge Ezra's evaluation, but ours – the elected body given the responsibility of oversight. For this reason, we will be extending the life of the Investigative Committee and continue to search for an accurate accounting of Felix expenses.

"And while we seek to halt unchecked, unquestioned government spending, let's also give support to those who are not afraid to offer new ideas, who constantly seek new ways of doing things, and who dare to try different approaches to old problems. I want to publicly commend School Superintendent Pat Hamamoto who is taking steps to decentralize the school districts in order to put the resources where they are most needed. That kind of bold thinking must be encouraged and supported by the Legislature.

"An example of bold thinking can be found at the University of Hawaii where President Evan Dobbelle formulated and then lobbied hard for the construction of cancer and biomedical research centers as part of a medical school complex in Kakaako. We approved the funding of \$150 million towards construction. He convinced Legislators of his ability to match that amount through private funds. We would not have done this if we did not feel that he and Dean Cadman were in full control of the project, one that has the potential to stimulate our struggling economy as well as provide better access to quality health care in Hawaii.

"We should likewise give serious consideration to a proposal to transfer control and management of the Aloha Stadium to the University of Hawaii. Yes, there are questions in such a move, but Head Football Coach June Jones and Athletic Director Hugh Yoshida may be able to take the athletic program and the stadium to new levels, if given a chance. I say we give them the opportunity.

"Another proposal we will examine is funding for the Hawaii Tourism Authority. We have seen how fragile our tourism-based economy really is in the aftershock of September 11. While we seem to be recovering, the fact remains that we need to look at where we are, and where we're going with tourism, given the economic problems of national and foreign markets like Japan. Hawaii already had a positive image worldwide. We need to take full advantage of this and look beyond just marketing. We need to take stock and upgrade the product we are selling. Why spend millions of dollars on advertising if public restrooms, interpretive signs, historical information and cultural explanations are inadequate for our visitors?

"We will be redefining the Hawaii Tourism Authority's funding this Session and I suggest we also underwrite part of the maintenance of our state parks and trails, particularly those impacted by high tourist traffic. Our parks and beaches are heavily used by visitors and residents alike, yet our maintenance program has been woefully under-funded. The Hawaii Tourism Authority should be encouraged to partner with other government agencies to resolve tourist-related issues. This would be a new approach to an old problem, not spending any more but spending smarter.

"Another smart move to save time and money is in the area of the repair and maintenance of our schools. We will recommend that the separate repair and maintenance operations of the Department of Accounting and General Services and the Department of Education be consolidated under one roof to streamline the entire spectrum of decision-making. This should better provide control of the process and speed the design, permitting, bidding, and construction needed to eliminate the huge backlog of repairs to our public schools.

"There are many other things we can do. There are 25 sources of ideas in this chamber; there are 51 more across the hall. Countless more will come forward from the community. If we exercise our responsibilities and powers, if we dare to be bold rather than cautious, if we are hopeful rather than cynical, I know we can make a difference in the financial solvency and direction of state government.

"That said, let's return to the budget and all its related issues.

"The most talked-about solution to our budget shortfall is the \$213 million in the Hawaii Hurricane Relief Fund. I was one of the co-authors of the bill that established the hurricane fund in 1993. Our purpose was to provide protection to homeowners who had very few choices, if any. Without the fund, people would have been left to the mercy of mortgage holders who could have demanded protection for their collateral at rates much higher than the Hurricane Relief Fund was able to provide. It has been nearly ten years since Hurricane Iniki left us with \$1.6 billion in property damage. Using the Hurricane Relief Fund now would be politically and fiscally unsound.

"Should another hurricane strike, we would experience even deeper financial trouble. Given the budget and the state of our economy, it would be virtually impossible to replenish the fund in the aftermath of a hurricane. Therefore, the bulk of the fund should remain in reserve. But it makes good sense to set aside a portion of the money for homeowners to install hurricane mitigation measures that help to protect homes against more serious damage. We reduce our risk by strengthening our homes, making them less vulnerable to damage. Additionally, I am introducing legislation to address the possibility of creating a homeowners mutual insurance company. This new insurance entity could help stabilize the local market in the long run as we could depend on it to remain in the State in the event of a hurricane.

"Another proposal being considered to raise revenues is gambling. Everyone seems to have an opinion on the matter, but this much is certain: Gambling will not solve our budget problems . . . not now . . . not even in the immediate future. I do not intend to advocate support for gaming under the duress of a fiscal crisis. Rather, the full social and economic impact of gambling needs to be openly and rationally discussed. Yet, this extremely controversial issue has defied attempts by the Legislature to reach any consensus. Perhaps it is time to let the voters decide. The legislative process tends to attract those strongly in favor of or adamantly opposed to a particular proposal. But we have yet to hear from the silent majority, and perhaps some form of referendum on gambling would lay this

matter to rest. Individual opinions aside, we must agree that this controversy will not linger and dominate our agenda.

"A far more practical answer to our budget crisis is squarely in our corner. In 1992, the Legislative Auditor issued a report to the Legislature entitled, 'Loss of Budgetary Control: A Summary Report of the Review of Special and Revolving Funds.' Like gambling, trying to control these funds has defied well-intentioned efforts by the Legislature. Last July, Auditor Marion Higa released an update of the 1992 study which pointed out that there are more than a hundred of these funds still in existence, with balances totaling as much as \$220 million. Seventy of these funds failed to meet established criteria, yet had cash balances totaling \$96 million. We should not simply look to 'raid' these funds to balance our budget, but rather to make meaningful changes in the way we structure our non-general funds. We are faced with an ideal opportunity to demonstrate our will to try new approaches, as well as to institute more accountability and oversight on the budget.

"We need to regain control.

"We will also take a hard look at the Governor's capital improvement budget request of \$900 million, which includes \$255 million for school repair and maintenance. Last year we appropriated roughly \$500 million in CIP funding, and added another \$100 million during the most recent special session. I anticipate that we will approve a moderate amount of additional money, primarily for school repair and maintenance. I would also ask legislators to support CIP funding for another area critical to the future of this State, and that is adequate infrastructure for our agricultural industry.

"Over the years, drought conditions have threatened the survival of many small farm operations. Ditches and siphons unused since the days of sugar are falling into disrepair, a condition that some say cannot easily be restored once lost. These irrigation systems together with the construction of more modern networks, can supply water to hundreds of acres of prime agricultural land on each island. Specific improvements could be made to our airports and harbors to provide refrigeration and consolidation of produce being transported to local, national and international markets. CIP funds could also be used for construction of a world-class Farmer's Market, which would help to develop the nearly unlimited potential of our agricultural industry.

"And finally, on this date last year, I came before you advocating change . . . change in the workings of the Legislature, change in government to make it more responsive. We certainly answered that call for change, as evidenced by the legislation we approved.

"This year, our problems are different. The need for exercising oversight and providing strong direction of government expenditures is more important than ever before. Seeking new and better ways of conducting the business of government must be our cause, our goal, and our obligation to the people of Hawaii. We must demonstrate to their satisfaction, and to all other entities that deal with this body, that we are indeed, in control.

"Mahalo."

Senator Slom, Minority Leader of the Senate, responded as follows:

"Mr. President, colleagues, Governor and Mrs. Cayetano, distinguished guests, friends, families, and little guys – ALOHA!

"I am again honored and privileged to present an agenda for the Legislature on behalf of Floor Leader Fred Hemmings, Policy Leader Bob Hogue, and myself.

"Now last year, I spoke of the need for 'revolutionary change.' Regrettably, in our view, we were not bold enough. Then came September 11. Those events focused everyone's attention on the urgency to change and cope with challenges that the tragedy imposed upon us. We had an opportunity to chart a new course in special session, but in our opinion we failed those who needed us most.

"The old policies dictated old prescriptions: there were no tax cuts, there were talks of tax hikes, there was massive new government spending proposed, and increased debt. Other states took the opposite tack, they reduced their taxes, they reduced spending, and they reduced debt.

"Our position was – and remains – the priority is to keep Hawaii businesses open, to keep our people employed, and to keep capital expanding. Instead, Hawaii's government chose a path to care for the people after businesses closed, and after jobs were lost. Extended unemployment and welfare benefits, and continued health coverage for a few, is no substitute for continued employment.

"Further, your Legislature cowered before a federal judge's threats, allowed an education bureaucrat to circumvent legislative scrutiny, abdicated more of its power to the executive branch, and created additional commissions and boards instead of acting decisively on your part. Your Legislature must reestablish its accountability.

"Now there are calls for a meek and a cautious response to our changed world. You are told to be patient and not to expect too much in this Session. Well, Hawaii's overburdened taxpayers and families have waited patiently for their elected officials to lead. Our constituents are willing to change, but lawmakers have been non-responsive and timid.

"Hawaii seems to have lost its way. What is our identity? Do we want to be like Las Vegas or Tokyo or Hollywood? Creative and skilled people, young and old, continue to leave because they believe they are being penalized for their risk-taking and taxed for their success. Many perceive that Hawaii success is still based and determined on who you know rather than what you know. We must end that perception. Our people and our culture define our identity but an overabundance of government in our lives daily is threatening to destroy our unique spirit and culture.

"Several selected current issues spotlight this:

- Taliban Traffic Scameras. Besides being an affront to due process, our Aloha Spirit, and police officers, these bounty spy cameras are causing great economic loss and potential danger. Four years ago, I questioned and voted 'NO!' on this enabling legislation. We in the Minority have listened to the people – and we've also listened to the arrogance of a state department – and we don't want to 'amend,' don't want to 'fine tune,' don't want to 'tweak' this abomination – we want it repealed NOW!
- Your Minority will not gamble with Hawaii's economic future – we'll work hard to invest in economic opportunity and diversification. Some people dream of 'luck;' we believe that the harder a person works, the 'luckier' she should get. We seek economic diversification, not more social costs caused by high rollers.

- Education excellence must come now – not by dribbles, but by leaps. What good is computer Internet wiring if our children still cannot read, write or find Afghanistan on a map? If they don't have textbook of their own? If they are not safe at school? Real reform comes from attitude shifts, not just from money.

"We don't need a new education tax. The Felix Investigation provided and proved that Hawaii's kids – and their parents – are not getting what they pay for now. We must decentralize the Board of Education, expand Charter Schools and parity for all teachers, allow each school to prioritize and complete long overdue renovations. But mostly, we need students to gain self esteem, not through drugs or programs, but through educational accomplishment, and educators who settle for no less.

- Another issue is the HA-ALOHA Monopoly Merger – and it should be opposed by lawmakers and the Attorney General of this State as a further erosion of jobs, consumer choice, and competitive interisland commerce. Our Senate package focuses on breaking monopolies to provide competitive advantage and incentives;
- The age-old Jones Act and Passenger Carrier Act make Hawaii a less attractive and more costly port of call at a time when the cruise industry is exploding; we need revisions now;
- Health care coverage is declining and premiums are climbing in part because of the mandated Prepaid Health Care Act which fosters monopoly and inflexible policies which must be changed so that cafeteria-style choices are available to more of our families;
- Workers' compensation is breaking the backs of businesses with the worst yet to come unless we act to balance claims and legislate reform this Session;
- And now about that Budget Bloat – How much is that manipulated budget deficit today? Why is there a deficit when we are overtaxed? We know the supplemental budget is challenging, but, like every single mom, every family, every single business, government must learn to prioritize. Instead, it continues to outpace the ability of working men and women to support it and makes promises that it can't deliver. With change orders it hikes the cost of most public projects. It's not that government has too little revenue; it's that government spends and grows too much. Hawaii's government is 'rightsized' only for bureaucrats; it must be privatized and put on a strict allowance and diet, so not to bankrupt any more businesses or families forced to support it;
- Raid the Hurricane Non-Relief Fund? – We have consistently said NO to a raid on this fund by the Executive and others, and don't want a tempting \$213-plus million target; this money MUST be returned to the people who were forced to pay into it to save the insurance companies from their responsibility.

"And by the way, if the State can't find its own records as to who it owes, then it should be sued for breach of fiduciary responsibility and not trusted for creation of any new special funds.

- Further, cut the gasoline tax and rebate any judicial recovery. The State helps keep Hawaii's gas rates the

highest in the nation by both its tax and regulatory policies. Drivers should be given relief and if there is a recovery it should go to those that paid the excessive costs, not back to government;

- Tax the beer drinkers? If we really want a revolt in this state, tax the beer drinkers some more. Is it a sin to drink a beer or sip a wine, or is it a 'luxury' while your government mismanages your taxes? We think not. Hawaii is already the highest taxed beverage state; don't raise these taxes, Mr. Governor.
- A New Hillary-Type Health Tax? – No, to a \$10 a month (and that's just to start) monthly long term ill-conceived new tax that is vague and would be government-operated. We need private incentives; and by the way, don't medicate our pure water.
- Tax Reduction – ah, there's the solution to your family's cash flow! We want those who earn the money to keep more of it and support further personal income and general excise tax relief. We think it is outrageous that this State continues to tax food and sickness. Capital gains reform will bring Hawaii new money. Retail tax holidays stimulate economic vitality.

"In answer to the cry of 'lost' government revenues, we must remind government it has NO revenues — all taxes are the result of the sweat of labor and risk capital. ALL national empirical evidence shows that tax reduction equals more consumer spending and investment, which then equals greater taxes.

"But more than money, Hawaii cries out for leadership. Your Minority remains positive, determined, energetic, and committed to provide this leadership. Many colleagues share our goal, and we welcome their support. We want the hard issues on the table at the start of this Session, not at the end, and open discussions of Hawaii's problems with all 25 Senators, not with any closed-door meetings. Let the sunshine in this Session!

"We extend our willingness to work diligently with the Majority. We continue to seek broad citizen inclusion in the legislative process. We pledge to honestly discuss options, alternatives, and ultimately, solutions to Hawaii's problems.

"Everyone now looks at us not as Democrats, not as Republicans, but as their trusted, elected representatives. We must not disappoint you. Accountability is not just for teachers, or public employees; it is for all of us.

"We will be 'bipartisan,' but we will not betray our beliefs and philosophy, and never for a moment forget that our loyalty resides with the citizens of our State who place their trust in us. We are your public servants and we owe you respect.

"It is your money and your lives that our actions – or inactions – affect. We must deliver this year and not be blinded by any political consequences. Can we do it?

"One person can define leadership and can affect change in the most difficult of situations. Todd Beamer, a passenger on UAL Flight #93 on September 11, 2001, was such a person. As that flight was over Pittsburgh, his final words heard by his wife on a cell phone and repeated by a nation as he rallied fellow passengers and crew to act against terrorist hijackers, can be paraphrased as our call to action this Session:

"'Let's Roll Hawaii!' It's time to rebuild. Aloha and Mahalo."

At 10:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair. At this time, the members of the Senate and their guests were entertained by the Leeward Community College "Kanikapila Singers" and Ms. Amy Hanaiali'i Gilliom.

The Senate reconvened at 11:37 o'clock a.m.

At this time, the President directed the Senate Clerk to return to the respective committees all 2001 bills that were returned to the Clerk's desk after the Regular Session of 2001.

The President then announced that Senator Kokubun would be added as a member of the Committee on Ways and Means.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 4:30 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:38 o'clock a.m., the following bills passed First Reading by title and were deferred:

#### Senate Bill

No. 2001 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION."

Introduced by: Senator Inouye.

No. 2002 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY RESOURCES."

Introduced by: Senator Inouye.

No. 2003 "A BILL FOR AN ACT RELATING TO WATER CONSERVATION."

Introduced by: Senator Inouye.

No. 2004 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Senator Inouye.

No. 2005 "A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT."

Introduced by: Senator Inouye.

No. 2006 "A BILL FOR AN ACT RELATING TO GOVERNMENT MOTOR VEHICLES."

Introduced by: Senator Inouye.

No. 2007 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Inouye.

No. 2008 "A BILL FOR AN ACT RELATING TO ACCRETED LANDS."

Introduced by: Senators Hanabusa, Nakata, Buen, Matsuura, Kokubun, Kawamoto, Chun, Taniguchi.

No. 2009 "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES."

Introduced by: Senators Hanabusa, Tam, Menor, Kim, Taniguchi, Buen, Sakamoto, Slom, Matsunaga, Chun, Kokubun.

No. 2010 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senator Inouye.

No. 2011 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Kanno, Slom, Hogue, Tam, English, Taniguchi, Kawamoto, Fukunaga, Nakata, Chun.

No. 2012 "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Sakamoto, Slom, Hogue, Chun Oakland, Kawamoto, Fukunaga, Nakata, Tam, Taniguchi, English, Chun.

No. 2013 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Slom, Kawamoto, Nakata, Chun.

No. 2014 "A BILL FOR AN ACT RELATING TO SCHOOL SECURITY."

Introduced by: Senators Sakamoto, Chun Oakland, Slom, Hogue, Kawamoto, Chun, Tam, Taniguchi, English, Nakata.

No. 2015 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."

Introduced by: Senators Sakamoto, Chun Oakland, Kanno, Slom, Hogue, Fukunaga, Nakata, Tam, English, Chun.

No. 2016 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."

Introduced by: Senators Sakamoto, Chun Oakland, Slom, Hogue, Kawamoto, Chun.

No. 2017 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Kanno, Slom, Hogue, Fukunaga, English, Chun, Taniguchi, Tam, Kawamoto, Nakata.

No. 2018 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR R.E.A.L. (RESOURCES FOR EARLY ACCESS TO LEARNING)."

Introduced by: Senators Sakamoto, Chun Oakland, Kanno, Tam, Kawamoto, Fukunaga, English, Nakata, Chun, Hogue, Chumbley.

No. 2019 "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2020 "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2021 "A BILL FOR AN ACT RELATING TO ENROLLMENT IN THE CHILDREN'S HEALTH INSURANCE PROGRAM."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2022 "A BILL FOR AN ACT RELATING TO ORGAN DONATION."

Introduced by: Senators Matsuura, Buen.

No. 2023 "A BILL FOR AN ACT RELATING TO AGING."

Introduced by: Senators Matsuura, Chun Oakland, Hanabusa, Buen.

No. 2024 "A BILL FOR AN ACT RELATING TO DENTAL HEALTH."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2025 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senators Matsuura, Buen.

No. 2026 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2027 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2028 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HAWAII MACADAMIA TREE, INCORPORATED."

Introduced by: Senators Matsuura, Chun, Hanabusa, Buen.

No. 2029 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVI OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO GAMBLING."

Introduced by: Senators Matsuura, Chun Oakland, Kim, Hemmings, Slom, Hogue, Taniguchi, Kokubun, Hanabusa, Sakamoto, English, Buen, Nakata, Fukunaga.

No. 2030 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Inouye.

No. 2031 "A BILL FOR AN ACT RELATING TO PERMITS AND FEES FOR STATE SMALL BOAT HARBORS."

Introduced by: Senator Inouye.



No. 2032 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Matsuura, Chun Oakland, Kawamoto, Chun, Tam, Slom, Hemmings, Hanabusa.

No. 2033 "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM."

Introduced by: Senators Sakamoto, Kanno, Matsuura, Chun, Tam, Chumbley, Chun Oakland, Hanabusa, Buen.

No. 2034 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senators Sakamoto, Matsuura, Slom, Chumbley, Chun Oakland, Buen, Hanabusa.

No. 2035 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Matsuura, Kawamoto, Slom, Chumbley, Buen, Hanabusa.

No. 2036 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Kanno, Matsuura, Chun Oakland, Buen, Chun, Tam, Taniguchi, Slom, Chumbley, Hemmings, Hanabusa.

No. 2037 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."

Introduced by: Senators Hanabusa, Tam, Matsuura, Kim, Buen, Fukunaga, Taniguchi, Kawamoto, Chun Oakland.

No. 2038 "A BILL FOR AN ACT RELATING TO THE AUDITOR."

Introduced by: Senators Hanabusa, Slom, Matsuura, Buen, Sakamoto, Kokubun, Chun, Fukunaga, Chumbley, Kim, Kawamoto, Taniguchi, Chun Oakland.

No. 2039 "A BILL FOR AN ACT RELATING TO VISITATION."

Introduced by: Senator Kanno.

No. 2040 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senator Kanno.

No. 2041 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senator Kanno.

No. 2042 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Kanno.

No. 2043 "A BILL FOR AN ACT RELATING TO ADOPTION."

Introduced by: Senator Kanno.

No. 2044 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Kanno.

No. 2045 "A BILL FOR AN ACT RELATING TO EXPUNGEMENT."

Introduced by: Senator Kanno.

No. 2046 "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS."

Introduced by: Senator Kanno.

No. 2047 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senators Matsuura, Buen.

No. 2048 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."

Introduced by: Senator Taniguchi.

No. 2049 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senator Taniguchi.

No. 2050 "A BILL FOR AN ACT RELATING TO CULTURAL DEVELOPMENT."

Introduced by: Senator Taniguchi.

No. 2051 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO REESTABLISH THE ALOHA BOWL IN HAWAII."

Introduced by: Senator Taniguchi.

No. 2052 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Senator Taniguchi.

No. 2053 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BOUNDS."

Introduced by: Senator Taniguchi.

No. 2054 "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Senator Taniguchi.

No. 2055 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Kawamoto, Chun, Chumbley, Buen, Matsuura, Hanabusa, Kokubun.

No. 2056 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Senators Sakamoto, Matsuura, Chun Oakland, Kawamoto, Chun, Kanno, Kokubun.

No. 2057 "A BILL FOR AN ACT RELATING TO TEMPORARY PUBLIC SCHOOL FACILITIES."

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Introduced by: Senators Sakamoto, Tam, Kim, Menor,  
Slom, Matsuura, Inouye, Kawamoto, Taniguchi.

**ADJOURNMENT**

At 4:30 o'clock p.m., the Senate adjourned until 11:30  
o'clock a.m., Thursday, January 17, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## SECOND DAY

**Thursday, January 17, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Chuck Klingman, Father's House Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the First Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on January 16, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2002," was adopted.

Hse. Com. No. 2, transmitting H.C.R. No. 2, which was adopted by the House of Representatives on January 16, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 1 "SENATE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE."

Offered by: Senators Hanabusa, Slom, Chun, Matsuura, Kokubun, Buen, Sakamoto, Nakata, Ige, English, Chun Oakland, Fukunaga, Taniguchi.

## SPECIAL COMMITTEE REPORTS

Senator Hanabusa, for the Joint Senate-House Investigative Committee to Investigate the State's Compliance with the Felix Consent Decree, presented a report (Spec. Com. Rep. No. 1), of the conclusions and recommendations of the Committee.

The President then ordered the Clerk to file Spec. Com. Rep. No. 1.

Senator Matsuura, for the Prescription Drugs Working Committee, presented a report (Spec. Com. Rep. No. 2), of certain findings and recommendations of the Committee.

The President then ordered the Clerk to file Spec. Com. Rep. No. 2.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

Senator Slom rose on a point of personal privilege and stated:

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

"Let me just express my disappointment with the State's handling of the so-called suit against the oil companies.

"You know, for many, many years now we've heard about all of the things that have been going on and all of the money that was going to be returned to the State and hopefully to the taxpayers. Now, we find that there has been a settlement that's been made even though the State alleged great criminal actions. We don't know exactly the terms of the settlement because it's shrouded in secrecy, but I think what we can be assured of is that we're not going to get the large windfall that certain members of the Judiciary told us we were going to get, and certainly it looks like the people of this State and particularly the taxpayers and the people that have been filling up their tanks and paying record high rates for gasoline are not going to get any recompense or any relief.

"It looks like once again, Mr. President, the only people that are going to come out ahead on this will be the attorneys that have been involved in this action. So I just want to express my disappointment.

"Thank you."

## INTRODUCTION OF SENATE BILLS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 4:30 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:51 o'clock a.m., the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2058 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Senator Bunda.

No. 2059 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL, INCORPORATED."

Introduced by: Senators Matsuura, Inouye, Hanabusa, Kokubun.

No. 2060 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Tam, Hanabusa, Ige,  
Fukunaga, Buen, Taniguchi, Slom.

No. 2061 "A BILL FOR AN ACT RELATING TO  
ABUSE."

Introduced by: Senator Chumbley.

No. 2062 "A BILL FOR AN ACT RELATING TO  
ANIMAL CRUELTY."

Introduced by: Senator Chumbley.

No. 2063 "A BILL FOR AN ACT RELATING TO THE  
FELIX CONSENT DECREE."

Introduced by: Senators Matsuura, Buen.

No. 2064 "A BILL FOR AN ACT RELATING TO THE  
WESTERN INTERSTATE COMMISSION FOR HIGHER  
EDUCATION."

Introduced by: Senators Matsuura, Buen, Sakamoto.

No. 2065 "A BILL FOR AN ACT RELATING TO  
EDUCATION."

Introduced by: Senators Hanabusa, Chun, Matsuura,  
Kokubun, Buen, Slom, English, Chun Oakland, Taniguchi.

No. 2066 "A BILL FOR AN ACT MAKING AN  
APPROPRIATION FOR AN ANTI-SMOKING EDUCATION  
PROGRAM IN PUBLIC SCHOOLS."

Introduced by: Senator Slom.

**ADJOURNMENT**

At 4:30 o'clock p.m., the Senate adjourned until 11:30  
o'clock a.m., Friday, January 18, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRD DAY

Friday, January 18, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Clarence Fisher, Our Lady of Sorrows Parish, after which the Roll was called showing all Senators present with the exception of Senators Kim and Tam who were excused.

The President announced that he had read and approved the Journal of the Second Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 7) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation as Comptroller, the nomination of GLENN M. OKIMOTO, PH.D., term to expire December 2, 2002, was referred to the Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 2, dated November 7, 2001, transmitting the Annual Report on Act 152, SLH 2000, Relating to Watershed Protection, prepared by the Department of Land and Natural Resources, was placed on file.

Gov. Msg. No. 3, dated November 14, 2001, transmitting the Monthly Report on Expenditures for the Felix Consent Decree, Felix Special Monitor, and Felix Monitoring Project, prepared by the Department of Education in response to the proviso of the General Appropriations Act of 2001, Act 259, Section 53, was placed on file.

Gov. Msg. No. 4, dated November 14, 2001, transmitting the 2000 Annual Report prepared by the Hawaii Strategic Development Corporation, pursuant to Section 93-12, HRS, was placed on file.

Gov. Msg. No. 5, dated November 15, 2001, transmitting a report pursuant to H.C.R. No. 190 (2000), requesting the Housing and Community Development Corporation of Hawaii to explore home ownership options at the state-owned and operated Palolo Homes I and II and other state-owned and operated housing projects, prepared by the Department of Business, Economic Development, and Tourism, Housing and Community Development Corporation of Hawaii, was placed on file.

Gov. Msg. No. 6, dated November 19, 2001, transmitting the Report on Mental Health Services from the Child and Adolescent Mental Health Division, prepared by the Department of Health pursuant to Act 259, SLH 2001, was placed on file.

Gov. Msg. No. 7, dated October 24, 2001, transmitting a report prepared by the Department of Health on Act 259, SLH 2001, requesting monthly notification of expenditures from the Director of Health relative to the Felix Consent Decree made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or any another agent of the United States Judiciary, was placed on file.

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

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

"I wanted to tell this body, Mr. President, about last night's Kaneohe Neighborhood Board meeting, which I attended along with the very reverent Senator from Kahaluu.

"We were deluged, instead of questions about sidewalks and traffic lights and all the normal stuff that goes before neighborhood boards, but a discussion of the traffic cameras and the Department of Transportation's reaction to the traffic cameras. We spent way too much time on this, but I was glad to hear what they had to say because universally we heard over and over again about the attitude, the tone that was coming from the Department of Transportation. And I hope, Mr. President, that this body will ask the Department of Transportation to remember that the DOT works for us. They work for the people. They don't work for themselves. They've got to change their tone. They've got to change their attitude. They work for the people of Hawaii. That is their job.

"Thank you, Mr. President."

## INTRODUCTION OF SENATE BILLS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:52 o'clock a.m., the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2067 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Senators Sakamoto, Hanabusa, Matsunaga, Chun Oakland, Kim.

No. 2068 "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE."

Introduced by: Senators Sakamoto, Hemmings, Chun, Chun Oakland, Hogue.

No. 2069 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER."

Introduced by: Senators Sakamoto, Chun, Chun Oakland.

No. 2070 "A BILL FOR AN ACT RELATING TO HIGH SCHOOL DIPLOMAS."

Introduced by: Senators Sakamoto, Hemmings, Chun, Chun Oakland, Hogue.

No. 2071 "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS."

Introduced by: Senators Sakamoto, Chun, Chun Oakland.

No. 2072 "A BILL FOR AN ACT RELATING TO DISASTER MANAGEMENT EDUCATION."

Introduced by: Senators Sakamoto, Matsunaga.

No. 2073 "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR."

Introduced by: Senators Sakamoto, Matsunaga, Chun Oakland, Kim, Chumbley.

No. 2074 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Sakamoto, Ige, Fukunaga, Slom, Chun Oakland, Inouye, English, Chun, Chumbley, Kokubun, Ihara.

No. 2075 "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS."

Introduced by: Senators Kokubun, Chun, Nakata, Buen, Fukunaga, Tam, Slom, Taniguchi, Chun Oakland, Ihara.

No. 2076 "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT."

Introduced by: Senators Hanabusa, Sakamoto, Slom, Buen, Matsunaga, Chun, Kokubun, Matsuura.

No. 2077 "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT."

Introduced by: Senators Hanabusa, Matsuura, English, Slom, Chumbley, Buen, Kim, Chun, Kokubun, Taniguchi, Chun Oakland.

No. 2078 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Hanabusa, Chumbley, Sakamoto, Slom, Taniguchi, Chun Oakland, Buen, Matsunaga, Chun, Kokubun, Matsuura.

No. 2079 "A BILL FOR AN ACT RELATING TO DOOR-TO-DOOR SALES."

Introduced by: Senators Hanabusa, English, Chumbley, Sakamoto, Chun Oakland, Buen, Matsunaga, Chun, Kokubun, Taniguchi, Matsuura.

No. 2080 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senators Hanabusa, Chun Oakland, Buen, Slom, Matsunaga, Chun, Kokubun.

No. 2081 "A BILL FOR AN ACT RELATING TO THE UTILIZATION OF FEDERAL FUNDS."

Introduced by: Senators Hanabusa, Chun Oakland, Buen, Slom, Chun, Kokubun, Taniguchi, Matsuura.

No. 2082 "A BILL FOR AN ACT RELATING TO THE FOOD SAFETY CONSULTATIVE AND EDUCATION PROGRAM."

Introduced by: Senators Matsuura, Buen.

No. 2083 "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE."

Introduced by: Senators Matsuura, Nakata, Buen.

No. 2084 "A BILL FOR AN ACT RELATED TO LIMITED LIABILITY."

Introduced by: Senators Matsuura, Buen, Sakamoto.

No. 2085 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE."

Introduced by: Senators Matsuura, Kanno, Fukunaga, Chun Oakland, Kim, Tam, Hanabusa, Buen, Taniguchi, Kawamoto, Kokubun, Nakata, English, Ige, Chun, Sakamoto, Inouye, Chumbley.

No. 2086 "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE PLAN."

Introduced by: Senators Matsuura, Hanabusa, Buen.

No. 2087 "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY."

Introduced by: Senators Matsuura, Buen.

No. 2088 "A BILL FOR AN ACT RELATING TO DENTISTRY."

Introduced by: Senators Matsuura, Buen.

No. 2089 "A BILL FOR AN ACT RELATING TO REGULATION OF PRESCRIPTIVE AUTHORITY OVER CONTROLLED SUBSTANCES."

Introduced by: Senators Matsuura, Buen.

No. 2090 "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDERS."

Introduced by: Senators Matsuura, Buen.

No. 2091 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE."

Introduced by: Senators Matsuura, Buen.

No. 2092 "A BILL FOR AN ACT RELATING TO STANDARDIZED INSURANCE FORMS."

Introduced by: Senators Matsuura, Buen.

No. 2093 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Matsuura, Buen.

No. 2094 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT."

Introduced by: Senators Matsuura, Buen.

No. 2095 "A BILL FOR AN ACT RELATING TO MANDATORY HEALTH INSURANCE."

Introduced by: Senators Matsuura, Buen.

No. 2096 "A BILL FOR AN ACT RELATING TO MEDICAL INSURANCE."

Introduced by: Senators Matsuura, Buen.

No. 2097 "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID."

- Introduced by: Senators Sakamoto, Kokubun, Chun Oakland, Matsuura.
- No. 2098 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
- Introduced by: Senators Sakamoto, Slom, Chun, Kokubun, Ihara.
- No. 2099 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- Introduced by: Senators Sakamoto, Matsunaga, Chun Oakland, Kim, Chumbley, Ige.
- No. 2100 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Kanno, Ige, Chun Oakland, Hemmings, Ihara.
- No. 2101 "A BILL FOR AN ACT PROPOSING A NEW SECTION IN ARTICLE X, AND AMENDMENTS TO ARTICLE III, SECTION 16, AND ARTICLE VII, SECTION 8 OF THE HAWAII CONSTITUTION TO GIVE THE DEPARTMENT OF EDUCATION GREATER AUTONOMY IN BUDGETARY MATTERS."
- Introduced by: Senators Sakamoto, Chumbley, Kanno, English, Ihara, Chun Oakland.
- No. 2102 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Chumbley, Kanno, English, Chun Oakland, Hemmings, Ihara.
- No. 2103 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."
- Introduced by: Senators Sakamoto, English, Chumbley, Kanno, Chun Oakland, Hemmings, Ihara.
- No. 2104 "A BILL FOR AN ACT RELATING TO EDUCATION REFORM."
- Introduced by: Senators Sakamoto, Kanno, Chun Oakland, Hemmings.
- No. 2105 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
- Introduced by: Senator Matsuura.
- No. 2106 "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS"
- Introduced by: Senator Matsuura.
- No. 2107 "A BILL FOR AN ACT RELATING TO ADVANCE DIRECTIVES FOR MENTAL HEALTH CARE."
- Introduced by: Senator Matsuura.
- No. 2108 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT."
- Introduced by: Senator Matsuura.
- No. 2109 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senator Nakata, by request.
- No. 2110 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senator Nakata, by request.
- No. 2111 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senator Nakata, by request.
- No. 2112 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senator Nakata, by request.
- No. 2113 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senator Nakata, by request.
- No. 2114 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senator Nakata, by request.
- No. 2115 "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."
- Introduced by: Senator Nakata.
- No. 2116 "A BILL FOR AN ACT RELATING TO LABOR DISPUTES."
- Introduced by: Senator Nakata.
- No. 2117 "A BILL FOR AN ACT RELATING TO THE TEMPORARY WORKERS' BILL OF RIGHTS ACT."
- Introduced by: Senator Nakata.
- No. 2118 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
- Introduced by: Senator Nakata.
- No. 2119 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE."
- Introduced by: Senator Nakata.
- No. 2120 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
- Introduced by: Senator Nakata.
- No. 2121 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH."
- Introduced by: Senator Nakata.
- No. 2122 "A BILL FOR AN ACT RELATING TO WORKERS COMPENSATION."

- Introduced by: Senator Nakata.
- No. 2123 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS."
- Introduced by: Senator Kanno.
- No. 2124 "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION AND NOTIFICATION."
- Introduced by: Senator Kanno.
- No. 2125 "A BILL FOR AN ACT RELATING TO EVIDENCE."
- Introduced by: Senator Kanno.
- No. 2126 "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE."
- Introduced by: Senator Kanno.
- No. 2127 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senator Kanno.
- No. 2128 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
- Introduced by: Senator Kanno.
- No. 2129 "A BILL FOR AN ACT RELATING TO NURSES."
- Introduced by: Senator Kanno.
- No. 2130 "A BILL FOR AN ACT RELATING TO PHYSICIANS AND SURGEONS."
- Introduced by: Senator Kanno.
- No. 2131 "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM."
- Introduced by: Senators Buen, Matsuura, Hogue, Hemmings, Matsunaga, Hanabusa, Kokubun, Chun, Kawamoto, Chun Oakland, Fukunaga.
- No. 2132 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senators Buen, Chun, Hanabusa, Matsuura, Kokubun, Kawamoto, Chun Oakland, Hemmings, Matsunaga, Hogue, Fukunaga.
- No. 2133 "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET NUTRITION PROGRAM."
- Introduced by: Senators Buen, Chun, Hanabusa, Matsuura, Kokubun, Kawamoto, Chun Oakland, Matsunaga, Hogue, Fukunaga.
- No. 2134 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senators Buen, Chun, Hanabusa, Matsuura, Kokubun, Kawamoto, Chun Oakland, Hemmings, Matsunaga, Hogue, Fukunaga.
- No. 2135 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL WATER DEVELOPMENT."
- Introduced by: Senators Buen, Chun, Hanabusa, Matsuura, Kokubun, Kawamoto, Chun Oakland, Hemmings, Matsunaga, Hogue, Fukunaga.
- No. 2136 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED."
- Introduced by: Senators Buen, Chun, Hanabusa, Matsuura, Kokubun, Kawamoto, Chun Oakland, Hemmings, Matsunaga, Hogue.
- No. 2137 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Buen, Chun, Hanabusa, Matsunaga, Matsuura, Fukunaga, Hemmings, Kokubun, Kawamoto, Chun Oakland, Hogue.
- No. 2138 "A BILL FOR AN ACT RELATING TO CHILDREN'S PRODUCT SAFETY."
- Introduced by: Senators Buen, Matsuura, Hemmings.
- No. 2139 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM."
- Introduced by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Sakamoto, Chumbley, English, Fukunaga.
- No. 2140 "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN."
- Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.
- No. 2141 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."
- Introduced by: Senators Chun Oakland, Inouye, Ihara, Fukunaga.
- No. 2142 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESPITE CARE SERVICES FOR FAMILIES OF INDIVIDUALS WITH SPECIAL NEEDS."
- Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Ihara, Kawamoto, Chumbley, English.
- No. 2143 "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH."
- Introduced by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Sakamoto, Fukunaga, Chumbley, English.
- No. 2144 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CRIME PREVENTION THROUGH THE REHABILITATION OF YOUTH GANG MEMBERS."
- Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Chumbley, English.
- No. 2145 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."



Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2146 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARENT-COMMUNITY NETWORKING CENTER PROGRAMS."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2147 "A BILL FOR AN ACT RELATING TO THE TREATMENT OF INTRAFAMILIAL CHILD SEXUAL ABUSE."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Kawamoto, Chumbley, English.

No. 2148 "A BILL FOR AN ACT RELATING TO RESPITE SERVICES."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Hanabusa, Ihara, Kawamoto, Chumbley, English.

No. 2149 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2150 "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Kawamoto, Chumbley, English.

No. 2151 "A BILL FOR AN ACT RELATING TO VISITATION."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2152 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2153 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2154 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS."

Introduced by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Sakamoto, Chumbley, English, Fukunaga.

No. 2155 "A BILL FOR AN ACT RELATING TO NON-SCHOOL HOUR PROGRAMS."

Introduced by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Sakamoto, Chumbley, Fukunaga.

No. 2156 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Kawamoto, Chumbley, English.

No. 2157 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY."

Introduced by: Senator Chun Oakland.

No. 2158 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."

Introduced by: Senators Chun Oakland, Kanno, Tam, Fukunaga, Hanabusa, Ihara, Sakamoto, Kawamoto, Chumbley, English.

No. 2159 "A BILL FOR AN ACT RELATING TO THE PROCUREMENT OF PLAYGROUND EQUIPMENT AND SURFACING BY THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tam, Hanabusa, Ihara, Chumbley, English.

No. 2160 "A BILL FOR AN ACT RELATING TO OSTEOPOROSIS."

Introduced by: Senator Chun Oakland.

No. 2161 "A BILL FOR AN ACT INTOXICATING LIQUOR."

Introduced by: Senators Chun Oakland, Kanno, Hanabusa, English, Fukunaga, Chumbley.

No. 2162 "A BILL FOR AN ACT RELATING TO TOWING."

Introduced by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Chumbley, English, Fukunaga.

No. 2163 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS."

Introduced by: Senator Chun Oakland.

No. 2164 "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF AGING AND LONG-TERM CARE."

Introduced by: Senator Chun Oakland.

No. 2165 "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE."

Introduced by: Senators Chun Oakland, Fukunaga, Ihara.

No. 2166 "A BILL FOR AN ACT RELATING TO PIG FARMING."

Introduced by: Senator Chun Oakland, by request.

No. 2167 "A BILL FOR AN ACT RELATING TO DENTISTRY."

Introduced by: Senators Chun Oakland, Ihara.

No. 2168 "A BILL FOR AN ACT RELATING TO CHIROPRACTIC."

Introduced by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Tam.

No. 2169 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Chun Oakland, Fukunaga, Hanabusa, Ihara, Kawamoto, Chumbley, Tam.

No. 2170 "A BILL FOR AN ACT RELATING TO WELFARE."

Introduced by: Senators Chun Oakland, Fukunaga, Ihara, Kanno, Chumbley.

No. 2171 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senators Chun Oakland, Ihara, Kanno, Tam.

No. 2172 "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Ihara, Sakamoto, Kawamoto, Chumbley, English, Tam.

No. 2173 "A BILL FOR AN ACT RELATING TO TRANSPORTATION SAFETY."

Introduced by: Senators Chun Oakland, Tam.

No. 2174 "A BILL FOR AN ACT RELATING TO SOCIAL WORK."

Introduced by: Senator Chun Oakland.

No. 2175 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEW POSITIONS FOR ADULT PROTECTIVE SERVICES IN THE DEPARTMENT OF HUMAN SERVICES."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Ihara, Tam, Chumbley, English.

No. 2176 "A BILL FOR AN ACT RELATING TO INCOMPETENT PERSONS."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Ihara, Kawamoto, Chumbley, Tam.

No. 2177 "A BILL FOR AN ACT RELATING TO RESEARCH AND BIOREMEDIATION OF MATERIAL DREDGED FROM STATEWIDE WATERWAYS."

Introduced by: Senators Chun Oakland, Tam, Kanno, Sakamoto, Ihara, Kawamoto.

No. 2178 "A BILL FOR AN ACT RELATING TO WATERCOURSE MAINTENANCE."

Introduced by: Senators Chun Oakland, Tam, Kanno, Ihara.

No. 2179 "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES."

Introduced by: Senators Chun Oakland, Tam, Fukunaga, Hanabusa, Ihara, Kanno, Kawamoto, Chumbley, English.

No. 2180 "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING."

Introduced by: Senator Nakata.

No. 2181 "A BILL FOR AN ACT RELATING TO PATIENT SAFETY."

Introduced by: Senators Buen, Kanno, English, Ihara, Tam, Slom, Chun Oakland, Chun.

No. 2182 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Buen, Tam, Kanno, Chun Oakland, Chun, English, Ihara.

No. 2183 "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS."

Introduced by: Senators Buen, Hanabusa, Tam, Slom, Chumbley, Chun Oakland, Kanno, English, Chun, Ihara.

No. 2184 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senators Buen, Chun, Kanno, Tam, English, Matsuura, Chumbley, Kawamoto, Slom, Hogue, Ihara, Hanabusa, Chun Oakland, Matsunaga, Fukunaga, Taniguchi.

No. 2185 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senators Slom, Hemmings, Hogue, Inouye.

No. 2186 "A BILL FOR AN ACT RELATING TO THE SUSPENSION WITHOUT PAY OF PUBLIC OFFICIALS CONVICTED OF A FELONY."

Introduced by: Senators Slom, Hemmings, Hogue, Chun, Matsunaga, Inouye, Ihara, Chumbley, Chun Oakland.

No. 2187 "A BILL FOR AN ACT RELATING TO LABOR AND INDUSTRIAL RELATIONS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2188 "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT."

Introduced by: Senators Slom, Inouye, Ihara, Hemmings, Hogue.

No. 2189 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Senators Slom, Chumbley, Hogue, English, Chun, Hanabusa, Ihara.

No. 2190 "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2191 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Slom, Hemmings, Kokubun, Kim, Chun, Hanabusa, Chun Oakland, Hogue, Matsunaga.

No. 2192 "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2193 "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2194 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2195 "A BILL FOR AN ACT RELATING TO UTILITIES."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2196 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2197 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2198 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2199 "A BILL FOR AN ACT RELATING TO FREIGHT CARRIERS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2200 "A BILL FOR AN ACT RELATING TO WATER RESOURCES."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2201 "A BILL FOR AN ACT RELATING TO COMMON CARRIERS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2202 "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2203 "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2204 "A BILL FOR AN ACT RELATING TO THE ARTS AND CULTURE."

Introduced by: Senators Hemmings, Slom, Hogue.

No. 2205 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Sakamoto, Chumbley.

No. 2206 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senator Sakamoto.

No. 2207 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Sakamoto, Chumbley.

No. 2208 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chumbley.

No. 2209 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 2210 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL COUNSELORS."

Introduced by: Senator Sakamoto.

No. 2211 "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION."

Introduced by: Senator Sakamoto.

No. 2212 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senators Sakamoto, Hogue, Chun, Tam, Chumbley.

No. 2213 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senators Sakamoto, Hogue, Chun, Tam, Chumbley.

No. 2214 "A BILL FOR AN ACT RELATING TO UTILITY LINES."

Introduced by: Senator Taniguchi.

No. 2215 "A BILL FOR AN ACT RELATING TO UTILITY LINES."

Introduced by: Senator Taniguchi.

No. 2216 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC IN PROVIDING ELECTRIC ENERGY OR GAS."

Introduced by: Senator Taniguchi.

No. 2217 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Taniguchi.

No. 2218 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Taniguchi.

No. 2219 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senator Taniguchi.

No. 2220 "A BILL FOR AN ACT RELATING TO LOSS MITIGATION."

Introduced by: Senator Taniguchi.

No. 2221 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Senator Taniguchi.

No. 2222 "A BILL FOR AN ACT RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES."

Introduced by: Senator Taniguchi, by request.

No. 2223 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS."

Introduced by: Senator Taniguchi.

No. 2224 "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND."

Introduced by: Senator Taniguchi.

No. 2225 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."

Introduced by: Senators Chun, Chun Oakland, Buen, Matsuura, English, Kawamoto.

No. 2226 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS."

Introduced by: Senators Chun, Chun Oakland, Chumbley, Buen, English, Matsuura, Kawamoto, Hanabusa, Hemmings, Kokubun.

No. 2227 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE."

Introduced by: Senators Chun, Chun Oakland, Chumbley, Buen, English, Matsuura, Kawamoto, Inouye, Hanabusa, Kokubun.

No. 2228 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES."

Introduced by: Senators Chun, Hemmings, Kawamoto, Buen, Matsuura.

No. 2229 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUSSING FOR THE HAWAIIAN LANGUAGE IMMERSION PROGRAM."

Introduced by: Senators Chun, English, Chun Oakland, Chumbley, Hanabusa, Kokubun, Hemmings, Kawamoto, Buen, Matsuura, Inouye.

No. 2230 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."

Introduced by: Senators Chun, Hemmings, Chun Oakland, Kawamoto, Buen, Matsuura, Inouye.

No. 2231 "A BILL FOR AN ACT RELATING TO KAHO'OLAWA ISLAND RESERVE."

Introduced by: Senators Chun, English, Buen, Kokubun, Hanabusa, Hemmings.

No. 2232 "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA."

Introduced by: Senators Chun, Kokubun, English, Buen, Hanabusa, Hemmings.

No. 2233 "A BILL FOR AN ACT RELATING TO THE PARENT-COMMUNITY NETWORKING CENTER PROGRAM."

Introduced by: Senators Chun, Chun Oakland, Inouye.

No. 2234 "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION."

Introduced by: Senators Chun, Kanno, Matsuura, Hemmings, Chun Oakland, Kawamoto, Buen, Inouye.

No. 2235 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Senators Chun, Chun Oakland, Chumbley, Kokubun, Hemmings, Kawamoto, Buen, Matsuura.

No. 2236 "A BILL FOR AN ACT RELATING TO TREE FARMS."

Introduced by: Senator Inouye.

No. 2237 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Senator Inouye.

No. 2238 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES."

Introduced by: Senators Inouye, Matsuura, Chun Oakland, Hemmings, Buen, Matsunaga, English, Chun, Ihara.

No. 2239 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OCEANIC INSTITUTE."

Introduced by: Senators Inouye, Chun Oakland, Matsuura, Kokubun, Buen, Chun, English, Ihara, Matsunaga.

No. 2240 "A BILL FOR AN ACT RELATING TO COUNTY ROADS."

Introduced by: Senators Inouye, Matsuura, Chun.

No. 2241 "A BILL FOR AN ACT RELATING TO GOVERNMENT MINERAL RIGHTS."

Introduced by: Senators Inouye, Matsuura, Kim, Chun Oakland, English, Ihara.

No. 2242 "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES."

Introduced by: Senators Inouye, Chun Oakland, Matsunaga, Matsuura, Chun, English.

No. 2243 "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS."

Introduced by: Senators Inouye, Chun Oakland, English, Ihara, Kokubun, Matsunaga, Matsuura, Chun.

No. 2244 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Senators Inouye, Tam, Kokubun, Kim, Chun Oakland, Matsunaga, Matsuura, Buen.

No. 2245 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN."

Introduced by: Senators Inouye, Nakata, Chun Oakland, Kokubun, Chun, Buen, English, Hemmings, Matsunaga, Matsuura, Ihara.

No. 2246 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC."

Introduced by: Senators Inouye, Matsuura, Chun Oakland, Kokubun, Chun, English, Hemmings, Buen, Matsunaga, Ihara.

No. 2247 "A BILL FOR AN ACT RELATING TO PARKS."

Introduced by: Senators Kim, English, Kokubun, Hemmings, Matsuura, Chun Oakland, Hogue, Tam, Sakamoto, Kawamoto, Chun, Chumbley, Hanabusa, Ige, Matsunaga.

No. 2248 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Senators Kim, English, Matsuura, Hogue, Chun Oakland, Hemmings, Fukunaga, Chumbley, Ige, Sakamoto, Chun, Matsunaga.

No. 2249 "A BILL FOR AN ACT RELATING TO INCOME TAX CHECK-OFF."

Introduced by: Senators Chun Oakland, Ihara, Matsunaga, Chumbley, Fukunaga, Ige, English, Inouye, Nakata.

No. 2250 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Ihara, Fukunaga.

No. 2251 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Ihara.

No. 2252 "A BILL FOR AN ACT RELATING TO WATER POLLUTION."

Introduced by: Senators Ihara, Tam, Chun Oakland, English, Kanno, Matsunaga, Nakata, Inouye, Fukunaga, Hanabusa.

No. 2253 "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE BROADCAST PROGRAM."

Introduced by: Senators Ihara, Tam, Chun Oakland, Fukunaga.

No. 2254 "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET."

Introduced by: Senators Ihara, Tam, Chun Oakland, English, Fukunaga.

No. 2255 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION."

Introduced by: Senators Ihara, English, Chumbley, Tam, Chun Oakland.

No. 2256 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, Kanno, Chun Oakland, English, Matsunaga, Fukunaga, Hanabusa, Chumbley.

No. 2257 "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN FINANCING."

Introduced by: Senators Ihara, Ige.

No. 2258 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, Matsunaga, Chumbley, Fukunaga, Ige, Tam, Inouye.

No. 2259 "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES."

Introduced by: Senators Ihara, Matsunaga, Chumbley, Ige, Tam.

No. 2260 "A BILL FOR AN ACT RELATING TO STUDENTS."

Introduced by: Senator Sakamoto.

No. 2261 "A BILL FOR AN ACT RELATING TO STUDENT LOANS."

Introduced by: Senator Sakamoto.

No. 2262 "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS."

Introduced by: Senator Sakamoto.

No. 2263 "A BILL FOR AN ACT RELATING TO FEDERAL CONSTRUCTION FUNDS."

Introduced by: Senators Matsunaga, Chun Oakland, Chumbley, Ihara, Nakata.

No. 2264 "A BILL FOR AN ACT RELATING TO EDUCATION."

- Introduced by: Senators Matsunaga, Chun Oakland, Chumbley, Sakamoto.
- No. 2265 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."
- Introduced by: Senators Matsunaga, Chumbley, Matsuura, Chun Oakland, Ihara.
- No. 2266 "A BILL FOR AN ACT RELATING TO RECYCLING."
- Introduced by: Senators Matsunaga, Chun Oakland, Chumbley.
- No. 2267 "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE."
- Introduced by: Senators Matsunaga, Chun Oakland, Chumbley.
- No. 2268 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
- Introduced by: Senators Matsunaga, Chumbley, Chun Oakland, Sakamoto, Fukunaga.
- No. 2269 "A BILL FOR AN ACT RELATING TO REUSABLE RESOURCE CENTER."
- Introduced by: Senators Matsunaga, Chun Oakland, Chumbley, Fukunaga.
- No. 2270 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Matsunaga, Matsuura, Fukunaga, Kanno, Chun Oakland, Chumbley, Ihara, Nakata, Sakamoto.
- No. 2271 "A BILL FOR AN ACT RELATING TO DIGITAL IMAGES."
- Introduced by: Senators Matsunaga, Chumbley, Kanno, Chun Oakland, Ihara, Fukunaga.
- No. 2272 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."
- Introduced by: Senators English, Buen, Chumbley, Chun, Tam, Kokubun, Kanno, Hemmings, Ihara, Matsuura, Chun Oakland, Hogue, Nakata, Sakamoto.
- No. 2273 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."
- Introduced by: Senators English, Menor, Chun, Kokubun, Matsuura, Buen, Kanno, Nakata, Hogue, Tam, Ihara, Hanabusa, Kim, Fukunaga, Ige, Chun Oakland, Sakamoto.
- No. 2274 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUPPORT FOR THE CASE MANAGEMENT PROGRAM OF THE MAUI AIDS FOUNDATION."
- Introduced by: Senators English, Chumbley, Buen, Matsuura, Hemmings, Fukunaga, Nakata, Kokubun, Chun Oakland, Hogue, Ihara, Kanno, Chun, Tam.
- No. 2275 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MAUI ADULT DAY CARE CENTER."
- Introduced by: Senators English, Buen, Chumbley, Chun Oakland, Hogue, Ihara, Chun, Tam, Nakata, Kokubun.
- No. 2276 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI FOOD BANK."
- Introduced by: Senators English, Chumbley, Buen, Hemmings, Fukunaga, Matsuura, Chun Oakland, Hogue, Ihara, Chun, Tam, Nakata, Kokubun.
- No. 2277 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSE PLATES."
- Introduced by: Senators English, Kokubun, Matsuura, Buen, Hanabusa, Chumbley, Chun, Tam, Kanno, Ihara, Kim, Hemmings, Fukunaga, Ige, Chun Oakland, Hogue, Nakata, Sakamoto.
- No. 2278 "A BILL FOR AN ACT RELATING TO COMBINED HEAT AND POWER SYSTEMS."
- Introduced by: Senators English, Inouye, Tam, Nakata, Kokubun, Kanno, Hemmings, Fukunaga, Taniguchi, Chun, Ihara, Ige, Chun Oakland, Hogue, Chumbley, Hanabusa, Sakamoto.
- No. 2279 "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT."
- Introduced by: Senators English, Buen, Tam, Kokubun, Kanno, Hemmings, Chun, Ihara, Ige, Matsuura, Taniguchi, Chun Oakland, Chumbley, Hogue, Hanabusa, Nakata.
- No. 2280 "A BILL FOR AN ACT RELATING TO PROBATE."
- Introduced by: Senators Chun, Kawamoto.
- No. 2281 "A BILL FOR AN ACT RELATING TO COURTS."
- Introduced by: Senators Chun, Kawamoto.
- No. 2282 "A BILL FOR AN ACT RELATING TO CIVIL PROCEEDINGS."
- Introduced by: Senators Chun, Kawamoto.
- No. 2283 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Chun, Kawamoto.
- No. 2284 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Chun, Kawamoto.
- No. 2285 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Chun, Kawamoto.
- No. 2286 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senators Chun, Kawamoto.
- No. 2287 "A BILL FOR AN ACT RELATING TO THE KAHŌ'OLAWĒ ISLAND RESERVE."

- Introduced by: Senators Chun, Kawamoto.
- No. 2288 "A BILL FOR AN ACT RELATING TO THE DRUG DEALER LIABILITY ACT."  
Introduced by: Senators Matsunaga, Chumbley, Kanno, Chun Oakland, Ihara, Nakata, Fukunaga.
- No. 2289 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."  
Introduced by: Senator Menor, by request.
- No. 2290 "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS."  
Introduced by: Senator Menor, by request.
- No. 2291 "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS."  
Introduced by: Senator Menor, by request.
- No. 2292 "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT."  
Introduced by: Senator Menor, by request.
- No. 2293 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS PROPERTY REGIMES."  
Introduced by: Senator Menor.
- No. 2294 "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES."  
Introduced by: Senator Menor, by request.
- No. 2295 "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS."  
Introduced by: Senator Menor, by request.
- No. 2296 "A BILL FOR AN ACT RELATING TO HOUSING."  
Introduced by: Senator Menor, by request.
- No. 2297 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."  
Introduced by: Senator Menor, by request.
- No. 2298 "A BILL FOR AN ACT RELATING TO INSURANCE POLICIES."  
Introduced by: Senator Menor, by request.
- No. 2299 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."  
Introduced by: Senator Menor, by request.
- No. 2300 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."  
Introduced by: Senator Menor, by request.
- No. 2301 "A BILL FOR AN ACT RELATING TO INDEMNIFICATION AGREEMENTS."  
Introduced by: Senator Menor.
- No. 2302 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."  
Introduced by: Senator Menor, by request.
- No. 2303 "A BILL FOR AN ACT RELATING TO INJURY TO PUBLIC UTILITY PROPERTY."  
Introduced by: Senator Menor, by request.
- No. 2304 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."  
Introduced by: Senator Menor, by request.
- No. 2305 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTEENTH SENATE DISTRICT."  
Introduced by: Senators Menor, Bunda.
- No. 2306 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."  
Introduced by: Senators Kawamoto, Tam, Buen.
- No. 2307 "A BILL FOR AN ACT RELATING TO EVIDENCE."  
Introduced by: Senator Kawamoto.
- No. 2308 "A BILL FOR AN ACT RELATING TO MARITIME LANDS."  
Introduced by: Senators Kawamoto, Inouye.
- No. 2309 "A BILL FOR AN ACT RELATING TO WATERCRAFT."  
Introduced by: Senators Kawamoto, Inouye.
- No. 2310 "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION."  
Introduced by: Senators Kawamoto, Matsuura.
- No. 2311 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."  
Introduced by: Senators Kawamoto, Fukunaga, Hemmings, Buen, Inouye, Tam, Menor, Taniguchi.
- No. 2312 "A BILL FOR AN ACT RELATING TO HIGHWAYS."  
Introduced by: Senators Kawamoto, Fukunaga, Hemmings, Buen, Inouye, Menor, Taniguchi.
- No. 2313 "A BILL FOR AN ACT RELATING TO DRIVER LICENSES."  
Introduced by: Senators Kawamoto, Fukunaga, Hemmings, Buen, Inouye, Tam, Menor.
- No. 2314 "A BILL FOR AN ACT RELATING TO DRIVER LICENSES."

- Introduced by: Senators Kawamoto, Fukunaga, Hemmings, Buen, Inouye, Menor.
- No. 2315 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TRANSFERS."
- Introduced by: Senators Kawamoto, Inouye, Hemmings, Fukunaga, Buen, Menor, Tam.
- No. 2316 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."
- Introduced by: Senator Kawamoto.
- No. 2317 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."
- Introduced by: Senator Kawamoto.
- No. 2318 "A BILL FOR AN ACT RELATING TO RETAINAGE."
- Introduced by: Senator Kawamoto, by request.
- No. 2319 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY."
- Introduced by: Senator Kawamoto, by request.
- No. 2320 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
- Introduced by: Senator Kawamoto.
- No. 2321 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY."
- Introduced by: Senators Kawamoto, Buen, Inouye, Tam.
- No. 2322 "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL."
- Introduced by: Senators Kawamoto, Fukunaga, Hemmings, Inouye, Menor.
- No. 2323 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- Introduced by: Senators Kawamoto, Fukunaga, Hemmings, Buen, Inouye, Tam, Menor.
- No. 2324 "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS."
- Introduced by: Senators Kawamoto, Tam, Inouye, Hemmings, Fukunaga.
- No. 2325 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senators Kawamoto, Fukunaga, Inouye.
- No. 2326 "A BILL FOR AN ACT RELATING TO A REFERENDUM ON GAMING."
- Introduced by: Senators Kawamoto, Kim.
- No. 2327 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII OF THE HAWAII CONSTITUTION, TO REQUIRE THAT COLLECTIVE BARGAINING SALARY INCREASES AND OTHER COST ITEMS BE AUTOMATICALLY FUNDED UPON RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT."
- Introduced by: Senator Kawamoto, by request.
- No. 2328 "A BILL FOR AN ACT RELATING TO PRIVATIZATION."
- Introduced by: Senator Kawamoto.
- No. 2329 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- Introduced by: Senator Kawamoto.
- No. 2330 "A BILL FOR AN ACT RELATING TO WHARFAGE FEES."
- Introduced by: Senator Kawamoto.
- No. 2331 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION."
- Introduced by: Senator Kawamoto.
- No. 2332 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A TRANSPORTATION STUDIES CENTER."
- Introduced by: Senator Kawamoto, by request.
- No. 2333 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Kawamoto.
- No. 2334 "A BILL FOR AN ACT RELATING TO TOWING."
- Introduced by: Senator Kawamoto.
- No. 2335 "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES."
- Introduced by: Senator Kawamoto.
- No. 2336 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."
- Introduced by: Senator Kawamoto.
- No. 2337 "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS."
- Introduced by: Senator Kawamoto.
- No. 2338 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE FRANCHISES."
- Introduced by: Senator Kawamoto.
- No. 2339 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
- Introduced by: Senator Kawamoto.



No. 2340 "A BILL FOR AN ACT RELATING TO LIVESTOCK."

Introduced by: Senators Chumbley, Chun Oakland, Ige, English, Matsunaga, Fukunaga, Ihara.

No. 2341 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."

Introduced by: Senators Chumbley, Fukunaga, Chun Oakland, Ige, English, Matsunaga, Ihara.

No. 2342 "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION."

Introduced by: Senators Chumbley, Fukunaga, Chun Oakland, Ige, English, Matsunaga, Ihara.

No. 2343 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR POLIPOLI ACCESS ROAD."

Introduced by: Senators Chumbley, English, Buen, Fukunaga, Chun Oakland, Ige.

No. 2344 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS."

Introduced by: Senators Chumbley, Ihara, Fukunaga, Chun Oakland, Ige, English, Matsunaga.

No. 2345 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH."

Introduced by: Senators Chumbley, English, Fukunaga, Chun Oakland, Ige, Matsunaga, Ihara.

No. 2346 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Senators Chumbley, English, Buen.

No. 2347 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LITTER CONTROL AND BEAUTIFICATION."

Introduced by: Senators Chumbley, English, Buen.

No. 2348 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON."

Introduced by: Senators Hanabusa, Matsuura.

No. 2349 "A BILL FOR AN ACT RELATING TO TRANSFER OF ALOHA STADIUM TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Bunda.

No. 2350 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Senator Bunda.

No. 2351 "A BILL FOR AN ACT RELATING TO NURSING EDUCATION."

Introduced by: Senator Matsuura.

No. 2352 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Senator Matsuura.

No. 2353 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Senator Matsuura.

No. 2354 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NURSING FACULTY POSITIONS AT THE UNIVERSITY OF HAWAII AT MANOA AND HILO."

Introduced by: Senator Matsuura.

No. 2355 "A BILL FOR AN ACT RELATING TO NURSING SCHOLARSHIPS."

Introduced by: Senators Matsuura, Buen.

No. 2356 "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO PARK OF SCIENCE AND TECHNOLOGY ROADWAY."

Introduced by: Senator Matsuura.

No. 2357 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senator Sakamoto.

No. 2358 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 2359 "A BILL FOR AN ACT RELATING TO GOVERNMENTAL EMPLOYEE ORGANIZATION MEETINGS."

Introduced by: Senator Ihara.

No. 2360 "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS."

Introduced by: Senator Ihara.

No. 2361 "A BILL FOR AN ACT RELATING TO NET ENERGY METERING."

Introduced by: Senators Ihara, Fukunaga.

No. 2362 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO REQUIRE THE REAPPORTIONMENT COMMISSION TO REAPPORTION STATE SENATE DISTRICTS INTO MULTI-MEMBER DISTRICTS WHERE PRACTICABLE."

Introduced by: Senators Ihara, Fukunaga.

No. 2363 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Buen, by request.

No. 2364 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES FUNDING."

Introduced by: Senators Kokubun, English, Matsunaga, Matsuura, Fukunaga, Taniguchi, Hanabusa, Tam, Buen.

No. 2365 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII PAROLING AUTHORITY."

Introduced by: Senators Kanno, Chun Oakland.

No. 2366 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senator Kanno.

No. 2367 "A BILL FOR AN ACT RELATING TO THE TELEMARKETING FRAUD PREVENTION ACT."

Introduced by: Senator Kanno.

No. 2368 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPAIR AND MAINTENANCE OF ALOHA STADIUM."

Introduced by: Senator Tam.

No. 2369 "A BILL FOR AN ACT RELATING TO GOVERNMENT WASTE."

Introduced by: Senator Tam.

No. 2370 "A BILL FOR AN ACT RELATING TO STATE PARKS."

Introduced by: Senator Tam.

No. 2371 "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX HOLIDAY TO STIMULATE HAWAII'S ECONOMY."

Introduced by: Senators Tam, Slom, Ige.

No. 2372 "A BILL FOR AN ACT RELATING TO CELLULAR TELEPHONES."

Introduced by: Senators Tam, Chun Oakland, Nakata, Hanabusa, Chun.

No. 2373 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Tam.

No. 2374 "A BILL FOR AN ACT RELATING TO THE ECONOMY."

Introduced by: Senators Tam, Slom, Inouye, Ige.

No. 2375 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HIRE SECURITY GUARDS AND TO PURCHASE SECURITY CAMERAS FOR SENIOR AND DISABLED RESIDENCE COMPLEX."

Introduced by: Senators Tam, Slom, Inouye, Ige, Taniguchi.

No. 2376 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL CAMPING CABINS IN STATE PARKS."

Introduced by: Senators Tam, Slom, Inouye, Ihara, Ige, English, Taniguchi.

No. 2377 "A BILL FOR AN ACT RELATING TO RECREATIONAL BOATING SPECIAL FUND."

Introduced by: Senator Tam.

No. 2378 "A BILL FOR AN ACT RELATING TO RECREATIONAL BOATING."

Introduced by: Senator Tam.

No. 2379 "A BILL FOR AN ACT RELATING TO ELECTRONIC MAIL."

Introduced by: Senators Tam, Kanno, Slom, Chun Oakland, Hanabusa, Chun.

No. 2380 "A BILL FOR AN ACT RELATING TO DOOR-TO-DOOR SALES."

Introduced by: Senators Tam, Kanno, Chun Oakland, Nakata, Hemmings, Hanabusa, Chun.

No. 2381 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP HAWAII AS THE GENEVA OF THE PACIFIC TO STIMULATE THE STATE'S ECONOMY."

Introduced by: Senator Tam.

No. 2382 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM."

Introduced by: Senator Tam.

No. 2383 "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY."

Introduced by: Senator Tam.

No. 2384 "A BILL FOR AN ACT APPROPRIATING FUNDS FOR SECURITY."

Introduced by: Senator Tam.

No. 2385 "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR PUBLIC SCHOOL CAFETERIAS."

Introduced by: Senator Tam.

No. 2386 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW."

Introduced by: Senators Tam, Slom, Chun, Hemmings, Chun Oakland, Hanabusa, Ihara.

No. 2387 "A BILL FOR AN ACT RELATING TO WATERCRAFT."

Introduced by: Senators Tam, Kanno, Slom, Chun Oakland, Nakata, Chun.

No. 2388 "A BILL FOR AN ACT RELATING TO IOLANI PALACE."

Introduced by: Senators Tam, Kanno, Chun Oakland, Hemmings, Ihara, Hanabusa, Chun.

No. 2389 "A BILL FOR AN ACT RELATING TO ACUPUNCTURE."

Introduced by: Senator Tam.

No. 2390 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senators Tam, Kanno, Slom, Chun Oakland, Hemmings, Chun.

No. 2391 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Tam, Kanno, Slom, Hanabusa, Hemmings, Chun, Chun Oakland.

No. 2392 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."

Introduced by: Senator Tam.

No. 2393 "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS."

Introduced by: Senator Tam.

No. 2394 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Tam.

No. 2395 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senator Tam.

No. 2396 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Tam.

No. 2397 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO COMPUTERIZE THE DEPARTMENT OF EDUCATION OFFICE OF PERSONNEL."

Introduced by: Senator Tam.

No. 2398 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senator Tam.

No. 2399 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL REPAIR AND MAINTENANCE PROJECTS."

Introduced by: Senator Tam.

No. 2400 "A BILL FOR AN ACT RELATING TO PROCESS SERVERS."

Introduced by: Senator Tam.

No. 2401 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN ECONOMIC DEVELOPMENT MASTER PLAN FOR THE HONOLULU WATERFRONT."

Introduced by: Senator Tam.

No. 2402 "A BILL FOR AN ACT RELATING TO FEDERAL FUNDS."

Introduced by: Senators Tam, English, Hanabusa, Chumbley.

No. 2403 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO LOWER THE DEPARTMENT OF EDUCATION TEACHER-STUDENT RATIO."

Introduced by: Senator Tam.

No. 2404 "A BILL FOR AN ACT RELATING TO SCHOOL REGISTRARS."

Introduced by: Senator Tam.

No. 2405 "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION."

Introduced by: Senator Tam.

No. 2406 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Tam.

No. 2407 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."

Introduced by: Senator Tam.

No. 2408 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PACON INTERNATIONAL."

Introduced by: Senator Tam.

No. 2409 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Senator Tam.

No. 2410 "A BILL FOR AN ACT RELATING TO PARKING STRUCTURES."

Introduced by: Senator Tam.

No. 2411 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING OF HAWAII PRODUCTS AND SERVICES."

Introduced by: Senator Tam.

No. 2412 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT."

Introduced by: Senators Tam, Inouye, Slom, Chun Oakland, Ihara, Hanabusa, Chun, Sakamoto.

No. 2413 "A BILL FOR AN ACT RELATING TO RENTAL HOUSING."

Introduced by: Senators Tam, Hanabusa.

No. 2414 "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY."

Introduced by: Senators Tam, English, Hanabusa, Chumbley, Matsuura.

No. 2415 "A BILL FOR AN ACT RELATING TO A HAWAII FILM COMMISSION."

Introduced by: Senators Tam, Ige, Ihara, Taniguchi.

No. 2416 "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT."

Introduced by: Senator Matsuura.

No. 2417 "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES."

Introduced by: Senators Buen, Matsuura.

No. 2418 "A BILL FOR AN ACT RELATING TO GOVERNMENT SPENDING."

Introduced by: Senators Buen, Matsuura.

No. 2419 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND PRESERVATION."

Introduced by: Senator Buen.

No. 2420 "A BILL FOR AN ACT RELATING TO SOCIAL WORK."

Introduced by: Senator Chun Oakland.

**ADJOURNMENT**

At 6:00 o'clock p.m., the Senate adjourned until 9:30 o'clock a.m., Tuesday, January 22, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FOURTH DAY

## Tuesday, January 22, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 9:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Marvin Samiano, Our Lady of Peace Cathedral, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Third Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 8 to 94) were read by the Clerk and were placed on file:

Gov. Msg. No. 8, dated November 19, 2001, transmitting a report prepared by the Department of Health pursuant to Act 259, Section 36, SLH 2001, requesting detailed quarterly reports on projected and actual expenditures from the behavioral health administration.

Gov. Msg. No. 9, dated November 23, 2001, transmitting the Hawaii State Public Library System's Annual Report for fiscal year ending June 30, 2001, pursuant to Sections 312-3.6 and 312-22, HRS.

Gov. Msg. No. 10, dated November 30, 2001, transmitting the Department of Taxation Annual Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 11, dated December 3, 2001, transmitting a report prepared by the Public Utilities Commission pursuant to Act 87, SLH 2000, relating to energy.

Gov. Msg. No. 12, dated December 5, 2001, transmitting the Annual Report on Geothermal Royalties and Geothermal and Cable Development Activities, prepared by the Department of Land and Natural Resources, pursuant to Sections 182-18 and 196D-11, HRS.

Gov. Msg. No. 13, dated December 5, 2001, transmitting the Annual Report on the North Shore Paukaiula Streambank Erosion and Riparian Area Community Project, prepared by the Department of Land and Natural Resources pursuant to S.C.R. No. 223 (1995).

Gov. Msg. No. 14, dated December 5, 2001, transmitting the Annual Report on the Status of the Kahoolawe Rehabilitation Trust Fund, prepared by the Kahoolawe Island Reserve Commission pursuant to Section 6K-9.5, HRS.

Gov. Msg. No. 15, dated December 10, 2001, transmitting the Annual Report on Identification of Streams and Rivers that Exhibit Special Natural Qualities Worthy of Protection for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, pursuant to Section 174C-31, HRS.

Gov. Msg. No. 16, dated December 10, 2001, transmitting the Expenditure and Progress Report of Study Incorporating the State Agricultural Water Use and Development Plan into the State Water Projects Plan for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, pursuant to Act 259, SLH 2001.

Gov. Msg. No. 17, dated December 10, 2001, transmitting the Project Funded Staff Services Budget Report for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources pursuant to Act 259, SLH 2001.

Gov. Msg. No. 18, dated December 12, 2001, transmitting the Annual Report Requesting Further Action on the Designation of a State Recreational and Historic Park and Nature Reserve at Kapua, Honomalino, Okoe, Kaulanamauna, and Manuka, Districts of South Kona and Kau, Island of Hawaii for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources in response to S.C.R. No. 140 (2001).

Gov. Msg. No. 19, dated December 12, 2001, transmitting the Annual Report of the Hawaii Historic Preservation Fund for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources pursuant to Section 6E-3, HRS.

Gov. Msg. No. 20, dated December 12, 2001, transmitting the Annual Report for the Implementation of Chapter 190D, HRS, Ocean and Submerged Lands Leasing for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources and Department of Agriculture pursuant to Act 176, Section 12, SLH 1999.

Gov. Msg. No. 21, dated December 12, 2001, transmitting the Status Report from the Task Force on Beach and Water Safety for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources in conjunction with the Task Force on Beach and Water Safety pursuant to Act 101, SLH 1999.

Gov. Msg. No. 22, dated December 14, 2001, transmitting the Report Requesting the Department of Land and Natural Resources to Negotiate with Kamehameha Schools, Bishop Museum, and the Office of Hawaiian Affairs to Lease Kalihi Valley Nature Park for a Native Hawaiian Education Center for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources in response to H.C.R. No. 75 (2001).

Gov. Msg. No. 23, dated December 14, 2001, transmitting the Annual Report on State Positions Assigned to Salary Ranges SC-1, SC-2, and SC-3 as of December, 2001, prepared by the Department of Human Resources Development pursuant to Section 77-13, HRS.

Gov. Msg. No. 24, dated December 14, 2001, transmitting the Report on the Development of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Operations Plan and Clarification of the State's Role and Responsibilities, prepared by the Department of Land and Natural Resources in response to S.C.R. No. 89 (2001).

Gov. Msg. No. 25, dated December 14, 2001, transmitting the Report on the Assessment and Improvement Recommendations for the Molokai Irrigation System, prepared by Hawaii Agriculture Research Center pursuant to S.C.R. No. 43 (2001).

Gov. Msg. No. 26, dated December 14, 2001, transmitting the Department of Agriculture's Annual Report pursuant to Act 100, SLH 1999.

Gov. Msg. No. 27, dated December 14, 2001, transmitting the Annual Report on All Special, Trust, and Revolving Fund Transactions Carried Out Over the Previous Fiscal Year,

prepared by the Department of Land and Natural Resources in response to H.C.R. No. 125 (1993).

Gov. Msg. No. 28, dated December 17, 2001, transmitting the Annual Report of the Interagency Federal Revenue Maximization Revolving Fund for Fiscal Year 2000-2001, prepared by the Department of Accounting and General Services.

Gov. Msg. No. 29, dated December 17, 2001, transmitting the Report on Various Cost Options on Customary Fee Profiles for Non-Institutional Health Care Providers, prepared by the Department of Human Services pursuant to Section 346-59, HRS.

Gov. Msg. No. 30, dated December 17, 2001, transmitting the Report of the Task Force to Create a Master Plan for Water Quality and Flood Mitigation for Waimanalo, prepared by the Department of Land and Natural Resources in response to H.C.R. No. 120 (2000).

Gov. Msg. No. 31, dated November 23, 2001, transmitting the Monthly Report on Expenditures for the Felix Consent Decree, Felix Special Monitor, and Felix Monitoring Project, prepared by the Department of Education pursuant to Act 259, Section 53, SLH 2001.

Gov. Msg. No. 32, dated December 17, 2001, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 2000-2001.

Gov. Msg. No. 33, dated December 17, 2001, transmitting the Report on the Status of the Native Hawaiian Rehabilitation Fund, prepared by the Department of Hawaiian Home Lands pursuant to H.C.R. No. 54 (2001).

Gov. Msg. No. 34, dated December 17, 2001, transmitting the Financial Report of the Special Unemployment Insurance Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2001, pursuant to Section 383-127, HRS.

Gov. Msg. No. 35, dated December 17, 2001, transmitting the Department of Accounting and General Services' Annual Report of the State Educational Facilities Improvement Special Fund for Fiscal Year 2000-2001.

Gov. Msg. No. 36, dated December 17, 2001, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives – January 2002, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 37, dated December 17, 2001, transmitting the Annual Report of Stadium Authority, Stadium Special Fund Statement of Receipts, Expenditures and Transfers for the Fiscal Year Ended June 30, 2001, prepared by the Department of Accounting and General Services pursuant to Section 109-3, HRS.

Gov. Msg. No. 38, dated December 17, 2001, transmitting the Project-Funded Staff Services Budget Report for the Period July 1, 2001, to June 30, 2002, prepared by the Department of Accounting and General Services pursuant to Act 259, Section 105, SLH 2001.

Gov. Msg. No. 39, dated December 17, 2001, transmitting the Variance Report for Fiscal Years 2001 and 2002, pursuant to Section 37-75, HRS.

Gov. Msg. No. 40, dated December 17, 2001, transmitting the Hawaii School Repair and Maintenance Fund Progress

Report, prepared by the Department of Accounting and General Services pursuant to Act 309, Section 4, SLH 2001.

Gov. Msg. No. 41, dated December 17, 2001, transmitting the Report Regarding Establishment of Official Policy Supporting Native Hawaiian Culture and Arts, prepared by the State Foundation on Culture and the Arts pursuant to S.C.R. No. 76 (2001).

Gov. Msg. No. 42, dated December 17, 2001, transmitting the Progress Report on the Feasibility of Acquiring the No. 1 Capitol District, pursuant to H.C.R. No. 192 (2000).

Gov. Msg. No. 43, dated December 17, 2001, transmitting the Hawaii Civil Rights Commission's Annual Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 44, dated December 19, 2001, transmitting a Report Relating to Government Operations, prepared by the University of Hawaii pursuant to Act 100, SLH 1999.

Gov. Msg. No. 45, dated December 19, 2001, transmitting the Annual Report of the Public Utilities Commission for Fiscal Year 2000-2001.

Gov. Msg. No. 46, dated December 19, 2001, transmitting a Report Relating to the Feasibility, Benefits, and Costs of Establishing a Comprehensive, Linked K-16 Database in the State of Hawaii, prepared by the University of Hawaii pursuant to S.C.R. No. 99 (2001).

Gov. Msg. No. 47, dated December 20, 2001, transmitting the Report on Expenditures to Pay Unemployment Compensation Claims of Former State Employees, prepared by the Department of Human Services Development pursuant to Act 259, Section 83, SLH 2001.

Gov. Msg. No. 48, dated December 19, 2001, transmitting the Department of Human Services' Interim Report pursuant to Act 273, SLH 2001.

Gov. Msg. No. 49, dated December 20, 2001, transmitting a report prepared by the University of Hawaii pursuant to Section 304-16.5, HRS, on Fiscal Year 2000-2001 University of Hawaii Tuition and Fees Special Fund Expenditures for the Purpose of Generating Private Donations.

Gov. Msg. No. 50, dated December 20, 2001, transmitting a report prepared by the University of Hawaii pursuant to Act 193, SLH 2001, Transfers to the University of Hawaii Commercial Enterprises Revolving Fund.

Gov. Msg. No. 51, dated December 21, 2001, transmitting the Department of Human Resources Development's Itemized Expenditure Report for Fiscal Year Ending June 30, 2001, pursuant to Act 91, Section 60, SLH 1999.

Gov. Msg. No. 52, dated December 27, 2001, transmitting the Monthly Report by the Governor on Actions Taken Under Act 15, Third Special Session of 2001.

Gov. Msg. No. 53, dated December 19, 2001, transmitting the Insurance Commissioner's Annual Report on the Use of the Insurance Regulation Fund for the Fiscal Year 2000-2001, pursuant to Section 431:2-215, HRS.

Gov. Msg. No. 54, dated December 20, 2001, transmitting the Annual Report on the Hawaii Research Center for Future Studies, prepared by the University of Hawaii pursuant to Section 222-3, HRS.

Gov. Msg. No. 55, dated December 20, 2001, transmitting the Report on the Spouse and Child Abuse Special Account, prepared by the Department of Human Service, Social Services Division, pursuant to Act 232, Section 2, SLH 1994.

Gov. Msg. No. 56, dated December 20, 2001, transmitting a Report Relating to the State Budget, prepared by the Department of Human Services, Social Services Division, pursuant to Act 259, SLH 2001.

Gov. Msg. No. 57, dated December 20, 2001, transmitting a Report on the Progress of Establishing the Reasonable Cost to be Assessed to the Permittees as Defined by Water Use Permit Applications, prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, pursuant to Act 259, Section 20, SLH 2001.

Gov. Msg. No. 58, dated December 20, 2001, transmitting a Report Requesting an Investigation of the Impacts of Increased Public Access on Kaawaloa and Kealakekua Bay, Island of Hawaii, prepared by the Department of Land and Natural Resources pursuant to S.C.R. No. 139 (2001).

Gov. Msg. No. 59, dated December 20, 2001, transmitting a Report on Equipment Modernization Efforts by the Bureau of Conveyances, prepared by the Department of Land and Natural Resources pursuant to Act 259, Section 69, SLH 2001.

Gov. Msg. No. 60, dated December 20, 2001, transmitting the Report on the Hawaii Caves Task Force for Fiscal Year Ending June 30, 2001, prepared by the Department of Land and Natural Resources pursuant to S.C.R. No. 85 (2001).

Gov. Msg. No. 61, dated December 21, 2001, transmitting the Violent Firearm Crime Coalition Report, prepared by the Department of the Attorney General pursuant to Act 127, SLH 2000.

Gov. Msg. No. 62, dated December 21, 2001, transmitting a Report on All Backlogs Pertaining to the Repair and Maintenance of Small Boat Harbors and Expenditures Made to Reduce Backlogs for the Period July 1, 2000 to December 15, 2001, prepared by the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, pursuant to Act 259, Section 62, SLH 2001.

Gov. Msg. No. 63, dated December 21, 2001, transmitting a Report on the Development of a Master Plan for Pohoiki Boat Ramp, prepared by the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, pursuant to S.C.R. No. 118 (1999).

Gov. Msg. No. 64, dated December 27, 2001, transmitting a Report Requiring All Departments and Agencies to Identify Their Goals, Objectives, and Policies, to Provide a Basis for Determining Priorities and Allocating Limited Public Funds and Human Resources, prepared by the Department of Land and Natural Resources pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 65, dated December 27, 2001, transmitting a Report on the Department of the Attorney General's 2002 Goals and Objectives, pursuant to Act 100, Section 7, SLH 1999.

Gov. Msg. No. 66, dated December 27, 2001, transmitting the Department of Budget and Finance's Plan of Action for Implementation of Goals and Objectives, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 67, dated December 27, 2001, transmitting the Report of the Mandated Benefits Advisory Task Force,

prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to H.C.R. No. 129 (2001).

Gov. Msg. No. 68, dated December 27, 2001, transmitting the Department of Labor and Industrial Relations' Annual Report, pursuant to Section 371-7, HRS.

Gov. Msg. No. 69, dated December 27, 2001, transmitting a Report on the Goals and Objectives for the Department of Human Resources Development, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 70, dated December 28, 2001, transmitting the 2001 Annual Update Report on Home Property Liens, prepared by the Department of Human Services pursuant to Section 346-29.5, HRS.

Gov. Msg. No. 71, dated December 28, 2001, transmitting the Annual Report on the Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-26, HRS.

Gov. Msg. No. 72, dated December 31, 2001, transmitting a Report on the Financial Statements of the State Educational Facilities Repair and Maintenance Fund and State Physical Plant Operations and Maintenance Fund and Project Status as of November 30, 2001, prepared by the Department of Accounting and General Services pursuant to Act 316, SLH 2001.

Gov. Msg. No. 73, dated December 31, 2001, transmitting the Pesticide Use Revolving Fund Annual Report for Fiscal Year Ending June 30, 2001, prepared by the Department of Agriculture pursuant to Act 154, SLH 2000.

Gov. Msg. No. 74, dated January 2, 2002, transmitting the Annual Evaluation of the Hawaii Unemployment Compensation Fund, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-126.5, HRS.

Gov. Msg. No. 75, dated January 2, 2002, transmitting a Report on the Feasibility of a Wind Resistive Device Grant Program, prepared by the Hawaii Hurricane Relief Fund's Technical Advisory Committee on Hazard Mitigation pursuant to Act 153, SLH 2000.

Gov. Msg. No. 76, dated January 3, 2002, transmitting the Office of Information Practices' Annual Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 77, dated January 3, 2002, transmitting the Department of the Attorney General Enforcement Unit's Annual Report for the Fiscal Year Ending June 30, 2001, pursuant to Act 249, SLH 2000, and Act 270, SLH 2001.

Gov. Msg. No. 78, dated January 3, 2002, transmitting the Department of the Attorney General's Report on the Receipts and Expenditures of the Antitrust Trust Fund, pursuant to Section 28-13, HRS.

Gov. Msg. No. 79, dated January 3, 2002, transmitting the Final Report on Convening a Working Group to Study Conditions at Punaluu and Kamehame Beaches, prepared by the Department of Land and Natural Resources pursuant to S.C.R. No. 89 (2000).

Gov. Msg. No. 80, dated January 3, 2002, transmitting the Department of Defense Annual Report for Fiscal Year Ending June 30, 2001.

## SENATE CONCURRENT RESOLUTIONS

Gov. Msg. No. 81, dated January 3, 2002, transmitting a Report on the Reevaluation of the Boundaries of the Hilo Bay Recreational Thrill Craft Zone, prepared by the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, pursuant to H.C.R. No. 56 (2001).

Gov. Msg. No. 82, dated January 16, 2002, transmitting the Executive Supplemental Budget – Budget Period 2001-2003.

Gov. Msg. No. 83, dated January 4, 2002, transmitting The Research Corporation of the University of Hawaii's Annual Report for the Fiscal Year Ending June 30, 2001, pursuant to Chapter 307, HRS.

Gov. Msg. No. 84, dated January 7, 2002, transmitting the Asset Forfeiture Annual Report for Fiscal Year Ending June 30, 2001, prepared by the Department of the Attorney General pursuant to Section 712A-16, HRS.

Gov. Msg. No. 85, dated January 7, 2002, transmitting the Progress Report on State Irrigation Program's Self-Sufficiency, prepared by the Department of Agriculture pursuant to Act 259, Section 6, SLH 2001.

Gov. Msg. No. 86, dated January 9, 2002, transmitting the Coordinated Care Organization Review Task Force Report, pursuant to Act 166, SLH 1998.

Gov. Msg. No. 87, dated January 10, 2002, transmitting the Department of Defense's Report Relating to Government Operations, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 88, dated January 10, 2002, transmitting a Report on the Progress of Assessing the Cultural Sites and Burial Remains in Makua Valley and the Monitoring of These Cultural Sites and Burial Sites, prepared by the Department of Land and Natural Resources pursuant to Act 159, Section 61, SLH 2001.

Gov. Msg. No. 89, dated January 10, 2002, transmitting the Progress Report on Expenditures and Effectiveness of Invasive Species Programs for the Period July 1, 2001 to October 31, 2001, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 259, Section 18, SLH 2001.

Gov. Msg. No. 90, dated January 10, 2002, transmitting the Report on the Status of the Wildlife Revolving Fund 2000-2001, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 183-10.5, HRS.

Gov. Msg. No. 91, dated January 10, 2002, transmitting the Report of Findings on Adjustments to the Compensation Plans, prepared by the Public Employees Compensation Appeals Board pursuant to Chapter 77, HRS.

Gov. Msg. No. 92, dated January 11, 2002, transmitting the Barbers Point Naval Air Station Redevelopment Commission's Annual Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 93, dated January 11, 2002, transmitting the Hawaii Community Development Authority's 2001 Annual Report, pursuant to Chapter 206E, HRS.

Gov. Msg. No. 94, dated January 14, 2002, transmitting the Aloha Tower Development Corporation's Annual Report for Fiscal Year Ending June 30, 2001.

The following concurrent resolutions (S.C.R. Nos. 2 to 14) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 2 "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."

Offered by: Senators Chun Oakland, Fukunaga.

No. 3 "SENATE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)."

Offered by: Senators Chun Oakland, Fukunaga.

No. 4 "SENATE CONCURRENT RESOLUTION ENCOURAGING SCHOOLS IN HAWAII TO ENCOURAGE CALCIUM INTAKE, ESPECIALLY IN YOUNG WOMEN, AND SUPPORTING EDUCATION AND AWARENESS OF CALCIUM DEFICIENCY."

Offered by: Senators Chun Oakland, Fukunaga.

No. 5 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, TO ESTABLISH A SUN PROTECTION POLICY FOR ELEMENTARY SCHOOL CHILDREN AND A SUN PROTECTION PROGRAM TO EDUCATE ELEMENTARY SCHOOL CHILDREN AND THEIR PARENTS."

Offered by: Senators Chun Oakland, Kanno, Tam, Hanabusa, Ihara, Chumbley.

No. 6 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO JOINTLY DETERMINE WHETHER THE DIAGNOSIS OF CHILDREN WITH 'ATTENTION DEFICIT DISORDER' OR 'ATTENTION DEFICIT HYPERACTIVITY DISORDER' IN HAWAII HAS BEEN EXCESSIVE, WHETHER HAWAII'S CHILDREN ARE BEING SUBJECTED TO EXCESSIVE USE OF PSYCHIATRIC DRUGS TO MODIFY THEIR BEHAVIOR, AND TO RESEARCH, EXAMINE, AND RECOMMEND NON-DRUG ALTERNATIVES."

Offered by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Kawamoto, Chumbley, Tam, English.

No. 7 "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE TANF REAUTHORIZATION ACT OF 2001."

Offered by: Senators Chun Oakland, Buen.

No. 8 "SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF THE CHANNELS, STREAMBEDS, STREAMBANKS, AND DRAINAGEWAYS LOCATED IN THE COUNTY."

Offered by: Senator Chun Oakland.



No. 9 "SENATE CONCURRENT RESOLUTION EXTENDING THE REPORTING DATE OF THE TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES."

Offered by: Senators Chun Oakland, Kanno, Hanabusa, Ihara, Kawamoto, Tam, Chumbley, English.

No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING A CONGRESSIONAL RESOLUTION THAT A SIGNIFICANT PORTION OF EVERY MILITARY AND SECURITY PREPARATIONS AND OPERATIONS DOLLAR BE EARMARKED FOR A PEACEMAKING PROCESS."

Offered by: Senators Chun Oakland, Fukunaga, Ihara, Kanno, Chumbley.

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE ENERGY, RESOURCES, AND TECHNOLOGY DIVISION OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."

Offered by: Senator Chun Oakland.

No. 12 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PASSENGER SERVICES ACT OF 1886."

Offered by: Senators Slom, Hogue, Hemmings.

No. 13 "SENATE CONCURRENT RESOLUTION CONCERNING THE PROPOSED MERGER OF HAWAIIAN AND ALOHA AIRLINES."

Offered by: Senators Slom, Hemmings, Hogue.

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF THEIR RESIDENTS."

Offered by: Senators Slom, Hemmings, Hogue.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 1 to 8) were read by the Clerk and were deferred:

Senate Resolution

No. 1 "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF AFGHAN WOMEN TO THE PROVISIONAL GOVERNMENT OF AFGHANISTAN TO ENSURE EQUITABLE TREATMENT OF WOMEN IN THE NEW GOVERNMENT."

Offered by: Senators Chun Oakland, Fukunaga.

No. 2 "SENATE RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)."

Offered by: Senators Chun Oakland, Fukunaga.

No. 3 "SENATE RESOLUTION ENCOURAGING SCHOOLS IN HAWAII TO ENCOURAGE CALCIUM INTAKE, ESPECIALLY IN YOUNG WOMEN, AND SUPPORTING EDUCATION AND AWARENESS OF CALCIUM DEFICIENCY."

Offered by: Senators Chun Oakland, Fukunaga.

No. 4 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, TO ESTABLISH A SUN PROTECTION POLICY FOR ELEMENTARY SCHOOL CHILDREN AND A SUN PROTECTION PROGRAM TO EDUCATE ELEMENTARY SCHOOL CHILDREN AND THEIR PARENTS."

Offered by: Senators Chun Oakland, Kanno, Tam, Hanabusa, Ihara, Chumbley.

No. 5 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO JOINTLY DETERMINE WHETHER THE DIAGNOSIS OF CHILDREN WITH 'ATTENTION DEFICIT DISORDER' OR 'ATTENTION DEFICIT HYPERACTIVITY DISORDER' IN HAWAII HAS BEEN EXCESSIVE, WHETHER HAWAII'S CHILDREN ARE BEING SUBJECTED TO EXCESSIVE USE OF PSYCHIATRIC DRUGS TO MODIFY THEIR BEHAVIOR, AND TO RESEARCH, EXAMINE, AND RECOMMEND NON-DRUG ALTERNATIVES."

Offered by: Senators Chun Oakland, Kanno, Fukunaga, Hanabusa, Ihara, Kawamoto, Chumbley, Tam, English.

No. 6 "SENATE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PASSENGER SERVICES ACT OF 1886."

Offered by: Senators Hemmings, Hogue, Slom.

No. 7 "SENATE RESOLUTION CONCERNING THE PROPOSED MERGER OF HAWAIIAN AND ALOHA AIRLINES."

Offered by: Senators Slom, Hemmings, Hogue.

No. 8 "SENATE RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF THEIR RESIDENTS."

Offered by: Senators Slom, Hogue, Hemmings.

At 9:48 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with House Concurrent Resolution No. 2, to receive the Governor's state of the state address.

**JOINT SESSION**

The Joint Session of the Senate and the House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, was called to order at 10:02 o'clock a.m. by the Honorable Calvin Say, Speaker of the House of Representatives.

At this time, the Speaker welcomed and introduced the following distinguished guests to the members of the Twenty-First Legislature:

The first Lady of the State of Hawaii, Mrs. Vicky Cayetano. She was presented a lei by Senator English;

The Honorable Mazie Hirono, Lieutenant Governor of Hawaii, and Mr. Leighton Oshima. They were presented leis by Representative Brian Schatz and Senator Donna Mercado Kim;

The Honorable Simeon R. Acoba, Associate Justice, Hawaii State Supreme Court;

The Honorable Steven H. Levinson, Associate Justice, Hawaii State Supreme Court;

The Honorable Mario R. Ramil, Associate Justice, Hawaii State Supreme Court;

The Honorable Paula Nakayama, Associate Justice, Hawaii State Supreme Court;

The Honorable James S. Burns, Chief Judge, Hawaii State Intermediate Court of Appeals;

Trustee Clayton Hee, Chair, Office of Hawaiian Affairs;

The Honorable Jeremy Harris, Mayor of the City and County of Honolulu, and Mrs. Harris;

The Honorable James “Kimo” Apana, Mayor of the County of Maui;

The Honorable Harry Kim, Mayor of the County of Hawaii;

The Honorable Jon Yoshimura, Chair, Honolulu City Council;

Admiral Dennis C. Blair, Commander in Chief, U.S. Pacific Command;

General William J. Bergert, Commander, Pacific Air Forces;

Lieutenant General Edwin P. Smith, Commanding General, U.S. Army, Pacific;

Rear Admiral Robert T. Conway, Commander, U.S. Pacific Fleet;

The Honorable William Paupe, Consul General of the Republic of Kiribati and Dean of the Hawaii Consular Corps, and other members of the Consular Corps delegation;

The Honorable John Waihee, former Governor of the State of Hawaii, and Mrs. Waihee; and

The children of the Cayetano family: Ms. Janeen Cayetano Williams and Mr. Leo Williams; Mr. Brandon Cayetano; Ms. Samantha Cayetano; Mr. William Liu; and Miss Marissa Liu.

The Speaker then appointed Senators Colleen Hanabusa, Cal Kawamoto and Sam Slom, on behalf of the Senate, and Representatives Sylvia Luke, Marcus Oshiro and Galen Fox, on behalf of the House of Representatives, to escort the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, to the rostrum.

Senator Lorraine Inouye and Representative Bertha Kawakami presented Governor Cayetano with maile and ilima leis.

The Speaker then presented to the members of the Twenty-First Legislature and guests the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii.

The Governor addressed the Joint Session as follows:

“Mr. President, Mr. Speaker, Members of the Legislature, Lt. Governor Hirono, Mayors Harris, Apana, and Kim, Admiral Blair, members of the Consular Corps, Governor and Mrs. Waihee, distinguished guests and my fellow citizens – Aloha.

“Every time I enter this chamber, I can’t help but think about when I started. It all started here. I was elected to this House in 1974. Those were the years of Watergate and the Oil Crisis. I was part of a reformist group – 34 years old, idealistic, geared up to challenge and change the world.

“Well, much has happened since then. I think I am still as idealistic as ever, but obviously a little older, perhaps heavier, and maybe a bit wiser. There have been ups and downs, but for me, it’s been mostly ups.

“It’s been a great experience, and I want to thank some people who made it possible.

“First, I want you, and everyone watching this morning, to know how grateful I am to have been given the privilege of serving as Governor of this great and beautiful State.

“I want to thank my wife, Vicky, who has been a terrific First Lady and my biggest supporter. You know, we didn’t know each other in 1994 and she didn’t vote for me. When I ran for Governor she said she didn’t like how I came across on television. And I told her, well, I didn’t like myself on television either. But when she got to know me personally, as has been the case with many of my lifelong friends, things changed and, as they say, ‘The rest is history.’

“It’s not easy being the son or daughter of a politician, you all know that, especially this one. And so I want to thank our children, Brandon, Janeen, Samantha, Marissa and Will for their love and support through it all.

“And I want to acknowledge my cabinet, including some of my former cabinet members who have joined us today. I’m going to talk about a few of them. I can’t talk about every one of them, but some of these folks have not been given a great deal of publicity for their work and I’d like to talk about them.

“Ray Soon – under Ray’s leadership, the Department of Hawaiian Home Lands has placed more Native Hawaiians in their own homes on homestead land than since the combined efforts of the administrations 80 years ago. (Mr. Soon rose to be recognized.)

“Ron Lim and Wes Segawa – through their leadership, this Administration has been able to build a record number of affordable rental units, something we concentrated on, and they’ve implemented a homeless program, which reduced, prior to September 11, homelessness in Hawaii by 40 percent and is rated one of the best in the nation by the U.S. Department of Housing and Urban Development. They get almost no recognition and I want Ron and Wes to stand up today. (Mr. Lim and Mr. Segawa rose to be recognized.) Wes Segawa doesn’t get paid; he’s an unpaid member of the Commission but he’s done a great job.

“Another person who really has not gotten much attention publicly but has done a terrific job with the Department of Commerce and Consumer Affairs is Kathy Matayoshi. Kathy took charge of the Department, she turned it upside down, streamlined it and turned it into a 100 percent self-sufficient state department today. No general funds needed, and I think she deserves a hand for that. (Ms. Matayoshi rose to be recognized.)

“When I became Governor, I was told that as Governor I was the Commanding Chief of the National Guard. Just imagine that, I had my own army and air force. (Laughter.) I worked closely with the leaders that I appointed to become adjutant generals and they’ve done a terrific job. They’ve carried on a tradition of excellence and these two fine generals shaped the Guard, both the Army National Guard and Air Guard, into one of the finest National Guard organizations in the nation. They have won countless awards in the process and they stand ready today to deal with any crisis that threatens Hawaii. Ladies and gentlemen, General Ed Richardson and General Butch Correa. (General Richardson and General Correa rose to be recognized.)

“The next former cabinet member I’m going to introduce did her job and she lost her job. But you know, she made an everlasting imprint on Hawaii’s history. Margery Bronster served as my first Attorney General. I didn’t know Margery when I appointed her but she did a heck of a job for us. She took on the task of the Bishop Estate. She represented us in the tobacco settlement and she did a helluva job. She changed Bishop Estate forever, and from what we have seen so far through what we’ve read in the papers, it’s better than ever for the people of Hawaii.

“Earl Anzai is another one who lost his job. I see the Senators smiling. You folks know why. (Laughter.) Poor Earl, he didn’t do anything and he still lost his job. I appointed Earl to replace Margery, and you know, I want to thank you for giving him a second chance. Earl did a helluva job. One day he walked into my office and he said, ‘Governor, do you want to see the *Star Bulletin* saved or closed?’ And you know, I had to think about that for a while. (Laughter.) I was thinking about the editorials they wrote about my administration, about me, but in the end, we did what was right because we know that in the name of freedom of speech, this community, this State deserves two major dailys. And through Earl’s leadership working with the union and working with the *Star Bulletin* employees, today we have two major dailys. And you know what, the competition has been good, both have gotten better. (Mr. Anzai rose to be recognized.)

“Susan Chandler – you know, Susan is probably one of our most energetic cabinet members. In fact we put her in charge of the Christmas party and she usually does one heck of a job. She had me dancing this year. She has been the Director of the Department of Human Services forever. When I appointed her, she was a professor who was on sabbatical in New York and I hadn’t even met her. I talked to her by phone and she came back and the vibes were good, and I appointed her. And since then, this department has received national recognition. The department received national recognition as one of the top-ten states in the nation in moving welfare recipients into the workforce. The department was rated second among 50 states for improved success in the workforce. And finally, for the fifth straight year it was rated one of the best in the nation for their administration of the federal food stamp program. Ladies and gentlemen, Susan Chandler. (Ms. Chandler rose to be recognized.)

“These are just highlights of some of the nice things and great things that our cabinet has done. If you want to see what the others have done, and they’ve done some great things, read the supplement that is attached to a written copy of my speech which will be delivered to you.

“I would like to recognize at this time, and I ask them to stand and I ask you to please hold your applause, my Chief of Staff Sam Callejo, my former Chief of Staff Charlie Toguchi (I play golf with these guys every week and they usually take my money), my former cabinet directors and deputies who are here, and my entire cabinet, executive assistants, and staff. Please

stand; I want you folks to be recognized and thanked. (The members of the Governor’s staff then rose to be recognized.)

“They are terrific. They’re underpaid, not a single pay raise in eight years for some of them, understaffed, overworked, but totally dedicated, hardworking, smart and honest. It has been a great privilege to have them aboard.

“When I took office in 1994, the State was mired in a severe economic crisis. The Japanese bubble had burst. We saw record bankruptcies, foreclosures, business closings, and the economy was flat, no growth at all.

“In my 1995 State of the State, I gave you our road map to economic recovery. And in my 2001 State of the State, I reported some of the things that we had done and some of the promising results.

“I reported that in late 1998, the economy began to recover; by 1999, it was in full recovery; and in 2000 saw the economy grow stronger and even expand in areas such as high technology and healthcare.

“Tourism was back again with a record 7 million tourists; the unemployment rate had dipped to 3.7 percent, well below the national average, the lowest since 1992.

“Real estate sales and values were rising; auto sales reached record levels for the second straight year.

“Private and public construction was up.

“Thousands of new jobs were created; personal income growth had increased significantly, averaging 4.1 percent in 2000 and 5 percent for the first half of 2001, the highest level in seven years.

“We increased teachers’ salaries, extended the school year by seven days, and built a record number of schools and other facilities.

“And I announced new programs like the launching of our new Pre-Plus Program for preschool children from needy families, which is being headed by Lt. Governor Hirono.

“This year, I was ready to report more good news about the economy, about programs like Pre-Plus, and the great progress we have made.

“But then came September 11<sup>th</sup>, and like many Americans I saw our country plunged into its worst domestic crisis since the Great Civil War. Hawaii suffered more than most states. Our economy was hit, and hit hard.

“In the two months that followed, domestic tourism fell by 30 percent, international tourism by more than 50 percent. Thousands of workers lost their jobs. Initial claims for unemployment insurance averaged nearly 2,700 per week. Our State unemployment rate rose from 3.7 percent in November 2000 to 5.5 percent in November 2001. Nearly 7,000 jobs were lost and thousands of workers saw their work hours cut.

“These events brought back dark memories of the Gulf War, a war that had a tremendous impact on tourism, a war that devastated Hawaii’s economy and ushered in more than a half decade of economic stagnation.

“To quote Yogi Berra, it was ‘like déjà vu, all over again.’

“Now, however, four months after September 11<sup>th</sup>, I am pleased to report to you that there is light at the end of the

tunnel. There are signs that our economy today is more resilient, stronger than it was during the Gulf War crisis. There are signs that not only are we weathering the storm, but our chances for a quick recovery are better than we expected.

“As of mid-January, for example, domestic travel to Hawaii was running only a few percentage points below the same period last year. Japanese tourism in Hawaii – which was down as much as 65 percent – is now expected to reach pre-September 11<sup>th</sup> levels within the next six months.

“There are other good signs as well – initial claims for unemployment benefits appear to have stabilized after peaking in early December. And Hawaii’s holiday retail sales showed the highest increase among all western states. Real estate sales and values continue to increase. Construction authorizations are still up. Auto sales are still going strong. And tax collections remain stable.

“Where is this resiliency coming from? Why hasn’t Hawaii been hit harder – as it was during the Gulf War?

“Seiji Naya tells me there are a couple of big differences. The first is that the major economic reforms and restructuring that have taken place since 1995 has had an impact. You know, you and I and our respective organizations have made some significant changes.

“With your help, between 1998 and 2001, we approved 10 major legislative acts that lowered taxes for residents and businesses. We also provided generous tax incentives for new investment in technology, new construction and renovations.

“These savings will total more than \$2 billion over a six-year period – one of the biggest tax cuts in the nation. These tax cuts have put more money into the pockets of our people – and they are spending or investing it.

“A recent American Legislative Exchange Council study reported that Hawaii’s budget had the third lowest growth of all states from 1990 to 2000. And between 1995 to 2000, state government spending by this Administration grew by only 1 percent.

“Today, state government is more efficient, it’s smaller, and it accounts for a smaller proportion of the economy. Government regulations have been reduced and this state administration has made a concerted effort to work with the private sector, to work with business, to become a facilitator rather than an impediment to economic growth.

“These reforms have helped the business community invest in technology and other improvements, and these investments and these improvements have made them more efficient and competitive.

“Today, business productivity is higher. Hawaii companies are developing national and international markets through their unique products and use of new technology, including the Internet.

“And there are indications that Hawaii’s economy is diversifying, reducing our dependence on tourism. Between 1996 and 2000, for example, the number of high tech jobs in Hawaii increased by 23 percent, while jobs as a whole throughout the State increased by less than 4 percent. Hawaii’s healthcare industry is growing as well and is now the second largest provider of jobs in the State.

“The visitor industry itself is changing. Specialized markets such as sports, culture, health and eco-tourism indicate that the

industry is moving beyond its sun and surf base. These new developments will help Hawaii retain its status as one of the premier visitor destinations of the world.

“The second difference is something I feel. I think that the outstanding and strong response by the community to the crisis was key in our resiliency.

“After September 11<sup>th</sup>, business, labor, military and community groups quickly answered my call for help.

“Working with you, the Legislature and your leaders, we developed and implemented an action plan that helped prevent more layoffs and economic hardships.

“Respected business leaders like Walter Dods, Tony Vericella and Peter Schall were asked to develop a marketing strategy to recoup the tourists that we had lost. And they did – working around the clock in record time.

“Not everyone liked the plan, I know I heard from some of you, but I thought it was brilliant in its simplicity and its eloquent appeal to visitors to experience the wonders of Hawaii. And now, we are seeing the first signs of the plan’s success.

“Church leaders like Reverend Dan Chun and leaders of community non-profit groups like Susan Doyle organized the churches and nonprofits and formed Hawaii Together. Their goal is to provide a network of technical and spiritual assistance to the newly unemployed and homeless.

“It is a great example of the community’s widespread compassion and caring for those who were hurt in the crisis. It is a great example of the Aloha Spirit that separates this place from anywhere else.

“And whenever we needed them, and even when we didn’t need them, our military community was always there for us. These citizens and these soldiers did a great job, and I ask you now to join me in publicly thanking them and the hundreds of citizens across our State for their tireless efforts in helping us meet the challenges of September 11<sup>th</sup>. They had faith in the strength of our economy and the spirit of our people. Please give them a hand.

“And so there is cautious reason for optimism as we move through 2002.

“However, we must also be prepared for setbacks. The national economy is still in recession and is not recovering as quickly as expected, and Japan’s economy will be weak for the better part of this year or longer.

“The gains we have seen in recent weeks could slip away in this uncertain and volatile economic environment. Therefore, we must continue our efforts to make needed reforms and investments which will strengthen our people, our economy, help us through the current crisis, and position us for Hawaii’s long term economic growth.

“And most of all, we must not let the events of 9/11 defeat or intimidate us. Our courage, our determination and belief that Hawaii’s future is bright are our best weapons in meeting the challenges before us.

“Now let me turn to our State Budget.

“Our first task is to balance the State Budget. We have proposed a financial plan, which requires us to use the Hurricane Relief Fund and to raise the tax on alcohol.

"If you disagree with this proposal, and I have heard your speeches, we are open to your suggestions. I disagree with some of the assumptions made about the Hurricane Relief Fund, but that should be left to another day. My main concern is to balance the budget, as we are required to do by law – and to do so without jeopardizing the safety net for our poor and our disadvantaged.

"Keep in mind, as you seek alternatives to our proposal, that education makes up 52 percent of our state general fund budget and this time, this time, I cannot spare the Department of Education from carrying its fair share of budget cuts as I did from 1994 to 1998. Our state programs servicing the sick, the poor and disadvantaged suffered greatly during the first four years of my administration. And, except for adjustments to the costs for Felix – and I say to the Legislative Investigative Committee, thank you for a job well done – we simply cannot cut these departments anymore.

"Our second task is to continue our efforts to strengthen our economic infrastructure.

"September 11<sup>th</sup> demonstrated what we all know: Hawaii's economy is over-dependent on tourism.

"Diversifying our economy will strengthen it and make it less vulnerable to the ups and downs in tourism.

"Over the past seven years, we have focused on healthcare, biotechnology and high technology as a means of diversification.

"Since 1995, we've taken some big steps toward diversification.

"To encourage the development of high technology, we approved one of the most progressive high tech laws in the nation, passed by you. We've provided additional funding for many years for the University's College of Engineering, the Medical School, and aggressively solicited high tech business.

"In spite of the dot-com crisis and the setbacks that we have experienced, we've made some progress.

"In technology, according to the Center for Digital Government and the Progress and Freedom Foundation, Hawaii now ranks 13<sup>th</sup> in Technology Management, 15<sup>th</sup> in Electronic Commerce and Business Regulation, and 23<sup>rd</sup> for Taxation Revenue Systems in 2001. Considering that in previous years we were virtually ranked near the bottom and in some categories last place, these are signs that our high technology industry is growing.

"It has long been part of my vision to make Hawaii the premier Healthcare Center of the Pacific. Your approval last year of the University's new \$300 million bio-medical research center in Kakaako was a major step to this goal.

"The new school will not only train doctors, it will also have a strong research component, which will create hundreds of jobs – good, high skilled jobs for our people.

"About five years ago, I expressed my belief that a biotech industry was a natural for Hawaii. Some thought I was dreaming. I was, and the new bio-medical research center will help that dream come true.

"In fact, Kamehameha Schools and the Ward Estates, two major landowners in Kakaako, are prepared to develop a biotech park for biotech companies which will be attracted by the new center.

"I won't be governor when the center is built and the biotech park is established, as I'm confident it will be, but I expect those of you who are around to send me an invitation to the dedication ceremonies.

"Healthcare, biotechnology and high tech have been among my priorities to diversify. I am certain there are other opportunities which we are not aware of today. Our job is to find or create them. That's what we need to do.

"But the new economic opportunities that we create will mean little if our young people do not have the education and background to compete for them.

"And that is why I am pushing for more improvements to our public education system.

"Education is the great equalizer. It certainly has been for me.

"And that's why over the past seven years, in spite of our state's fiscal problems, we have given education our very top priority.

"That's why we spared the DOE from budget cuts and cut other budgets more to make up the difference.

"That's why we built more new schools and facilities than any other administration.

"That's why we increased the pay for teachers, boosting the pay for starting teachers from \$25,000 in 1997 to \$34,300 in 2003 – a nearly \$10,000 increase in just six years.

"Today, our starting teachers earn more than their counterparts in Arizona, Colorado, Oregon, Washington, Nevada, and New Mexico. We are about even with California.

"Our contract with our teachers provides more than just a pay raise, however, it is a step toward a culture which focuses on accountability and professional development, rather than just seniority.

"For example, under the new contract, a teacher who acquires certification by the National Board for Professional Teacher Standards will receive a \$5,000 salary differential.

"Acquiring national certification is no easy process. It requires hard work, study over nearly a two-year period. But it is a tool that gives teachers an incentive to improve their professional skills and increase their compensation as well.

"To date, only seven Hawaii public school teachers have achieved it – but each one of them, we hear, is a motivator and an excellent teacher.

"The two teachers who earned their national certification this year are here and I'd like to introduce them to you. First, Teresa Tugadi, a special education teacher at Pohakea Elementary School, and second, Lisa Yanase, who teaches at Waialua Elementary School. These teachers achieved what few teachers in Hawaii have yet to achieve, and they deserve that extra \$5,000. Give them a hand please. (Ms. Tugadi and Ms. Yanase rose to be recognized.)

"The good news is that there are about 50 more public school teachers who intend to enroll in the program. The bad news is that you will have to find the extra money to pay for them when they complete it. But pay it – it will be worth it. Pay the

teachers who do well, because those are the teachers who are going to give our children the best education possible.

“The statewide teacher strike we experienced was painful, but I want to tell you it was not just about money – it was about doing what had to be done to improve the quality of public education. We need teachers who have the training and skills to provide a quality education for our children. And we need to find ways to determine who the good teachers are, to reward them, and help the teachers who need improvement to get better.

“We should not settle for mediocrity. After all, a public education system that teaches its students how to read, but not how to distinguish what is worth reading is not a very good school system at all.

“To paraphrase social commentator Fran Lebowitz, if we are truly serious about preparing our children for the future, don’t teach them to subtract, teach them to deduct. Good teachers know the difference between subtraction and deduction. Our contract was designed to produce good teachers.

“The new schools we’ve built are state-of-the-art facilities. They are so good that Mainland schools send their people to get ideas from them. But, our older schools are not state of the art, they are old, they are rundown, and they need help.

“The school repair and maintenance backlog was nearly \$614 million in 2000. The Department of Accounting and General Services tells us that it grows by \$51 million each year just for the DOE. And here I thought it was \$25 million – \$51 million.

“We need to attack this backlog now. To cut it down to size, I am asking you to appropriate \$255 million for school repair and maintenance. If you want to increase the amount, we welcome it.

“The University of Hawaii is the intellectual heart of our community, but it is also an important driver of our economy.

“Last year, you gave the University \$8 million for the planning of a permanent West Oahu campus. This session, I am asking you to authorize the remaining balance, the \$142 million needed to build it.

“UH-West Oahu was established 25 years ago as West Oahu College. And for all of those years, the West Oahu administration and faculty, housed in their portables at Leeward Community College, have given their students an excellent education. It is time to give UH-West Oahu a permanent campus. It is time to expand the higher education opportunities out in the Leeward-Central Coast. I’m asking you to give us the money.

“This permanent campus in Kapolei will accomplish two objectives: one, educational; and the other, economical.

“More than 30 years ago, Kapolei was designated as the Second City. West Oahu will help transform Kapolei into a college town. It will be to Kapolei what the University of Oregon is to Eugene, Oregon, and what UC-Irvine is to the City of Irvine. Study these examples, the economic benefits are self-explanatory.

“The new West Oahu will serve the booming population of the Leeward-Central Oahu area – the fastest growing area in the State.

“The population there is more than the populations of all of the neighbor islands combined. And it is still growing.

“Hawaii is a relatively young state. We’re the youngest of all of the states, of course. And at one time, when travel was difficult, the University of Hawaii was the only hope for higher education for our people.

“As a state, Hawaii has matured. When I left Hawaii to attend college on the mainland in 1963, the University did not have its community colleges, nor did UH-West Oahu exist. But UH has grown since then, it too has matured. The policies, the curriculum, admission standards, requirements for out of state students, which were right for UH fifty years ago must be revisited and where appropriate, changed.

“President Dobbelle has said he would like to develop UH-Manoa to become the Berkeley of the Pacific. UH-Manoa is a fine research university but it is no Berkeley at this particular point. If we want UH-Manoa to step up to the next higher level – to become – no, to rival Berkeley – then we must stop requiring UH-Manoa to be all things to all people. Admission standards for freshmen must be raised, curriculum reviewed, good alternatives must be created for those who can’t make it into UH-Manoa.

“Nothing can elevate the quality of life in a society like a first-rate education system. Hawaii is not quite there yet. We can get there if we dream big and do big things. After all, nothing big has ever been done by people who think small.

“A few words about my \$900 million capital improvements request . . .

“Last week, I heard one of my favorite lawmakers mention that there was a \$6 billion backlog. Simply stated, that number is misleading if the real concern is debt service generated by general obligation bonds.

“The amount of the \$6 billion attributed to G.O. bonds is less than \$900 million. And of that, over \$700 million is in the process of being spent, encumbered, allotted, the monies released. Now, some of that money is the legislative pet projects, otherwise known as pork – about \$100 million worth. And I have agreed to release about \$35 million of that at this particular time. So, there is no major backlog of G.O. bond projects, and I think that’s important that we understand the information and the facts that are available to us.

“The last time I asked you for a billion dollars and you gave it to me, we built a record thirteen schools, more than 1,100 classrooms, gyms, administrative buildings and cafeterias. And we are building them faster than ever. We build schools in 18 months instead of the 36 months it used to take. We built the State Office Building in Kapolei in 18 months. We built Dr. Yanagimachi’s Institute for Biogenesis Research in just 10 months. And today, if you travel throughout the University’s campuses on the different islands, you’ll find that there are new facilities on every campus in the University’s system, as well as new facilities in places where the University was never there before, such as the Molokai Education Center.

“Clearly, there is some confusion about the administration’s ability to fast track appropriations and construction. But I throw out this challenge to you – try us – after all, if you are not satisfied, you have the power to repeal the appropriations.

“A few months ago, President Dobbelle told you he would build the new campus at West Oahu in 18 months. We’ve gone all over the mainland searching for this guy. We pay him pretty good money, give him a pretty good house on the hill there, he

wants to take the University to another level, why not give him a chance? I looked at his track record and he's done it in other places and I know that he'll do it here. I want to introduce him. President Dobelle, please stand. (President Dobelle rose to be recognized.)

"And if he can't do it, fine. (Laughter.)

"If we want to improve public education, we need to invest. Interest rates are at an all-time low. I really doubt that it will get lower. Moreover, our local economy at this particular time could use a boost in an area where it is still strong – in construction spending.

"Let's take a page from our neighbor, California, where the California Chamber of Commerce, which is just about as fiscally conservative a group as one could find anywhere – if you could imagine a room full of Sam Sloms, that's the definition. (Laughter.) They knew what had to be done and they went out and said that they would move to place a \$10 billion – \$10 billion – initiative on the ballot this election for voter approval to build what? To build the same kind of things that we want to build – public schools, public housing and other needed public facilities. I predict the voters of California will approve it overwhelmingly because it is the right time and the right thing to do.

"Let me end on a personal note.

"This is my 28<sup>th</sup> year in public office. It will be my last. I learned from watching Frank Fasi that you should never try and come back (laughter) . . . unless you're young like Governor Waihee, who one day I predict will be a United States Senator. Every time I reflect on the journey I took to get here, I am truly amazed. I am the luckiest man in the world.

"I was born and raised in Kalihi. You know, the last three Governors were all Kalihi boys – Jack Burns, George Ariyoshi, and even though Governor Waihee was born on the Big Island, he moved to Kalihi, represented Kalihi, and I know him, he's a Kalihi boy at heart. In Kalihi, my father raised my brother and me. I attended public schools (Puuhale, Kalakaua, Farrington) got into some minor trouble with the law when I was young, nearly flunked out of high school – if you can imagine flunking out of Farrington (laughter) – married at 19, and at age 23 I finally woke up and said, 'you know, I need to get an education,' but I was forced to move to California because the education facilities were not available here in Hawaii. I had to go to a junior college. I wanted to get into UCLA. I took the test and I remember the counselor saying, 'Boy, you did pretty well on the test,' and I said, 'Oh, that's terrific,' 'But you were absent 40 days in high and your average is something like a C-. What happened there?' I said, 'I'm not sure what happened but where do I go?' He said, 'You go to a place called Harbor Junior College in San Pedro, California.' And I went to Harbor Junior College and I got a terrific education there. I was usually the oldest guy in the class. I was being taught by Ph.D.s none of these teaching assistants who you find at UCLA where I eventually got my degree from.

"I sat there for a full year and I didn't say a word and just listened to my younger and very bright college classmates, and I learned a lot. These were the years when the Vietnam War and the Civil Rights Movement were at their peak. When I was in college, Martin Luther King, Jr., and Bobby Kennedy were assassinated. These events helped shape my values and my thinking, and they helped shape my politics.

"I graduated from UCLA in 1968 and got my law degree in 1971. For me, it was as if I realized the impossible dream. What's great about America, what makes it a great nation is that

it is the land of second and sometimes even third chances. And it's our public education system that gives us that opportunity.

"I got my start in politics from another Kalihi boy – Governor John A. Burns. Governor Burns appointed me to a very important public commission. I knew nothing about politics. I'd never met the Governor before. I didn't help in his campaign, nor did I ever seek this particular appointment.

"So, after I got sworn in, I thanked the Governor and I asked him why he had appointed me to such an important commission. I told him, 'We had never met before, I never really worked in your campaign.' I was in the mainland attending law school. He said, and these are the only words that the great Jack Burns ever said to me, he looked me in the eye and said, 'Well, Ben, there are not too many young Filipinos from Kalihi who become lawyers.' He didn't have to explain to me – I understood what he meant and I knew what he stood for. And that's what I stand for.

"In 1974, I decided to run for the House of Representatives. I was running in Pearl City. The political pros – these are the guys who think they know everything about politics – they laughed and said this Filipino boy doesn't have a chance. He's running in a district which is 60 percent Japanese-American.

"Well, they were wrong, and these guys have been wrong in my elections many, many times. They misjudged the goodness and the fairness and the decency of the people there. Because that's what Hawaii is all about. Like I said, America is the land of second chances, and Hawaii is the greatest place to live in the world.

"I tell you this story so you understand why I believe that there is no greater calling than public service. And why I believe that those of us who have chosen this business have an absolute duty to do what is right for the people, regardless of the consequences.

"Yesterday, I read in the newspaper that some of you are looking for guidance and advice in my State of the State. Vice Speaker Luke said she wanted me to 'lay out a plan for five or ten years down the road.' I had to chuckle, and I said, 'where have these people been for the last seven years?'

"Well, this is our last session together. And this is the first time that you've publicly asked for advice, so let me offer it with the best of intentions.

"I really believe in my heart that the best kind of politics is getting the job done. That's what I've tried to do in my 28 years of public service. And even if you don't get it done, I believe the people will know how hard you tried and respect you for it.

"When you passed the Health Fund Reform and Privatization bills last session, that was a defining moment for many of you. It took guts to do it and you should be proud, and I was proud of you.

"When I met with business, labor, community and legislative leaders after the September 11 attacks, I remember after the first meeting at the end everyone spoke.

"Minority Leader Galen Fox got up and said that this crisis we face, that we, the people of Hawaii, face was the worst ever and that we 'should set politics aside.' He meant it and I was moved by it and I was proud to work with Galen Fox. Well, last week, I listened to some of the speeches on Opening Day, and it seemed like it was déjà vu again, nothing had changed.

"It's still early in the session and let me say this to you, recent polls show that after September 11<sup>th</sup>, there was an upsurge in the public's respect for public officials. I suppose some of that was due to the courageous leadership by President Bush and Mayor Giuliani which we saw on television day after day, but I can't help but believe it was mostly because the American people were awed and had renewed respect by the courage and sacrifice of the firefighters, police and rescue personnel who lost their lives at the World Trade Center.

"Those firefighters, police officers and rescue personnel were public servants – like you and me. And they lost their lives because they did their job.

"Senator Warren Rudman, a Republican, when asked by Time Magazine about his retirement from the United States Senate said that when he was a marine captain serving in Korea, he commanded young marines who were ready to risk their lives for their country, and many in fact lost their lives. But he was leaving because he was disappointed with his colleagues in the U.S. Senate, he said, because too many of them were not even willing to risk their political lives for their country.

"So my advice to you is this – for once, put politics aside. Let's discuss the issues frankly and truthfully so the people of this State know exactly what's at stake. We owe them the truth. We owe them the courage and wisdom to make wise decisions. We owe them hope. We owe them a better and greater Hawaii.

"Do your job to make Hawaii better, that's my advice – even if it means you may lose your job. You owe that to our people, and most of all, you owe it to yourselves.

"Aloha."

Senate President Robert Bunda then rose and stated:

"I want to personally commend Governor Cayetano for his many years of dedication and service to the people of Hawaii, particularly these last years as Governor when he had to make some really tough calls.

"I've known him to be a straight-shooter with a 'take no prisoners' attitude at times, but no matter how tough he sounds, his actions have always been tempered with a compassion for the welfare of those truly deserving of help from our government.

"Governor, your job is really not over yet. As you face the challenges of presiding over this year, your last legislative session, save some compassion for us Legislators. And remember, we are all in this thing together, so please, no special sessions. (Laughter.)

"Governor, aloha and mahalo.

"I declare this Joint Session adjourned."

At 11:00 o'clock a.m., President Bunda declared the Joint Session adjourned.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o'clock p.m. In consequence thereof, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2421 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Kim, English, Sakamoto, Kawamoto, Buen, Matsuura, Fukunaga, Chun Oakland, Ige, Hogue, Tam.

No. 2422 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS."

Introduced by: Senators Kim, Hogue, English, Sakamoto, Buen, Kokubun, Chun, Hemmings, Hanabusa, Matsuura, Fukunaga, Chun Oakland, Chumbley, Ige, Matsunaga, Tam.

No. 2423 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Senators Kim, Matsuura, English, Sakamoto, Kawamoto, Buen, Fukunaga, Tam, Chun Oakland, Ige, Chumbley.

No. 2424 "A BILL FOR AN ACT RELATING TO VOCATIONAL-TECHNICAL EDUCATION."

Introduced by: Senator Sakamoto.

No. 2425 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

Introduced by: Senator Sakamoto.

No. 2426 "A BILL FOR AN ACT RELATING TO THE FELIX CONSENT DECREE."

Introduced by: Senators Hogue, Hemmings, Slom.

No. 2427 "A BILL FOR AN ACT RELATING TO THE FELIX CONSENT DECREE."

Introduced by: Senator Hogue.

No. 2428 "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY."

Introduced by: Senator Hogue.

No. 2429 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

Introduced by: Senator Hogue.

No. 2430 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

Introduced by: Senator Hogue.

No. 2431 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

Introduced by: Senators Hanabusa, Matsuura, Buen, Kawamoto, Kim, Chun, Ige, Slom, Tam, Hogue, Hemmings, Matsunaga, Chun Oakland, Nakata, Kokubun.

No. 2432 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER."

Introduced by: Senator Hanabusa.

No. 2433 "A BILL FOR AN ACT RELATING TO LEASEHOLD."



Introduced by: Senators Chun Oakland, Sakamoto, Taniguchi, Bunda, Kokubun, Hogue, Tam, Fukunaga, Slom, Ihara, Ige.

No. 2434 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE."

Introduced by: Senators Chun Oakland, Kawamoto.

No. 2435 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE FOOD SECURITY COMMISSION."

Introduced by: Senator Chun Oakland.

No. 2436 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVING END-OF-LIFE CARE."

Introduced by: Senator Chun Oakland.

No. 2437 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Introduced by: Senator Chun Oakland.

No. 2438 "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT."

Introduced by: Senators Nakata, Kanno, Chun Oakland, Fukunaga.

No. 2439 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION."

Introduced by: Senator Nakata.

No. 2440 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION."

Introduced by: Senator Nakata.

No. 2441 "A BILL FOR AN ACT RELATING TO SERVICE EMPLOYEES."

Introduced by: Senator Nakata.

No. 2442 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."

Introduced by: Senator Ige.

No. 2443 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."

Introduced by: Senator Ige.

No. 2444 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Ige.

No. 2445 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."

Introduced by: Senators Ige, Fukunaga.

No. 2446 "A BILL FOR AN ACT RELATING TO HOSPITALS."

Introduced by: Senator Ige, by request.

No. 2447 "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN STATE FUNDED EDUCATION."

Introduced by: Senator Chun Oakland.

No. 2448 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Chun Oakland.

No. 2449 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS."

Introduced by: Senator Chun Oakland.

No. 2450 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Chun Oakland.

No. 2451 "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE."

Introduced by: Senator Chun Oakland.

No. 2452 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Senators Fukunaga, Ihara.

No. 2453 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE."

Introduced by: Senators Chun, Matsuura.

No. 2454 "A BILL FOR AN ACT RELATING TO A LAND EXCHANGE IN KAUALA."

Introduced by: Senators Chun, Chumbley, Matsuura.

No. 2455 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."

Introduced by: Senators Hemmings, Bunda, Kim, Slom, Matsuura.

No. 2456 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senator Bunda.

No. 2457 "A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH."

Introduced by: Senator Bunda.

No. 2458 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."

Introduced by: Senator Bunda.

No. 2459 "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER AUTHORITY."

Introduced by: Senator Bunda.

No. 2460 "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.”

Introduced by: Senator Bunda.

No. 2461 “A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES.”

Introduced by: Senator Bunda.

No. 2462 “A BILL FOR AN ACT RELATING TO AN EQUESTRIAN TRAINING FACILITY.”

Introduced by: Senator Bunda, by request.

No. 2463 “A BILL FOR AN ACT RELATING TO INSURANCE.”

Introduced by: Senator Bunda.

No. 2464 “A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE.”

Introduced by: Senators Menor, Ihara, Fukunaga, English, Chun Oakland, Matsuura.

No. 2465 “A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND.”

Introduced by: Senator Menor, by request.

No. 2466 “A BILL FOR AN ACT RELATING TO VOTER EDUCATION MONTH.”

Introduced by: Senators Menor, Sakamoto, Chun Oakland, Ihara, Fukunaga, Hanabusa, Buen, English, Matsuura.

No. 2467 “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.”

Introduced by: Senator Menor.

No. 2468 “A BILL FOR AN ACT RELATING TO CONTRACTORS.”

Introduced by: Senator Menor, by request.

No. 2469 “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS.”

Introduced by: Senators Menor, Fukunaga, Chun Oakland, Matsuura, Ihara, Buen, English, Hanabusa, Sakamoto.

No. 2470 “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES.”

Introduced by: Senator Menor, by request.

No. 2471 “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES.”

Introduced by: Senator Menor, by request.

No. 2472 “A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS.”

Introduced by: Senators English, Chun.

No. 2473 “A BILL FOR AN ACT RELATING TO TAXATION.”

Introduced by: Senators English, Chumbley, Buen.

No. 2474 “A BILL FOR AN ACT RELATING TO AGRICULTURE.”

Introduced by: Senators English, Chumbley, Buen.

No. 2475 “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.”

Introduced by: Senators English, Chun.

No. 2476 “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.”

Introduced by: Senators English, Chun.

No. 2477 “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.”

Introduced by: Senators English, Chun.

No. 2478 “A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS.”

Introduced by: Senators English, Chun.

No. 2479 “A BILL FOR AN ACT RELATING TO PEST CONTROL.”

Introduced by: Senators Buen, Matsuura, Chun, Kokubun, English, Hogue, Kawamoto, Nakata, Hanabusa, Chumbley, Kim, Slom.

No. 2480 “A BILL FOR AN ACT RELATING TO THE SALE, TRANSPORT, OR SHIPMENT OF AGRICULTURAL COMMODITIES.”

Introduced by: Senators Buen, Matsuura, Chun, Kokubun, Kawamoto, Chumbley, Kim, Slom, Nakata, Hanabusa.

No. 2481 “A BILL FOR AN ACT RELATING TO LIVESTOCK.”

Introduced by: Senators Buen, Matsuura, Kokubun, Chun, Chumbley, Kawamoto, English, Kim, Nakata, Hogue, Hanabusa, Ihara, Slom.

No. 2482 “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT.”

Introduced by: Senators Buen, Matsuura, Kokubun, Slom, Nakata, Chun, Kawamoto, Hanabusa, Chumbley, English, Kim, Ihara.

No. 2483 “A BILL FOR AN ACT RELATING TO CONTROL OR ERADICATION OF PESTS.”

Introduced by: Senators Buen, Matsuura, English, Kokubun, Kawamoto, Kim, Nakata, Chun, Chumbley, Hogue, Hanabusa, Slom.

No. 2484 “A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING.”

- Introduced by: Senator Kawamoto.
- No. 2485 "A BILL FOR AN ACT RELATING TO ECONOMIC EMERGENCY."
- Introduced by: Senator Kawamoto.
- No. 2486 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE."
- Introduced by: Senator Kawamoto, by request.
- No. 2487 "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE."
- Introduced by: Senator Kawamoto.
- No. 2488 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES."
- Introduced by: Senator Kawamoto.
- No. 2489 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."
- Introduced by: Senator Kawamoto, by request.
- No. 2490 "A BILL FOR AN ACT RELATING TO COFFEE."
- Introduced by: Senators Buen, Chun, Matsuura, Slom, Nakata, English.
- No. 2491 "A BILL FOR AN ACT RELATING TO IRRIGATION WATER SYSTEMS."
- Introduced by: Senators Buen, Matsuura, Chun, Hogue, Kawamoto, Hanabusa, English, Chumbley, Slom.
- No. 2492 "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES."
- Introduced by: Senators Buen, Chun, Kawamoto, Matsuura, English, Chumbley.
- No. 2493 "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT."
- Introduced by: Senators Buen, Matsuura, Kokubun, Slom, Nakata, Chun, Hogue, Kawamoto, Hanabusa, Chumbley, English, Kim.
- No. 2494 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES."
- Introduced by: Senators Buen, Kawamoto, English, Slom, Nakata, Chun, Matsuura.
- No. 2495 "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT."
- Introduced by: Senators Matsuura, Buen, Hanabusa, Nakata, Chun, Taniguchi, Kokubun.
- No. 2496 "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS."
- Introduced by: Senator Matsuura.
- No. 2497 "A BILL FOR AN ACT RELATING TO HYPNOTHERAPISTS."
- Introduced by: Senator Matsuura.
- No. 2498 "A BILL FOR AN ACT RELATING TO SOCIAL WORK."
- Introduced by: Senators Matsuura, Kokubun, Taniguchi, Chun Oakland, Nakata, Kanno.
- No. 2499 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."
- Introduced by: Senator Matsuura.
- No. 2500 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
- Introduced by: Senators Chun, Matsuura, Chun Oakland, English, Fukunaga, Kanno, Kokubun.
- No. 2501 "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND."
- Introduced by: Senator Slom.
- No. 2502 "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA."
- Introduced by: Senator Slom, by request.
- No. 2503 "A BILL FOR AN ACT RELATING TO ARSON."
- Introduced by: Senators Slom, Hemmings.
- No. 2504 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."
- Introduced by: Senators Slom, Hemmings.
- No. 2505 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
- Introduced by: Senator Taniguchi.
- No. 2506 "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDIT."
- Introduced by: Senator Taniguchi.
- No. 2507 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
- Introduced by: Senator Taniguchi.
- No. 2508 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
- Introduced by: Senator Taniguchi.
- No. 2509 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- Introduced by: Senator Taniguchi.
- No. 2510 "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT."
- Introduced by: Senator Taniguchi.

No. 2511 "A BILL FOR AN ACT MAKING A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO CLEAN UP SALT LAKE WATERWAY."

Introduced by: Senator Sakamoto.

No. 2512 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Senator Sakamoto.

No. 2513 "A BILL FOR AN ACT RELATING TO THE RE-LICENSURE OF ARCHITECTS."

Introduced by: Senator Sakamoto.

No. 2514 "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD."

Introduced by: Senator Sakamoto.

No. 2515 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senator Inouye.

No. 2516 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII."

Introduced by: Senator Inouye.

No. 2517 "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES."

Introduced by: Senators Kokubun, English, Matsuura, Nakata, Fukunaga, Hemmings, Taniguchi.

No. 2518 "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS."

Introduced by: Senators Kokubun, English, Matsuura, Nakata, Fukunaga, Hemmings, Taniguchi.

No. 2519 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Menor, Fukunaga, Chun Oakland, Matsuura, Chumbley, Ige, Tam, Ihara, Hanabusa, Sakamoto, Buen, English, Kokubun, Nakata.

No. 2520 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Menor, Fukunaga, Chun Oakland, Matsuura, Chumbley, Ige, Tam, Ihara, Hanabusa, Sakamoto, Buen, English, Nakata, Kokubun.

No. 2521 "A BILL FOR AN ACT RELATING TO MANDATORY HEALTH COVERAGE FOR HEALTH PROFESSIONAL SERVICES."

Introduced by: Senator Bunda.

No. 2522 "A BILL FOR AN ACT RELATING TO OPTOMETRY."

Introduced by: Senator Bunda.

No. 2523 "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT."

Introduced by: Senator Kanno.

No. 2524 "A BILL FOR AN ACT RELATING TO A CENTER FOR NURSING."

Introduced by: Senator Kanno.

No. 2525 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Kanno.

No. 2526 "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES."

Introduced by: Senator Kanno.

No. 2527 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."

Introduced by: Senator Kanno.

No. 2528 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Kanno.

No. 2529 "A BILL FOR AN ACT RELATING TO STALKING"

Introduced by: Senator Kanno.

No. 2530 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS."

Introduced by: Senator Kanno.

No. 2531 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVI OF THE CONSTITUTION OF THE STATE OF HAWAII."

Introduced by: Senator Kanno.

No. 2532 "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT."

Introduced by: Senator Kanno.

No. 2533 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Senators English, Chumbley, Buen.

No. 2534 "A BILL FOR AN ACT RELATING TO SOCIAL SERVICE FACILITIES."

Introduced by: Senator Tam.

No. 2535 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND DESIGN OF AN OCEAN PARK IN RELATION TO ECONOMIC DEVELOPMENT."

Introduced by: Senator Tam.

No. 2536 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPUTER EDUCATION IN DEPARTMENT OF EDUCATION SCHOOLS."

Introduced by: Senator Tam.

No. 2537 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FUND RAISING TAX EXEMPTION."

Introduced by: Senator Tam.

No. 2538 "A BILL FOR AN ACT RELATING TO RESTRICTIVE TECHNOLOGY EMPLOYMENT CONTRACTS."

Introduced by: Senator Tam.

No. 2539 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Senator Tam.

No. 2540 "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT."

Introduced by: Senator Tam.

No. 2541 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."

Introduced by: Senator Ihara.

No. 2542 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Ihara, Matsuura, Chun Oakland, Matsunaga, Hogue, Fukunaga, Kokubun, Nakata.

No. 2543 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senators Ihara, Matsunaga, Nakata, Chun Oakland.

No. 2544 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, Chumbley, Chun Oakland, Kokubun, Matsuura.

No. 2545 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."

Introduced by: Senators Ihara, Chumbley, Chun Oakland, Tam, Matsuura.

No. 2546 "A BILL FOR AN ACT RELATING TO INSTANT RUNOFF VOTING."

Introduced by: Senator Ihara.

No. 2547 "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."

Introduced by: Senator Ihara.

No. 2548 "A BILL FOR AN ACT RELATING TO UNDERGROUND UTILITY LINES."

Introduced by: Senator Ihara.

No. 2549 "A BILL FOR AN ACT RELATING TO LICENSE PLATES."

Introduced by: Senator Ihara, by request.

No. 2550 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."

Introduced by: Senator Ihara.

**ADJOURNMENT**

At 6:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Wednesday, January 23, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

**FIFTH DAY**

**Wednesday, January 23, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Fourth Day.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 95 to 103) were read by the Clerk and were placed on file:

Gov. Msg. No. 95, dated January 15, 2002, transmitting the Department of Commerce and Consumer Affairs' Annual Compliance Resolution Fund Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 96, dated January 17, 2002, transmitting the 2002 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, Department of Commerce and Consumer Affairs, pursuant to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 97, dated January 9, 2002, transmitting the Hawaii Real Estate Commission Progress Report on the Recodification of Chapter 514A, HRS, prepared by the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Hawaii Real Estate Commission, pursuant to Act 213, Section 4, SLH 2000.

Gov. Msg. No. 98, dated January 9, 2002, transmitting the Hawaii Real Estate Commission Annual Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 99, dated January 10, 2002, transmitting the Annual Report on the Activities of the Kaneohe Bay Regional Council, prepared by the Department of Land and Natural Resources pursuant to Section 200D-5, HRS.

Gov. Msg. No. 100, dated January 15, 2002, transmitting the Final Report on Discussions With Affected Ranchers in Connection with the Saddle Road Realignment Project, prepared by the Department of Land and Natural Resources pursuant to Act 236, Section 2, SLH 2001.

Gov. Msg. No. 101, dated January 15, 2002, transmitting the Annual Report on the Natural Area Reserves System and Natural Area Partnership Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195-6.6, HRS.

Gov. Msg. No. 102, dated January 15, 2002, transmitting the Report on the Hawaii Statewide Trail and Access System Known as "Na Ala Hele," prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 198D-9, HRS.

Gov. Msg. No. 103, dated January 15, 2002, transmitting the Annual Report Relating to the Forest Stewardship Program, prepared by the Department of Land and Natural Resources,

Division of Forestry and Wildlife, pursuant to Section 195F-6, HRS.

**SENATE CONCURRENT RESOLUTION**

The following concurrent resolution (S.C.R. No. 15) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 15 "SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP OF REPRESENTATIVES FROM HAWAIIAN ORGANIZATIONS AND THE DEPARTMENT OF HEALTH TO FORM A COALITION TO PROVIDE BETTER ACCESS TO STATE VITAL STATISTICS RECORDS."

Offered by: Senators English, Chun.

**SPECIAL COMMITTEE REPORT**

Senator Buen, for the Special Committee on Agricultural Theft, presented a report (Spec. Com. Rep. No. 3) of certain findings and recommendations of the Committee.

The President then ordered the Clerk to file Spec. Com. Rep. No. 3.

**ORDER OF THE DAY**

**REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Wednesday, January 16, 2002, and Thursday, January 17, 2002:

Senate Bill	Referred to:
No. 2001	Committee on Transportation, Military Affairs, and Government Operations
No. 2002	Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
No. 2003	Committee on Transportation, Military Affairs, and Government Operations
No. 2004	Committee on Ways and Means
No. 2005	Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
No. 2006	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 2007	Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs
No. 2008	Committee on Water, Land, Energy, and Environment
No. 2009	Jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2010	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2032	Committee on Education, then to the Committee on Ways and Means
No. 2011	Committee on Education, then to the Committee on Ways and Means	No. 2033	Committee on Education, then to the Committee on Ways and Means
No. 2012	Committee on Education, then to the Committee on Labor	No. 2034	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
No. 2013	Committee on Education	No. 2035	Committee on Education
No. 2014	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2036	Committee on Education, then to the Committee on Ways and Means
No. 2015	Committee on Economic Development and Technology	No. 2037	Committee on Labor, then to the Committee on Judiciary
No. 2016	Committee on Education, then to the Committee on Judiciary	No. 2038	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2017	Committee on Education, then to the Committee on Ways and Means	No. 2039	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2018	Committee on Education, then to the Committee on Ways and Means	No. 2040	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2019	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2041	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2020	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2042	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2021	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2043	Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2022	Committee on Health and Human Services	No. 2044	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2023	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2045	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2024	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2046	Committee on Judiciary
No. 2025	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2047	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2026	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2048	Committee on Commerce, Consumer Protection and Housing
No. 2027	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2049	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2028	Jointly to the Committee on Agriculture and the Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2050	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means
No. 2029	Committee of the Whole Senate	No. 2051	Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2030	Committee on Commerce, Consumer Protection and Housing	No. 2052	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2031	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2053	Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2054	Committee on Ways and Means	No. 2554 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
No. 2055	Committee on Education, then to the Committee on Labor	Introduced by: Senator Chun Oakland.
No. 2056	Committee on Education, then to the Committee on Judiciary	No. 2555 "A BILL FOR AN ACT RELATING TO ELECTIONS."
No. 2057	Committee on Education, then to the Committee on Tourism and Intergovernmental Affairs	Introduced by: Senator Chun Oakland.
No. 2058	Committee on Ways and Means	No. 2556 "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY."
No. 2059	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	Introduced by: Senators Kim, Chumbley, Matsuura, Hemmings, Hanabusa.
No. 2060	Jointly to the Committee on Education and the Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2557 "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND."
No. 2061	Committee on Health and Human Services, then to the Committee on Judiciary	Introduced by: Senator Hogue.
No. 2062	Committee on Judiciary	No. 2558 "A BILL FOR AN ACT RELATING TO SCHOOL-LEVEL MINOR REPAIRS AND MAINTENANCE."
No. 2063	Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means	Introduced by: Senators Hogue, Hemmings, Slom.
No. 2064	Jointly to the Committee on Education and the Committee on Health and Human Services	No. 2559 "A BILL FOR AN ACT RELATING TO EDUCATION."
No. 2065	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	Introduced by: Senator Hogue.
No. 2066	Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2560 "A BILL FOR AN ACT RELATING TO PRINCIPALS."

**INTRODUCTION OF SENATE BILLS**

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:50 o'clock a.m., the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2551 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Chun Oakland.

No. 2552 "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES."

Introduced by: Senator Chun Oakland.

No. 2553 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OUTREACH SERVICES FOR THE HOMELESS."

Introduced by: Senator Chun Oakland.

Introduced by: Senators Ige, Kim, Kawamoto.

No. 2563 "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE."

Introduced by: Senators Hemmings, Hogue, Tam, Matsuura, Matsunaga, Slom, Kawamoto, Ihara, Kokubun.

No. 2564 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY OFFICERS."

Introduced by: Senators Hemmings, Hogue, Kim, Tam, Slom, Matsuura, Kawamoto, Matsunaga, Ihara, Kokubun.

No. 2565 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ABOLITION OF THE OFFICE OF HAWAIIAN AFFAIRS AND THE ESTABLISHMENT OF A HAWAIIAN AUTONOMY TRUST."

Introduced by: Senators Hemmings, Slom, Hogue.

No. 2566 "A BILL FOR AN ACT RELATING TO A HAWAIIAN AUTONOMY TRUST."



Introduced by: Senators Hemmings, Slom, Hogue.

No. 2567 "A BILL FOR AN ACT RELATING TO LITTER."

Introduced by: Senators Hemmings, Kim, Tam, Slom, Matsuura, Kawamoto, Hogue.

No. 2568 "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY."

Introduced by: Senators Nakata, Chun Oakland, Matsuura, Chun.

No. 2569 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A KAHANA VALLEY MASTER PLAN."

Introduced by: Senator Nakata.

No. 2570 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE HIGH SCHOOL."

Introduced by: Senator Hanabusa.

No. 2571 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS."

Introduced by: Senators Kim, Chumbley, Matsuura, Hemmings, Sakamoto, Ige, Kawamoto, Tam, Kanno, English, Inouye.

No. 2572 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Kim, Kanno, Chumbley, Matsuura, Sakamoto, Kawamoto, English, Hemmings, Ige, Tam, Inouye.

No. 2573 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Slom, Hemmings, Hogue.

No. 2574 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Senators Slom, Kim, Hemmings, Hogue.

No. 2575 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CHECKING OF THE VALIDITY OF REGISTERED VOTERS."

Introduced by: Senators Slom, Kim, Hemmings, Hogue, Chun Oakland.

No. 2576 "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX HOLIDAY."

Introduced by: Senator Slom.

No. 2577 "A BILL FOR AN ACT RELATING TO THE IMPORTATION OF BIRDS."

Introduced by: Senator Bunda.

No. 2578 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senator Bunda.

No. 2579 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Bunda.

No. 2580 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Bunda.

No. 2581 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENTALLY DISABLED."

Introduced by: Senator Bunda.

No. 2582 "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE."

Introduced by: Senator Menor, by request.

No. 2583 "A BILL FOR AN ACT RELATING TO SOCIAL WORK."

Introduced by: Senator Menor, by request.

No. 2584 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES."

Introduced by: Senator Menor, by request.

No. 2585 "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS."

Introduced by: Senator Menor, by request.

No. 2586 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY."

Introduced by: Senator Menor.

No. 2587 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND MAKING AN APPROPRIATION FOR STUDENT HOUSING."

Introduced by: Senator Taniguchi, by request.

No. 2588 "A BILL FOR AN ACT RELATING TO VOLUNTEER LEGAL SERVICES HAWAII."

Introduced by: Senator Taniguchi.

No. 2589 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL COMPLIANCE."

Introduced by: Senators English, Chumbley, Buen.

No. 2590 "A BILL FOR AN ACT RELATING TO MEDICAID."

Introduced by: Senators Matsuura, Hanabusa.

No. 2591 "A BILL FOR AN ACT RELATING TO HANA COMMUNITY HEALTH CENTER."

Introduced by: Senators Matsuura, Chumbley, Buen, Hanabusa, English.

No. 2592 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SECOND SENATORIAL DISTRICT."

- Introduced by: Senator Matsuura.
- No. 2593 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
- Introduced by: Senator Matsuura.
- No. 2594 "A BILL FOR AN ACT RELATING TO DRUGS."
- Introduced by: Senator Matsuura.
- No. 2595 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS."
- Introduced by: Senators Chun, Matsuura.
- No. 2596 "A BILL FOR AN ACT RELATING TO KOKEE STATE PARK."
- Introduced by: Senator Chun.
- No. 2597 "A BILL FOR AN ACT RELATING TO IMMUNITY FROM LIABILITY."
- Introduced by: Senators Chun, Buen, English, Matsuura, Kokubun.
- No. 2598 "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS AND ORGANIZATIONS."
- Introduced by: Senators Chun, Matsuura, Kokubun, Menor, Fukunaga, Chun Oakland, Matsunaga.
- No. 2599 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY."
- Introduced by: Senators Chun, English, Kokubun.
- No. 2600 "A BILL FOR AN ACT RELATING TO CONCESSIONAIRES."
- Introduced by: Senators Kawamoto, Kanno, Fukunaga, Menor, Buen.
- No. 2601 "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION."
- Introduced by: Senator Kawamoto, by request.
- No. 2602 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Tam.
- No. 2603 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GENETIC ENGINEERING ASSESSMENT."
- Introduced by: Senator Tam.
- No. 2604 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."
- Introduced by: Senator Tam.
- No. 2605 "A BILL FOR AN ACT RELATING TO THE INCOME TAX."
- Introduced by: Senators Tam, Matsunaga, Ige, Kim, Slom.
- No. 2606 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
- Introduced by: Senators Tam, Matsunaga, Ige, Kim, Slom.
- No. 2607 "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002."
- Introduced by: Senator Kanno.
- No. 2608 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senator Kanno.
- No. 2609 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."
- Introduced by: Senator Kanno.
- No. 2610 "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION."
- Introduced by: Senator Kanno.
- No. 2611 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."
- Introduced by: Senator Kanno.
- No. 2612 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO."
- Introduced by: Senator Inouye.
- No. 2613 "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS."
- Introduced by: Senators Inouye, Hemmings, English, Chun, Kokubun, Chun Oakland, Fukunaga, Kim, Ihara, Menor, Tam.
- No. 2614 "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES."
- Introduced by: Senators Inouye, Chun, Hemmings, Slom, Matsunaga, Kokubun, Sakamoto, Ige, Fukunaga, Ihara, Chun Oakland, Tam.
- No. 2615 "A BILL FOR AN ACT RELATING TO ENERGY."
- Introduced by: Senators Inouye, Chun, Kokubun, Chun Oakland, English, Fukunaga, Hanabusa, Kim, Ihara, Tam.
- No. 2616 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS UNDER THE CUSTODY OF THE DEPARTMENT OF EDUCATION."
- Introduced by: Senators Inouye, Chun Oakland, Chun.
- No. 2617 "A BILL FOR AN ACT RELATING TO ELECTIONS."
- Introduced by: Senators Kim, Matsuura, Kokubun, Chun, Hemmings, Hanabusa, Ige, Kawamoto, Chun Oakland, Buen, Ihara, Bunda.

No. 2618 "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATIONS."

Introduced by: Senator Kim, by request.

No. 2619 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2620 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Bunda, by request.

No. 2621 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."

Introduced by: Senator Bunda, by request.

No. 2622 "A BILL FOR AN ACT RELATING TO ELECTION RECOUNTS."

Introduced by: Senator Bunda, by request.

No. 2623 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator Bunda, by request.

No. 2624 "A BILL FOR AN ACT RELATING TO THE COURTS."

Introduced by: Senator Bunda, by request.

No. 2625 "A BILL FOR AN ACT RELATING TO THE COURTS."

Introduced by: Senator Bunda, by request.

No. 2626 "A BILL FOR AN ACT RELATING TO ELECTRONIC TRANSACTIONS."

Introduced by: Senator Bunda, by request.

No. 2627 "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS."

Introduced by: Senator Bunda, by request.

No. 2628 "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS."

Introduced by: Senator Bunda, by request.

No. 2629 "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE."

Introduced by: Senator Bunda, by request.

No. 2630 "A BILL FOR AN ACT RELATING TO VENUE."

Introduced by: Senator Bunda, by request.

No. 2631 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES."

Introduced by: Senator Bunda, by request.

No. 2632 "A BILL FOR AN ACT RELATING TO ARRESTS."

Introduced by: Senator Bunda, by request.

No. 2633 "A BILL FOR AN ACT RELATING TO JUROR PRIVACY."

Introduced by: Senator Bunda, by request.

No. 2634 "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT."

Introduced by: Senator Bunda, by request.

No. 2635 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senator Bunda.

No. 2636 "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPY."

Introduced by: Senator Bunda.

No. 2637 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM AND STOREROOM REVOLVING FUND."

Introduced by: Senator Bunda.

No. 2638 "A BILL FOR AN ACT RELATING TO THE AUDITOR."

Introduced by: Senator Bunda.

No. 2639 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Bunda.

No. 2640 "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS."

Introduced by: Senator Bunda.

No. 2641 "A BILL FOR AN ACT RELATING TO ADULT EDUCATION."

Introduced by: Senator Bunda.

No. 2642 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senator Bunda.

No. 2643 "A BILL FOR AN ACT RELATING TO TRAFFIC FINES."

Introduced by: Senator Bunda.

No. 2644 "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY."

Introduced by: Senator Bunda.

No. 2645 "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS."

Introduced by: Senator Bunda, by request.

No. 2646 "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS."

Introduced by: Senator Bunda, by request.

No. 2647 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC HEALTH AND MORALS."

Introduced by: Senator Bunda, by request.

No. 2648 "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS."

Introduced by: Senator Bunda, by request.

No. 2649 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO CONFORM TO THE UNITED STATES CONSTITUTION."

Introduced by: Senator Bunda, by request.

No. 2650 "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS."

Introduced by: Senator Bunda, by request.

No. 2651 "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS."

Introduced by: Senator Bunda, by request.

No. 2652 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAUAI REGIONAL STADIUM COMPLEXES."

Introduced by: Senator Bunda, by request.

No. 2653 "A BILL FOR AN ACT RELATING TO LANDOWNER'S LIABILITY."

Introduced by: Senator Bunda, by request.

No. 2654 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE COUNTY OF KAUAI CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Bunda, by request.

No. 2655 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS."

Introduced by: Senator Bunda, by request.

No. 2656 "A BILL FOR AN ACT RELATING TO LANDOWNER'S LIABILITY."

Introduced by: Senator Bunda, by request.

No. 2657 "A BILL FOR AN ACT RELATING TO TRAFFIC FINES."

Introduced by: Senator Bunda, by request.

No. 2658 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senator Bunda, by request.

No. 2659 "A BILL FOR AN ACT RELATING TO ACCEPTANCE OF PROPERTY BY COUNTIES."

Introduced by: Senator Bunda, by request.

No. 2660 "A BILL FOR AN ACT RELATING TO TEACHER LICENSURE."

Introduced by: Senator Sakamoto.

No. 2661 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Sakamoto.

No. 2662 "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS."

Introduced by: Senators Sakamoto, Matsunaga, Kawamoto, Ige, Fukunaga, Kim, Chun Oakland, Kanno, Hemmings, English, Hogue.

No. 2663 "A BILL FOR AN ACT RELATING TO TELEMARKETING."

Introduced by: Senators Sakamoto, Kanno, Kawamoto, Kim, Chun Oakland, English, Kokubun.

No. 2664 "A BILL FOR AN ACT RELATING TO COACHES."

Introduced by: Senator Sakamoto.

No. 2665 "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING."

Introduced by: Senators Buen, Kim, English, Chun, Ihara.

No. 2666 "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS."

Introduced by: Senators Buen, Kokubun, Chun, Kim, English, Ihara.

No. 2667 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Senators Kokubun, English, Chun, Matsunaga, Kanno, Matsuura, Chun Oakland, Fukunaga, Hanabusa, Tam, Menor, Kim.

No. 2668 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senators Kokubun, Fukunaga, Kanno, Matsuura, Chun Oakland, English, Chun, Hanabusa, Kim, Tam.

No. 2669 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROJECTS ON THE ISLANDS OF MAUI AND HAWAII."

Introduced by: Senators Kokubun, Fukunaga, Hanabusa, Kanno, English, Matsunaga, Chun, Matsuura, Menor, Chun Oakland, Tam, Kim.

No. 2670 "A BILL FOR AN ACT RELATING TO IMPROVEMENTS TO PUBLIC 'ROADS IN LIMBO.'"

Introduced by: Senators Kokubun, Inouye, Matsuura, English, Menor, Kim, Kanno, Tam, Fukunaga, Hanabusa, Matsunaga, Chun, Chun Oakland.

No. 2671 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE APPLICATIONS."

Introduced by: Senators Ihara, Fukunaga.

No. 2672 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."

Introduced by: Senators Ihara, Chumbley.

No. 2673 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senators Ihara, Fukunaga.

No. 2674 "A BILL FOR AN ACT RELATING TO STATE PARKS."

Introduced by: Senators Ihara, Kokubun, Fukunaga.

No. 2675 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, Chumbley, Fukunaga.

No. 2676 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Fukunaga, Matsuura, Ihara, Kokubun, English, Kanno, Chumbley, Tam.

No. 2677 "A BILL FOR AN ACT RELATING TO SEATBELTS."

Introduced by: Senator Fukunaga.

No. 2678 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."

Introduced by: Senator Bunda, by request.

No. 2679 "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM."

Introduced by: Senator Bunda, by request.

No. 2680 "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES."

Introduced by: Senator Bunda, by request.

No. 2681 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS."

Introduced by: Senator Bunda, by request.

No. 2682 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."

Introduced by: Senator Bunda, by request.

No. 2683 "A BILL FOR AN ACT RELATING TO COMPUTER CRIME."

Introduced by: Senator Bunda, by request.

No. 2684 "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN."

Introduced by: Senator Bunda, by request.

No. 2685 "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES."

Introduced by: Senator Bunda, by request.

No. 2686 "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS."

Introduced by: Senator Bunda, by request.

No. 2687 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Senator Bunda, by request.

No. 2688 "A BILL FOR AN ACT RELATING TO THE SUPERVISION OF CHARITABLE TRUSTS AND NONPROFIT ORGANIZATIONS ACT."

Introduced by: Senator Bunda, by request.

No. 2689 "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC."

Introduced by: Senator Bunda, by request.

No. 2690 "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT."

Introduced by: Senator Bunda, by request.

No. 2691 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."

Introduced by: Senator Bunda, by request.

No. 2692 "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN."

Introduced by: Senator Bunda, by request.

No. 2693 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."

Introduced by: Senator Bunda, by request.

No. 2694 "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE."

Introduced by: Senator Bunda, by request.

No. 2695 "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS."

Introduced by: Senator Bunda, by request.

No. 2696 "A BILL FOR AN ACT RELATING TO IDENTITY."

Introduced by: Senator Bunda, by request.

No. 2697 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senator Bunda, by request.

No. 2698 "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES."

Introduced by: Senator Bunda, by request.

No. 2699 "A BILL FOR AN ACT RELATING TO LITIGATION INVOLVING HIGHWAYS."

Introduced by: Senator Bunda, by request.

No. 2700 "A BILL FOR AN ACT RELATING TO LIABILITY OF THE STATE."

Introduced by: Senator Bunda, by request.

No. 2701 "A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS."

Introduced by: Senator Bunda, by request.

No. 2702 "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."

Introduced by: Senator Bunda, by request.

No. 2703 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Bunda, by request.

No. 2704 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Bunda, by request.

No. 2705 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2706 "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."

Introduced by: Senator Bunda, by request.

No. 2707 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS."

Introduced by: Senator Bunda, by request.

No. 2708 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2709 "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER."

Introduced by: Senator Bunda, by request.

No. 2710 "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES."

Introduced by: Senator Bunda, by request.

No. 2711 "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM."

Introduced by: Senator Bunda, by request.

No. 2712 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Senator Bunda, by request.

No. 2713 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP."

Introduced by: Senator Bunda, by request.

No. 2714 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Senator Bunda, by request.

No. 2715 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2716 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Senator Bunda, by request.

No. 2717 "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES."

Introduced by: Senator Bunda, by request.

No. 2718 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2719 "A BILL FOR AN ACT RELATING TO THE ORGANIZATION OF STATE GOVERNMENT."

Introduced by: Senator Bunda, by request.

No. 2720 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2721 "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2722 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."

Introduced by: Senator Bunda, by request.

No. 2723 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS."

Introduced by: Senator Bunda, by request.

No. 2724 "A BILL FOR AN ACT RELATING TO REAL ESTATE."

Introduced by: Senator Bunda, by request.

No. 2725 "A BILL FOR AN ACT RELATING TO NATUROPATHY."

- Introduced by: Senator Bunda, by request.
- No. 2726 "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS."  
Introduced by: Senator Bunda, by request.
- No. 2727 "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT."  
Introduced by: Senator Bunda, by request.
- No. 2728 "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES."  
Introduced by: Senator Bunda, by request.
- No. 2729 "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION."  
Introduced by: Senator Bunda, by request.
- No. 2730 "A BILL FOR AN ACT RELATING TO MERGERS."  
Introduced by: Senator Bunda, by request.
- No. 2731 "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT."  
Introduced by: Senator Bunda, by request.
- No. 2732 "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION."  
Introduced by: Senator Bunda, by request.
- No. 2733 "A BILL FOR AN ACT RELATING TO INSURANCE."  
Introduced by: Senator Bunda, by request.
- No. 2734 "A BILL FOR AN ACT RELATING TO COMMERCIAL EMPLOYMENT AGENCIES."  
Introduced by: Senator Bunda, by request.
- No. 2735 "A BILL FOR AN ACT RELATING TO FEES PAID TO THE DIVISION OF FINANCIAL INSTITUTIONS."  
Introduced by: Senator Bunda, by request.
- No. 2736 "A BILL FOR AN ACT RELATING TO EMPLOYMENT STATUS OF PERSONNEL OF THE HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY."  
Introduced by: Senator Bunda, by request.
- No. 2737 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."  
Introduced by: Senator Bunda, by request.
- No. 2738 "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES."  
Introduced by: Senator Bunda, by request.
- No. 2739 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS."  
Introduced by: Senator Bunda, by request.
- No. 2740 "A BILL FOR AN ACT RELATING TO NEW CENTURY CHARTER SCHOOLS."  
Introduced by: Senator Bunda, by request.
- No. 2741 "A BILL FOR AN ACT RELATING TO EDUCATION."  
Introduced by: Senator Bunda, by request.
- No. 2742 "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND."  
Introduced by: Senator Bunda, by request.
- No. 2743 "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES."  
Introduced by: Senator Bunda, by request.
- No. 2744 "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF THE TRANSIENT ACCOMMODATIONS TAX."  
Introduced by: Senator Bunda, by request.
- No. 2745 "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY."  
Introduced by: Senator Bunda.
- No. 2746 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF ALOHA STADIUM TO THE UNIVERSITY OF HAWAII."  
Introduced by: Senator Bunda, by request.
- No. 2747 "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY."  
Introduced by: Senator Bunda, by request.
- No. 2748 "A BILL FOR AN ACT RELATING TO THE COUNTIES' EMINENT DOMAIN POWERS."  
Introduced by: Senator Bunda, by request.
- No. 2749 "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO DEATH WITH DIGNITY."  
Introduced by: Senator Bunda.
- No. 2750 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Bunda, by request.
- No. 2751 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Bunda, by request.

No. 2752 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Bunda, by request.

No. 2753 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES."

Introduced by: Senator Bunda, by request.

No. 2754 "A BILL FOR AN ACT RELATING TO CHILD CARE."

Introduced by: Senator Bunda, by request.

No. 2755 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Bunda, by request.

No. 2756 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Bunda, by request.

No. 2757 "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000."

Introduced by: Senator Bunda, by request.

No. 2758 "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000."

Introduced by: Senator Bunda, by request.

No. 2759 "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS."

Introduced by: Senator Bunda, by request.

No. 2760 "A BILL FOR AN ACT RELATING TO MARRIAGE."

Introduced by: Senator Bunda, by request.

No. 2761 "A BILL FOR AN ACT RELATING TO VITAL STATISTICS."

Introduced by: Senator Bunda, by request.

No. 2762 "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS."

Introduced by: Senator Bunda, by request.

No. 2763 "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS."

Introduced by: Senator Bunda, by request.

No. 2764 "A BILL FOR AN ACT RELATING TO VITAL STATISTICS."

Introduced by: Senator Bunda, by request.

No. 2765 "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS."

Introduced by: Senator Bunda, by request.

No. 2766 "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION."

Introduced by: Senator Bunda, by request.

No. 2767 "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES."

Introduced by: Senator Bunda, by request.

No. 2768 "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES."

Introduced by: Senator Bunda, by request.

No. 2769 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Senator Bunda, by request.

No. 2770 "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND."

Introduced by: Senator Bunda, by request.

No. 2771 "A BILL FOR AN ACT RELATING TO THE REDUCTION OF CARBON DIOXIDE EMISSIONS."

Introduced by: Senator Bunda, by request.

No. 2772 "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS."

Introduced by: Senator Bunda, by request.

No. 2773 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION."

Introduced by: Senator Bunda, by request.

No. 2774 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING."

Introduced by: Senator Bunda, by request.

No. 2775 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Bunda, by request.

No. 2776 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senator Bunda, by request.

No. 2777 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senator Bunda, by request.

No. 2778 "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF PARKING FOR PERSONS WITH DISABILITIES."



- Introduced by: Senator Bunda, by request.
- No. 2779 "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE."  
Introduced by: Senator Bunda, by request.
- No. 2780 "A BILL FOR AN ACT RELATING TO SMOKING."  
Introduced by: Senator Bunda, by request.
- No. 2781 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."  
Introduced by: Senator Bunda, by request.
- No. 2782 "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING."  
Introduced by: Senator Bunda, by request.
- No. 2783 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS."  
Introduced by: Senator Bunda, by request.
- No. 2784 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."  
Introduced by: Senator Bunda, by request.
- No. 2785 "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT."  
Introduced by: Senator Bunda, by request.
- No. 2786 "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD."  
Introduced by: Senator Bunda, by request.
- No. 2787 "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW."  
Introduced by: Senator Bunda, by request.
- No. 2788 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS."  
Introduced by: Senator Bunda, by request.
- No. 2789 "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS."  
Introduced by: Senator Bunda.
- No. 2790 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM."  
Introduced by: Senator Bunda, by request.
- No. 2791 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM."  
Introduced by: Senator Bunda, by request.
- No. 2792 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM."  
Introduced by: Senator Bunda, by request.
- No. 2793 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM."  
Introduced by: Senator Bunda, by request.
- No. 2794 "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999."  
Introduced by: Senator Bunda, by request.
- No. 2795 "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."  
Introduced by: Senator Bunda, by request.
- No. 2796 "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."  
Introduced by: Senator Bunda, by request.
- No. 2797 "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT."  
Introduced by: Senator Bunda, by request.
- No. 2798 "A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES."  
Introduced by: Senator Bunda, by request.
- No. 2799 "A BILL FOR AN ACT RELATING TO NEGOTIATED LEASES."  
Introduced by: Senator Bunda, by request.
- No. 2800 "A BILL FOR AN ACT RELATING TO BOATING."  
Introduced by: Senator Bunda, by request.
- No. 2801 "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY PROJECTS."  
Introduced by: Senator Bunda, by request.
- No. 2802 "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS."  
Introduced by: Senator Bunda, by request.
- No. 2803 "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS ON PUBLIC LANDS."  
Introduced by: Senator Bunda, by request.
- No. 2804 "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS."  
Introduced by: Senator Bunda, by request.
- No. 2805 "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS."  
Introduced by: Senator Bunda, by request.

No. 2806 "A BILL FOR AN ACT RELATING TO ACCRETION."

Introduced by: Senator Bunda, by request.

No. 2807 "A BILL FOR AN ACT RELATING TO EXTENSION OF PUBLIC LAND LEASES."

Introduced by: Senator Bunda, by request.

No. 2808 "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE."

Introduced by: Senator Bunda, by request.

No. 2809 "A BILL FOR AN ACT RELATING TO HANDGUN HUNTING."

Introduced by: Senator Bunda, by request.

No. 2810 "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS."

Introduced by: Senator Bunda, by request.

No. 2811 "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES."

Introduced by: Senator Bunda, by request.

No. 2812 "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS."

Introduced by: Senator Bunda, by request.

No. 2813 "A BILL FOR AN ACT RELATING TO TIME FRAMES FOR BURIAL COUNCIL DETERMINATIONS."

Introduced by: Senator Bunda, by request.

No. 2814 "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001."

Introduced by: Senator Bunda, by request.

No. 2815 "A BILL FOR AN ACT RELATING TO REHIRING RETIRED SCHOOL ADMINISTRATORS."

Introduced by: Senator Bunda, by request.

No. 2816 "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS."

Introduced by: Senator Bunda, by request.

No. 2817 "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES."

Introduced by: Senator Bunda, by request.

No. 2818 "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES."

Introduced by: Senator Bunda, by request.

No. 2819 "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY."

Introduced by: Senator Bunda, by request.

No. 2820 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Senator Bunda, by request.

No. 2821 "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS."

Introduced by: Senator Bunda, by request.

No. 2822 "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT."

Introduced by: Senator Bunda, by request.

No. 2823 "A BILL FOR AN ACT RELATING TO EXPLOSIVES."

Introduced by: Senator Bunda, by request.

No. 2824 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

Introduced by: Senator Bunda, by request.

No. 2825 "A BILL FOR AN ACT RELATING TO THE TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES."

Introduced by: Senator Bunda, by request.

No. 2826 "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES."

Introduced by: Senator Bunda, by request.

No. 2827 "A BILL FOR AN ACT RELATING TO THE CONFORMITY OF THE STATE TAX LAWS TO THE UNITED STATES CONSTITUTION."

Introduced by: Senator Bunda, by request.

No. 2828 "A BILL FOR AN ACT RELATING TO THE CAPITAL GOODS EXCISE TAX CREDIT."

Introduced by: Senator Bunda, by request.

No. 2829 "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."

Introduced by: Senator Bunda, by request.

No. 2830 "A BILL FOR AN ACT RELATING TO THE CAPITAL GAINS TAX RATE."

Introduced by: Senator Bunda, by request.

No. 2831 "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT."

Introduced by: Senator Bunda, by request.

No. 2832 "A BILL FOR AN ACT RELATING TO LIQUOR TAX RATES."

Introduced by: Senator Bunda, by request.

No. 2833 "A BILL FOR AN ACT RELATING TO THE COUNCIL ON REVENUES."

Introduced by: Senator Bunda, by request.

No. 2834 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES."

Introduced by: Senator Bunda, by request.

No. 2835 "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS."

Introduced by: Senator Bunda, by request.

No. 2836 "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION FEE."

Introduced by: Senator Bunda, by request.

No. 2837 "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE."

Introduced by: Senator Bunda, by request.

No. 2838 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Senator Bunda, by request.

No. 2839 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS' LICENSING."

Introduced by: Senator Bunda, by request.

No. 2840 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senator Bunda, by request.

No. 2841 "A BILL FOR AN ACT RELATING TO PILOTAGE."

Introduced by: Senator Bunda, by request.

No. 2842 "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY."

Introduced by: Senator Bunda, by request.

No. 2843 "A BILL FOR AN ACT RELATING TO INDEMNIFICATION."

Introduced by: Senator Bunda, by request.

No. 2844 "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR."

Introduced by: Senator Bunda, by request.

No. 2845 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2846 "A BILL FOR AN ACT RELATING TO AUTHORIZING THE ESTABLISHMENT OF A SEPARATE CIVIL SERVICE SYSTEM FOR EMPLOYEES OF THE UNIVERSITY OF HAWAII."

Introduced by: Senator Bunda, by request.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Friday, January 25, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## SIXTH DAY

Friday, January 25, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Linda Magno, St. Jude Parish, Kapolei, after which the Roll was called showing all Senators present.

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

Senator Kim, on behalf of Senator Chun Oakland and herself, congratulated the Kamehameha Men's Varsity Volleyball Team on becoming the 2001 Hawaii State Volleyball Champions and introduced Coach Pono Ma'a and the following members of the team: Casey Brede, Jarrett Day, Chris Enos, Rickey Estrada, David Hoke, Eric Kalima, Kapena Kimball, Isaac Kneubuhl, William Melemai, Jordan Miyashiro, Adam Tuifagu and Thomas Ungas.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 9) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the Department of Business, Economic Development and Tourism dated November 29, 2001, transmitting the Department's 2002 Goals and Objectives, pursuant to Act 100, SLH 1999.

Dept. Com. No. 2, from the Supreme Court of Hawaii dated December 14, 2001, transmitting the Judiciary's Supplemental Budget (2001-2003), the Variance Report (2000-2002), and the 2001 Annual Report Statistical Supplement, pursuant to Section 601-2, HRS; the Annual Report of the Judiciary's Center for Alternative Dispute Resolution, pursuant to Section 6B-4, HRS; and the King Kamehameha V - Judicial History Center's Annual Report, pursuant to Section 6F-6, HRS.

Dept. Com. No. 3, from the Ombudsman dated December 17, 2001, transmitting the Report of the Ombudsman, For the Period July 1, 2000 - June 30, 2001, (Report No. 32), pursuant to Section 96-16, HRS.

Dept. Com. No. 4, from the State Auditor dated December 26, 2001, transmitting a report, "Follow-Up and Management Audit of the Felix Consent Decree," (Report No. 01-16).

Dept. Com. No. 5, from the Department of Business, Economic Development and Tourism dated December 28, 2001, transmitting a report, "Population by Major Race Categories Alone or in Combination for the State of Hawaii: 2000."

Dept. Com. No. 6, from the Hawaii Tourism Authority dated January 9, 2002, transmitting the 2001 Annual Report, pursuant to Sections 201B-16, 201-98, and 203-5.

Dept. Com. No. 7, from the Department of Budget and Finance dated January 9, 2002, transmitting a report, "Budget in Brief - The Executive Supplemental Budget FY 2003."

Dept. Com. No. 8, from the Department of Health dated January 14, 2002, transmitting the Indicators of Environmental Quality Report for the Year 2002.

Dept. Com. No. 9, from the State Auditor dated January 15, 2002, transmitting a report, "Sunset Evaluation Report: Marriage and Family Therapists," (Report No. 02-01).

Senator Hanabusa rose on a point of order as follows:

"Mr. President, I rise to a point of order.

"The point of order I rise to is whether there has been a breach of the Senate Rules. In specific, reference is made to Rules 25 and 45. At issue is the referral of S.B. No. 2029, which is entitled: Proposing an Amendment to Article XVI of the Constitution of the State of Hawaii Relating to Gambling, which is set forth in the referral sheet dated, I believe, Wednesday, January 23. I also note that this morning's referral sheet has a reference to S.B. No. 2326 on page 28, which is relating to a referendum on gaming.

"The breach of the Senate Rules is the referral to ALL. We have been instructed by a memo dated January 23, 2002, by the Clerk that ALL means the Senate Committee of the Whole.

"Mr. President, I believe my illustrious colleagues who are the Majority Leaders did not check our Senate Rules. The Senate Rule which refers to the referral does not permit our illustrious Majority Leaders to refer to the Committee of the Whole. The Committee of the Whole is only a creation of this body. We must, by majority vote, create the Committee of the Whole.

"Therefore, what I'm asking you to do, Mr. President, on this point of order is to determine that the referral is improper and in violation of the Rules, have it referred back to the illustrious Majority Leaders, and have them comply with the Rules of the Senate.

"Thank you, Mr. President."

The President replied:

"We will make that determination."

Senator Hanabusa rose and stated:

"Mr. President, I rise again, I guess, to issue an appeal then. I don't believe that you can make that determination. I think it either has to be made here or I call upon the Body to make that decision - the Body meaning all the Senators here. I am calling a point of order on the Rules and I'm asking that the Body look at the Rules and determine the proper interpretation of our Rules."

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

The Senate reconvened at 12:10 o'clock p.m.

The President then stated:

"If there are no objections from the members, we will be sending these two referenced bills back to the Majority Leaders for re-referral."

Senator Chun then rose and said:

“Mr. President, in light of the re-referral of and discussion with my illustrious colleague here, the referral for those two gaming bills will be as follows: TMG/TIA/JDC, WAM. Anybody else who wants to be on the bill can file an appeal.”

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 16 to 25) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 16 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS.”

Offered by: Senator Matsuura.

No. 17 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR BIOLOGICALLY BASED PSYCHIATRIC AND ADDICTION DISORDERS.”

Offered by: Senator Matsuura.

No. 18 “SENATE CONCURRENT RESOLUTION ADOPTING OUTCOME INDICATORS OF WELL-BEING FOR HAWAII’S CHILDREN AND FAMILIES.”

Offered by: Senator Bunda, by request.

No. 19 “SENATE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF.”

Offered by: Senator Bunda, by request.

No. 20 “SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES.”

Offered by: Senator Bunda, by request.

No. 21 “SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES.”

Offered by: Senator Bunda, by request.

No. 22 “SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF SUBMERGED LANDS AT ALA WAI SMALL BOAT HARBOR FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY QUALIFIED PRIVATE ENTITIES FOR MARINA PURPOSES.”

Offered by: Senator Bunda, by request.

No. 23 “SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF SUBMERGED LANDS AT KEEHI SMALL BOAT HARBOR FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY QUALIFIED PRIVATE ENTITIES FOR MARINA PURPOSES.”

Offered by: Senator Bunda, by request.

No. 24 “SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR MAINTENANCE OF BREAKWATER PURPOSES.”

Offered by: Senator Bunda, by request.

No. 25 “SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE SUBMERGED AND TIDAL LANDS OF THE ALA WAI AND HONOKOHAU SMALL BOAT HARBORS TO PRIVATE ENTITIES FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, AND RESEARCH PURPOSES.”

Offered by: Senators Inouye, Matsuura, Kokubun.

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

The Senate reconvened at 12:13 o’clock p.m.

**ORDER OF THE DAY**

**REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Friday, January 18, 2002:

- | Senate Bill | Referred to:   |
|-------------|--|
| No. 2067    | Committee on Education, then to the Committee on Ways and Means  |
| No. 2068    | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means                            |
| No. 2069    | Committee on Education, then to the Committee on Ways and Means  |
| No. 2070    | Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations   |
| No. 2071    | Committee on Education, then to the Committee on Ways and Means  |
| No. 2072    | Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means  |
| No. 2073    | Committee on Education, then to the Committee on Ways and Means  |
| No. 2074    | Committee on Labor, then to the Committee on Ways and Means  |
| No. 2075    | Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing   |
| No. 2076    | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means |

- No. 2077 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2078 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2079 Committee on Commerce, Consumer Protection and Housing
- No. 2080 Committee on Commerce, Consumer Protection and Housing
- No. 2081 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2082 Jointly to the Committee on Agriculture and the Committee on Health and Human Services
- No. 2083 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Labor, then to the Committee on Ways and Means
- No. 2084 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2085 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2086 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2087 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2088 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2089 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2090 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2091 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2092 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2093 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2094 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2095 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2096 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2097 Committee on Education, then to the Committee on Ways and Means
- No. 2098 Committee on Labor, then to the Committee on Ways and Means
- No. 2099 Committee on Education, then to the Committee on Ways and Means
- No. 2100 Committee on Education, then to the Committee on Ways and Means
- No. 2101 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2102 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2103 Committee on Education, then to the Committee on Ways and Means
- No. 2104 Committee on Education, then to the Committee on Ways and Means
- No. 2105 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2106 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2107 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2108 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2109 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
- No. 2110 Committee on Labor, then to the Committee on Ways and Means
- No. 2111 Committee on Labor, then to the Committee on Ways and Means
- No. 2112 Committee on Labor, then to the Committee on Ways and Means
- No. 2113 Committee on Labor, then to the Committee on Ways and Means

- No. 2114 Jointly to the Committee on Labor and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2115 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2116 Committee on Labor, then to the Committee on Judiciary
- No. 2117 Committee on Labor, then to the Committee on Judiciary
- No. 2118 Committee on Labor, then to the Committee on Judiciary
- No. 2119 Committee on Labor, then to the Committee on Ways and Means
- No. 2120 Committee on Labor, then to the Committee on Ways and Means
- No. 2121 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2122 Committee on Labor, then to the Committee on Ways and Means
- No. 2123 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2124 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2125 Committee on Judiciary
- No. 2126 Committee on Judiciary
- No. 2127 Committee on Labor, then to the Committee on Ways and Means
- No. 2128 Jointly to the Committee on Labor and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2129 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2130 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2131 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2132 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2133 Jointly to the Committee on Health and Human Services and the Committee on Agriculture, then to the Committee on Ways and Means
- No. 2134 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Agriculture, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2135 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2136 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2137 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2138 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2139 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2140 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2141 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2142 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2143 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Ways and Means
- No. 2144 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2145 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Ways and Means
- No. 2146 Committee on Education, then to the Committee on Ways and Means
- No. 2147 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2148 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2149 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2150 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2151 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2152 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2153 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2154 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2155 Committee on Education, then to the Committee on Ways and Means
- No. 2156 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

- No. 2157 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2158 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2159 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means
- No. 2160 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2161 Jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2162 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2163 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2164 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2165 Committee on Judiciary
- No. 2166 Committee on Agriculture
- No. 2167 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2168 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2169 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2170 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2171 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2172 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2173 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2174 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2175 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2176 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2177 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2178 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2179 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2180 Jointly to the Committee on Labor and the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2181 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2182 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2183 Committee on Labor, then to the Committee on Tourism and Intergovernmental Affairs
- No. 2184 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2185 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means
- No. 2186 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2187 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Judiciary
- No. 2188 Committee on Judiciary
- No. 2189 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2190 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Judiciary
- No. 2191 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2192 Committee on Education, then to the Committee on Ways and Means
- No. 2193 Committee on Education, then to the Committee on Ways and Means



- No. 2194 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2195 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2196 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2197 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2198 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2199 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2200 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2201 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2202 Jointly to the Committee on Education and the Committee on Labor
- No. 2203 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2204 Committee on Education, then to the Committee on Ways and Means
- No. 2205 Committee on Education, then to the Committee on Ways and Means
- No. 2206 Committee on Education, then to the Committee on Ways and Means
- No. 2207 Committee on Education, then to the Committee on Ways and Means
- No. 2208 Committee on Education, then to the Committee on Ways and Means
- No. 2209 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
- No. 2210 Committee on Education, then to the Committee on Ways and Means
- No. 2211 Committee on Education, then to the Committee on Ways and Means
- No. 2212 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2213 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2214 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2215 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2216 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2217 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2218 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2219 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2220 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2221 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2222 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2223 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2224 Committee on Education, then to the Committee on Ways and Means
- No. 2225 Committee on Education, then to the Committee on Ways and Means
- No. 2226 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2227 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2228 Jointly to the Committee on Agriculture and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2229 Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

- No. 2230 Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs
- No. 2231 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2232 Committee on Hawaiian Affairs, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2233 Committee on Education, then to the Committee on Ways and Means
- No. 2234 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2235 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2236 Committee on Agriculture, then to the Committee on Water, Land, Energy, and Environment
- No. 2237 Committee on Agriculture, then to the Committee on Judiciary
- No. 2238 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2239 Jointly to the Committee on Agriculture and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2240 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2241 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2242 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2243 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2244 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology
- No. 2245 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2246 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2247 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2248 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2249 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2250 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2251 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2252 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2253 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2254 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2255 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2256 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2257 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2258 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2259 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2260 Committee on Education, then to the Committee on Judiciary
- No. 2261 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2262	Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2284	Committee on Education
No. 2263	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2285	Committee on Education
No. 2264	Committee on Education	No. 2286	Committee on Agriculture
No. 2265	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2287	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Hawaiian Affairs
No. 2266	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2288	Committee on Judiciary
No. 2267	Committee on Agriculture	No. 2289	Committee on Economic Development and Technology, then to the Committee on Commerce, Consumer Protection and Housing
No. 2268	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2290	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 2269	Jointly to the Committee on Education and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means	No. 2291	Jointly to the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
No. 2270	Committee on Education, then to the Committee on Ways and Means	No. 2292	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
No. 2271	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2293	Committee on Commerce, Consumer Protection and Housing
No. 2272	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2294	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
No. 2273	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2295	Jointly to the Committee on Health and Human Services, the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means
No. 2274	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2296	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
No. 2275	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2297	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 2276	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2298	Committee on Commerce, Consumer Protection and Housing
No. 2277	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs	No. 2299	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
No. 2278	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means	No. 2300	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
No. 2279	Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2301	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2280	Committee on Judiciary	No. 2302	Jointly to the Committee on Health and Human Services, the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary
No. 2281	Committee on Judiciary	No. 2303	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
No. 2282	Committee on Judiciary	No. 2304	Committee on Commerce, Consumer Protection and Housing
No. 2283	Committee on Education		

- No. 2305 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2306 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2307 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2308 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment
- No. 2309 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Judiciary
- No. 2310 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2311 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2312 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2313 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2314 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2315 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2316 Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Ways and Means
- No. 2317 Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Ways and Means
- No. 2318 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2319 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2320 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2321 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2322 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2323 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2324 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2325 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2326 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to Committee on Ways and Means
- No. 2327 Jointly to the Committee on Labor and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2328 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2329 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means
- No. 2330 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2331 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2332 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2333 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2334 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2335 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2336 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2337 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

- No. 2338 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2339 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2340 Committee on Agriculture, then to the Committee on Judiciary
- No. 2341 Committee on Commerce, Consumer Protection and Housing
- No. 2342 Committee on Judiciary
- No. 2343 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2344 Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Ways and Means
- No. 2345 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2346 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2347 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2348 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2349 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2350 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2351 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2352 Committee on Education, then to the Committee on Ways and Means
- No. 2353 Committee on Education, then to the Committee on Ways and Means
- No. 2354 Committee on Education, then to the Committee on Ways and Means
- No. 2355 Committee on Education, then to the Committee on Ways and Means
- No. 2356 Jointly to the Committee on Education and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2357 Committee on Education, then to the Committee on Ways and Means
- No. 2358 Committee on Education, then to the Committee on Ways and Means
- No. 2359 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations
- No. 2360 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2361 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2362 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2363 Committee on Labor, then to the Committee on Ways and Means
- No. 2364 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Agriculture, then to the Committee on Ways and Means
- No. 2365 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2366 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2367 Committee on Commerce, Consumer Protection and Housing
- No. 2368 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2369 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2370 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2371 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2372 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2373 Committee on Education, then to the Committee on Ways and Means
- No. 2374 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2375 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2376 Committee on Economic Development and Technology, then to the Committee on Ways and Means

- No. 2377 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2378 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Judiciary
- No. 2379 Committee on Economic Development and Technology, then to the Committee on Judiciary
- No. 2380 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2381 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2382 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2383 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2384 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2385 Committee on Education, then to the Committee on Ways and Means
- No. 2386 Committee on Labor, then to the Committee on Ways and Means
- No. 2387 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary
- No. 2388 Committee on Education, then to the Committee on Ways and Means
- No. 2389 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2390 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2391 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2392 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2393 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2394 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2395 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2396 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2397 Committee on Education, then to the Committee on Ways and Means
- No. 2398 Committee on Labor, then to the Committee on Ways and Means
- No. 2399 Committee on Education, then to the Committee on Ways and Means
- No. 2400 Committee on Judiciary
- No. 2401 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2402 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2403 Committee on Education, then to the Committee on Ways and Means
- No. 2404 Committee on Education, then to the Committee on Ways and Means
- No. 2405 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2406 Committee on Education, then to the Committee on Ways and Means
- No. 2407 Committee on Education, then to the Committee on Ways and Means
- No. 2408 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2409 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2410 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2411 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2412 Jointly to the Committee on Economic Development and Technology and the Committee on Education, then to the Committee on Ways and Means
- No. 2413 Committee on Commerce, Consumer Protection and Housing
- No. 2414 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2415 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2416 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2417 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2418 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2419 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2420 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

**REFERRAL OF SENATE CONCURRENT RESOLUTION**

The President made the following committee assignment of a concurrent resolution that was offered on Thursday, January 17, 2002:

Senate  
Concurrent  
Resolution Referred to:

No. 1 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2003 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 2029 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to Committee on Ways and Means

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

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

“Mr. President, I’m very happy and I want to make sure that the bill cutoff is 6:00 p.m. today because I couldn’t stand to have any more bills like the bills that the Governor has introduced.

“Last week I was very concerned, Mr. President, as you know, because the Governor was going to raise the tax yet again on alcohol – on beer, on wine, and so forth. And now we learn that the Governor, Mr. President, is going to raise the tax on getting married. He wants to raise the marriage license fee from \$50 to \$90. He wants to raise and have a new fee for those providing the sacred and wonderful ceremonies to \$100 a year. And now, after you’re taxed on drinking your beer or champagne and celebrating, now he wants a new proposal for a

\$20 burial fee to bury you. And if you’re still around, like some of our shadows today, and they’re teenagers, there’s a proposal to increase the fee for teenagers taking the state educational driving course from \$10 to \$100.

“Mr. President, I don’t know how this is going to help the families. I don’t know how it’s going to help the economy, but I just hope that we can stop any more of these bills by 6:00 today.

“Thank you very much, Mr. President.”

**HOUSE COMMUNICATION**

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive a House communication transmitting H.B. No. 1, H.D. 1, relating to the authorization of funds for the expenses of the Legislature. In consequence thereof, the Senate took the following action:

Hse. Com. No. 3, transmitting H.B. No. 1, H.D. 1, which passed Third Reading in the House of Representatives on January 25, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1, H.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN,” passed First Reading by title and was referred to the Committee on Ways and Means.

**INTRODUCTION OF SENATE BILLS**

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o’clock p.m. In consequence thereof and subsequent to its recessing at 12:19 o’clock p.m., the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2847 “A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION.”

Introduced by: Senators Chun, Kawamoto.

No. 2848 “A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION.”

Introduced by: Senators Chun, Kawamoto.

No. 2849 “A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND.”

Introduced by: Senators Chun, Kawamoto.

No. 2850 “A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND.”

Introduced by: Senators Chun, Kawamoto.

No. 2851 “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE.”

Introduced by: Senators Chun, Kawamoto.

No. 2852 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Chun, Kawamoto.

No. 2853 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Senator Fukunaga, by request.

No. 2854 "A BILL FOR AN ACT RELATING TO ELECTRIC UTILITIES."

Introduced by: Senator Hemmings.

No. 2855 "A BILL FOR AN ACT RELATING TO WATER POLLUTION."

Introduced by: Senators Hogue, Hemmings.

No. 2856 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Hogue, Hemmings, Slom.

No. 2857 "A BILL FOR AN ACT RELATING TO THE NONDISCLOSURE OF BRIBERY."

Introduced by: Senators Hogue, Hemmings, Slom.

No. 2858 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Senator Hogue.

No. 2859 "A BILL FOR AN ACT APPROPRIATION; [sic] KAILUA HIGH SCHOOL ACCESS ROAD."

Introduced by: Senator Hogue.

No. 2860 "A BILL FOR AN ACT RELATING TO LEASEHOLD."

Introduced by: Senator Bunda.

No. 2861 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE TAXATION OF REAL PROPERTY."

Introduced by: Senator Bunda.

No. 2862 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Senator Bunda.

No. 2863 "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS."

Introduced by: Senator Bunda.

No. 2864 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senator Bunda.

No. 2865 "A BILL FOR AN ACT RELATING TO A HYDROELECTRIC TAX CREDIT."

Introduced by: Senator Bunda.

No. 2866 "A BILL FOR AN ACT RELATING TO A GEOTHERMAL-TO-HYDROGEN TAX CREDIT."

Introduced by: Senator Bunda.

No. 2867 "A BILL FOR AN ACT RELATING TO MEDICAID."

Introduced by: Senator Bunda.

No. 2868 "A BILL FOR AN ACT RELATING TO STADIUMS AND RECREATIONAL FACILITIES."

Introduced by: Senator Bunda.

No. 2869 "A BILL FOR AN ACT RELATING TO NORTH KOHALA."

Introduced by: Senator Bunda.

No. 2870 "A BILL FOR AN ACT RELATING TO HYDROELECTRICITY."

Introduced by: Senator Bunda.

No. 2871 "A BILL FOR AN ACT RELATING TO HEALTH CARE INSURERS."

Introduced by: Senator Bunda.

No. 2872 "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS."

Introduced by: Senator Bunda.

No. 2873 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senator Bunda, by request.

No. 2874 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senator Bunda, by request.

No. 2875 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Bunda, Kim.

No. 2876 "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS."

Introduced by: Senator Bunda.

No. 2877 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Bunda, by request.

No. 2878 "A BILL FOR AN ACT RELATING TO LOSS MITIGATION."

Introduced by: Senator Bunda.

No. 2879 "A BILL FOR AN ACT RELATING TO THE ALLOWING OF SCHOOLS TO RETAIN RENTAL FEES."

Introduced by: Senator Chun Oakland.



No. 2880 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUEA CEMETERY."

Introduced by: Senator Chun Oakland.

No. 2881 "A BILL FOR AN ACT RELATING TO ELDERLY CARE."

Introduced by: Senator Chun Oakland.

No. 2882 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Senator Chun Oakland.

No. 2883 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Menor.

No. 2884 "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ADVISORY COUNCIL."

Introduced by: Senator Menor, by request.

No. 2885 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Menor, by request.

No. 2886 "A BILL FOR AN ACT RELATING TO THE OFFICE OF TRAFFIC OMBUDSMAN."

Introduced by: Senator Kawamoto, by request.

No. 2887 "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE."

Introduced by: Senator Kawamoto.

No. 2888 "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS."

Introduced by: Senators Kim, Tam, Chun Oakland, English, Kokubun, Bunda, Hemmings, Chun, Kanno, Inouye, Matsuura, Buen, Chumbley, Nakata, Kawamoto, Hanabusa, Hogue.

No. 2889 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Senator Kim.

No. 2890 "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS."

Introduced by: Senator Kim, by request.

No. 2891 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."

Introduced by: Senator Kim.

No. 2892 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTEENTH SENATORIAL DISTRICT."

Introduced by: Senator Kim.

No. 2893 "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT EDUCATION FUND."

Introduced by: Senators Fukunaga, Menor.

No. 2894 "A BILL FOR AN ACT RELATING TO HATE CRIMES."

Introduced by: Senator Fukunaga.

No. 2895 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPRESENTATION OF HAWAII AT THE FESTIVAL OF PACIFIC ARTS."

Introduced by: Senators Chun, Kokubun, Hemmings, Kawamoto, Buen, Hanabusa.

No. 2896 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Chun, Matsuura, Hemmings, Kawamoto, Buen, Hanabusa.

No. 2897 "A BILL FOR AN ACT RELATING TO HAWAIIAN CULTURE."

Introduced by: Senators Chun, English, Kokubun, Menor, Hanabusa.

No. 2898 "A BILL FOR AN ACT RELATING TO CAVE PROTECTION."

Introduced by: Senators English, Kokubun, Hanabusa, Inouye, Slom, Hogue, Nakata, Chumbley, Ige.

No. 2899 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Senator Taniguchi.

No. 2900 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE."

Introduced by: Senators English, Kokubun, Chumbley, Kawamoto, Chun, Slom, Hanabusa, Inouye, Taniguchi, Hogue, Nakata, Ige.

No. 2901 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE INSTITUTE OF ASTRONOMY."

Introduced by: Senators English, Chumbley, Hanabusa, Inouye, Nakata, Slom, Ige, Kokubun.

No. 2902 "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE."

Introduced by: Senator Slom, Hogue.

No. 2903 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-FIRST SENATORIAL DISTRICT."

Introduced by: Senator Hanabusa.

No. 2904 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANA COAST."

Introduced by: Senator Hanabusa.

No. 2905 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senator Hanabusa.

No. 2906 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Hanabusa.

No. 2907 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Hanabusa, Slom, Chun, Nakata, Hogue, Tam.

No. 2908 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CENTRAL OAHU RECYCLING AND DISPOSAL FACILITY, INC."

Introduced by: Senator Bunda.

No. 2909 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Senators Bunda, Kim, Inouye, Tam, Nakata, Kawamoto, Matsuura, Chun Oakland, Hanabusa, Kokubun, English, Buen.

No. 2910 "A BILL FOR AN ACT RELATING TO GAMBLING."

Introduced by: Senator Bunda, by request.

No. 2911 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Senators Inouye, Chun Oakland, English, Kokubun, Hemmings, Chun, Ihara.

No. 2912 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AQUACULTURE PRODUCTION."

Introduced by: Senators Inouye, Chun Oakland, English, Kokubun, Hemmings, Chun, Ihara.

No. 2913 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES."

Introduced by: Senators Inouye, Chun Oakland, English, Kokubun, Hemmings, Chun, Ihara.

No. 2914 "A BILL FOR AN ACT RELATING TO CAVES."

Introduced by: Senators Inouye, Chun Oakland.

No. 2915 "A BILL FOR AN ACT RELATING TO FARMING."

Introduced by: Senator Inouye.

No. 2916 "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION."

Introduced by: Senators Chun, Kawamoto.

No. 2917 "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE."

Introduced by: Senators Chun, Kawamoto.

No. 2918 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Introduced by: Senators Chun, Hanabusa.

No. 2919 "A BILL FOR AN ACT RELATING TO HAWAIIAN EDUCATION."

Introduced by: Senators Taniguchi, Hanabusa.

No. 2920 "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE."

Introduced by: Senators Taniguchi, Hanabusa.

No. 2921 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Ihara.

No. 2922 "A BILL FOR AN ACT RELATING TO A STUDY ON GAMBLING IMPACTS."

Introduced by: Senator Ihara.

No. 2923 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senators Ihara, Inouye.

No. 2924 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, Hemmings.

No. 2925 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Senator Ihara.

No. 2926 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 2927 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION MIDDLE SCHOOLS."

Introduced by: Senator Sakamoto.

No. 2928 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Tam, Hogue.

No. 2929 "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION."

Introduced by: Senator Sakamoto.

No. 2930 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE SIXTEENTH SENATORIAL DISTRICT."

- Introduced by: Senator Sakamoto.
- No. 2931 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS."
- Introduced by: Senators Kokubun, Buen, Inouye.
- No. 2932 "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY."
- Introduced by: Senator English.
- No. 2933 "A BILL FOR AN ACT RELATING TO INTELLECTUAL PROPERTY."
- Introduced by: Senators English, Hogue.
- No. 2934 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- Introduced by: Senators Fukunaga, Ihara.
- No. 2935 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GENETIC ENGINEERING ASSESSMENT."
- Introduced by: Senator Fukunaga.
- No. 2936 "A BILL FOR AN ACT RELATING TO OCEAN LEASING."
- Introduced by: Senator Buen.
- No. 2937 "A BILL FOR AN ACT RELATING TO PESTICIDES."
- Introduced by: Senator Buen, by request.
- No. 2938 "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII."
- Introduced by: Senator Menor.
- No. 2939 "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES."
- Introduced by: Senator Menor, by request.
- No. 2940 "A BILL FOR AN ACT RELATING TO YOUTH."
- Introduced by: Senator Matsuura.
- No. 2941 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senator Matsuura.
- No. 2942 "A BILL FOR AN ACT RELATING TO MEAT GRADING."
- Introduced by: Senators Matsuura, Buen.
- No. 2943 "A BILL FOR AN ACT RELATING TO SUSCEPTIBLE SPECIES."
- Introduced by: Senators Matsuura, Buen.
- No. 2944 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH-CARE PROVIDERS OF THE MEDICALLY UNDERSERVED."
- Introduced by: Senators Matsuura, Buen.
- No. 2945 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE THIRTEENTH SENATORIAL DISTRICT."
- Introduced by: Senator Tam.
- No. 2946 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE IN-SERVICE TRAINING TO DEPARTMENT OF EDUCATION TEACHERS."
- Introduced by: Senator Tam.
- No. 2947 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PERMANENT RELOCATION OF THE SPECIAL SERVICES SECTION."
- Introduced by: Senator Tam.
- No. 2948 "A BILL FOR AN ACT RELATING TO STIMULATING THE STATE'S ECONOMY BY PROVIDING AN INCOME TAX BREAK."
- Introduced by: Senator Tam.
- No. 2949 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."
- Introduced by: Senator Tam.
- No. 2950 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT IN AID TO THE CITY AND COUNTY OF HONOLULU FOR JUDD STREET CONSTRUCTION PROJECT."
- Introduced by: Senator Chun Oakland.
- No. 2951 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senator Kanno.
- No. 2952 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Bunda.
- No. 2953 "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."
- Introduced by: Senators Bunda, Menor.
- No. 2954 "A BILL FOR AN ACT RELATING TO MED QUEST INSURANCE."
- Introduced by: Senator Chun Oakland.
- No. 2955 "A BILL FOR AN ACT RELATING TO FOOD ASSISTANCE PROGRAMS."
- Introduced by: Senator Chun Oakland.
- No. 2956 "A BILL FOR AN ACT RELATING TO LANGUAGE."

- Introduced by: Senator Chun Oakland.
- No. 2957 "A BILL FOR AN ACT RELATING TO THE PETROLEUM ADVISORY COUNCIL."
- Introduced by: Senator Chun Oakland.
- No. 2958 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."
- Introduced by: Senator Chumbley.
- No. 2959 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH SENATORIAL DISTRICT."
- Introduced by: Senator Chumbley.
- No. 2960 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senators Menor, Kanno, Chun Oakland, Tam, Chumbley, Matsunaga, Hemmings, Kawamoto, Ige, Ihara, Sakamoto, Fukunaga.
- No. 2961 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."
- Introduced by: Senators Menor, Kanno, Fukunaga, Chun Oakland, Tam, Matsunaga, Hemmings, Ige, Kawamoto, Sakamoto, Ihara, Chumbley.
- No. 2962 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."
- Introduced by: Senator Menor.
- No. 2963 "A BILL FOR AN ACT RELATING TO ACCOUNTANCY."
- Introduced by: Senator Menor.
- No. 2964 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."
- Introduced by: Senator Matsuura.
- No. 2965 "A BILL FOR AN ACT APPROPRIATION; KAILUA HIGH SCHOOL ACCESS ROAD.." [sic]
- Introduced by: Senators Hogue, Hemmings.
- No. 2966 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-THIRD SENATORIAL DISTRICT."
- Introduced by: Senator Nakata.
- No. 2967 "A BILL FOR AN ACT RELATING TO LABOR."
- Introduced by: Senators Nakata, Kanno, Hanabusa.
- No. 2968 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIHOLE WATER SYSTEM."
- Introduced by: Senators Buen, Kawamoto, Kokubun, Chun, Hogue, Kim, Nakata, Fukunaga, Matsuura.
- No. 2969 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Hanabusa, Buen, Taniguchi, Kokubun, Chun, English, Hogue, Matsuura, Inouye, Slom, Chun Oakland, Kawamoto, Kim.
- No. 2970 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FOURTEENTH SENATORIAL DISTRICT."
- Introduced by: Senator Chun Oakland.
- No. 2971 "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES."
- Introduced by: Senator English.
- No. 2972 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES FUNDING."
- Introduced by: Senator English.
- No. 2973 "A BILL FOR AN ACT RELATING TO PICKETING."
- Introduced by: Senator Kokubun, by request.
- No. 2974 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR THE THIRD SENATORIAL DISTRICT."
- Introduced by: Senator Kokubun.
- No. 2975 "A BILL FOR AN ACT RELATING TO LIENS."
- Introduced by: Senators Kokubun, Chun, English, Kanno, Inouye, Nakata, Tam, Hanabusa, Taniguchi, Matsuura.
- No. 2976 "A BILL FOR AN ACT MAKING A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO CLEAN UP KAILUA WATERWAY SYSTEM WATERWAY."
- Introduced by: Senator Hogue.
- No. 2977 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTIONS 2 AND 3, OF THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."
- Introduced by: Senator Hogue.
- No. 2978 "A BILL FOR AN ACT RELATING TO THE EXCLUSION OF PROCEEDS FROM THE MANUFACTURE, PACKAGING, AND SALE OF FOOD FROM GENERAL EXCISE TAX LIABILITY."
- Introduced by: Senators Hogue, Hemmings.
- No. 2979 "A BILL FOR AN ACT RELATING TO A RETAIL TAX HOLIDAY."
- Introduced by: Senator Hogue.
- No. 2980 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senators Hogue, Hemmings.

No. 2981 "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS."

Introduced by: Senators Fukunaga, Chumbley, Ige, Chun Oakland, Matsunaga, Ihara, English, Sakamoto, Buen, Menor, Tam, Kim, Kawamoto, Nakata, Kokubun, Inouye, Matsuura, Chun, Taniguchi, Hanabusa.

No. 2982 "A BILL FOR AN ACT RELATING TO HOSPITALS."

Introduced by: Senator English.

No. 2983 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator English.

No. 2984 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Hanabusa, English, Chun, Hemmings, Sakamoto.

No. 2985 "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT."

Introduced by: Senators Hanabusa, Kim, Chun Oakland, Nakata, Matsunaga, Hogue, English, Chun, Hemmings, Taniguchi, Sakamoto.

No. 2986 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."

Introduced by: Senators Hanabusa, Hogue, Nakata, Chun, Hemmings, Taniguchi, Sakamoto.

No. 2987 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CAPITAL IMPROVEMENT PROJECT."

Introduced by: Senator Inouye.

No. 2988 "A BILL FOR AN ACT RELATING TO LIQUOR."

Introduced by: Senator Inouye.

No. 2989 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES."

Introduced by: Senators Kim, Inouye.

No. 2990 "A BILL FOR AN ACT RELATING TO CRIME STOPPERS ORGANIZATIONS."

Introduced by: Senator Inouye.

No. 2991 "A BILL FOR AN ACT RELATING TO CAREER AND TECHNICAL EDUCATION."

Introduced by: Senator Inouye.

No. 2992 "A BILL FOR AN ACT RELATING TO FITNESS TO PROCEED."

Introduced by: Senator Slom.

No. 2993 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senator Slom.

No. 2994 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY AMBULANCE SERVICE ON THE ISLAND OF HAWAII."

Introduced by: Senator Kokubun.

No. 2995 "A BILL FOR AN ACT RELATING TO OCEAN RECREATION AND COASTAL AREAS."

Introduced by: Senators Chun, Hemmings, Matsuura, Matsunaga, English.

No. 2996 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SEVENTH SENATORIAL DISTRICT."

Introduced by: Senator Chun.

No. 2997 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Chun, Sakamoto.

No. 2998 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE OFFICE OF VETERANS' SERVICES."

Introduced by: Senators Chun, English, Buen, Matsuura, Chumbley, Kawamoto, Kokubun, Hanabusa, Ige.

No. 2999 "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE DISTRIBUTION OF SAVINGS FROM EXEMPTIONS FROM FUEL TAXES."

Introduced by: Senator Kanno.

No. 3000 "A BILL FOR AN ACT RELATING TO HEALTH SCREENING."

Introduced by: Senator Kanno.

No. 3001 "A BILL FOR AN ACT RELATING TO HEALTH SCREENING."

Introduced by: Senator Kanno.

No. 3002 "A BILL FOR AN ACT RELATING TO ANTITRUST LAW."

Introduced by: Senator Kanno.

No. 3003 "A BILL FOR AN ACT RELATING TO THE PHOTO TRAFFIC ENFORCEMENT PROGRAM."

Introduced by: Senator Kanno.

No. 3004 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Matsuura, Matsunaga, English, Buen, Kawamoto.

No. 3005 "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY."

Introduced by: Senators Sakamoto, Matsuura, Matsunaga, Kim, Ihara, Buen, Kawamoto, English.

No. 3006 "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF DEPARTMENT OF EDUCATION FACILITIES."

Introduced by: Senators Sakamoto, Matsuura, Matsunaga, English, Kanno, Kawamoto, Buen, Chumbley, Kim.

No. 3007 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, English, Kawamoto, Matsuura, Chumbley, Kanno, Matsunaga, Kim, Buen.

No. 3008 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Nakata.

No. 3009 "A BILL FOR AN ACT RELATING TO THE OFFICE OF GRANT WRITING."

Introduced by: Senator Nakata.

No. 3010 "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS."

Introduced by: Senator Nakata.

No. 3011 "A BILL FOR AN ACT RELATING TO THE EXPENSES OF THE LEGISLATURE."

Introduced by: Senators Chun, Kawamoto.

No. 3012 "A BILL FOR AN ACT RELATING TO RECREATIONAL USE OF WATERS."

Introduced by: Senators Chun, Kawamoto.

No. 3013 "A BILL FOR AN ACT RELATING TO FERRIES."

Introduced by: Senators Chun, Kawamoto.

No. 3014 "A BILL FOR AN ACT RELATING TO ALOHA STADIUM."

Introduced by: Senators Kim, Kawamoto, Hogue, Matsuura, Slom, Bunda.

No. 3015 "A BILL FOR AN ACT RELATING TO COUNTY CONSTRUCTION PROJECTS."

Introduced by: Senators Kim, Sakamoto, Chun, Hogue, Matsuura, Matsunaga, Slom, Bunda.

No. 3016 "A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBORS."

Introduced by: Senators Kim, Sakamoto, Chun, Hogue, Matsuura, Chumbley, Chun Oakland, Kawamoto, Matsunaga, Kokubun, Slom, Bunda.

No. 3017 "A BILL FOR AN ACT RELATING TO THE USE OF SYMBOLS AND TRADEMARKS."

Introduced by: Senators Kim, Sakamoto, English, Chun, Hogue, Chumbley, Matsunaga, Chun Oakland, Kawamoto, Kokubun, Matsuura, Slom, Bunda.

No. 3018 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Ige, Chumbley, Fukunaga, Ihara, English.

No. 3019 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGHLANDS INTERMEDIATE SCHOOL."

Introduced by: Senators Ige, Kawamoto.

No. 3020 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SERVICES TO LOW-INCOME INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES."

Introduced by: Senators Ige, Chun Oakland.

No. 3021 "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION."

Introduced by: Senators Fukunaga, Tam.

No. 3022 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Fukunaga.

No. 3023 "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW."

Introduced by: Senator Chumbley.

No. 3024 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FACILITIES."

Introduced by: Senators Chumbley, English, Buen.

No. 3025 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

Introduced by: Senators Chumbley, English, Chun Oakland, Hanabusa, Chun, Kokubun, Kawamoto, Hogue, Hemmings, Slom, Kim, Taniguchi, Matsunaga, Ihara, Fukunaga, Tam, Matsuura, Ige.

No. 3026 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS."

Introduced by: Senators Chumbley, Fukunaga, Ige, English, Matsunaga, Ihara, Chun Oakland, Kokubun, Hanabusa, Chun, Kim, Taniguchi, Tam.

No. 3027 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Senators Chumbley, English, Hogue, Kokubun, Hemmings, Slom, Tam, Ige, Kim, Chun, Taniguchi, Ihara, Matsunaga, Chun Oakland, Hanabusa, Kawamoto, Fukunaga, Matsuura.

No. 3028 "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS."

Introduced by: Senator Matsunaga.

No. 3029 "A BILL FOR AN ACT RELATING TO SEX OFFENDERS."

- Introduced by: Senators Matsunaga, Kanno, Chumbley.
- No. 3030 "A BILL FOR AN ACT RELATED TO EDUCATION."
- Introduced by: Senator Matsunaga.
- No. 3031 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."
- Introduced by: Senator Matsunaga.
- No. 3032 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Matsunaga.
- No. 3033 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
- Introduced by: Senator Buen, by request.
- No. 3034 "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET."
- Introduced by: Senators Buen, Matsuura, Kokubun, Fukunaga, Tam, Ige, Bunda, Inouye, Chun Oakland, Matsunaga, Menor, English, Hogue, Taniguchi, Ihara, Kim, Slom, Hanabusa, Chumbley, Chun, Nakata, Hemmings, Kawamoto.
- No. 3035 "A BILL FOR AN ACT RELATING TO MEDICAL CARE PAYMENTS."
- Introduced by: Senators Buen, Matsuura, English, Kokubun, Taniguchi, Hanabusa, Chun, Nakata, Hemmings, Matsunaga, Ige, Tam, Inouye, Ihara, Kim, Menor, Kawamoto, Slom.
- No. 3036 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF VETERAN SERVICES."
- Introduced by: Senators Buen, Matsuura, Kokubun, Ihara, Kim, Menor, Kawamoto.
- No. 3037 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FOURTH SENATORIAL DISTRICT."
- Introduced by: Senator Buen.
- No. 3038 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN APICULTURE PROGRAM."
- Introduced by: Senator Taniguchi.
- No. 3039 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Taniguchi, by request.
- No. 3040 "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE."
- Introduced by: Senator Taniguchi.
- No. 3041 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND."
- Introduced by: Senator Taniguchi.
- No. 3042 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ELEVENTH SENATORIAL DISTRICT."
- Introduced by: Senator Taniguchi.
- No. 3043 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- Introduced by: Senator Fukunaga.
- No. 3044 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWELFTH SENATORIAL DISTRICT."
- Introduced by: Senator Fukunaga.
- No. 3045 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NINETEENTH SENATORIAL DISTRICT."
- Introduced by: Senators Kawamoto, Kanno, Ige.
- No. 3046 "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN KAPOLEI."
- Introduced by: Senator Kawamoto, by request.
- No. 3047 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIPAHU COMMUNITY ADULT DAY HEALTH CENTER AND YOUTH DAY CARE CENTER PILOT PROJECT."
- Introduced by: Senators Kawamoto, Matsuura, Kanno, Tam, Buen.
- No. 3048 "A BILL FOR AN ACT RELATING TO BONDS."
- Introduced by: Senators Kawamoto, Matsuura, Kanno, Tam, Buen.
- No. 3049 "A BILL FOR AN ACT RELATING TO BONDS."
- Introduced by: Senators Kawamoto, Matsuura, Kanno, Tam, Buen.
- No. 3050 "A BILL FOR AN ACT RELATING TO BONDS."
- Introduced by: Senators Kawamoto, Matsuura, Kanno, Tam, Buen.
- No. 3051 "A BILL FOR AN ACT RELATING TO BONDS."
- Introduced by: Senators Kawamoto, Matsuura, Buen, Tam.
- No. 3052 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF RECHARGING OR MOVING WATER."
- Introduced by: Senator Matsuura.
- No. 3053 "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING."

- Introduced by: Senator Matsuura.
- No. 3054 "A BILL FOR AN ACT RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME VACCINATIONS."
- Introduced by: Senator Matsuura.
- No. 3055 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senator Matsuura.
- No. 3056 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Kanno, Kim.
- No. 3057 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR THE TWENTIETH SENATORIAL DISTRICT."
- Introduced by: Senator Kanno.
- No. 3058 "A BILL FOR AN ACT RELATING TO SALARY PERIODS."
- Introduced by: Senators Tam, Kawamoto.
- No. 3059 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NEW ECONOMY TRANSITION PROGRAM."
- Introduced by: Senators Tam, Ihara, Matsunaga, Kokubun, Kanno, Nakata, Kawamoto, Taniguchi, Chumbley.
- No. 3060 "A BILL FOR AN ACT RELATING TO BICYCLE SAFETY EDUCATION."
- Introduced by: Senators Tam, Ihara, Matsunaga, Taniguchi, Kokubun, Kanno, Nakata, Kawamoto, Chumbley.
- No. 3061 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
- Introduced by: Senators Tam, Menor, Ihara, Matsunaga, Kanno, Kawamoto.
- No. 3062 "A BILL FOR AN ACT RELATING TO HAWAII AS A FREE TRADE ZONE TO ENHANCE ECONOMIC DEVELOPMENT."
- Introduced by: Senator Tam.
- No. 3063 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."
- Introduced by: Senators Ihara, English, Chumbley, Matsunaga, Fukunaga, Ige.
- No. 3064 "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE."
- Introduced by: Senators Ihara, Fukunaga, Ige, Chumbley.
- No. 3065 "A BILL FOR AN ACT RELATING TO ETHICS."
- Introduced by: Senator Ihara.
- No. 3066 "A BILL FOR AN ACT RELATING TO PROVIDING A TRIAL PERIOD FOR THE PURCHASE OF HEARING AIDS."
- Introduced by: Senator Ihara, by request.
- No. 3067 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO PERMIT THE IMPRISONMENT OF DEBTORS."
- Introduced by: Senator Ihara, by request.
- No. 3068 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-SECOND SENATORIAL DISTRICT."
- Introduced by: Senator Bunda.
- No. 3069 "A BILL FOR AN ACT RELATING TO THE STATE FINANCES."
- Introduced by: Senator Bunda.
- No. 3070 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- Introduced by: Senators Bunda, Menor.
- No. 3071 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."
- Introduced by: Senator Bunda.
- No. 3072 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ORBITS PROGRAM."
- Introduced by: Senator Bunda.
- No. 3073 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."
- Introduced by: Senator Bunda.
- No. 3074 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."
- Introduced by: Senator Bunda.
- No. 3075 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
- Introduced by: Senator Bunda.
- No. 3076 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE."
- Introduced by: Senator Bunda, by request.
- No. 3077 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."
- Introduced by: Senator Bunda.
- No. 3078 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE."
- Introduced by: Senator Bunda.
- No. 3079 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM FOR EMERGENCY MEDICAL SERVICES PERSONNEL."



Introduced by: Senator Bunda.

No. 3080 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Senator Bunda.

No. 3081 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING AND PUBLIC EMPLOYMENT."

Introduced by: Senator Bunda.

No. 3082 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS."

Introduced by: Senator Bunda, by request.

No. 3083 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Bunda, by request.

No. 3084 "A BILL FOR AN ACT RELATING TO REVENUE BONDS."

Introduced by: Senator Bunda, by request.

No. 3085 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Senator Bunda, by request.

No. 3086 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Kanno.

No. 3087 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Kanno.

**ADJOURNMENT**

At 6:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, January 28, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SEVENTH DAY

Monday, January 28, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Shirley Engel, Waianae Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senators Chumbley, Fukunaga, Ige, Ihara and Menor who were excused.

The President announced that he had read and approved the Journal of the Sixth Day.

STANDING COMMITTEE REPORT

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2001) recommending that H.B. No. 1, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, January 29, 2002.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Tuesday, January 22, 2002, and Friday, January 25, 2002:

Senate Bill Referred to:

No. 2421 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2422 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2423 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2424 Committee on Education, then to the Committee on Ways and Means

No. 2425 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 2426 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2427 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2428 Jointly to the Committee on Education, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2429 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2430 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2431 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2432 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2433 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 2434 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means

No. 2435 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2436 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2437 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 2438 Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Judiciary, then to the Committee on Ways and Means

No. 2439 Committee on Labor, then to the Committee on Ways and Means

No. 2440 Committee on Labor, then to the Committee on Ways and Means

No. 2441 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2442 Committee on Labor, then to the Committee on Ways and Means

No. 2443 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Judiciary

- No. 2444 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Judiciary
- No. 2445 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2446 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2447 Committee on Education, then to the Committee on Judiciary
- No. 2448 Committee on Judiciary
- No. 2449 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2450 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2451 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2452 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2453 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2454 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2455 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2456 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2457 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Ways and Means
- No. 2458 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2459 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2460 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2461 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2462 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2463 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2464 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2465 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2466 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2467 Committee on Labor, then to the Committee on Ways and Means
- No. 2468 Committee on Commerce, Consumer Protection and Housing
- No. 2469 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2470 Committee on Commerce, Consumer Protection and Housing
- No. 2471 Committee on Commerce, Consumer Protection and Housing
- No. 2472 Jointly to the Committee on Hawaiian Affairs and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2473 Committee on Labor, then to the Committee on Ways and Means
- No. 2474 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs
- No. 2475 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2476 Committee on Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2477 Committee on Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2478 Jointly to the Committee on Hawaiian Affairs and the Committee on Labor, then to the Committee on Ways and Means
- No. 2479 Committee on Agriculture
- No. 2480 Jointly to the Committee on Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2481 Committee on Agriculture, then to the Committee on Judiciary
- No. 2482 Committee on Agriculture, then to the Committee on Ways and Means

- No. 2483 Committee on Agriculture
- No. 2484 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2485 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2486 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means
- No. 2487 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2488 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2489 Committee on Commerce, Consumer Protection and Housing
- No. 2490 Committee on Agriculture, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2491 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2492 Committee on Ways and Means
- No. 2493 Committee on Agriculture, then to the Committee on Judiciary
- No. 2494 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2495 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2496 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2497 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2498 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2499 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2500 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2501 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2502 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2503 Committee on Judiciary
- No. 2504 Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2505 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2506 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2507 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2508 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2509 Committee on Labor, then to the Committee on Ways and Means
- No. 2510 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2511 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2512 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
- No. 2513 Committee on Commerce, Consumer Protection and Housing
- No. 2514 Committee on Education
- No. 2515 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2516 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2517 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, then to the Committee on Ways and Means
- No. 2518 Committee on Commerce, Consumer Protection and Housing
- No. 2519 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2520 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2521 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 2522 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 2523 Committee on Judiciary

No. 2524 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2525 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2526 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2527 Committee on Judiciary

No. 2528 Committee on Health and Human Services, then to the Committee on Judiciary

No. 2529 Committee on Judiciary

No. 2969 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2012 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2015 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2055 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2068 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was offered:

Senate Concurrent Resolution Referred to:

No. 1 Committee on Education

**ADJOURNMENT**

At 11:44 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, January 29, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## EIGHTH DAY

Tuesday, January 29, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Conrado Lomibao, Saint Philomena Church, after which the Roll was called showing all Senators present with the exception of Senator Tam who was excused.

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

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## ORDER OF THE DAY

## THIRD READING

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

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

Senator Taniguchi rose to speak in support of the measure and said:

"Mr. President, I rise to speak in support of H.B. No. 1, H.D. 1, the legislative appropriations bill.

"Mr. President, I would like to note that the total appropriations for all the legislative agencies have been reduced by 2.4 percent from last year's appropriations. Your Committee on Ways and Means has also recommended extending the appropriation to the Auditor for another year for matters related to the Felix consent decree because your Committee believes that the Auditor's work needs to continue in this area.

"I urge all members to support the bill."

The motion was put by the Chair and carried, H.B. No. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

## REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Tuesday, January 22, 2002, and Wednesday, January 23, 2002:

Senate Bill Referred to:

No. 2530 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2531 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2532 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2533 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2534 Jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2535 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2536 Committee on Education, then to the Committee on Ways and Means

No. 2537 Committee on Education, then to the Committee on Ways and Means

No. 2538 Jointly to the Committee on Economic Development and Technology and the Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing

No. 2539 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2540 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2541 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2542 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2543 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs

No. 2544 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2545 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2546 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2547 Committee on Judiciary

No. 2548 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2549 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2550 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2551 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 2552 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2553 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2554 Committee on Commerce, Consumer Protection and Housing

No. 2555 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2556 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Labor, then to the Committee on Ways and Means

No. 2557 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2558 Committee on Education, then to the Committee on Ways and Means

No. 2559 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2560 Committee on Education, then to the Committee on Labor

No. 2561 Jointly to the Committee on Education and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2562 Committee on Ways and Means

No. 2563 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2564 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2565 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Judiciary and the Committee on Ways and Means

No. 2566 Committee on Hawaiian Affairs, then to the Committee on Ways and Means

No. 2567 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary

No. 2568 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2569 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2570 Committee on Education, then to the Committee on Ways and Means

No. 2571 Committee on Labor, then to the Committee on Ways and Means

No. 2572 Committee on Ways and Means

No. 2573 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services, then to the Committee on Judiciary

No. 2574 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2575 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2576 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2577 Jointly to the Committee on Agriculture and the Committee on Health and Human Services

No. 2578 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 2579 Committee on Education, then to the Committee on Ways and Means

No. 2580 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 2581 Committee on Health and Human Services

No. 2582 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2583 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 2584 Committee on Health and Human Services, then to the Committee on Judiciary

- No. 2585 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2586 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2587 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2588 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2589 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2590 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2591 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2592 Committee on Ways and Means
- No. 2593 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2594 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2595 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2596 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2597 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, then to the Committee on Judiciary
- No. 2598 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2599 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2600 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2601 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2602 Jointly to the Committee on Agriculture, the Committee on Water, Land, Energy, and Environment and the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2603 Jointly to the Committee on Health and Human Services and the Committee on Agriculture, then to the Committee on Ways and Means
- No. 2604 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2605 Committee on Ways and Means
- No. 2606 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2607 Jointly to the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2608 Committee on Labor, then to the Committee on Ways and Means
- No. 2609 Jointly to the Committee on Economic Development and Technology and the Committee on Health and Human Services
- No. 2610 Jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2611 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2612 Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Ways and Means
- No. 2613 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2614 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2615 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2616 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Education, then to the Committee on Ways and Means
- No. 2617 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2618 Committee on Commerce, Consumer Protection and Housing
- No. 2619 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means



No. 2620	Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary	No. 2640	Committee on Education
No. 2621	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2641	Committee on Education
No. 2622	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2642	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2623	Committee on Judiciary, then to the Committee on Ways and Means	No. 2643	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2624	Committee on Labor, then to the Committee on Judiciary	No. 2644	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2625	Committee on Judiciary	No. 2645	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2626	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary	No. 2646	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2627	Committee on Judiciary	No. 2647	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2628	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2648	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2629	Committee on Judiciary	No. 2649	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2630	Committee on Judiciary	No. 2650	Committee on Judiciary
No. 2631	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2651	Committee on Judiciary
No. 2632	Committee on Judiciary	No. 2652	Committee on Ways and Means
No. 2633	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary	No. 2653	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2634	Committee on Judiciary	No. 2654	Committee on Ways and Means
No. 2635	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2655	Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2636	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing	No. 2656	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2637	Committee on Education, then to the Committee on Ways and Means	No. 2657	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2638	Committee on Ways and Means	No. 2658	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2639	Committee on Health and Human Services, then to the Committee on Ways and Means	No. 2659	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2660 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2661 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2662 Committee on Education, then to the Committee on Ways and Means

No. 2663 Committee on Economic Development and Technology, then to the Committee on Commerce, Consumer Protection and Housing

No. 2664 Committee on Education, then to the Committee on Ways and Means

No. 2665 Committee on Agriculture, then to the Committee on Ways and Means

No. 2666 Jointly to the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2667 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2668 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2669 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2670 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2671 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing

No. 2672 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2673 Committee on Agriculture, then to the Committee on Ways and Means

No. 2674 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2675 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2676 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2677 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

#### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2003 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2055 Committee on Education, then to the Committee on Ways and Means

No. 2135 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2137 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2182 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2194 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2199 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2201 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2213 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2232 Jointly to the Committee on Hawaiian Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2266 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2387 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 2510 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. Nos. 2160 and 2457, and the Chair granted the waiver.

**ADJOURNMENT**

At 12:17 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., Wednesday, January 30, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## NINTH DAY

## Wednesday, January 30, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Owen Tanoue, Kalihi Union Church, after which the Roll was called showing all Senators present.

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

## HOUSE COMMUNICATION

Hse. Com. No. 4, transmitting H.C.R. No. 7, H.D. 1, which was adopted by the House of Representatives on January 29, 2002, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was deferred until Thursday, January 31, 2002.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 26 to 28) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING AND SUPPORTING IMPLEMENTATION OF A SINGLE ENTRY POINT SYSTEM FOR LONG-TERM CARE SERVICES."

Offered by: Senator Matsuura.

No. 27 "SENATE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF THE PROBLEMS OF LEASES ON PUBLIC LANDS DUE TO EXPIRE."

Offered by: Senators Inouye, English, Kokubun, Chun Oakland, Chun, Hemmings, Matsunaga, Ihara, Nakata, Kawamoto.

No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM."

Offered by: Senators Kawamoto, Tam, Fukunaga, Kanno, Menor, Inouye.

## SENATE RESOLUTION

The following resolution (S.R. No. 9) was read by the Clerk and was deferred:

## Senate Resolution

No. 9 "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO

REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM."

Offered by: Senators Kawamoto, Tam, Fukunaga, Kanno, Inouye, Menor.

## STANDING COMMITTEE REPORT

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2002) recommending that the Senate advise and consent to the nomination of GLENN M. OKIMOTO, PH.D., as the Comptroller, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2002 and Gov. Msg. No. 1 was deferred until Thursday, January 31, 2002.

## SPECIAL COMMITTEE REPORT

Senator Matsuura for the Special Joint Legislative Committee on Long-Term Care Financing, presented a report (Spec. Com. Rep. No. 4), of certain findings and recommendations of the Committee.

The President then ordered the Clerk to file Spec. Com. Rep. No. 4.

## ORDER OF THE DAY

## REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Wednesday, January 23, 2002, and Friday, January 25, 2002:

Senate Bill Referred to:

No. 2678 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2679 Committee on Education, then to the Committee on Ways and Means

No. 2680 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2681 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2682 Committee on Ways and Means

No. 2683 Committee on Judiciary

No. 2684 Committee on Health and Human Services, then to the Committee on Judiciary

No. 2685 Committee on Judiciary

No. 2686 Committee on Health and Human Services, then to the Committee on Judiciary

- No. 2687 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2688 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2689 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2690 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2691 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2692 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2693 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2694 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2695 Committee on Judiciary
- No. 2696 Committee on Judiciary
- No. 2697 Committee on Judiciary
- No. 2698 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2699 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2700 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2701 Committee on Commerce, Consumer Protection and Housing
- No. 2702 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2703 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2704 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2705 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2706 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment
- No. 2707 Committee on Economic Development and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2708 Committee on Commerce, Consumer Protection and Housing
- No. 2709 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2710 Committee on Transportation, Military Affairs, and Government Operations
- No. 2711 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2712 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2713 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2714 Committee on Tourism and Intergovernmental Affairs
- No. 2715 Committee on Labor, then to the Committee on Ways and Means
- No. 2716 Committee on Ways and Means
- No. 2717 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2718 Committee on Labor, then to the Committee on Ways and Means
- No. 2719 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2720 Committee on Labor, then to the Committee on Ways and Means
- No. 2721 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2722 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2723 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2724 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2725 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2726 Committee on Commerce, Consumer Protection and Housing
- No. 2727 Committee on Commerce, Consumer Protection and Housing
- No. 2728 Committee on Commerce, Consumer Protection and Housing
- No. 2729 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 2730	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary	No. 2749	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2731	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary	No. 2750	Committee on Hawaiian Affairs, then to the Committee on Ways and Means
No. 2732	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary	No. 2751	Committee on Hawaiian Affairs
No. 2733	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary	No. 2752	Committee on Hawaiian Affairs, then to the Committee on Ways and Means
No. 2734	Committee on Commerce, Consumer Protection and Housing	No. 2753	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2735	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2754	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2736	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means	No. 2755	Committee on Labor, then to the Committee on Ways and Means
No. 2737	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2756	Committee on Labor, then to the Committee on Judiciary
No. 2738	Committee on Education, then to the Committee on Ways and Means	No. 2757	Committee on Labor, then to the Committee on Ways and Means
No. 2739	Committee on Labor, then to the Committee on Ways and Means	No. 2758	Committee on Labor, then to the Committee on Ways and Means
No. 2740	Committee on Education, then to the Committee on Ways and Means	No. 2759	Committee on Labor, then to the Committee on Ways and Means
No. 2741	Committee on Education, then to the Committee on Ways and Means	No. 2760	Jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2742	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2761	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2743	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2762	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 2744	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2763	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2745	Committee on Health and Human Services, then to the Committee on Judiciary	No. 2764	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2746	Jointly to the Committee on Economic Development and Technology, the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2765	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2747	Committee on Education, then to the Committee on Labor	No. 2766	Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Judiciary
No. 2748	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary	No. 2767	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
		No. 2768	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
		No. 2769	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

- No. 2770 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2771 Jointly to the Committee on Health and Human Services and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2772 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2773 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2774 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2775 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2776 Committee on Health and Human Services
- No. 2777 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2778 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2779 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2780 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2781 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2782 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2783 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2784 Committee on Labor
- No. 2785 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means
- No. 2786 Committee on Labor, then to the Committee on Ways and Means
- No. 2787 Committee on Labor
- No. 2788 Committee on Labor
- No. 2789 Jointly to the Committee on Labor and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2790 Committee on Education, then to the Committee on Ways and Means
- No. 2791 Committee on Education, then to the Committee on Judiciary
- No. 2792 Committee on Education, then to the Committee on Judiciary
- No. 2793 Committee on Education, then to the Committee on Ways and Means
- No. 2794 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2795 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2796 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2797 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2798 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2799 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2800 Jointly to the Committee on Economic Development and Technology, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2801 Jointly to the Committee on Economic Development and Technology, the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2802 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2803 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2804 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2805 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2806 Committee on Water, Land, Energy, and Environment
- No. 2807 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2808 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary

No. 2809	Committee on Economic Development and Technology, then to the Committee on Judiciary	No. 2834	Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 2810	Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary	No. 2835	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 2811	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means	No. 2836	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2812	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means	No. 2837	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2813	Committee on Hawaiian Affairs	No. 2838	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2814	Committee on Ways and Means	No. 2839	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2815	Committee on Education, then to the Committee on Ways and Means	No. 2840	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2816	Committee on Education, then to the Committee on Ways and Means	No. 2841	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2817	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2842	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2818	Committee on Health and Human Services, then to the Committee on Judiciary	No. 2843	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2819	Committee on Judiciary, then to the Committee on Ways and Means	No. 2844	Committee on Ways and Means
No. 2820	Committee on Health and Human Services, then to the Committee on Judiciary	No. 2845	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
No. 2821	Committee on Judiciary, then to the Committee on Ways and Means	No. 2846	Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
No. 2822	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary	No. 2847	Committee on Commerce, Consumer Protection and Housing
No. 2823	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary	No. 2848	Committee on Commerce, Consumer Protection and Housing
No. 2824	Committee on Ways and Means	No. 2849	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2825	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2850	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2826	Committee on Ways and Means	No. 2851	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2827	Committee on Ways and Means		
No. 2828	Committee on Ways and Means		
No. 2829	Committee on Health and Human Services, then to the Committee on Ways and Means		
No. 2830	Committee on Ways and Means		
No. 2831	Committee on Ways and Means		
No. 2832	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means		
No. 2833	Committee on Ways and Means		



- No. 2852 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2853 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services, then to the Committee on Judiciary
- No. 2854 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2855 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2856 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2857 Committee on Judiciary
- No. 2858 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2859 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means
- No. 2860 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2861 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2862 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2863 Committee on Ways and Means
- No. 2864 Committee on Economic Development and Technology, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2865 Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2866 Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2867 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2868 Jointly to the Committee on Economic Development and Technology, the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2869 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2870 Jointly to the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2871 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2872 Committee on Ways and Means
- No. 2873 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2874 Committee on Economic Development and Technology, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2875 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2876 Committee on Ways and Means
- No. 2877 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, then to the Committee on Ways and Means
- No. 2878 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2879 Committee on Education, then to the Committee on Ways and Means
- No. 2880 Committee on Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2881 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2882 Committee on Health and Human Services, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2883 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2884 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2885 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2886 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2887 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2888 Committee on Commerce, Consumer Protection and Housing

No. 2889 Jointly to the Committee on Economic Development and Technology, the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2890 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing

No. 2891 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2892 Committee on Ways and Means

No. 2893 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2894 Committee on Health and Human Services, then to the Committee on Judiciary

No. 2895 Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 2896 Committee on Education, then to the Committee on Ways and Means

No. 2897 Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 2898 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, then to the Committee on Judiciary

No. 2899 Committee on Ways and Means

No. 2900 Jointly to the Committee on Labor and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2901 Committee on Education, then to the Committee on Ways and Means

No. 2902 Committee on Labor, then to the Committee on Judiciary

No. 2903 Committee on Ways and Means

No. 2904 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2905 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2906 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2030 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 2080 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2095 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2101 Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2102 Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2179 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2181 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2217 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing

No. 2218 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2226 Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2253 Jointly to the Committee on Economic Development and Technology, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2261 Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2301 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2342 Committee on Judiciary, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2382 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology

No. 2400 Committee on Judiciary, then to the Committee on Ways and Means

No. 2401 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2430 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2444 Jointly to the Committee on Labor, the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2472 Committee on Hawaiian Affairs

No. 2478 Committee on Hawaiian Affairs

No. 2479 Committee on Water, Land, Energy, and Environment

No. 2483 Committee on Water, Land, Energy, and Environment

No. 2489 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2518 Jointly to the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing

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

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

“Mr. President, I would like to offer brief remarks on the issue of the proposed Aloha and Hawaiian Airlines merger. Both Senator Kawamoto and I will be co-sponsoring and introducing Senate resolutions opposing the merger. Let me briefly take the opportunity to explain the reasons why we have decided to take this action.

“Last week I listened, along with many of you, to the arguments made by the managers of Aloha Airlines and Hawaiian Airlines, as well as those offered by representatives of Texas-based TurnWorks, which ultimately seeks to control the fate of air transportation within Hawaii.

“Although the Senate Committees convened were not granted an audience with TurnWorks CEO Greg Brenneman, we were afforded the opportunity to question one of his spokesmen. And having heard the case for a merger presented by the management teams of the three companies, I have to say that I did not find their collective or individual arguments sufficiently compelling to enlist my support at this time – especially when weighed against the dangers attendant to the proposed merger.

“Mr. President, and what are these dangers?

“They are the dangers that can accompany a monopoly: higher fares, decreased quality of service, increased cost of transporting goods and services, lack of space and timely flights for neighbor island agricultural and manufactured products being shipped to markets. These are insidious costs that creep into the prices we pay for virtually everything we consume. Almost imperceptibly our cost of living will increase, while our quality of life will continue to fall. I am also very concerned about the prospect of employee layoffs and the financial hardships that this will cause for many of our working families.

“Mr. President, these are not inconveniences we are being asked to endure for a greater good, like security checks that maintain safety. No, these are the seeds of economic disaster whose only sure result will be increased profits for the management of the companies proposing this radical change. And every one of the side effects of the proposed monopoly carries grave economic consequences that will take their toll on the people of our State.

“Much attention has been devoted to the impact of higher fares for interisland travel. We’ve heard how higher ticket prices will make it more difficult for Hawaii residents to visit family and friends living on different islands. And beyond the emotional and social impact of separation, an economic problem may loom. Because, when local people reduce their trips to the neighbor islands, the pace of commerce slows as well. And businesses throughout the State suffer.

“That suffering may be compounded many times over when the cost of air transportation also curtails visitor travel. The demand for vacations in Hawaii will surely fall as the price goes up. And fewer visitors will be able to enjoy all that the neighbor islands have to offer. I’ve heard nothing, Mr. President, that would improve on what our current carrier system provides.

“As chairs of the Senate Committees charged with overseeing transportation and commerce, Senator Kawamoto and I are aware that other measures have been introduced to address this issue during this Session. However, the arguments they contain do not adequately cover the threat presented by the proposed merger. Nor do they deal with recent revelations about the financial viability of the merger candidates. That is why we are going to be introducing these new Senate resolutions this Session.

“We also want to highlight quality of service. For many visitors this represents one of the most tangible aspects of the aloha spirit. When we lose it, we’ve lost the very thing that sets Hawaii apart from every other destination. Putting more travelers on fewer flights will not provide the kind of experience that local consumers, as well as visitors, have every right to expect.

“Mr. President, the Legislature wisely saw the dangers posed by a system in which a single carrier dominates Hawaii’s intrastate air traffic. To prevent such a scenario from occurring, the Legislature in 1993 passed Act 332 to establish an Air Carrier Commission. The proposed merger would appear to violate the intent of Act 332 and the will of the people as expressed through their elected representatives. And there was nothing to persuade me in the testimony of the airline executives that their plan will allow competition in the future.

“Moreover, the statements made in the Honolulu Advertiser recently by Mr. Zander indicate that Aloha Airlines turned a profit as recently as 1998 and remains a viable competitor to Hawaiian Airlines. Volatility characterizes the airline industry, subject as it is to outside forces, including fuel prices, economic conditions in key markets, the psychology of travelers who are

sensitive to events like those that occurred on September 11. Considering these factors and the ongoing economic depression in Japan and the recession on the mainland, which resulted in a dramatic drop in visitors, it cannot be said that recent years have been characteristic for the local travel industry. Therefore, recent anomalies in the travel market are no reason, Mr. President, to cut and run now.

“Aloha Airlines also issued a press release yesterday saying that Mr. Zander had regained the Governor’s support for the merger by pleading his case again. Unless he told the Governor something different than he told my Committee, I would find it very difficult to support the bid for a merger, considering the tremendous downside potential that it presents.

“I should also add that we have not seen all the financial records of the companies involved. We do not know what bonuses and financial benefits were given to top management in these two companies over the past two years or the dollar value of these perks.

“For all these reasons, I ask my colleagues to seriously consider joining Senator Kawamoto and myself in opposing the proposed airline merger unless a more compelling case can be made by the representatives of the airlines for approving such an arrangement.

“Thank you, Mr. President.”

Senator Hemmings also rose on a point of personal privilege and stated:

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

“Mr. President and colleagues, it gives me great pleasure to endorse the remarks from the Minority perspective of the good Senator from Mililani and Waipahu. I think he clearly enunciated concerns our constituents throughout the State have regarding the proposed merger. More importantly the concerns that we had as a Minority, when in fact we have introduced a resolution addressing these very issues and requesting a hearing on it last week. We’re glad that Senators Menor and Kawamoto have agreed to hear this issue in the form of a resolution we quite frankly want to offer you in the spirit of bipartisan cooperation. We’ve already done the paperwork. Our resolution is ready to be heard.

“The previous speaker also mentioned the ‘seeds of economic disaster.’ Nothing could be more true about monopolies. But I would suggest to the Majority Party that monopolies run wild throughout this State. We have a monopoly on energy where our State is still as dependent on fossil fuels for most of our energy as we were 25 years ago when we had a fuel crisis. Does our largest energy company control the PUC or does the PUC control it for the benefit of our consumers? Evidence is that we have the highest electrical rates in the nation because of this monopoly and no competition in the marketplace.

“We have a transportation monopoly where passenger, freight, and other transportation are monopolized by a handful of companies at the expense of consumers throughout this State. The worst monopoly of course is the bus system on the island of Oahu. It used to operate as a free enterprise company. It was taken over by government and now is subsidized by the Oahu taxpayers to the great sum of money of sometimes 80 or 90 million dollars a year, which is reflected in property tax rates.

“We have a monopoly in state hospitals, which is protected by an incredible process called a ‘certificate of need’ where

government says, with political appointed delegates, who can compete and who can’t compete. Just recently, the taxpayers continue to subsidize a failing hospital system with a magnetic resonance imaging machine that cost \$1 million on the Big Island. When the private sector wanted to come in and compete, government said ‘no, we’re going to protect our monopoly.’

“We have a monopoly in public education, believe it or not, where the BOE and the DOE collect and spend well over a billion dollars. The budget has more than doubled since I was last here in the Legislature in the ’80s and the quality of education has not improved. But this monopoly could easily be broken with chartered schools and other innovative systems that other states are utilizing, but not this state. We continue to endorse the monopoly. The BOE is trying to put chartered schools out of business as we speak.

“We have a monopoly in the medical insurance industry. The prepaid health plan is a disaster for our local consuming medical services and we have one company that pretty much dominates the market at great expense. No other state has a prepaid health plan like ours.

“So, to the good Senator from Mililani and Waipahu, thank you so much for your elegant words regarding the proposed monopoly of these airlines, but we must go much further. I think I can speak for both my colleagues here that your loyal opposition, your Minority Party, is ready to work with you on this and other initiatives.

“Thank you, Mr. President.”

**ADJOURNMENT**

At 12:05 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, January 31, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TENTH DAY

**Thursday, January 31, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Chuck Carpenter, Mission Churches of Hawaii, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that he had read and approved the Journal of the Ninth Day.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 104 to 141) were read by the Clerk and were placed on file:

Gov. Msg. No. 104, dated January 15, 2002, transmitting the 2000 Annual Report of the State of Hawaii Overseas Office, prepared by the Department of Business and Economic Development.

Gov. Msg. No. 105, dated January 16, 2002, transmitting a report prepared by the Volcano Task Force pursuant to H.C.R. No. 89 (2001), requesting the Hawaii Tourism Authority to convene a task force to study safe access to view and learn about Hawaii volcanoes.

Gov. Msg. No. 106, dated January 18, 2002, transmitting a report prepared by the Department of Public Safety in response to Act 259, Section 66, SLH 2001.

Gov. Msg. No. 107, dated January 18, 2002, transmitting a report prepared by the Department of Public Safety in response to Act 259, Section 65, SLH 2001.

Gov. Msg. No. 108, dated January 18, 2002, transmitting a report prepared by the Department of Public Safety in response to Act 259, Section 64, SLH 2001.

Gov. Msg. No. 109, dated January 18, 2002, transmitting a report prepared by the Department of Public Safety in response to Act 172, SLH 2001.

Gov. Msg. No. 110, dated January 18, 2002, transmitting the Crime Victim Compensation Commission's Annual Report for Fiscal Year Ending June 30, 2001.

Gov. Msg. No. 111, dated January 18, 2002, transmitting the Report on the Revenue and Deposits from the Mandatory Compensation Fee, prepared by the Crime Victim Compensation Commission pursuant to Act 176, SLH 2001.

Gov. Msg. No. 112, dated January 18, 2002, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 62 (2001).

Gov. Msg. No. 113, dated January 18, 2002, transmitting a report prepared by the Department of Public Safety in response to S.C.R. No. 90 (2001).

Gov. Msg. No. 114, dated January 18, 2002, transmitting the Report on Land Dispositions Made of Public Lands for Calendar Year 2001, prepared by the Department of Land and Natural Resources pursuant to Section 171-29, HRS.

Gov. Msg. No. 115, dated January 21, 2002, transmitting a report, "A Comprehensive Six-Year Plan to Repair and Maintain Public School Facilities in the State of Hawaii," prepared by the Department of Accounting and General Services pursuant to Act 216, SLH 2001.

Gov. Msg. No. 116, dated January 22, 2002, transmitting the Disability and Communication Access Board's Annual Report, June 30, 2001.

Gov. Msg. No. 117, dated January 22, 2002, transmitting a report prepared by the Department of Health pursuant to S.C.R. No. 42 (2001), requesting the Department of Health and Department of Education to examine the problem of childhood obesity and to recommend strategies, including the creation of an elementary school level physical education program, to address this problem.

Gov. Msg. No. 118, dated January 22, 2002, transmitting a Report on the Status of Implementing Systems for the Disposal and Tracking of Used Syringes, prepared by the Department of Health pursuant to Act 292, SLH 2001.

Gov. Msg. No. 119, dated January 22, 2002, transmitting the Annual Financial Report for the Newborn Metabolic Screening Special Fund, prepared by the Department of Health pursuant to Section 321-291, HRS.

Gov. Msg. No. 120, dated January 23, 2002, transmitting the Reporting Requirements of Act 259, SLH 2001, prepared by the Department of Budget and Finance.

Gov. Msg. No. 121, dated January 23, 2002, transmitting the Expenditure Report of the Hawaii Convention Center, Fiscal Years 2000 - 2002, prepared by the Hawaii Tourism Authority pursuant to Act 259, SLH 2001.

Gov. Msg. No. 122, dated January 23, 2002, transmitting the Report on the Public Utilities Commission Special Fund, Fiscal Year 2000-01.

Gov. Msg. No. 123, dated January 22, 2002, transmitting the Monthly Reports for November and December on Expenditures for the Felix Consent Decree, Felix Special Monitor, and Felix Monitoring Project, prepared by the Department of Education pursuant to Act 259, Section 53, SLH 2001.

Gov. Msg. No. 124, dated January 23, 2002, transmitting the Report Relating to Special Maintenance Projects, prepared by the Department of Transportation pursuant to Act 281, SLH 2000.

Gov. Msg. No. 125, dated January 23, 2002, transmitting the Report Relating to Project-Funded Staff Services Budget, prepared by the Department of Transportation pursuant to Act 259, SLH 2001.

Gov. Msg. No. 126, dated January 23, 2002, transmitting the Report Relating to Government Operations, prepared by the Department of Transportation pursuant to Act 100, SLH 1999.

Gov. Msg. No. 127, dated January 25, 2002, transmitting the Report on Non-Recurring Expenditures, prepared by the

University of Hawaii pursuant to Act 259, Section 60, SLH 2001.

Gov. Msg. No. 128, dated January 25, 2002, transmitting the Annual Report on the Uncollectible Accounts, prepared by the University of Hawaii pursuant to Act 243, SLH 2001.

Gov. Msg. No. 129, dated January 25, 2002, transmitting the Annual Report of Decentralized Decision-Making in the University of Hawaii System, prepared by the University of Hawaii pursuant to Act 115, Section 27, SLH 1998.

Gov. Msg. No. 130, dated January 25, 2002, transmitting the Annual Report on Tuition Waiver Program 2000-2001, prepared by the University of Hawaii pursuant to Section 304-16.5, HRS.

Gov. Msg. No. 131, dated January 25, 2002, transmitting The Teacher Education Coordinating Committee Annual Report, prepared by the University of Hawaii pursuant to Section 304-20, HRS.

Gov. Msg. No. 132, dated January 25, 2002, transmitting the Annual Report of the Salaries Paid to all University of Hawaii Executive, Managerial, and Faculty Members Including the President, prepared by the University of Hawaii pursuant to Section 304-13.5, HRS.

Gov. Msg. No. 133, dated January 25, 2002, transmitting the Annual Report on the Research and Training Revolving Fund, 2000-2001, prepared by the University of Hawaii pursuant to Section 304-8.1, HRS.

Gov. Msg. No. 134, dated January 25, 2002, transmitting the 2001 Annual Report of the Employment and Training Fund Program, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-128, HRS.

Gov. Msg. No. 135, dated January 25, 2002, transmitting a Report on Matters Relating to Children, prepared by the Department of Health and Department of Education pursuant to S.C.R. No. 92 (2001).

Gov. Msg. No. 136, dated January 25, 2002, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of October, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 137, dated January 25, 2002, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of November, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 138, dated January 25, 2002, transmitting the Summary of University of Hawaii Special, Revolving, and Trust Funds for the Fiscal Year Ended June 30, 2001, prepared by the University of Hawaii pursuant to Sections 304-7 and 304-8, HRS.

Gov. Msg. No. 139, dated January 25, 2002, transmitting the Annual Report on Transfer of Appropriated Funds and Positions, prepared by the University of Hawaii pursuant to Section 37-74, HRS.

Gov. Msg. No. 140, dated January 28, 2002, transmitting a report prepared by the Department of Health pursuant to S.C.R. No. 196 (2000), requesting review and recommendations from the Director of Health on the transition of Hawaii State Hospital to a secured psychosocial rehabilitation facility.

Gov. Msg. No. 141, dated January 28, 2002, transmitting the Progress Report for Increasing the General Fund Appropriation for Early Intervention Services, prepared by the Department of Health pursuant to Act 259, SLH 2001.

#### STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2003) recommending that S.B. No. 2023 pass Second Reading and 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.B. No. 2023, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2004) recommending that S.B. No. 2026 pass Second Reading and 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.B. No. 2026, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2005) recommending that S.B. No. 2040 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2040, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2006) recommending that S.B. No. 2052 pass Second Reading and 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.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### REFERRAL OF HOUSE CONCURRENT RESOLUTION

##### MATTER DEFERRED FROM WEDNESDAY, JANUARY 30, 2002

The President made the following committee assignment of a House concurrent resolution that was received on Wednesday, January 30, 2002:

House	
Concurrent	
Resolution	Referred to:

No. 7, H.D. 1 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 2002 (Gov. Msg. No. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 2002 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of GLENN M. OKIMOTO, PH.D., as Comptroller, term to expire December 2, 2002, seconded by Senator Fukunaga.

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

“Mr. President, your Committee on Transportation, Military Affairs and Government Operations received nearly 60 letters of testimony in support of Dr. Okimoto’s nomination, and none in opposition. Among those testifying in support of the nominee were the United States Congressman Neil Abercrombie, Lieutenant Governor Mazie Hirono, the heads of 14 state departments, numerous state employees, business associations, unions, and private citizens. The Committee was impressed with the level of widespread support for Dr. Okimoto’s nomination.

“The nominee has an impeccable academic background, which he followed with a dedicated career of public service in Hawaii. Dr. Okimoto was educated at the University of Hawaii, where he earned his Bachelor’s and Master’s degrees, and later his Doctorate in Philosophy. He has worked with the Department of Transportation since 1981 and most recently served as its deputy director.

“All who have worked with Dr. Okimoto praise his intellectual and analytical ability, his even-handedness, his focus, and most of all, his integrity.

“Your TMG Committee finds that the nominee has been appointed based upon his credentials, integrity, and a desire to improve Hawaii through his service as Comptroller.

“I urge all my colleagues to vote in favor of the Governor’s nomination of Dr. Glenn Okimoto for State Comptroller.”

Senator Fukunaga also rose to support the nominee and said:

“Mr. President, I rise also to speak in support of Mr. Okimoto’s appointment as Comptroller.

“I’m especially gratified, my colleagues, by this appointment because it comes at a time when public opinions of public servants and the Legislature have been at an all-time low. I think if we look at Dr. Glenn Okimoto, his record of exemplary accomplishment is one that really hits the mark as far as setting a high standard and meeting it.

“When I met with Glenn prior to his confirmation hearing, I had asked him what he wanted to accomplish in 2002. In light of his department’s enormous responsibilities – from accounting, procurement, facilities maintenance, to telecommunications, and yes, even culture and the arts – he said simply in his understated way, ‘to make sure that new teachers get paid on time. The six to eight week delay we have today is not acceptable.’

“Knowing how long we and countless others have grumbled about this and other issues, and the manner in which Dr. Okimoto has performed many of his other amazing accomplishments, I have no doubt that he will achieve this and much, much more. I am proud to support his nomination.

“Thank you.”

Senator Hemmings rose to support the nominee and said:

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

“It’s my pleasure to offer bipartisan support of this nominee who has, as so clearly enunciated by the Chairman of the Transportation Committee, received overwhelming endorsements from everyone who testified.

“He’s got a daunting task in front of him under the terms of the fiscal restraints the State is now facing, so we offer him our sincere congratulations and condolences. (Laughter.)

“Thank you, Mr. President.”

Senator Hanabusa rose to speak in support of the nominee and said:

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

“Mr. President, my good colleague from Waipahu again forgot to mention a most critical aspect and most critical criteria of Mr. Okimoto – and that is, like me, he’s from Waianae. I think he did it on purpose because he couldn’t say ‘god’s country.’

“What Glenn represents for the people of Waianae is the fact that we do produce great people. And I’m so proud to stand here and say that Glenn Okimoto represents one of the best that we have.

“Thank you very much.”

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

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

At this time, Senator Kawamoto introduced Dr. Okimoto to the members of the Senate. (Dr. Okimoto, who was seated in the gallery with his family and supporters, rose to be recognized.)

At 11:54 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o’clock p.m.

**REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Friday, January 25, 2002:

Senate Bill Referred to:

No. 2907 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2908 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

- No. 2909 Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs
- No. 2910 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2911 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2912 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2913 Jointly to the Committee on Agriculture and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2914 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
- No. 2915 Committee on Agriculture, then to the Committee on Judiciary
- No. 2916 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2917 Committee on Agriculture
- No. 2918 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2919 Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2920 Committee on Education, then to the Committee on Judiciary
- No. 2921 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2922 Jointly to the Committee on Tourism and Intergovernmental Affairs, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2923 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2924 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2925 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs
- No. 2926 Committee on Education, then to the Committee on Ways and Means
- No. 2927 Committee on Education, then to the Committee on Ways and Means
- No. 2928 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
- No. 2929 Committee on Education, then to the Committee on Ways and Means
- No. 2930 Committee on Ways and Means
- No. 2931 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2932 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2933 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2934 Committee on Health and Human Services, then to the Committee on Tourism and Intergovernmental Affairs
- No. 2935 Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Ways and Means
- No. 2936 Jointly to the Committee on Agriculture, the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2937 Jointly to the Committee on Health and Human Services and the Committee on Education
- No. 2938 Committee on Education, then to the Committee on Ways and Means
- No. 2939 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2940 Jointly to the Committee on Health and Human Services, the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2941 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2942 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2943 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2944 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2945 Committee on Ways and Means
- No. 2946 Committee on Education, then to the Committee on Ways and Means



- No. 2947 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2948 Committee on Ways and Means
- No. 2949 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2950 Committee on Ways and Means
- No. 2951 Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Ways and Means
- No. 2952 Jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2953 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2954 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2955 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2956 Jointly to the Committee on Health and Human Services and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2957 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2958 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2959 Committee on Ways and Means
- No. 2960 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
- No. 2961 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2962 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2963 Committee on Commerce, Consumer Protection and Housing
- No. 2964 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2965 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2966 Committee on Ways and Means
- No. 2967 Committee on Labor, then to the Committee on Ways and Means
- No. 2968 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, then to the Committee on Ways and Means
- No. 2970 Committee on Ways and Means
- No. 2971 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2972 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2973 Committee on Labor, then to the Committee on Judiciary
- No. 2974 Committee on Ways and Means
- No. 2975 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2976 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2977 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2978 Committee on Ways and Means
- No. 2979 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2980 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2981 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2982 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2983 Committee on Labor, then to the Committee on Ways and Means
- No. 2984 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2985 Committee on Health and Human Services, then to the Committee on Ways and Means

- No. 2986 Jointly to the Committee on Tourism and Intergovernmental Affairs, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Judiciary
- No. 2987 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2988 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2989 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2990 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2991 Committee on Education, then to the Committee on Ways and Means
- No. 2992 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2993 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2994 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2995 Committee on Economic Development and Technology, then to the Committee on Water, Land, Energy, and Environment
- No. 2996 Committee on Ways and Means
- No. 2997 Committee on Labor, then to the Committee on Ways and Means
- No. 2998 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2999 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 3000 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3001 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3002 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3003 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3004 Committee on Education, then to the Committee on Ways and Means
- No. 3005 Committee on Education, then to the Committee on Ways and Means
- No. 3006 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 3007 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3008 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 3009 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 3010 Committee on Labor, then to the Committee on Ways and Means
- No. 3011 Committee on Ways and Means
- No. 3012 Committee on Economic Development and Technology
- No. 3013 Committee on Transportation, Military Affairs, and Government Operations
- No. 3014 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3015 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3016 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 3017 Committee on Tourism and Intergovernmental Affairs
- No. 3018 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3019 Committee on Education, then to the Committee on Ways and Means
- No. 3020 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3021 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 3022 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3023 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 3024 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means

No. 3025 Committee on Labor, then to the Committee on Ways and Means

No. 3026 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 3027 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary

No. 3028 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3029 Committee on Health and Human Services, then to the Committee on Judiciary

No. 3030 Committee on Education, then to the Committee on Ways and Means

No. 3031 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 3032 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 3033 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 3034 Committee on Agriculture, then to the Committee on Ways and Means

No. 3035 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3036 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3037 Committee on Ways and Means

No. 3038 Committee on Agriculture, then to the Committee on Ways and Means

No. 3039 Committee on Agriculture, then to the Committee on Tourism and Intergovernmental Affairs

No. 3040 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 3041 Committee on Education, then to the Committee on Ways and Means

No. 3042 Committee on Ways and Means

No. 3043 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 3044 Committee on Ways and Means

No. 3045 Committee on Ways and Means

No. 3046 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 3047 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3048 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3049 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3050 Committee on Education, then to the Committee on Ways and Means

No. 3051 Jointly to the Committee on Health and Human Services, the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3052 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 3053 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3054 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 3055 Committee on Labor, then to the Committee on Ways and Means

No. 3056 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3057 Committee on Ways and Means

No. 3058 Committee on Labor, then to the Committee on Ways and Means

No. 3059 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 3060 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3061 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 3062 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 3063 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 3064 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 3065 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 3066 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 3067 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

No. 3068 Committee on Ways and Means

No. 3069 Committee on Ways and Means

No. 3070 Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3071 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 3072 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means

No. 3073 Committee on Education, then to the Committee on Ways and Means

No. 3074 Committee on Education, then to the Committee on Ways and Means

No. 3075 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3076 Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing

No. 3077 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3078 Committee on Labor, then to the Committee on Ways and Means

No. 3079 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3080 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3081 Committee on Labor, then to the Committee on Ways and Means

No. 3082 Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 3083 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing

No. 3084 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3085 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3086 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 3087 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2057	Committee on Education, then jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs
No. 2180	Jointly to the Committee on Labor and the Committee on Health and Human Services, then jointly to Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary
No. 2237	Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
No. 2308	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 2506	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2555	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2789	Committee on Labor, then to the Committee on Ways and Means

**ADJOURNMENT**

At 12:04 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, February 1, 2002.

**ELEVENTH DAY**

**Friday, February 1, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon George Kagehiro, Our Lady of Sorrows Church, after which the Roll was called showing all Senators present with the exception of Senators Chun, Hanabusa, Ihara and Menor who were excused.

The President announced that he had read and approved the Journal of the Tenth Day.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 142, informing the Senate that on January 30, 2002, he signed into law House Bill No. 1 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," was read by the Clerk and was placed on file.

**STANDING COMMITTEE REPORT**

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2007) recommending that S.B. No. 2045 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2045, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was referred to the Committee on Judiciary.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

- |             |   |
|-------------|---|
| Senate Bill | Referred to:  |
| No. 2115    | Committee on Judiciary  |
| No. 2382    | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means |
| No. 2472    | Committee on Hawaiian Affairs, then to the Committee on Ways and Means  |
| No. 2478    | Committee on Hawaiian Affairs, then to the Committee on Ways and Means  |
| No. 2526    | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health and Human Services, then to the Committee on Judiciary                |
| No. 2550    | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means   |

No. 2551 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services

No. 2552 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2556 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2560 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2663 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 2668 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2687 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2706 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2771 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2774 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2776 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 2797 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2820 Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means

No. 3064 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary

No. 3065 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary

**ADJOURNMENT**

At 11:49 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 4, 2002.

**TWELFTH DAY**

**Monday, February 4, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Seaward B. Grant, C.S., First Church of Christ Scientist, after which the Roll was called showing all Senators present with the exception of Senators Buen and Hanabusa who were excused.

The President announced that he had read and approved the Journal of the Eleventh Day.

**SENATE CONCURRENT RESOLUTION**

The following concurrent resolution (S.C.R. No. 29) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 29 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE EFFECTIVENESS OF THE HAWAII PREPAID HEALTH CARE ACT, CHAPTER 393, HAWAII REVISED STATUTES, AND TO CONSIDER THE FEASIBILITY OF AMENDING OR REPEALING THE ACT."

Offered by: Senator Matsuura.

**SENATE RESOLUTION**

The following resolution (S.R. No. 10) was read by the Clerk and was deferred:

Senate Resolution

No. 10 "SENATE RESOLUTION REQUESTING ESTABLISHMENT OF A NON-ENFORCEMENT FOOD SAFETY CONSULTATIVE AND EDUCATION PROGRAM IN THE DEPARTMENT OF HEALTH."

Offered by: Senator Matsuura.

**STANDING COMMITTEE REPORTS**

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2008) recommending that S.C.R. No. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2008 and S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was deferred until Tuesday, February 5, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2009) recommending that S.B. No. 2021, as amended in S.D. 1, pass Second Reading and 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.B. No. 2021, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO ENROLLMENT IN THE CHILDREN'S HEALTH INSURANCE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2010) recommending that S.B. No. 2039, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2039, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," passed Second Reading and was referred to the Committee on Judiciary.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

**ORDER OF THE DAY**

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, January 17, 2002; Tuesday, January 22, 2002; Wednesday, January 23, 2002; Friday, January 25, 2002; and Wednesday, January 30, 2002:

Senate Concurrent Resolution	Referred to:
No. 2	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3	Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means
No. 4	Committee on Health and Human Services
No. 5	Jointly to the Committee on Health and Human Services and the Committee on Education
No. 6	Jointly to the Committee on Health and Human Services and the Committee on Education
No. 7	Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means
No. 8	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs
No. 9	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 10	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 11 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 12 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology

No. 13 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 14 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 15 Jointly to the Committee on Hawaiian Affairs and the Committee on Health and Human Services

No. 16 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 17 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 18 Jointly to the Committee on Health and Human Services and the Committee on Education

No. 19 Committee on Labor, then to the Committee on Ways and Means

No. 20 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 21 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 22 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 23 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 24 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 25 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 26 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 27 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 28 Committee on Transportation, Military Affairs, and Government Operations

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Tuesday, January 22, 2002, and Wednesday, January 30, 2002:

Senate Resolution Referred to:

No. 1 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3 Committee on Health and Human Services

No. 4 Jointly to the Committee on Health and Human Services and the Committee on Education

No. 5 Jointly to the Committee on Health and Human Services and the Committee on Education

No. 6 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology

No. 7 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 8 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 9 Committee on Transportation, Military Affairs, and Government Operations

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2029 Jointly to the Committee on Health and Human Services, the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2077 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2194 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2326 Jointly to the Committee on Health and Human Services, the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

S.B. No. 2556;  
S.B. No. 2744;  
S.B. No. 2875; and  
S.B. No. 3056,

and the Chair granted the waiver.

No. 2780 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary

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

No. 2817 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

“Mr. President, I’d like to rise on a point of personal privilege.

No. 2889 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

“Mr. President, I’d like to raise a concern about the large number of waivers for hearing notices that I’ve been hearing today. I think I understand the need for it sometimes, and I’d like to request that if a Chair moves from a 72-hour notice to a 24-hour notice, that we have some kind of explanation as to the reason. I think there are reasons, and I think for the public’s benefit it might help. Because for those bills added today, it may be difficult for them to know about the bills with enough time to testify, particularly if they’re unrelated to the existing bills.

No. 2918 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

“Thank you.”

No. 2958 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

The President responded:

“We’ll take that into consideration.”

**ADJOURNMENT**

No. 2963 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means

At 11:58 o’clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, February 5, 2002.

No. 3002 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

Respectfully submitted,

No. 3054 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

Clerk of the Senate

Approved:

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bill and Senate Resolutions:

President of the Senate

S.B. No. 2077;  
S.C.R. No. 28; and  
S.R. No. 9.

At 11:54 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o’clock a.m.

The Chair then granted the waiver.

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

S.B. No. 2350;  
S.B. No. 2421;  
S.B. No. 2459;



## THIRTEENTH DAY

**Tuesday, February 5, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Joseph Grimaldi, Vicar General, Diocese of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the Twelfth Day.

At this time, Senator Inouye, on behalf of herself and Senators Kokubun and Matsuura, recognized the following members of the Big Island Community Recycling Center Task Force: Paula Helfrich, Barbara Bell, Ginny Aste, Jon Olson, Galen Kuba, Andy Levin, Margaret Pahio and Ululani Rosario.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 143 to 163) were read by the Clerk and were placed on file:

Gov. Msg. No. 143, dated January 10, 2002, transmitting the Contraceptive Services Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 267, SLH 1999.

Gov. Msg. No. 144, dated January 10, 2002, transmitting the Annual External Review Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 432E-13, HRS.

Gov. Msg. No. 145, dated January 22, 2002, transmitting the Report on Implementation of the State Plan for Substance Abuse, prepared by the Department of Health, Alcohol and Drug Abuse Division, pursuant to Section 321-195, HRS.

Gov. Msg. No. 146, dated January 25, 2002, transmitting the 2001 Annual Report prepared by the High Technology Development Corporation.

Gov. Msg. No. 147, dated January 28, 2002, transmitting the Report Relating to Fees Collected by the Department of Health for the Domestic Violence Prevention Special Fund, prepared by the Department of Health pursuant to Act 216, SLH 1997.

Gov. Msg. No. 148, dated January 25, 2002, transmitting the Project-Funded Staff Services Budget Report, prepared by the Hawaii Community Development Authority pursuant to Act 259, Section 92, SLH 2001.

Gov. Msg. No. 149, dated January 28, 2002, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of December, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 150, dated January 8, 2002, transmitting the Report on Substance Abuse Treatment for Offenders, prepared

by the Department of Health, Alcohol and Drug Abuse Division, pursuant to Act 259, Section 32, SLH 2001.

Gov. Msg. No. 151, dated January 28, 2002, transmitting the Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to Section 329-3, HRS.

Gov. Msg. No. 152, dated January 28, 2002, transmitting the Report Regarding Maternal and Child Health Services and Contract Services for Home Visitation to Support the Healthy Start Program, prepared by the Department of Health pursuant to Act 259, Section 25, SLH 2001.

Gov. Msg. No. 153, dated January 28, 2002, transmitting the Report Relating to the State Water Pollution Control Revolving Fund of the Department of Health, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Wastewater Branch, pursuant to Sections 342D-80 through 342D-87, HRS.

Gov. Msg. No. 154, dated January 28, 2002, transmitting the Annual Report Establishing the Primary Health Care Incentive Program and the Primary Care Roundtable, prepared by the Department of Health pursuant to Act 41, SLH 1992.

Gov. Msg. No. 155, dated January 28, 2002, transmitting the Department of Agriculture's Annual Report for Fiscal Year 2001.

Gov. Msg. No. 156, dated January 29, 2002, transmitting the Report Relating to Youth Services, prepared by the Department of Human Services, Office of Youth Services, pursuant to Act 253, SLH 2001.

Gov. Msg. No. 157, dated January 29, 2002, transmitting the Report of the Revenues and Expenditures of the Hawaii National Guard Youth Challenge Academy, pursuant to Act 259, Section 47, SLH 2001.

Gov. Msg. No. 158, dated January 29, 2002, transmitting the Department of Human Services' Annual Report for the Fiscal Year Ending June 30, 2001, pursuant to Act 231, SLH 2001.

Gov. Msg. No. 159, dated January 31, 2002, transmitting the Report on the Hawaii State Incentive Grant, Youth Substance Abuse Prevention Strategy, 2001.

Gov. Msg. No. 160, dated January 31, 2002, transmitting the Report Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health, prepared by the Department of Health pursuant to Sections 340E-31 through 340E-41, HRS.

Gov. Msg. No. 161, dated February 1, 2002, transmitting the Assessment of the Repair and Maintenance Needs of the State's War Memorials and Veteran's Cemeteries, prepared by the Department of Defense, Office of Veterans Services, pursuant to Section 363-3, HRS.

Gov. Msg. No. 162, dated February 4, 2002, transmitting the Report on the Status of the Environmental Health Education Fund as Established by Act 169, SLH 1994, prepared by the Department of Health.

Gov. Msg. No. 163, dated February 4, 2002, transmitting the Annual Report of the Radiologic Technology Board for the Fiscal Year 2000-2001, pursuant to Chapter 466J, HRS.

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

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

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 10 to 12) were read by the Clerk and were placed on file:

Dept. Com. No. 10, from the Department of Education dated January 18, 2002, transmitting the Financial Report of the Department of Education for the Period July 1, 2000 to June 30, 2001.

Dept. Com. No. 11, from the State Auditor dated February 1, 2002, transmitting a report, "New Century School Allocations Project - FY2001-2002," (Report No. 02-03).

Dept. Com. No. 12, from the State Auditor dated January 30, 2002, transmitting a report, "Management Audit of the Department of Education's Storeroom," (Report No. 02-02).

#### STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2011) recommending that S.B. No. 2086, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE PLAN," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2012) recommending that S.B. No. 2089, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2089, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF PRESCRIPTIVE AUTHORITY OVER CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2013) recommending that S.B. No. 2091 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2091, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 2092, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED INSURANCE FORMS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2351, as amended in S.D. 1, pass Second Reading and 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.B. No. 2351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2140 pass Second Reading and 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.B. No. 2140, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### ADOPTION OF RESOLUTION

##### MATTER DEFERRED FROM MONDAY, FEBRUARY 4, 2002

Stand. Com. Rep. No. 2008 (S.C.R. No. 1):

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

##### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2010	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2031	Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 2035	Committee on Education, then to the Committee on Ways and Means
No. 2056	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

- No. 2083 Committee on Labor, then to the Committee on Ways and Means
- No. 2105 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2249 Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2259 Jointly to the Committee on Judiciary, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2265 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2302 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2312 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2362 Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations
- No. 2369 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2378 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2421 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2469 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2485 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2497 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2519 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2520 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2521 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2526 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2534 Jointly to the Committee on Health and Human Services, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2555 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2569 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2573 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2575 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2617 Jointly to the Committee on Judiciary, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2621 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2622 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2634 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2655 Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means
- No. 2675 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2699 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2726 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2747 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2792 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2810 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary

No. 2906 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs

No. 2939 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2962 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2989 Committee on Agriculture

No. 3033 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3046 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs, the Committee on Judiciary and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3082 Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 3083 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 3086 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was received:

House Concurrent Resolution Referred to:

No. 7, H.D. 1 Committee on Education, then to the Committee on Ways and Means

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 2051;
- S.B. No. 2247;
- S.B. No. 2538;
- S.B. No. 2540;
- S.B. No. 2674;
- S.B. No. 3014; and
- S.B. No. 3021.

Senator Tam explained:

“Mr. President and fellow colleagues, the hearing notice was filed in the Clerk’s Office yesterday afternoon and missed the 72-hour notice requirement by about 3 hours.”

The Chair then granted the waiver.

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2511.

Senator Kim then noted:

“Mr. President, the reason for this waiver is that it was a triple referral and it took us a while to get all of the approvals coordinated, so we added it to the original agenda and that agenda was filed on time.”

The Chair then granted the waiver.

Senator Buen, Chair of the Committee on Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 2135;
- S.B. No. 2242;
- S.B. No. 2245;
- S.B. No. 2474;
- S.B. No. 2491;
- S.B. No. 2494;
- S.B. No. 2517;
- S.B. No. 2578;
- S.B. No. 2968; and
- S.B. No. 2971.

Senator Buen explained:

“Mr. President, the hearing notice was filed in the Clerk’s Office yesterday afternoon and missed the 72-hour notice requirement by 3 hours. I have a new committee clerk and apologize for this, but she’s trying really hard.”

The Chair then granted the waiver.

Senator Kim rose on a point of personal privilege and stated:

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

“If you notice on your Order of the Day on the re-referrals, members, you have the old referral as well as the new referral. I want to thank the Clerk’s Office for doing that. I think it makes it a lot more user friendly for us to be able to make the changes.

“Thank you.”

**ADJOURNMENT**

At 12:10 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., Wednesday, February 6, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FOURTEENTH DAY

**Wednesday, February 6, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Sam Domingo, First United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Matsunaga and Sakamoto who were excused.

The President announced that he had read and approved the Journal of the Thirteenth Day.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 30 to 32) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF SPEED LIMITS ON PUBLIC ROADS AND STREETS UNDER THE JURISDICTION OF THE CITY AND COUNTY OF HONOLULU."

Offered by: Senators Kim, Hanabusa, English, Matsunaga, Kanno, Inouye, Ihara, Tam, Sakamoto, Slom, Matsuura, Buen, Chun, Kokubun, Hemmings, Chun Oakland.

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A CONSUMER EDUCATION CAMPAIGN INFORMING CONSUMERS OF THE RELATIVE MERITS OF GENERIC DRUGS."

Offered by: Senator Chun Oakland.

No. 32 "SENATE CONCURRENT RESOLUTION DECLARING DECEMBER 15 AS BILL OF RIGHTS DAY."

Offered by: Senators Buen, Matsuura, Kokubun, Kawamoto, Chun, Hanabusa, Chun Oakland, Matsunaga, Hogue, Kanno, English, Ihara.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 11 to 13) were read by the Clerk and were deferred:

## Senate Resolution

No. 11 "SENATE RESOLUTION REQUESTING A REVIEW OF SPEED LIMITS ON PUBLIC ROADS AND STREETS UNDER THE JURISDICTION OF THE CITY AND COUNTY OF HONOLULU."

Offered by: Senators Kim, Hanabusa, English, Matsunaga, Kanno, Inouye, Ihara, Tam, Sakamoto, Slom, Matsuura, Buen, Chun, Kokubun, Hemmings, Chun Oakland.

No. 12 "SENATE RESOLUTION REQUESTING THE CREATION OF A CONSUMER EDUCATION CAMPAIGN INFORMING CONSUMERS OF THE RELATIVE MERITS OF GENERIC DRUGS."

Offered by: Senator Chun Oakland.

No. 13 "SENATE RESOLUTION DECLARING DECEMBER 15 AS BILL OF RIGHTS DAY."

Offered by: Senators Buen, Matsuura, Kokubun, Kawamoto, Chun, Hanabusa, Chun Oakland, Hemmings, Matsunaga, Hogue, Kanno, English, Ihara.

## STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2041, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2044, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2044, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2094, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2106, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2234, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2234, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO SEXUAL EXPLOITATION," passed Second Reading and was referred to the Committee on Judiciary.

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. 2022) recommending that S.B. No. 2457 pass Second Reading and 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.B. No. 2457, entitled: "A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Nakata, for the Committee on Health and Human Services and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2438, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2206 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2206, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2025) recommending that S.B. No. 2131, as amended in S.D. 1, pass Second Reading and 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.B. No. 2131, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2345 pass Second Reading and 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.B. No. 2345, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2481, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2481, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," passed Second Reading and was referred to the Committee on Judiciary.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2482 pass Second Reading and 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.B. No. 2482, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2490, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2490, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2027	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2206	Committee on Education, then to the Committee on Judiciary, then to the Committee on Ways and Means
No. 2256	Jointly to the Committee on Judiciary, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
No. 2257	Jointly to the Committee on Judiciary, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2292	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2921	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

Senator Matsuura, Chair of the Committee on Health and Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. Nos. 2780 and 3054.

Senator Matsuura noted:

“Mr. President, the reason for this waiver is this bill got referred from a double to a triple referral, so we need to process these bills as soon as possible.”

The Chair then granted the waiver.

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

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

“Mr. President, I’d like to point out that there are two bills that are being heard this week where the Committee is planning to insert . . . it’s actually a hearing on a S.D. 1 on two bills that are being heard this week. These bills are not available for the public unless someone individually drives down to the State Capitol. Like in your district, Mr. President, it’s quite a drive, and for neighbor islanders, they would need to fly in just to get a copy of the bill in order to testify on it.

“I’d like to request that the Committee Chairs who are handling these bills either have another hearing on the contents of the bill so that the public has an opportunity to testify on it, or at least have the second Committee (I think it’s Ways and Means or the Judiciary Committee, whatever that is) make sure that the Committee has a hearing on the bill with the S.D. 1 draft. Because in the Senate, the second Committee does not have to have a hearing.

“The third alternative, if this happens in the future, Mr. President, I would hope that the S.D. 1 or Senate drafts that are being heard would be put on the Internet so that people around the State could have access to the language that is being proposed for which the public is being asked to testify.

“Thank you, Mr. President.”

At 11:54 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o’clock noon.

The President responded as follows:

“Senator Ihara, the bills that you are referring to were already set up electronically and are ready to take on those Senate drafts. So if you have any questions, please call us or the Clerk’s Office.”

#### ADJOURNMENT

At 12:01 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, February 7, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate



## FIFTEENTH DAY

Thursday, February 7, 2002

## STANDING COMMITTEE REPORTS

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senators Menor and Sakamoto who were excused.

The President announced that he had read and approved the Journal of the Fourteenth Day.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 33 and 34) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 33 "SENATE CONCURRENT RESOLUTION OPPOSING THE PROPOSED MERGER BETWEEN HAWAIIAN AIRLINES, INC., AND ALOHA AIRLINES, INC."

Offered by: Senators Menor, Kawamoto, Hemmings, Hogue, Bunda, Tam, Buen, Inouye, Slom, Hanabusa, Taniguchi, Nakata, English, Fukunaga, Kokubun, Chun Oakland, Ige.

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION."

Offered by: Senators Kim, Hogue, English, Sakamoto, Matsuura, Chun Oakland, Nakata, Matsunaga, Taniguchi, Kokubun, Inouye, Bunda, Slom, Hemmings, Chun, Buen, Kanno, Fukunaga.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 14 and 15) were read by the Clerk and were deferred:

## Senate Resolution

No. 14 "SENATE RESOLUTION OPPOSING THE PROPOSED MERGER BETWEEN HAWAIIAN AIRLINES, INC., AND ALOHA AIRLINES, INC."

Offered by: Senators Menor, Kawamoto, Hemmings, Hogue, Bunda, Tam, Buen, Inouye, Slom, Hanabusa, Taniguchi, Nakata, English, Fukunaga, Kokubun, Chun Oakland, Ige.

No. 15 "SENATE RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION."

Offered by: Senators Kim, Hogue, English, Sakamoto, Matsuura, Kokubun, Inouye, Taniguchi, Nakata, Chun, Bunda, Slom, Hemmings, Buen, Kanno, Fukunaga.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2283, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2183 pass Second Reading and be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2183, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS," passed Second Reading and was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2789 pass Second Reading and 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.B. No. 2789, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2973 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2973, entitled: "A BILL FOR AN ACT RELATING TO PICKETING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 1399, as amended in S.D. 1, pass Second Reading and 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.B. No. 1399, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY AMBULANCE SERVICE ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2075, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

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. 2036) recommending that S.B. No. 2145, as amended in S.D. 1, pass Second Reading and 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.B. No. 2145, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2147, as amended in S.D. 1, pass Second Reading and 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.B. No. 2147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TREATMENT OF INTRAFAMILIAL CHILD SEXUAL ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 2227 pass Second Reading and 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.B. No. 2227, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 2275 pass Second Reading and 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.B. No. 2275, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MAUI ADULT DAY CARE CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2290 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2290, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL

REVIEWERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2041) recommending that S.B. No. 2432 pass Second Reading and 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.B. No. 2432, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2042) recommending that S.B. No. 2461, as amended in S.D. 1, pass Second Reading and 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.B. No. 2461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2043) recommending that S.B. No. 2500, as amended in S.D. 1, pass Second Reading and 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.B. No. 2500, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 2528, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2045) recommending that S.B. No. 2593, as amended in S.D. 1, pass Second Reading and 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.B. No. 2593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2096, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2047) recommending that S.B. No. 2498, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2498, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2048) recommending that S.B. No. 2553, as amended in S.D. 1, pass Second Reading and 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.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OUTREACH SERVICES FOR THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2049) recommending that S.B. No. 2568, as amended in S.D. 1, pass Second Reading and 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.B. No. 2568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2050) recommending that S.B. No. 2120, as amended in S.D. 1, pass Second Reading and 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.B. No. 2120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 2624, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Second Reading and was referred to the Committee on Judiciary.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2144	Committee on Judiciary, then to the Committee on Ways and Means
No. 2283, S.D. 1	Committee on Education, then to the Committee on Ways and Means
No. 2488	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2526	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2609	Committee on Economic Development and Technology
No. 2820	Committee on Judiciary, then to the Committee on Ways and Means
No. 2992	Committee on Judiciary, then to the Committee on Ways and Means
No. 3051	Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

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

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

"Mr. President, I'm vitally concerned about a procedural matter that I hope the Majority Party will take under advisement and remedy. It has to do with the very foundation of the democratic process and the Rule of Committees passing out legislation.

"In reviewing documents from April of last year on Conference Committee decision-making meetings, Rule No. 8, item B, all that was needed in the original draft of the April 6 Rule was for the majority of Committee members to vote in favor of an amendment of a C.D. to a Conference Committee draft of legislation. That subsequently was amended with a letter, Mr. President, from you and the House Speaker on April 16 that said to report a measure out of Conference Committee in an amended form, all Chairs and a majority of a quorum of House managers and a majority of a quorum of Senate Committee's managers must vote in favor of the proposed amendments. That basically will obfuscate the Rule of the majority of the Committee when one person can unilaterally bring legislation that we worked very hard on to a screeching halt.

"I would propose that it would be in everybody's best interest to remedy that by going back to the original Rule, and I'm hoping the Majority Party will take this under advisement and get back to the Senate and the House on this."

The President responded:

"Thank you, we will consider it with leadership in our caucus."

Senator Chun then rose and said:

"Thank you for your comments, Senator.

"We are in the process of drafting a Rule not only to address that question but also the question of whether or not a single Chair could override by not even attending a hearing. So there's more than just signing a piece of paper that's involved. We are in the process of looking at the overall problem as we talked about last year, and hopefully we'll be able to present some kind of amendments after we discuss it with leadership and the Majority Caucus.

"Thank you for your concerns."

#### ADJOURNMENT

At 12:03 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, February 8, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## SIXTEENTH DAY

Friday, February 8, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Clarence Fisher, Our Lady of Sorrows Parish, after which the Roll was called showing all Senators present with the exception of Senator Sakamoto who was excused.

The President announced that he had read and approved the Journal of the Fifteenth Day.

At this time, Senator Matsuura introduced the following individuals from the Coalition for Drug-Free Hawaii: Cliff Cisco, Senior Vice President of HMSA; Alan Shin, Drug Free Hawaii Executive Director; and Kendyl Ko, Department of Education.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 35 and 36) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A FOOD ASSISTANCE PROGRAM."

Offered by: Senator Matsuura.

No. 36 "SENATE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI'ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK."

Offered by: Senators Kokubun, Matsuura, Buen, Kanno, Matsunaga, Hogue, Chun, English, Slom, Nakata, Tam, Chumbley, Kim, Ihara, Taniguchi, Kawamoto, Inouye.

## SENATE RESOLUTION

The following resolution (S.R. No. 16) was read by the Clerk and was deferred:

## Senate Resolution

No. 16 "SENATE RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI'ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK."

Offered by: Senators Kokubun, Matsuura, Kanno, Matsunaga, Hogue, Chun, English, Slom, Tam, Kim, Nakata, Chumbley, Ihara, Taniguchi, Kawamoto, Inouye, Buen.

## STANDING COMMITTEE REPORTS

Senators Matsuura and Buen, for the Committee on Health and Human Services and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2052) recommending that S.B. No. 2133, as amended in S.D. 1, pass Second Reading and 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.B. No. 2133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET NUTRITION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2053) recommending that S.B. No. 2453, as amended in S.D. 1, pass Second Reading and 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.B. No. 2453, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2054) recommending that S.B. No. 2006 pass Second Reading and 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.B. No. 2006, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2055) recommending that S.B. No. 2177 pass Second Reading and 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.B. No. 2177, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH AND BIOREMEDIATION OF MATERIAL DREDGED FROM STATEWIDE WATERWAYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2056) recommending that S.B. No. 2567 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2567, entitled: "A BILL FOR AN ACT RELATING TO LITTER," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2057) recommending that S.B. No. 2713, as amended in S.D. 1,

pass Second Reading and 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.B. No. 2713, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2058) recommending that S.B. No. 2794 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2794, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2059) recommending that S.B. No. 2796 pass Second Reading and 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.B. No. 2796, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2060) recommending that S.B. No. 2812 pass Second Reading and 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.B. No. 2812, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata and Matsuura, for the Committee on Labor and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2061) recommending that S.B. No. 941, as amended in S.D. 1, pass Second Reading and 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.B. No. 941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2062) recommending that S.B. No. 2757, as amended in S.D. 1, pass Second Reading and 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.B. No. 2757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2063) recommending that S.B. No. 2759, as amended in S.D. 1, pass Second Reading and 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.B. No. 2759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2064) recommending that S.B. No. 2786, as amended in S.D. 1, pass Second Reading and 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.B. No. 2786, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

**RE-REFERRAL OF SENATE BILL**

The Chair re-referred the following Senate bill that was introduced:

Senate Bill  No. 2797	Referred to:  Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
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**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The Chair re-referred the following House concurrent resolution that was received:

House Concurrent Resolution	Referred to:  Committee on Ways and Means
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**ADJOURNMENT**

At 12:01 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., Monday, February 11, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## SEVENTEENTH DAY

**Monday, February 11, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Burton Maxwell, Central Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Tam who were excused.

The President announced that he had read and approved the Journal of the Sixteenth Day.

At this time, Senator Hemmings introduced Peter Schall, Senior Vice President of Hilton Hotels Corporation, and commended him for his many achievements and his commitment to service in the community.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 164 to 177) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 164, dated January 31, 2002, transmitting the 2001 Annual Report of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities, pursuant to Section 340B-12, HRS, was placed on file.

Gov. Msg. No. 165, dated January 31, 2002, transmitting a report prepared by the Department of Agriculture pursuant to Sections 155-14 and 219-4, HRS, on the transfer of funds between the Agriculture Loan Revolving Fund and the Aquaculture Loan Revolving Fund, was placed on file.

Gov. Msg. No. 166, dated February 4, 2002, transmitting a Report Requesting Process and Outcome Evaluations by an Independent Evaluator of New Treatment or Service Programs, Employed by the Child and Adolescent Mental Health Division to Serve Emotionally Disturbed Children and Adolescents, prepared by the University of California San Francisco, Child Services Research Group, for the Department of Health pursuant to Act 25, SLH 2000, was placed on file.

Gov. Msg. No. 167, dated February 5, 2002, transmitting a report prepared by the Department of Health pursuant to S.C.R. No. 41 (2001), requesting the Department of Health to establish a neurotrauma task force, was placed on file.

Gov. Msg. No. 168, dated February 6, 2002, transmitting the Environmental Report Card 2001, Annual Report of the Environmental Council, pursuant to Chapter 341, HRS, was placed on file.

Gov. Msg. No. 169, dated February 6, 2002, transmitting the Report on the Statewide Comprehensive Strategic Plan for Services and Supports for Individuals with Developmental Disabilities or Mental Retardation, prepared by the Department of Health pursuant to S.C.R. No. 151 (1999), was placed on file.

Gov. Msg. No. 170, dated January 18, 2002, transmitting the Report of the Insurance Commissioner of Hawaii 2001, pursuant to Section 431:2-211, HRS, was placed on file.

Gov. Msg. No. 171, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of JUNE S. TAKENO, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 172, submitting for consideration and confirmation to the Board of Directors, Agribusiness Development Corporation, the nomination of WAYNE K. KATAYAMA, term to expire June 30, 2005, was referred to the Committee on Agriculture.

Gov. Msg. No. 173, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nominations of: SANDRA JOY EASTLACK, terms to expire June 30, 2002, and June 30, 2006; and DAWN YOSHIMURA SINCLAIR, term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 174, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nominations of: LANI BOWMAN, KEVIN M.F. HO, PHARM.D., T. VIVIAN ISHIMARU-TSENG, M.D., BARBARA-ANN KELLER, MITCHELL KEPA and CHAD Y. KOYANAGI, M.D., terms to expire June 30, 2005; and JUDITH Y. AKAMINE, term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 175, submitting for consideration and confirmation to the Drug Product Selection Board, the nominations of: LORIANN M. KANNO, PHARM.D., and GEORGE W. READ, PH.D., terms to expire June 30, 2005; and MARCELLA SETO CHOCK, PHARM.D., and MARY JO KEEFE, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 176, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of CHARLES P.M.K. BURROWS, ED.D., term to expire June 30, 2004, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 177, submitting for consideration and confirmation to the Commission on Water Resource Management, the nominations of MEREDITH J. CHING and CLAYTON W. DELA CRUZ, terms to expire June 30, 2005, was referred to the Committee on Water, Land, Energy, and Environment.

**DEPARTMENTAL COMMUNICATION**

Dept. Com. No. 13, from the State Auditor dated February 6, 2002, transmitting a report, "Management Audit of the Hawaii Tourism Authority," (Report No. 02-04), was read by the Clerk and was placed on file.

**STANDING COMMITTEE REPORTS**

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2065) recommending that S.B. No. 2497, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2497, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HYPNOTHERAPISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2066) recommending that S.B. No. 2703, as amended in S.D. 1, pass Second Reading and 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.B. No. 2703, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and 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. 2067) recommending that S.B. No. 2705 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2705, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2068) recommending that S.B. No. 2722, as amended in S.D. 1, pass Second Reading and 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.B. No. 2722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and 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. 2069) recommending that S.B. No. 2723, as amended in S.D. 1, pass Second Reading and 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.B. No. 2723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and 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. 2070) recommending that S.B. No. 2724, as amended in S.D. 1, pass Second Reading and 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.B. No. 2724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and 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. 2071) recommending that S.B. No. 2729, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2072) recommending that S.B. No. 2730, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2073) recommending that S.B. No. 2731, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2731, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2074) recommending that S.B. No. 2732, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2075) recommending that S.B. No. 2743 pass Second Reading and 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.B. No. 2743, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2076) recommending that S.B. No. 2139 pass Second Reading and 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.B. No. 2139, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2077) recommending that S.B. No. 2690 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2690, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2078) recommending that S.B. No. 2691, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2691, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 2692 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2693 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2698, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2698, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2082) recommending that S.B. No. 2753 pass Second Reading and 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.B. No. 2753, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2754 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 2776 pass Second Reading and 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.B. No. 2776, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2777 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2777, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 2781 pass Second Reading and 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.B. No. 2781, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 3054, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME VACCINATIONS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations,

presented a report (Stand. Com. Rep. No. 2088) recommending that S.C.R. No. 28, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 12, 2002.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2089) recommending that S.R. No. 9, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 12, 2002.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

- |             |  |
|-------------|--|
| Senate Bill | Referred to:   |
| No. 2799    | Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means |
| No. 2984    | Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary   |

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

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

"Several of our colleagues may recall that there was a gentleman visiting on his vacation from the State of Minnesota, Mr. Nito Quiteves who is a highway safety expert and very knowledgeable about transportation issues. And I must admit, Mr. President, that I strong-armed him and made him give up part of his vacation so that he could come and testify before various committees on the traffic cam issue which he was very knowledgeable about.

"I just got an e-mail from Mr. Quiteves today, thanking our colleagues for their hospitality and so forth and passing along a little tidbit of information that upon his return to the State of Minnesota there had been some communications from individuals within the state government here and also the private vendor, questioning his superiors as to why he was allowed to come here, why he was allowed to exercise his free speech, why he was allowed to testify on issues that he is familiar with and experience that he's had over 30 years.

"So I thought I would just pass that along, Mr. President, since there is now a very active public relations campaign to try to get some of us to revise our positions on the traffic cam issue.

"Thank you very much."

**ADJOURNMENT**

At 11:59 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 12, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## EIGHTEENTH DAY

## Tuesday, February 12, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Brother Franklin Pao, SM, Marianist Center and Saint Louis Schools, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the Seventeenth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 178 and 179) were read by the Clerk and were placed on file:

Gov. Msg. No. 178, dated February 4, 2002, transmitting the Barbers Point Naval Air Station Redevelopment Commission's Annual Report for Fiscal Year Ending June 30, 2001, pursuant to Section 206G-3, HRS.

Gov. Msg. No. 179, dated February 7, 2002, transmitting the report, "Progress on the Study: Planning for Sustainable Tourism in Hawaii," prepared by the Department of Business, Economic Development and Tourism pursuant to Act 231, SLH 2001.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 14, from the State Auditor dated February 11, 2002, transmitting a report, "Review of Revolving Funds, Trust Funds, and Trust Accounts of the Office of the Governor, Office of the Lieutenant Governor, Department of Education and Hawaii State Public Library System, and Office of Hawaiian Affairs," (Report No. 02-05), was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 37 to 40) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' TO FULL UNITED STATES VETERANS' STATUS AND BENEFITS."

Offered by: Senators Kim, Bunda, Inouye, Menor.

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF HEALTH, EMERGENCY MEDICAL SERVICES SYSTEMS BRANCH."

Offered by: Senators Hanabusa, Chun, Kokubun, Buen, Matsunaga, Slom.

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM."

Offered by: Senators Hanabusa, Chun, Taniguchi, Kokubun, Tam, Buen, Matsunaga, Slom.

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE 'IOLANI PALACE."

Offered by: Senators Hanabusa, Chun, Kokubun, Tam, Buen, Slom.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 17 to 20) were read by the Clerk and were deferred:

## Senate Resolution

No. 17 "SENATE RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' TO FULL UNITED STATES VETERANS' STATUS AND BENEFITS."

Offered by: Senators Kim, Bunda, Inouye, Menor.

No. 18 "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE 'IOLANI PALACE."

Offered by: Senators Hanabusa, Chun, Kokubun, Tam, Buen, Slom.

No. 19 "SENATE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM."

Offered by: Senators Hanabusa, Chun, Taniguchi, Kokubun, Tam, Buen, Matsunaga, Slom.

No. 20 "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF HEALTH, EMERGENCY MEDICAL SERVICES SYSTEMS BRANCH."

Offered by: Senators Hanabusa, Chun, Kokubun, Buen, Matsunaga, Slom.

## STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 2582 pass Second Reading and 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.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and 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. 2091) recommending that S.B. No. 2704, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2733, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2037, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Nakata and Matsuura, for the Committee on Labor and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2114, as amended in S.D. 1, pass Second Reading and 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.B. No. 2114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 2121 pass Second Reading and 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.B. No. 2121, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2132 pass Second Reading and 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.B. No. 2132, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 2665, as amended in S.D. 1, pass Second Reading and 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.B. No. 2665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2673 pass Second Reading and 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.B. No. 2673, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 2873, as amended in S.D. 1, pass Second Reading and 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.B. No. 2873, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 2912 pass Second Reading and 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.B. No. 2912, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AQUACULTURE PRODUCTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 2942 pass Second Reading and 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.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO MEAT GRADING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2943 pass Second Reading and 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.B. No. 2943, entitled: "A BILL FOR AN ACT RELATING TO SUSCEPTIBLE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 3034 pass Second Reading and 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.B. No. 3034, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 3038, as amended in S.D. 1, pass Second Reading and 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.B. No. 3038, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN APICULTURE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2686, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2686, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2717, as amended in S.D. 1, pass Second Reading and 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.B. No. 2717, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2721 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2721, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2725 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

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

adopted and S.B. No. 2725, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2109) recommending that S.B. No. 2764, as amended in S.D. 1, pass Second Reading and 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.B. No. 2764, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2110) recommending that S.B. No. 2769 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2770, as amended in S.D. 1, pass Second Reading and 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.B. No. 2770, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2112) recommending that S.B. No. 2775 pass Second Reading and 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.B. No. 2775, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2113) recommending that S.B. No. 2779, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2114)

recommending that S.B. No. 2782 pass Second Reading and 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.B. No. 2782, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2115) recommending that S.B. No. 2818, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2818, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2116) recommending that S.B. No. 2829, as amended in S.D. 1, pass Second Reading and 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.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," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2117) recommending that S.B. No. 2934 pass Second Reading and be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2934, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 2005 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2119) recommending that S.B. No. 2007, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Tourism and Intergovernmental Affairs.

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

adopted and S.B. No. 2007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2120) recommending that S.B. No. 2214 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO UTILITY LINES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2121) recommending that S.B. No. 2278, as amended in S.D. 1, pass Second Reading and 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.B. No. 2278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMBINED HEAT AND POWER SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 2516, as amended in S.D. 1, pass Second Reading and 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.B. No. 2516, S.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 Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2123) recommending that S.B. No. 2667 pass Second Reading and 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.B. No. 2667, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2124) recommending that S.B. No. 2795, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary.

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

2125) recommending that S.B. No. 2804 pass Second Reading and 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.B. No. 2804, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2126) recommending that S.B. No. 2805 pass Second Reading and 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.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2127) recommending that S.B. No. 2811 pass Second Reading and 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.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2128) recommending that S.B. No. 2909 pass Second Reading and be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2909, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2129) recommending that S.B. No. 2987 pass Second Reading and 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.B. No. 2987, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CAPITAL IMPROVEMENT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2130) recommending that S.B. No. 2284, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2284, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2131) recommending that H.C.R. No. 7, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2131 and H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was deferred until Wednesday, February 13, 2002.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

**ORDER OF THE DAY**

**ADOPTION OF RESOLUTIONS**

**MATTERS DEFERRED FROM MONDAY, FEBRUARY 11, 2002**

Stand. Com. Rep. No. 2088 (S.C.R. No. 28, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Wednesday, February 13, 2002.

Stand. Com. Rep. No. 2089 (S.R. No. 9, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Wednesday, February 13, 2002.

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2020	Committee on Ways and Means
No. 2284	Committee on Education, then to the Committee on Ways and Means
No. 2982	Committee on Health and Human Services

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2422.

At 12:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:28 o'clock p.m.

The Chair then granted the waiver.

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

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

“Mr. President, I’d like to just express a slight concern I have about the hearing notice that was posted yesterday 2 minutes before the hearing time . . . actually it was a Ways and Means meeting. I assume that it got your approval pursuant to Rule 20, but I’d like to ask that the Committee Chairs keep this practice to a minimum. It was on a short form bill and so it can be justified.

“My concern is that I’ve never seen this in all of my years in the Legislature and I’d like us to try to at least do our best to keep it at a minimum.

“Thank you.”

The President responded:

“We’ll take that into consideration.”

#### ADJOURNMENT

At 12:32 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., Wednesday, February 13, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate



## NINETEENTH DAY

## Wednesday, February 13, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lieutenant Kyle Smith, Leeward Corps Community Center, Salvation Army, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the Eighteenth Day.

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

Senator Matsuura, on behalf of himself and Senator Slom, introduced Olin Kreutz of the Chicago Bears and congratulated him on his career as a professional football player.

Senator Kim and Senator Ige introduced and commended the following members of the 2001 Junior League World Series Champion Aiea Baseball Team: Ron Yonesaki, manager; Kepa Wong, co-captain; Kyle Kiyonaga, co-captain; Shawn Ha'o; Blaze Moleta; and Kurt Nishi.

Senators Kawamoto and Tam then introduced Alfred Rascon, Director of the Selective Service System. Accompanying Mr. Rascon were Colonel Lyle Wilkes, Edward Nakano, and Lieutenant Jill Trahan.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 41) was read by the Clerk and was deferred:

## Senate Concurrent Resolution

No. 41 "SENATE CONCURRENT RESOLUTION ADOPTING A SCHOOL READINESS DEFINITION AND STRATEGY."

Offered by: Senators Chun Oakland, Sakamoto, Matsuura, Kokubun, Inouye, Slom, Tam, Nakata.

## SENATE RESOLUTION

The following resolution (S.R. No. 21) was read by the Clerk and was deferred:

## Senate Resolution

No. 21 "SENATE RESOLUTION ADOPTING A SCHOOL READINESS DEFINITION AND STRATEGY."

Offered by: Senators Chun Oakland, Sakamoto, Matsuura, Kokubun, Inouye, Slom, Tam, Nakata.

## STANDING COMMITTEE REPORTS

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. 2132) recommending that S.B. No. 2241 pass Second Reading and 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.B. No. 2241, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT MINERAL RIGHTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye, Matsuura and Kim, for the Committee on Water, Land, Energy, and Environment, the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2133) recommending that S.B. No. 2511 pass Second Reading and 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.B. No. 2511, entitled: "A BILL FOR AN ACT MAKING A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO CLEAN UP SALT LAKE WATERWAY," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2134) recommending that S.B. No. 2653 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2653, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER'S LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2135) recommending that S.B. No. 2491 pass Second Reading and 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.B. No. 2491, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2136) recommending that S.B. No. 2494, as amended in S.D. 1, pass Second Reading and 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.B. No. 2494, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kim, for the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2137) recommending that S.B. No. 2760, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2760, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2138) recommending that S.B. No. 2149 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2149, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2139) recommending that S.B. No. 2416, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2140) recommending that S.B. No. 2591, as amended in S.D. 1, pass Second Reading and 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.B. No. 2591, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HANA COMMUNITY HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2141) recommending that S.B. No. 2684, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2684, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2142) recommending that S.B. No. 2761, as amended in S.D. 1, pass Second Reading and 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.B. No. 2761, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2143) recommending that S.B. No. 2772 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2772, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2144) recommending that S.B. No. 3001, as amended in S.D. 1, pass Second Reading and 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.B. No. 3001, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SCREENING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2145) recommending that S.B. No. 3053, as amended in S.D. 1, pass Second Reading and 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.B. No. 3053, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2146) recommending that S.B. No. 2715, as amended in S.D. 1, pass Second Reading and 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.B. No. 2715, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### ADOPTION OF RESOLUTIONS

### MATTERS DEFERRED FROM TUESDAY, FEBRUARY 12, 2002

Stand. Com. Rep. No. 2088 (S.C.R. No. 28, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE

STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Thursday, February 14, 2002.

Respectfully submitted,

Stand. Com. Rep. No. 2089 (S.R. No. 9, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Thursday, February 14, 2002.

Clerk of the Senate

Approved:

Stand. Com. Rep. No. 2131 (H.C.R. No. 7, H.D. 1):

President of the Senate

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted.

**RE-REFERRAL OF SENATE BILL**

The Chair re-referred the following Senate bill that was introduced:

Senate Bill                      Referred to:

No. 2028                      Committee on Economic Development and Technology, then to the Committee on Ways and Means

Senator Ihara rose on a point of inquiry as follows:

"Mr. President, I rise on a point of inquiry and maybe a request.

"I'd like to ask the Hawaiian Affairs Chair and also the Clerk's Office to announce to the public as well, when the public decision-making will be held."

Senator Chun responded:

"Mr. President, that was announced at the hearing this morning."

Senator Ihara continued:

"Could it be announced on the PA system as well, because they don't know when our caucus ends. We could end right away or it could be long. So for the benefit of the public, if we could just announce what time. Thank you."

Senator Chun replied:

"That can be done, Mr. President."

President Bunda then stated:

"We will do that."

**ADJOURNMENT**

At 12:10 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, February 14, 2002.

## TWENTIETH DAY

## Thursday, February 14, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:05 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Elder Gene Fujii, Kaimuki Evangelical Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Nineteenth Day.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 8) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 1764, which passed Third Reading in the House of Representatives on February 13, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed First Reading by title and was deferred.

Hse. Com. No. 6, transmitting H.B. No. 1806, which passed Third Reading in the House of Representatives on February 13, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1806, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed First Reading by title and was deferred.

Hse. Com. No. 7, transmitting H.B. No. 2432, which passed Third Reading in the House of Representatives on February 13, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," passed First Reading by title and was deferred.

Hse. Com. No. 8, transmitting H.C.R. No. 12, which was adopted by the House of Representatives on February 13, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was deferred until Friday, February 15, 2002.

## SENATE RESOLUTION

The following resolution (S.R. No. 22) was read by the Clerk and was deferred:

Senate Resolution

No. 22 "SENATE RESOLUTION RELATING TO CELEBRATION OF STATEHOOD DAY."

Offered by: Senators Slom, Hemmings, Hogue, Taniguchi.

## STANDING COMMITTEE REPORTS

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2147) recommending that S.B. No. 2245, as amended in S.D. 1, pass Second Reading and 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.B. No. 2245, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2148) recommending that S.B. No. 2150, as amended in S.D. 1, pass Second Reading and 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.B. No. 2150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2149) recommending that S.B. No. 2594 pass Second Reading and 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.B. No. 2594, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2150) recommending that S.B. No. 2964, as amended in S.D. 1, pass Second Reading and 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.B. No. 2964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2151) recommending that S.B. No. 2030 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2030, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2152) recommending that S.B. No. 2669 pass Second Reading and 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.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," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2153) recommending that S.B. No. 2774, as amended in S.D. 1, pass Second Reading and 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.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2154) recommending that S.B. No. 2808, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2808, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2155) recommending that S.B. No. 2908 pass Second Reading and 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.B. No. 2908, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CENTRAL OAHU RECYCLING AND DISPOSAL FACILITY, INC.," passed Second Reading and 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. 2156) recommending that S.B. No. 2262 pass Second Reading and 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.B. No. 2262, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Second Reading and 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. 2157) recommending that S.B. No. 2368 pass Second Reading and 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.B. No. 2368, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPAIR AND MAINTENANCE OF ALOHA STADIUM," passed Second Reading and 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. 2158) recommending that S.B. No. 2371 pass Second Reading and 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.B. No. 2371, entitled: "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX HOLIDAY TO STIMULATE HAWAII'S ECONOMY," passed Second Reading and 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. 2159) recommending that S.B. No. 2376 pass Second Reading and 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.B. No. 2376, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL CAMPING CABINS IN STATE PARKS," passed Second Reading and 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. 2160) recommending that S.B. No. 2383, as amended in S.D. 1, pass Second Reading and 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.B. No. 2383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Second Reading and 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. 2161) recommending that S.B. No. 2408 pass Second Reading and 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.B. No. 2408, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PACON INTERNATIONAL," passed Second Reading and 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. 2162) recommending that S.B. No. 2411, as amended in S.D. 1, pass Second Reading and 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.B. No. 2411, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING OF HAWAII PRODUCTS AND SERVICES," passed Second Reading and 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. 2163) recommending that S.B. No. 2414 pass Second Reading and 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.B. No. 2414, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Second Reading and 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. 2164) recommending that S.B. No. 2540, as amended in S.D. 1, pass Second Reading and 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.B. No. 2540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2165) recommending that S.B. No. 2472 pass Second Reading and 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.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2166) recommending that S.B. No. 2880, as amended in S.D. 1, pass Second Reading and 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.B. No. 2880, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUEA CEMETERY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2167) recommending that S.B. No. 2476, as amended in S.D. 1, pass Second Reading and 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.B. No. 2476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2168) recommending

that S.B. No. 2750, as amended in S.D. 1, pass Second Reading and 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.B. No. 2750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2169) recommending that S.B. No. 2478 pass Second Reading and 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.B. No. 2478, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2170) recommending that S.B. No. 2212, as amended in S.D. 1, pass Second Reading and 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.B. No. 2212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2171) recommending that S.B. No. 2221 pass Second Reading and 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.B. No. 2221, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2172) recommending that S.B. No. 2321 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2321, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2173) recommending that S.B. No. 2335 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2335, entitled: "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES,"

passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2174) recommending that S.B. No. 2337, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2175) recommending that S.B. No. 2767 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2767, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2176) recommending that S.B. No. 2842, as amended in S.D. 1, pass Second Reading and 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.B. No. 2842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2177) recommending that S.B. No. 410, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 410, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2178) recommending that S.B. No. 2294, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was referred to the Committee on Judiciary.

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

No. 2179) recommending that S.B. No. 2450, as amended in S.D. 1, pass Second Reading and 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.B. No. 2450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and 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. 2180) recommending that S.B. No. 2375, as amended in S.D. 1, pass Second Reading and 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.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," passed Second Reading and 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. 2181) recommending that S.B. No. 2885, as amended in S.D. 1, pass Second Reading and 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.B. No. 2885, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and 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. 2182) recommending that S.B. No. 3031, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2183) recommending that S.B. No. 2727, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2751 pass Second Reading and be placed on the calendar for Third Reading.

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

adopted and S.B. No. 2751, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2185) recommending that S.B. No. 2813, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES FOR BURIAL COUNCIL DETERMINATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

**ORDER OF THE DAY**

**ADOPTION OF RESOLUTIONS**

**MATTERS DEFERRED FROM WEDNESDAY, FEBRUARY 13, 2002**

Stand. Com. Rep. No. 2088 (S.C.R. No. 28, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 19, 2002.

Stand. Com. Rep. No. 2089 (S.R. No. 9, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 19, 2002.

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 410, S.D. 1	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2243	Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing
No. 2803	Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Economic Development and Technology and the Committee on Ways and Means
No. 2832	Committee on Ways and Means

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 410;
- S.B. No. 2231;
- S.B. No. 2475;
- S.B. No. 2486;
- S.B. No. 2620;
- S.B. No. 2998; and
- S.B. No. 3028.

Senator Kawamoto noted:

"Mr. President, S.B. No. 410 is a short form bill and in anticipation of a re-referral, we scheduled the bill for a hearing prior to Friday's lateral deadline.

"The reason for these bills are there were late requests for the bills to be heard and we accommodated them."

The Chair then granted the waiver.

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. Nos. 2243 and 2803.

Senator Inouye then noted:

"Mr. President, pursuant to your recent announcement with regards to the re-referrals of S.B. Nos. 2243 and 2803, I request a waiver of the notice requirement pursuant to Senate Rule 20."

The Chair then granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2232.

Senator Menor noted:

"Mr. President, the reason for the request is because yesterday your Committee on Commerce, Consumer Protection and Housing was not able to publicly announce the date, time, and location for the decision-making on this measure because of scheduling conflicts involving my Committee and the Hawaiian Affairs Committee that had jurisdiction over this measure as well. Nevertheless, we did have an extensive and full public hearing on this measure and a hearing notice was posted yesterday. We just weren't able to make the announcement within the required 48-hour time period."

The Chair then granted the waiver.

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

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, I wanted to point out and express a concern I have regarding the decision-making in this frenzied atmosphere with probably 30, 40, or 50 decision-making meetings. I wanted to point out Rule 86 which says that as part of the Senate Rules we are obligated to follow, by our own rules, Mason's Manual of Legislative Procedures. The Mason's Manual of Legislative Procedures is replete with references that support the parliamentary principle that members know precisely, 'members are entitled to know precisely what it is they are voting on and what effect their votes will have before they vote.'



“As much as possible, if Chairs could have either the draft language or, if not that, either a digest or some reference to testimony or some way that members, when they vote, we know what we’re voting on.

“Thank you, Mr. President.”

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

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

“Mr. President and colleagues, today marks the 20<sup>th</sup> day of this Session. We’ve completed one-third of this Session. We have nothing to show for it – not one thing. The only bill that we’ve passed is the bill that we always pass first, the bill that pays us first, pays the cost. We have not passed legislation. We have not heard a lot of bills, and we have chaos in a lot of the Committees as the Senator from God’s country and the Senator from Ala Wai/Waikiki was just alluding to.

“We’ve got to get our act together. We’ve got to do a much better job. When we have people sitting in a hearing room and we postpone that hearing for 4 or 5 hours or keep deferring decision-making, it’s not right. It’s not fair. It’s not fair to them; it’s not fair to our colleagues. As individuals in this Senate, we do have a responsibility to be at hearings on time and to take our duties seriously.

“So I would expect and hope, Mr. President and colleagues, in the next 40 days of this Session, that we do what we’re supposed to do and do it in a timely manner so that at the end of this Session we can all be proud of the work that we’ve accomplished.

“Thank you.”

Senator Sakamoto rose on a point of personal privilege also and stated:

“Mr. President, I rise on a point of personal privilege partly in response to the Senator from Hawaii Kai and partly in response to other comments.

“I believe we’ve heard many bills, and part of the problem that has caused delays is that we respectfully entertain people who want to testify and want to speak. In yesterday’s hearing, on the first bill there were several dozen people who eloquently wanted to express their concern about the value of that particular measure. Your Chair, Mr. President, did not feel it was appropriate to tell them to summarize or to tell them to stand on their testimony, or to tell them ‘we’re going to pass the bill, go home.’

“Mr. President, with respect to the people and also with respect to time, I feel it’s our obligation to respect the testifiers and allow them to do their testimony and hopefully sometimes being reminded that other people are waiting. But unfortunately, time does go on.

“One reason your Education Committee hears many bills, Mr. President, is because before I was elected to this body, as a member of the public we often asked members of this body, previous members and some current members, to ‘hear a bill, hear a measure, please hear a measure. Let us have our day at the Legislature.’ And many times we were rebuffed. So I think it’s our obligation and it’s more important to hear measures and have people have their say even if it prolongs hearings or delays decision-making.

“I apologize that some of our issues are still works in progress. But, Mr. President, we will work diligently and do our best to be on time as well as do our best to provide enough information for our members to vote.

“Thank you.”

**ADJOURNMENT**

At 12:47 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, February 15, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TWENTY-FIRST DAY

Friday, February 15, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Claudia Wong, Sisters of St. Joseph, Compassionate Counseling, after which the Roll was called showing all Senators present with the exception of Senator Kim who was excused.

The President announced that he had read and approved the Journal of the Twentieth Day.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 9 to 12) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 9, transmitting H.B. No. 1011, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1011, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 10, transmitting H.B. No. 1713, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1713, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was deferred.

Hse. Com. No. 11, transmitting H.B. No. 1715, H.D. 1, which passed Third Reading in the House of Representatives on February 14, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1715, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was deferred.

Hse. Com. No. 12, transmitting H.B. No. 2631, which passed Third Reading in the House of Representatives on February 14, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2631, entitled: "A BILL FOR AN ACT RELATING TO MEAT GRADING," passed First Reading by title and was deferred.

## STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2186) recommending that S.B.

No. 2246 pass Second Reading and 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.B. No. 2246, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC.," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2187) recommending that S.B. No. 2307 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2307, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2188) recommending that S.B. No. 2330 pass Second Reading and 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.B. No. 2330, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2189) recommending that S.B. No. 2331, as amended in S.D. 1, pass Second Reading and 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.B. No. 2331, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2190) recommending that S.B. No. 2336, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2191) recommending that S.B. No. 2390, as amended in S.D. 1, pass Second Reading and 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.B. No. 2390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2192) recommending that S.B. No. 2488 pass Second Reading and 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.B. No. 2488, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2193) recommending that S.B. No. 2550, as amended in S.D. 1, pass Second Reading and 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.B. No. 2550, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2194) recommending that S.B. No. 2552, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2195) recommending that S.B. No. 2633, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2196) recommending that S.B. No. 2645 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2645, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2197) recommending that S.B. No. 2646 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2646, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2198) recommending that S.B. No. 2649 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2649, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO CONFORM TO THE UNITED STATES CONSTITUTION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2199) recommending that S.B. No. 2694, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2694, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2200) recommending that S.B. No. 2837 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2837, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2201) recommending that S.B. No. 2838 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2838, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2202) recommending that S.B. No. 2840, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2203) recommending that S.B. No. 2990, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2990, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME STOPPERS ORGANIZATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2204) recommending that S.B. No. 3009 pass Second Reading and 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.B. No. 3009, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF GRANT WRITING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2205) recommending that S.B. No. 3036 pass Second Reading and 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.B. No. 3036, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF VETERAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2206) recommending that S.B. No. 3048, as amended in S.D. 1, pass Second Reading and 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.B. No. 3048, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2207) recommending that S.B. No. 3060 pass Second Reading and 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.B. No. 3060, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE SAFETY EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kim, for the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2208) recommending that S.B. No. 2009, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Inouye and Kawamoto, for the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2209) recommending that S.B. No. 2003 pass Second Reading and 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.B. No. 2003, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2210) recommending that S.B. No. 2484 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2484, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Inouye and Kawamoto, for the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2211) recommending that S.B. No. 2179, as amended in S.D. 1, pass Second Reading and 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.B. No. 2179, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kanno, for the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2212) recommending that S.B. No. 2810, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2810, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

Senators Nakata and Matsuura, for the Committee on Labor and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2213) recommending that S.B. No. 2180, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Commerce, Consumer Protection, and Housing and the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," passed Second Reading and was referred jointly to the Committee on Commerce, Consumer Protection, and Housing and the Committee on Judiciary.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2214) recommending that S.B. No. 2111 pass Second Reading and 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.B. No. 2111, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata and Inouye, for the Committee on Labor and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2215) recommending that S.B. No. 2900 pass Second Reading and 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.B. No. 2900, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2216) recommending that S.B. No. 2967 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2967, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2217) recommending that S.B. No. 3025 pass Second Reading and 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.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2218) recommending that S.B. No. 3078, as amended in S.D. 1, pass Second Reading and 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.B. No. 3078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2219) recommending that S.B. No. 2477, as amended in S.D. 1, pass Second Reading and 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.B. No. 2477, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2220) recommending that S.B. No. 2869 pass Second Reading and 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.B. No. 2869, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2221) recommending that S.B. No. 2012, as amended in S.D. 1, pass Second Reading and 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.B. No. 2012, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2222) recommending that S.B. No. 2032, as amended in S.D. 1, pass Second Reading and 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.B. No. 2032, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2223) recommending that S.B. No. 2035 pass Second Reading and 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.B. No. 2035, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2224) recommending that S.B. No. 2057, as amended in S.D. 1, pass Second Reading

and be referred jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2057, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY PUBLIC SCHOOL FACILITIES," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2225) recommending that S.B. No. 2154, as amended in S.D. 1, pass Second Reading and 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.B. No. 2154, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 2226) recommending that S.B. No. 2160, as amended in S.D. 1, pass Second Reading and 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.B. No. 2160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPOROSIS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2227) recommending that S.B. No. 2205 pass Second Reading and 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.B. No. 2205, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2228) recommending that S.B. No. 2207 pass Second Reading and 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.B. No. 2207, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2229) recommending that S.B. No. 2208, as amended in S.D. 1, pass Second Reading and 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.B. No. 2208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2230) recommending that S.B. No. 2210, as amended in S.D. 1, pass Second Reading and 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.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL COUNSELORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2231) recommending that S.B. No. 2211, as amended in S.D. 1, pass Second Reading and 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.B. No. 2211, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2232) recommending that S.B. No. 2224 pass Second Reading and 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.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2233) recommending that S.B. No. 2283, 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.B. No. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2234) recommending that S.B. No. 2357, as amended in S.D. 1, pass Second Reading and 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.B. No. 2357, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2235) recommending that S.B. No. 2358 pass Second Reading and 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.B. No. 2358, entitled: "A BILL FOR AN ACT

RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2236) recommending that S.B. No. 2660, as amended in S.D. 1, pass Second Reading and 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.B. No. 2660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2237) recommending that S.B. No. 2118 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2118, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2238) recommending that S.B. No. 2033, as amended in S.D. 1, pass Second Reading and 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.B. No. 2033, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2239) recommending that S.B. No. 2100, as amended in S.D. 1, pass Second Reading and 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.B. No. 2100, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2240) recommending that S.B. No. 2284, 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.B. No. 2284, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2241) recommending that S.B. No. 2896, as amended in S.D. 1, pass Second Reading and 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.B. No. 2896, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2242) recommending that S.B. No. 2991, as amended in S.D. 1, pass Second Reading and 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.B. No. 2991, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREER AND TECHNICAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2243) recommending that S.B. No. 3004, as amended in S.D. 1, pass Second Reading and 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.B. No. 3004, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### REFERRAL OF HOUSE BILLS

##### MATTERS DEFERRED FROM THURSDAY, FEBRUARY 14, 2002

H.B. No. 1764 (Hse. Com. No. 5):

By unanimous consent, action on H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was deferred until Tuesday, February 19, 2002.

H.B. No. 1806 (Hse. Com. No. 6):

By unanimous consent, action on H.B. No. 1806, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," was deferred until Tuesday, February 19, 2002.

H.B. No. 2432 (Hse. Com. No. 7):

By unanimous consent, action on H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," was deferred until Tuesday, February 19, 2002.

##### REFERRAL OF HOUSE CONCURRENT RESOLUTION

##### MATTER DEFERRED FROM THURSDAY, FEBRUARY 14, 2002

H.C.R. No. 12 (Hse. Com. No. 8):

By unanimous consent, action on H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was deferred until Tuesday, February 19, 2002.

##### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:  
 No. 2289 Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing

No. 2748 Jointly to the Committee on Tourism and Intergovernmental Affairs, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 2721:

Senator Matsuura moved that the Senate reconsider its actions taken on February 12, 2002, in adopting Stand. Com. Rep. No. 2107 and passing S.B. No. 2721 on Second Reading, seconded by Senator Menor.

Senator Matsuura noted:

“Mr. President, your Committee on Health and Human Services voted to pass this bill out of Committee with amendments on February 8. However, the committee report was filed on February 12 with a recommendation to pass the bill unamended. We would like the opportunity to reflect the correct recommendation of the Committee.”

Senator Menor then rose and said:

“Mr. President, your Committee on Commerce, Consumer Protection and Housing is currently in possession of this bill and I support this motion so that the Committee on Health and Human Services can make the appropriate corrections.”

The motion was put by the Chair and carried.

Senator Matsuura then moved that Stand. Com. Rep. No. 2107 be received and placed on file, seconded by Senator Menor and carried.

By unanimous consent, S.B. No. 2721, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” was recommitted to the Committee on Health and Human Services.

Senator Matsuura, Chair of the Committee on Health and Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. Nos. 2405 and 2969.

Senator Matsuura then noted:

“These bills were previously heard by your Committee on Health and Human Services and we would like to hold decision-making on them today.”

The Chair then granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 2068;
- S.B. No. 2254;
- S.B. No. 2255;
- S.B. No. 2959; and
- S.B. No. 3016.

Senator Kawamoto noted:

“The reason that we need the decision-making waiver is the EDT and EDU Committees have already voted on these bills.”

The Chair then granted the waiver.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 3005.

Senator Sakamoto then said:

“Mr. President, we did announce the time when we would have decision-making but it was left off the decision-making notice.”

The Chair then granted the waiver.

**STANDING COMMITTEE REPORTS**

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that Senate bills pass Second Reading and be referred to committees. The Senate further authorized the adoption of standing committee reports recommending that Senate bills be referred to committees of last referral. In consequence thereof, and subsequent to its recessing at 12:42 o'clock p.m., the Senate took the following actions on the following bills and standing committee reports:

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2244) recommending that S.B. No. 2467, as amended in S.D. 1, pass Second Reading and 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.B. No. 2467, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Kawamoto, for the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2245) recommending that S.B. No. 2231 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2231, entitled: “A BILL FOR AN ACT RELATING TO KAHŌ‘OLAWĒ ISLAND RESERVE,” passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun and Kawamoto, for the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2246) recommending that S.B. No. 2620 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2620, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” passed Second Reading and was referred to the Committee on Judiciary.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2247) recommending that S.B.



No. 2623, as amended in S.D. 1, pass Second Reading and 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.B. No. 2623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2248) recommending that S.B. No. 2821 pass Second Reading and 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.B. No. 2821, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Sakamoto, for the Committee on Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2249) recommending that S.B. No. 2229 pass Second Reading and 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.B. No. 2229, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUSSING FOR THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Menor, for the Committee on Hawaiian Affairs and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2250) recommending that S.B. No. 2232 pass Second Reading and 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.B. No. 2232, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Sakamoto, for the Committee on Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2251) recommending that S.B. No. 2895, as amended in S.D. 1, pass Second Reading and 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.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," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Sakamoto, for the Committee on Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2252) recommending that S.B. No. 2897, as amended in S.D. 1, pass Second Reading and 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.B. No. 2897, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO HAWAIIAN CULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2253) recommending that S.B. No. 2108 pass Second Reading and 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.B. No. 2108, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2254) recommending that S.B. No. 2346 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2346, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2255) recommending that S.B. No. 2350, as amended in S.D. 1, pass Second Reading and 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.B. No. 2350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2256) recommending that S.B. No. 2421, as amended in S.D. 1, pass Second Reading and 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.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2257) recommending that S.B. No. 2556 pass Second Reading and 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.B. No. 2556, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2258) recommending that S.B. No. 2635 pass Second Reading and 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.B. No. 2635, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2259) recommending that S.B. No. 2709, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2260) recommending that S.B. No. 2858 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2858, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2261) recommending that S.B. No. 2875, as amended in S.D. 1, pass Second Reading and 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.B. No. 2875, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2262) recommending that S.B. No. 2890, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2890, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2263) recommending that S.B. No. 2891, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2891, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kim and Matsuura, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep.

No. 2264) recommending that S.B. No. 2904 pass Second Reading and 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.B. No. 2904, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FUNDING A SECOND AMBULANCE TO SERVICE THE WAIANAE COAST," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2265) recommending that S.B. No. 2905 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2266) recommending that S.B. No. 2976, as amended in S.D. 1, pass Second Reading and 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.B. No. 2976, S.D. 1, entitled: "A BILL FOR AN ACT MAKING A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO CLEAN UP KAILUA WATERWAY SYSTEM WATERWAY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Tam, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2267) recommending that S.B. No. 3021, as amended in S.D. 1, pass Second Reading and 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.B. No. 3021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Kawamoto, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2268) recommending that S.B. No. 2907, as amended in S.D. 1, pass Second Reading and 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.B. No. 2907, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2269) recommending that S.B. No. 2305 pass Second Reading and 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.B. No. 2305, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTEENTH SENATE DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2270) recommending that S.B. No. 2409, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2271) recommending that S.B. No. 2306, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2306, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2272) recommending that S.B. No. 2319 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2319, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2273) recommending that S.B. No. 2422, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2422, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2274) recommending that S.B. No. 2628, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2628, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2275) recommending that S.B. No. 2681, as amended in S.D. 1, pass Second Reading and 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.B. No. 2681, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2276) recommending that S.B. No. 2737 pass Second Reading and 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.B. No. 2737, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2277) recommending that S.B. No. 2768, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2278) recommending that S.B. No. 2308 pass Second Reading and 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.B. No. 2308, entitled: "A BILL FOR AN ACT RELATING TO MARITIME LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2279) recommending that S.B. No. 2835, as amended in S.D. 1, pass

Second Reading and 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.B. No. 2835, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2280) recommending that S.B. No. 2836, as amended in S.D. 1, pass Second Reading and 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.B. No. 2836, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION FEE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2281) recommending that S.B. No. 2887 pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2887, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2282) recommending that S.B. No. 3049, as amended in S.D. 1, pass Second Reading and 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.B. No. 3049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Menor, for the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2283) recommending that S.B. No. 2238 pass Second Reading and 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.B. No. 2238, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye, Kim and Menor, for the Committee on Water, Land, Energy, and Environment, the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2284) recommending that

S.B. No. 2266, as amended in S.D. 1, pass Second Reading and 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.B. No. 2266, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2285) recommending that S.B. No. 2505, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senators Inouye and Menor, for the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2286) recommending that S.B. No. 2802, as amended in S.D. 1, pass Second Reading and 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.B. No. 2802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Buen, for the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2287) recommending that S.B. No. 2968 pass Second Reading and 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.B. No. 2968, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIHAOLE WATER SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2288) recommending that S.B. No. 2898, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2289) recommending that S.B. No. 2823 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2823, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Nakata and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2290) recommending that S.B. No. 2078, as amended in S.D. 1, pass Second Reading and 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.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2291) recommending that S.B. No. 3008 pass Second Reading and 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.B. No. 3008, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2292) recommending that S.B. No. 2127 pass Second Reading and 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.B. No. 2127, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2293) recommending that S.B. No. 2718, as amended in S.D. 1, pass Second Reading and 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.B. No. 2718, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2294) recommending that S.B. No. 2758, as amended in S.D. 1, pass Second Reading and 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.B. No. 2758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2295) recommending that S.B. No. 2983 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2983, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Buen, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2296) recommending that S.B. No. 2134 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2134, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senators Kawamoto and Tam, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2297) recommending that S.B. No. 2309, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Tam, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2298) recommending that S.B. No. 2382, as amended in S.D. 1, pass Second Reading and 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.B. No. 2382, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2299) recommending that S.B. No. 2486 pass Second Reading and 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.B. No. 2486, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2300) recommending that S.B.

No. 2487, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2301) recommending that S.B. No. 2600, as amended in S.D. 1, pass Second Reading and 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.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONAIRES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2302) recommending that S.B. No. 2601, as amended in S.D. 1, pass Second Reading and 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.B. No. 2601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2303) recommending that S.B. No. 2736 pass Second Reading and 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.B. No. 2736, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT STATUS OF PERSONNEL OF THE HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2304) recommending that S.B. No. 2785, as amended in S.D. 1, pass Second Reading and 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.B. No. 2785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2305) recommending that S.B. No. 2024, as amended in S.D. 1, pass Second Reading and 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.B. No. 2024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2306) recommending that S.B. No. 2087, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2087, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2307) recommending that S.B. No. 2093, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2093, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2308) recommending that S.B. No. 2142 pass Second Reading and 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.B. No. 2142, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESPITE CARE SERVICES FOR FAMILIES OF INDIVIDUALS WITH SPECIAL NEEDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2309) recommending that S.B. No. 2148 pass Second Reading and 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.B. No. 2148, entitled: "A BILL FOR AN ACT RELATING TO RESPITE SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2310) recommending that S.B. No. 2175 pass Second Reading and 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.B. No. 2175, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEW POSITIONS FOR ADULT PROTECTIVE SERVICES IN THE DEPARTMENT OF HUMAN SERVICES," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2311) recommending that S.B. No. 2274 pass Second Reading and 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.B. No. 2274, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUPPORT FOR THE CASE MANAGEMENT PROGRAM OF THE MAUI AIDS FOUNDATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2312) recommending that S.B. No. 2276 pass Second Reading and 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.B. No. 2276, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI FOOD BANK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2313) recommending that S.B. No. 2721, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2314) recommending that S.B. No. 2762, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee 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," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2315) recommending that S.B. No. 2765, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2765, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2316) recommending that S.B. No. 2773, as amended in S.D. 1, pass

Second Reading and 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.B. No. 2773, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2317) recommending that S.B. No. 2867 pass Second Reading and 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.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2318) recommending that S.B. No. 2871, as amended in S.D. 1, pass Second Reading and 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.B. No. 2871, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INSURERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2319) recommending that S.B. No. 2881 pass Second Reading and 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.B. No. 2881, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2320) recommending that S.B. No. 2941 pass Second Reading and 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.B. No. 2941, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2321) recommending that S.B. No. 2944 pass Second Reading and 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.B. No. 2944, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH-CARE PROVIDERS OF THE MEDICALLY UNDERSERVED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2322) recommending that S.B. No. 2955 pass Second Reading and 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.B. No. 2955, entitled: "A BILL FOR AN ACT RELATING TO FOOD ASSISTANCE PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2323) recommending that S.B. No. 2985, as amended in S.D. 1, pass Second Reading and 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.B. No. 2985, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2324) recommending that S.B. No. 3022 pass Second Reading and 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.B. No. 3022, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2325) recommending that S.B. No. 3047 pass Second Reading and 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.B. No. 3047, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIPAHU COMMUNITY ADULT DAY HEALTH CENTER AND YOUTH DAY CARE CENTER PILOT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2326) recommending that S.B. No. 3072 pass Second Reading and 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.B. No. 3072, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ORBITS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2327) recommending that S.B. No. 3077, as amended in S.D. 1, pass Second Reading and 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.B. No. 3077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2328) recommending that S.B. No. 2571 pass Second Reading and 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.B. No. 2571, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Kanno, for the Committee on Hawaiian Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2329) recommending that S.B. No. 2043 pass Second Reading and 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.B. No. 2043, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2330) recommending that S.B. No. 2971, as amended in S.D. 1, pass Second Reading and 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.B. No. 2971, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2331) recommending that S.B. No. 2931, as amended in S.D. 1, pass Second Reading and 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.B. No. 2931, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Kim, for the Committee on Agriculture and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2332) recommending that S.B. No. 2913, as amended in S.D. 1, pass Second Reading and 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.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," passed Second Reading and was referred to the Committee on Ways and Means.



Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2333) recommending that S.B. No. 2242, as amended in S.D. 1, pass Second Reading and 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.B. No. 2242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Tam, for the Committee on Agriculture and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2334) recommending that S.B. No. 2239, as amended in S.D. 1, pass Second Reading and 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.B. No. 2239, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OCEANIC INSTITUTE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Tam, for the Committee on Agriculture and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2335) recommending that S.B. No. 2228, as amended in S.D. 1, pass Second Reading and 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.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," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2336) recommending that S.B. No. 2184 pass Second Reading and 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.B. No. 2184, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2337) recommending that S.B. No. 2136 pass Second Reading and 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.B. No. 2136, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Menor, for the Committee on Agriculture and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2338) recommending that S.B. No. 2291 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2291, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Buen and Menor, for the Committee on Agriculture and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2339) recommending that S.B. No. 2666, as amended in S.D. 1, pass Second Reading and 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.B. No. 2666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2340) recommending that S.B. No. 2243, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Second Reading and was referred jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection, and Housing.

Senators Inouye and Menor, for the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2341) recommending that S.B. No. 2615, as amended in S.D. 1, pass Second Reading and 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.B. No. 2615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2342) recommending that S.B. No. 2803, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Economic Development and Technology and 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.B. No. 2803, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS ON PUBLIC LANDS," passed Second Reading and was referred jointly to the Committee on Economic Development and Technology and the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2343) recommending that S.B.

No. 1381, as amended in S.D. 1, pass Second Reading and 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.B. No. 1381, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2344), recommending that S.B. No. 2206, 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.B. No. 2206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2345) recommending that S.B. No. 2223 pass Second Reading and 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.B. No. 2223, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2346) recommending that S.B. No. 2365, as amended in S.D. 1, pass Second Reading and 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.B. No. 2365, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2347) recommending that S.B. No. 2400, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCESS SERVERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2348), recommending that S.B. No. 2438, 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.B. No. 2438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT," 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. 2349) recommending that S.B. No. 2172, as amended in S.D. 1, pass Second Reading and 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.B. No. 2172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND," passed Second Reading and 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. 2350) recommending that S.B. No. 2469, as amended in S.D. 1, pass Second Reading and 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.B. No. 2469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and 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. 2351) recommending that S.B. No. 2587, as amended in S.D. 1, pass Second Reading and 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.B. No. 2587, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND MAKING AN APPROPRIATION FOR STUDENT HOUSING," passed Second Reading and 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. 2352) recommending that S.B. No. 2726 pass Second Reading and 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.B. No. 2726, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the majority of the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2353) recommending that S.B. No. 2735, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2735, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES PAID TO THE DIVISION OF FINANCIAL INSTITUTIONS," passed Second Reading and 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. 2354) recommending that S.B. No. 2143, as amended in S.D. 1, pass

Second Reading and 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.B. No. 2143, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kim, for the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2355) recommending that S.B. No. 2247, as amended in S.D. 1, pass Second Reading and 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.B. No. 2247, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kawamoto, for the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2356) recommending that S.B. No. 2254 pass Second Reading and 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.B. No. 2254, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kawamoto, for the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2357) recommending that S.B. No. 2255, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senators Tam and Sakamoto, for the Committee on Economic Development and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2358) recommending that S.B. No. 2412 pass Second Reading and 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.B. No. 2412, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kawamoto, for the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2359) recommending that S.B. No. 2949 pass Second Reading and 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.B. No. 2949, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kim, for the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2360) recommending that S.B. No. 3014 pass Second Reading and 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.B. No. 3014, entitled: "A BILL FOR AN ACT RELATING TO ALOHA STADIUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2361) recommending that S.B. No. 2055, as amended in S.D. 1, pass Second Reading and 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.B. No. 2055, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2362) recommending that S.B. No. 2068, as amended in S.D. 1, pass Second Reading and 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.B. No. 2068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2363) recommending that S.B. No. 2084, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2084, S.D. 1, entitled: "A BILL FOR AN ACT RELATED TO LIMITED LIABILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2364) recommending that S.B. No. 2067, as amended in S.D. 1, pass Second Reading and 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.B. No. 2067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2365) recommending that S.B. No. 2069, as amended in S.D. 1, pass Second Reading and 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.B. No. 2069, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2366) recommending that S.B. No. 2073 pass Second Reading and 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.B. No. 2073, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2367) recommending that S.B. No. 2233 pass Second Reading and 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.B. No. 2233, entitled: "A BILL FOR AN ACT RELATING TO THE PARENT-COMMUNITY NETWORKING CENTER PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2368) recommending that S.B. No. 2332, as amended in S.D. 1, pass Second Reading and 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.B. No. 2332, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A TRANSPORTATION STUDIES CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2369) recommending that S.B. No. 2355 pass Second Reading and 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.B. No. 2355, entitled: "A BILL FOR AN ACT RELATING TO NURSING SCHOLARSHIPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2370) recommending that S.B. No. 2424, as amended in S.D. 1, pass Second Reading and 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.B. No. 2424, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL-TECHNICAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2371) recommending that S.B. No. 2579, as amended in S.D. 1, pass Second Reading and 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.B. No. 2579, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2372) recommending that S.B. No. 2680 pass Second Reading and 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.B. No. 2680, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2373) recommending that S.B. No. 2738 pass Second Reading and 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.B. No. 2738, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2374) recommending that S.B. No. 2741, as amended in S.D. 1, pass Second Reading and 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.B. No. 2741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2375) recommending that S.B. No. 2790, as amended in S.D. 1, pass Second Reading and 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.B. No. 2790, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2376) recommending

that S.B. No. 2791, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2791, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Judiciary.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2377) recommending that S.B. No. 2792, as amended in S.D. 1, pass Second Reading and 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.B. No. 2792, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2378) recommending that S.B. No. 2793, as amended in S.D. 1, pass Second Reading and 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.B. No. 2793, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2379) recommending that S.B. No. 2901 pass Second Reading and 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.B. No. 2901, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE INSTITUTE OF ASTRONOMY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2380) recommending that S.B. No. 2927, as amended in S.D. 1, pass Second Reading and 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.B. No. 2927, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION MIDDLE SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2381) recommending that S.B. No. 2929, as amended in S.D. 1, pass Second Reading and 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.B. No. 2929, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2382) recommending that S.B. No. 2938 pass Second Reading and 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.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," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2383) recommending that S.B. No. 2060 pass Second Reading and 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.B. No. 2060, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2384) recommending that S.B. No. 2512, as amended in S.D. 1, pass Second Reading and 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.B. No. 2512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2385) recommending that S.B. No. 2619, as amended in S.D. 1, pass Second Reading and 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.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2386) recommending that S.B. No. 2662, as amended in S.D. 1, pass Second Reading and 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.B. No. 2662, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2387) recommending that S.B. No. 3050, as amended in S.D. 1, pass Second Reading and 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.B. No. 3050, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2388), recommending that S.B. No. 410, S.D. 1, as amended in S.D. 2, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 410, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2389) recommending that S.B. No. 2077 pass Second Reading and 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.B. No. 2077, entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2390) recommending that S.B. No. 2325, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2391) recommending that S.B. No. 2817, as amended in S.D. 1, pass Second Reading and 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.B. No. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2392)

recommending that S.B. No. 2883 pass Second Reading and 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.B. No. 2883, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2393) recommending that S.B. No. 3028 pass Second Reading and 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.B. No. 3028, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2394) recommending that S.B. No. 2112, as amended in S.D. 1, pass Second Reading and 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.B. No. 2112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2395) recommending that S.B. No. 3010, as amended in S.D. 1, pass Second Reading and 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.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the majority of the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2396) recommending that S.B. No. 2303, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2303, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INJURY TO PUBLIC UTILITY PROPERTY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the majority of the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2397) recommending that S.B. No. 2520, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2520, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION

DRUGS," passed Second Reading and 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. 2398) recommending that S.B. No. 3040, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2399) recommending that S.B. No. 251, as amended in S.D. 1, pass Second Reading and 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.B. No. 251, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2400) recommending that S.B. No. 3020, as amended in S.D. 1, pass Second Reading and 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.B. No. 3020, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SERVICES TO LOW-INCOME INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2401) recommending that S.B. No. 2969, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2402) recommending that S.B. No. 2137 pass Second Reading and 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.B. No. 2137, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2403) recommending that S.B. No. 2312 pass Second Reading and 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.B. No. 2312, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2404) recommending that S.B. No. 2334, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2334, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2405) recommending that S.B. No. 2445, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2406) recommending that S.B. No. 2526, as amended in S.D. 1, pass Second Reading and 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.B. No. 2526, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2407) recommending that S.B. No. 2545, as amended in S.D. 1, pass Second Reading and 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.B. No. 2545, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Tam, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology,

presented a joint report (Stand. Com. Rep. No. 2408) recommending that S.B. No. 2702, as amended in S.D. 1, pass Second Reading and 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.B. No. 2702, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2409) recommending that S.B. No. 3063, as amended in S.D. 1, pass Second Reading and 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.B. No. 3063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Inouye, for the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2410) recommending that S.B. No. 2613, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2613, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Sakamoto and Chun, for the Committee on Education and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2411) recommending that S.B. No. 2919, as amended in S.D. 1, pass Second Reading and 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.B. No. 2919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN EDUCATION," passed Second Reading and 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. 2412) recommending that S.B. No. 2300, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Menor and Matsuura, for the Committee on Commerce, Consumer Protection, and Housing and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2413) recommending that S.B. No. 2302, as amended in S.D. 1,

pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and 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. 2414) recommending that S.B. No. 2464, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2464, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2415) recommending that S.B. No. 2027, as amended in S.D. 1, pass Second Reading and 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.B. No. 2027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2416) recommending that S.B. No. 2085, as amended in S.D. 1, pass Second Reading and 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.B. No. 2085, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2417) recommending that S.B. No. 2763, as amended in S.D. 1, pass Second Reading and 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.B. No. 2763, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2418) recommending that S.B. No. 2144 pass Second Reading and 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.B. No. 2144, entitled: "A BILL FOR AN ACT



MAKING AN APPROPRIATION FOR CRIME PREVENTION THROUGH THE REHABILITATION OF YOUTH GANG MEMBERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2419) recommending that S.B. No. 2634 pass Second Reading and 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.B. No. 2634, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2420) recommending that S.B. No. 2819, as amended in S.D. 1, pass Second Reading and 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.B. No. 2819, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Kawamoto, for the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2421) recommending that S.B. No. 3051, as amended in S.D. 1, pass Second Reading and 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.B. No. 3051, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2422) recommending that S.B. No. 2038, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 2038, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2423) recommending that S.B. No. 2097, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2097, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2424) recommending

that S.B. No. 2099, as amended in S.D. 1, pass Second Reading and 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.B. No. 2099, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2425) recommending that S.B. No. 2270, as amended in S.D. 1, pass Second Reading and 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.B. No. 2270, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2426) recommending that S.B. No. 2843, as amended in S.D. 1, pass Second Reading and 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.B. No. 2843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2427) recommending that S.B. No. 2926 pass Second Reading and 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.B. No. 2926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2428) recommending that S.B. No. 3005, as amended in S.D. 1, pass Second Reading and 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.B. No. 3005, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2429) recommending that S.B. No. 3007 pass Second Reading and 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 majority of the Committees was adopted and S.B. No. 3007, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2430) recommending that S.B. No. 3018 pass Second Reading and 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.B. No. 3018, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kawamoto, for the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2431) recommending that S.B. No. 3016, as amended in S.D. 1, pass Second Reading and 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.B. No. 3016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBORS," passed Second Reading and 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. 2432) recommending that S.B. No. 3061, as amended in S.D. 1, pass Second Reading and 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.B. No. 3061, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2433) recommending that S.B. No. 3041, as amended in S.D. 1, pass Second Reading and 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.B. No. 3041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2434) recommending that S.B. No. 2431, as amended in S.D. 1, pass Second Reading and 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.B. No. 2431, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand.

Com. Rep. No. 2435) recommending that S.B. No. 3086, as amended in S.D. 1, pass Second Reading and 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.B. No. 3086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2436) recommending that S.B. No. 3074, as amended in S.D. 1, pass Second Reading and 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.B. No. 3074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2437) recommending that S.B. No. 2816, as amended in S.D. 1, pass Second Reading and 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.B. No. 2816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2438) recommending that S.B. No. 3006, as amended in S.D. 1, pass Second Reading and 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.B. No. 3006, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF DEPARTMENT OF EDUCATION FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

## ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 19, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TWENTY-SECOND DAY

## Tuesday, February 19, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jose Nacu, MS, Our Lady of the Mount, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

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

At this time, Senator Nakata congratulated the Kahuku Red Raiders Football Team on capturing the Hawaii High School Athletic Association Football Championship for the second consecutive year and introduced the following individuals: Vice Principal Pauline Masaniai; players Jonathan Mapu and James Kamerrer; and Head Coach Siuaki Livai.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 13 to 20) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 13, transmitting H.B. No. 1804, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1804, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 14, transmitting H.B. No. 2049, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2049, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," passed First Reading by title and was deferred.

Hse. Com. No. 15, transmitting H.B. No. 2282, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2282, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," passed First Reading by title and was deferred.

Hse. Com. No. 16, transmitting H.B. No. 2310, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO VENUE," passed First Reading by title and was deferred.

Hse. Com. No. 17, transmitting H.B. No. 2317, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," passed First Reading by title and was deferred.

Hse. Com. No. 18, transmitting H.B. No. 2318, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2318, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," passed First Reading by title and was deferred.

Hse. Com. No. 19, transmitting H.B. No. 2437, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2437, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," passed First Reading by title and was deferred.

Hse. Com. No. 20, transmitting H.B. No. 2467, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2467, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed First Reading by title and was deferred.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

## ORDER OF THE DAY

## ADOPTION OF RESOLUTIONS

## MATTERS DEFERRED FROM THURSDAY, FEBRUARY 14, 2002

Stand. Com. Rep. No. 2088 (S.C.R. No. 28, S.D. 1):

Senator English moved that Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, be adopted, seconded by Senator Chumbley.

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

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

Senator Kawamoto rose in support of the measures and said:

"Mr. President, I rise to speak in favor of both this and the next resolution.

"Mr. President, we've talked, we've discussed, we got some media time on all these resos on the enforcement of the traffic program. We heard a loud cry initially, then we heard the whimper later on. The mood has changed. The desire of the

community is that we should keep the program because it's doing its work.

"The longer we wait, we've seen over the weekend accidents on the Big Island, accidents in Waialua. Again, excessive speeding, loss of control. We need to get a handle on speeders.

"But these resos ask the Department to look into matters that were concerns of the community and how we may improve the department's traffic cam programs. The Department has been working on them already. They're looking into concerns about the speed limits on the state highways and deployment of the vans. We're asking the Department to expedite these changes because we lost two lives over the weekend that may have been saved if we'd address speeders.

"With the outcries in the community – we have to do something! We have to look at the infrastructure of the highways. The thing we can do is change our mental attitude towards speeding. So we're asking, again, for the DOT to look into the program, to look at concerns about the compensation for the vendors, to see if we can look at flat fees, to look at the insurance role of speeding citations. But basically, we're asking them to look and improve the traffic cam so that they can continue the pilot project and continue to curtail the speeders on the highways and protect pedestrians in crosswalks.

"We've got in there in these resolutions also that they would not give tickets at less than ten miles over the speed limit. The thing we want to do and the thing we hope to do is to cut down the speeders on the highways and to make it possible for driving on the highways safely, not worrying ourselves to death as far as speeders coming across the Pali Highway at 80 miles an hour; down H-3 at 85 miles an hour; going on the Waialua Road going 70-80 miles an hour where we have only a two-lane highway.

"So this resolution will provide our Senate, our body asking the DOT to look into these matters that are of concern to the community. We don't know the outcome of the repeal bill, also the House repeal bill, but we know that they are working on some of these solutions.

"Therefore, I ask all of my colleagues to vote 'aye' on this resolution.

"Thank you."

Senator Hemmings rose to speak in opposition and said:

"Mr. President, I rise to speak against these resolutions.

"Thank you, Mr. President. I fully realize that the good Chairman of the Transportation Committee from God's land is generally concerned with safety, and I would be 100 percent supporting this effort if, indeed, safety was the issue. But this seems to be a classic ploy too often used on bad programs to delay anything constructive being done with a study so we can fine-tune what I consider a morally questionable and certainly ineffective program.

"Let's talk about safety for a minute. Let's really look at the facts, colleagues. Just in this weekend's Honolulu Star Bulletin it was divulged in the Police Beat report that there were 12 traffic deaths in the State this year to date, as opposed to three for the same time last year – a 300 percent increase in spite of allegedly these traffic photo cams reducing speed on our highways. So if the talivans are going to work, they sure haven't shown evidence of it by the number of traffic deaths.

"One of the reasons is because they're deployed in areas where they're going to have speed traps rather than where the problem is. You don't see any on Farrington Highway – at least we haven't seen them early on in the program – where the deaths are happening. Rather, you see them on the Pali Highway. Just to correct the previous speaker, too, we don't go 85 miles an hour at rush hour when the talivans are out. We're confined to about 35 miles an hour because of the traffic.

"Let's talk about money. Some people say that this is a program to make money. It's amazing that the person representing the company that's running the speed van testified that they were willing to adjust the tolerances on when they'd issue the tickets based on their workload. So the question is – Is this really a program about safety or is it a program about workload? Seems to me that money is an object here.

"Secondly, this Legislature in years past in state government has been tremendously reluctant to adequately fund local police departments to not only enforce these laws but other laws, as well, on the roads. Don't you think it would be a lot more cost-effective to give an economic incentive to police departments so that they can not only enforce traffic speeding, but also reckless driving, drunk driving, racing on the highways at nights and all the other laws. Police departments can do a much more pervasive and cost effective job rather than the vans simply taking pictures and issuing tickets sometimes to people that aren't even responsible for the alleged crime.

"There are a number of reasons why this program should be dropped, and probably the best of them will be found in other courts and other jurisdictions where they're literally being thrown out because of the unconstitutionality of it.

"I'm hoping that this Legislature and this body will take a long, close look at these resolutions and reconsider your votes if you're voting in the affirmative and vote negative, because the responsible thing to do is adequately fund local police departments and give the police departments the ability and the resources to do what these traffic cameras have failed to do.

"I'd like to request a Roll Call vote, please.

"Thank you, Mr. President."

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

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

Senator Kanno rose to support the measures and said:

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

"Mr. President, at the beginning of the Session I introduced two van-cam bills. One bill would overhaul the system. It would mandate a flat fee contract to remove the financial incentive. It prohibits your insurance from increasing from these tickets. It sets a 10-miles per hour threshold – no citations for speeding less than 10-miles per hour over the posted speed limit. It mandates a review of existing speed limits and criminalizes the selling of items to hide your license plate.

"The second bill would repeal the portion of the program having to do with speeding. It would leave in place the program to cite violators who run red lights. In recent newspaper polls, 69 percent supported the camera system to catch those running red lights.

"I believe the current van-cam system is flawed. The private company should not be receiving money for each ticket they

issue. People don't trust the system because there is a financial incentive for the company to issue more tickets.

"I also believe that the Department of Transportation was wrong to establish a zero-tolerance policy that says you can receive a ticket for going one mile per hour over the speed limit. It also is wrong to have these citations increase your insurance rates, especially when they can't prove you were driving the car in question.

"I believe the Legislature has the opportunity today to call for the changes that are needed in the system. And accordingly, what the resolution says is that if the changes are not satisfactory by the 41<sup>st</sup> day of Session, it gives the Legislature the opportunity to repeal the system at that time. But we have a unique opportunity right now to see if those changes can be made before the end of Session and allow the Legislature to review the results of those changes.

"Legislation is going forward to repeal the system or make changes based on the decisions in the House and the Senate. To date, it appears those discussions will continue through the end of Session. So this resolution represents the only opportunity for us to give formal indication to the Department the interest from this body and from the public to demand the kind of changes that are needed.

"Thank you, Mr. President."

Senator Slom rose in opposition as follows:

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

"I think the good Senator from Makakilo, really with all the points he made, would justify voting 'no' on these resolutions because all of the things he said early on about the failures of the department and the failures of the program are absolutely true. And I would dispute the statements made by the good Senator from Waipahu that this started out with a loud cry by the public early on and is now just a whimper.

"The public believed that we were going to do something because, in fact, the Senate did. We voted to repeal in two out of three committees, and they hailed that as finally taking action. Now what these resolutions ask us to do is to sit back and wait and ask, not tell, but ask the Department of Transportation to do the things that they should have done before the programs were ever implemented.

"We have seen their indications before. They don't, they don't decide to do things on their own. And because there is no hammer from the Legislature, they feel that they can continue doing whatever they want to do. In the meantime, people will continue getting tickets. In the meantime, there will be economic hardships. In the meantime, the Department of Transportation will continue to break its word. It told us in Committee, specifically, that it was not going to have the cameras in certain locations. They told us that it was going to concentrate on dangerous situations and it has not done that.

"The issue is not speed. The issue is safety. And as the good Senator from Kailua has pointed out, if we're looking for any kind of hard statistics, we find that the roads are more unsafe now than they were before we had this program. And the reason is quite clear, as we found out in questioning both the head of the Department of Transportation and the representative from the firm, they're not interested in people that are recklessly driving. They're not interested in people that go so slowly as to create a hazard. All they do and all they're interested in is taking a picture of those that go faster than the posted speed limit.

"And what happens if that car that is weaving continues down the road and creates a hazard. Well, it's no skin off the teeth of the DOT or of the firm. And what happens if, in fact, the resulting action, regrettably, causes injury or even death. Then all we've got to show for it is a photograph and more revenue for the State.

"So I think rather than a whimper, the public is saying we want the Legislature to act. We're sick and tired of the Legislature punting to the Executive branch or to departments and department heads appointed by the Executive branch. We want the Legislature to stand up, and that will be what the vote is all about today. So I urge all my colleagues to vote 'no' on these resolutions.

"Thank you, Mr. President."

Senator Ihara rose to speak in support of the measures and said:

"Mr. President, I rise to support these resolutions.

"Mr. President, I'd like to indicate my support for these resolutions as stated by the Senator from Makakilo. I do believe we need more enforcement of traffic laws, but believe that this program has been grossly mismanaged by the Department of Transportation.

"I think that we do need to use and we should use technology to help enforce our traffic laws. But I believe that the technology should mirror and track what the county police departments do, particularly regarding the threshold for issuing citations. So I believe that the technology should use the same threshold as used by the Honolulu Police Department and other county departments if they come online.

"In particular, I think that many of the traffic and speeding concerns relate to county roads, and I think that's where we need much more enforcement with an adequately run program. So I would like to see the program be modified in order so that it can be acceptable to the counties. And if this isn't done, Mr. President and also the Chair of the Committee, I should let you know that if the fixes are not done by the end of the Session, I will vote to repeal this program.

"Thank you."

Senator Chun rose to speak against the measure and said:

"Mr. President, I'm speaking against the resolution.

"Mr. President, the resolution really does not do anything. I find it particularly offensive that the Department of Transportation is not even willing to do anything until a resolution passes. For the Department of Transportation to tell us that and, at the same time, have the Chairman say, 'pass the resolution and they'll listen to us,' to me, I find that just unfathomable.

"So Mr. President, for me to support a resolution that doesn't do anything and, in fact, just highlights the failure of the Department of Transportation to be responsive to not only the public, but to this body, is an exercise in futility.

"Secondly, Mr. President, the resolution makes reference to holding in abeyance all other actions on these citations until February 20, which I think is tomorrow, in hope, Mr. President, that the courts will do something about that. Mr. President, again, that is a ridiculous provision and I don't think I can support that. For one, even if the DOT decides to listen to us,

which it has not done yet, they have not held in abeyance the program. The courts, themselves, are not going to make a decision. It's highly unlikely that they will make any decision on this because tomorrow is only an arraignment and plea date. There is no trial set for that. There is no decision made by the courts at that time. The prosecutors, themselves, don't know what they want to do with these cases tomorrow.

"For us to pass a resolution, one, which the DOT themselves are probably going to ignore; and two, would have no practical effect on the members of the public is a very, very sad commentary on what we see our duty as legislators are. Instead, Mr. President, I think we should truly send a message to the DOT and truly send a message to the public that we are aware of what's happening; we see the problems of this program and we will act, not hope, but we will act on those problems by passing a strong bill which the Committee has also put out which calls for a repeal of the program. That, Mr. President, is a strong message. That is taking action, not based upon hope, but upon reality. That takes a position. This does nothing. This is a sad commentary of the Department of Transportation ignoring the concerns of the public, ignoring the concerns of the Legislature, and now it seems to be begging 'well, give us something and maybe we'll act upon it.' Mr. President, that is not the way we should be doing it. That is not proper.

"Thank you, Mr. President."

Senator English rose to speak in opposition and said:

"Mr. President, I rise in opposition to these resolutions.

"You know, Mr. President, I had to read the four corners of the document, and it doesn't embody the entire sentiment of this body. In fact, what it says is we are talking about fixing the program, holding it back, and seeing how we can make it to improve it. But really, Mr. President, I predict that the votes today will bear this out: that there is a split amongst your members, and the split is along the lines of encompassing the gamut. Some of us would have liked to see a full repeal. Others would have liked to see a fix. But what we agreed on is that we would move measures that encompass all of this. This is one-half of it. The other half sits in the Ways and Means Committee – it just got there – which is a repeal.

"I think if the repeal bill was here and this measure were here moving together, you'd probably get a more unified vote. But as it is today, we're unsure if the repeal bill will follow because it's in committee, and these resolutions are saying that the position of the Senate is to fix the system, which for many of us is not. Being from the neighbor islands, I can be very, very clear and very, very straightforward on where my constituency stands. The people of Maui do not want this program, so I have to vote to reflect that.

"I think today, Mr. President, the votes will be close and I'm glad a Roll Call was asked for, just to see how close it is. In the end, if both the bill and the resolutions were together, I think you would have stronger support for it.

"So I urge my colleagues to vote 'no' based on the fact that we only have one part of the picture before us.

"Thank you, Mr. President."

Senator Nakata rose to speak against the measures and said:

"Mr. President, I'm rising to speak in opposition to these resolutions.

"The comments from the Senator from Kauai reflect my sentiments. I want to further underline my difficulties with the Department of Transportation. These actions stem from an underlining attitude of not being open to public input. On a number of occasions I have tried to get the department to come out to the neighborhood boards in my district to talk with them. Their policy is that they will not go to the neighborhood board. The Governor and the Mayor send representatives regularly to those meetings. The department insists that unless we Legislators call a meeting, they will not come out. That's flattering; however, the department itself needs to be open to public input, and this more than anything else influences my 'no' vote today.

"Thank you."

Senator Kawamoto rose again and stated:

"I just want to correct a couple of things that were said.

"The Department of Transportation has been doing something. They worked at looking at the speed limits throughout the State. They deployed the vans to places that have a history of accidents, have a history of speeding, and have a history of people where they want the vans to be. So they've worked on that. They worked on concerns that we had as far as insurance is concerned and they've been working on that. They're working on trying to look at the flat fee and working with the vendors. These are things in motion being done.

"All we have is this reso out there asking them to look into it a little further and work out a program that's workable for the good and the safety of the community.

"Thank you."

Senator Hogue rose in opposition to the measures and said:

"Mr. President, I rise in opposition to these resolutions.

"I want to correct a previous statement. I don't think the Department of Transportation has reacted to us at all. They said that they would move them to the neighborhoods. Just earlier today another van was up on the upper portion of the Pali Highway after they said in Committee that they wouldn't do this.

"The Department of Transportation doesn't listen. I want to echo the good Senator from Kahaluu. They don't come to the Neighborhood Boards. We ask them to come to community meetings. They will not come. When I send them letters, they say they are inconvenient; they could spend their time more wisely. Well, they haven't been spending their time wisely at all.

"There is an arrogance about the Department of Transportation. These resolutions will do nothing to stop that. We must act as a body to stop their arrogance.

"Now, as for the matter of the best way to handle safety, the Department of Transportation is in a public relations campaign. In fact, they put out their latest PR campaign to show some of the citations that they have issued here most recently – a car going on the Pali at 90-miles an hour; one going on the H-1 at 85-miles an hour; one on the Likelike going at 80-some-odd miles an hour. Well one thing they didn't say, Mr. President, was that all they did was take pictures of those speeders. Police enforcement would have turned on their red light and chased them down to get those speeders off the road.

"I say to you, Mr. President, we need more and better police enforcement and we need to say 'no' to the traffic cams and 'no' to these badly flawed resolutions.

"Thank you."

Senator Chun rose and said:

"Mr. President, I don't know whether or not the traffic . . .

The President interjected:

"For what purpose do you rise, Senator Chun?"

Senator Chun responded:

"In opposition, again, and in response to the statements of the Honorable Chair from the Transportation Committee.

"Mr. President, I'm not quite sure whether the traffic cams are there on the Pali Highway or not. And I'm not even going to make a statement whether or not the department is trying hard to comply with some of the problems. What I'm concerned about, Mr. President, is how are they going about making these fixes that they're supposedly working on right now.

"There are a couple of problems which even they in their glory could not even address without the help of the Legislature. For example, the first concern is whether it's legal for them to cite only, only the owner of the vehicle despite the clear provisions in the traffic code, which only makes it a violation of the driver. Now, they can fool around with their contract all they want and do all kinds of administrative rules, but the bottom line is whether there's a conflict with the Traffic Code and this program. If there is, it has to be fixed by law. I have not seen any bill by the Department of Transportation to fix that. They need that.

"Secondly, there is a concern raised in terms of whether these violations are going to be on the traffic abstracts of the owner even though they weren't driving. I believe that's a very valid issue and they can't even tell us themselves what they want to do with that. So again, another valid concern raised by the public, raised by the Committee, raised by these Legislators, has not even begun to be addressed by the DOT.

"The third problem, and that is in terms of taking pictures of the drivers. That has been a concern raised and now the DOT, I've read in the news that they're going to be doing it by taking flash pictures at night of the driver. Mr. President, I admire their desire now to try to comply with the law and try to abide by the wishes of the Legislature, but Mr. President, I've seen those flashes in the TV reports and they're pretty bright. And if they're going to be making flash pictures at night while somebody is driving on the highway, to me it is dangerous and creates more problems.

"The bottom line, Mr. President, we all agree it needs to be fixed. We all agree they're going to have to go back to the drawing board and try again. What we disagree about is the way they're doing it. I disagree totally with the manner and method that the DOT is going – and that is making quick fixes without going to the public, without thinking ahead of time what it really means to safety, and without talking in terms of what legislative actions need to be done. Again, they're trying to be lone rangers out there, doing whatever they want to do without regard to the proper way and proper input.

"So Mr. President, I feel sadly that the only way we can get them to do it the right way is to pass a bill very clearly stating

that we should do away with this program. And I haven't even begun, Mr. President, to address some of the contractual problems and I think, maybe, some other speakers might want to do that. But I feel that this resolution, at this point in time, sends the wrong message. If it was packaged as part of an overall bill to say that we are going to repeal this thing, maybe it could send the right message to the department. But at this point in time, I cannot support these resolutions.

"Thank you, Mr. President."

Senator Hemmings rose and stated:

"Mr. President, I'd like to call for the question."

Senator Matsunaga rose to support the measures and stated:

"Mr. President, may I speak in support? Mr. President, I rise in support of this measure, and for the reasons articulated by the Senator from Makakilo, I will be voting 'aye.'

"I think the message that we're sending by these resolutions is very clear. I think it's as clear as the message that the Olympic Russian Federation allegedly told the French figure skating judge, 'Hey, you better fix things.'

"And Mr. President, if the DOT does not fix things, then I will be voting with my colleague from Kaimuki to repeal these measures on the books. Thank you, Mr. President."

Senator Kanno rose and stated:

"Mr. President, I wanted to address some of the comments of a previous speaker.

"The Senator from Maunawili raised the concern about an excessive speeder and those cited by the DOT at 85-miles per hour and 93-miles per hour. He said that with the camera system, all we're left with is a photograph. I would beg to differ with his conclusion because the Honolulu Police Department has stated that when they do have excessive speeders like those examples cited, they don't chase them. They are viewed as a public hazard and they would rather let them go than risk causing an accident by pursuing these drivers. So, unfortunately, all we may have of these individuals are photographs.

"I did want to mention that at the hearing on February 7 on S.B. No. 2077, which is the repeal bill, I voted 'yes, with reservations.' One of my concerns is that repealing the entire system could cost the taxpayers \$1 million. At the hearing I asked that the bill be amended to repeal only the speeding portion of the system and that the red light portion of the program remain in place because, as stated earlier, 69 percent of the public surveyed supported the camera system to catch those running red lights.

"If we kept half of the program we could possibly save considerable amounts of money. That's the other issue about passing the resolution today, and why I also voted 'with reservations' on the repeal measure. We want the repeal measure in place at the end of Session to repeal it if the changes are not satisfactory to the Legislature and to the public. In the meantime, we want to fix the program. I think the cost implications could be in the area of \$1 million.

"It's been stated by others that we should scrap the system and start over. The only flaw with that is that we'd basically be giving up a million dollars, and I think the public deserves better from us.

“Thank you.”

Senator Buen rose to speak in opposition to the measures and said:

“Mr. President, I rise in opposition of these resolutions.

“Mr. President, for four years, it’s been four years since we implemented this program and to fix something now with these resolutions. I think it’s going to go on for a long time.

“My constituents from the neighbor islands, Maui County in particular, have been calling me and opposing this program and asked not to bring it to Maui County.

“I voted to oppose these resolutions in Committee and I will do so again.

“Thank you.”

Senator Slom rose in opposition again and said:

“Mr. President, I rise again in opposition to these resolutions, but I’d like to offer a few comments after the comments made by the good Senator from Makakilo.

“First and foremost, about the police – the police have the ability to be flexible, first of all. Their main concern is safety. If they see someone speeding, or they see someone driving erratically, they will do what is necessary to curtail that. It may not mean a high-speed chase and then again it may mean radioing ahead or doing something. In any event, we know what the camera can do – take a picture. That’s it. That’s all the camera can do.

“So, we get back to the good Senator from Kailua who said early on, really, if we’re talking about our resources and if we’re talking about safety, then we’ve got to put it with the police. They are the individuals who are trained. They have the expertise. They have the basic knowledge and experience and they’ve got the flexibility to do something. And to make a statement to equate the cameras doing nothing, with the police doing nothing, I think is a disservice to the fine police officers.

“Secondly, the statement that was made that we could lose up to a million dollars, where did that figure come from. That figure came from the mind of the Department of Transportation head. And when he was asked where he got that figure, he said, ‘I don’t know,’ because that was his answer for every other question we asked – ‘I don’t know; I don’t know about the contract; I don’t know about the enforcement; I don’t about this; I don’t know about that.’ But he was able to come up with the figure, I don’t know, maybe it could be a million; maybe it could be 3 million; maybe it could be 5 million; and maybe it could be a whole lot less. Because for those of us who read the contract, as we pointed out that day, there is a clause in there that allows us out of that contract.

“But in any event, we can balance money with what is right, and the public wants us to do what is right and the public wants us to act. And to see all of these things that have gone on and all of the stories that you’ve heard, and I doubt that there is a Legislator in this room that has not had similar experiences with all of us who have asked the Department of Transportation to come out to our area and have been met with the arrogance that they are a fiefdom unto themselves. We are the Senate. We are part of the Legislature. This is our job and this is our responsibility. We can do no less than vote down these resolutions and vote up a very strong position that we will hold our departmental personnel accountable and responsible.

“Thank you.”

The motion was then put by the Chair and, Roll Call vote having been requested, Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII’S PHOTO TRAFFIC ENFORCEMENT PROGRAM,” failed to be adopted on the following showing of Ayes and Noes:

Ayes, 12. Noes, 12 (Buen, Chumbley, Chun, English, Hanabusa, Hemmings, Hogue, Kokubun, Matsuura, Nakata, Slom, Taniguchi). Excused, 1 (Menor).

Stand. Com. Rep. No. 2089 (S.R. No. 9, S.D. 1):

On motion by Senator English, seconded by Senator Chumbley, and Roll Call vote having been requested, Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII’S PHOTO TRAFFIC ENFORCEMENT PROGRAM,” failed to be adopted on the following showing of Ayes and Noes:

Ayes, 12. Noes, 12 (Buen, Chumbley, Chun, English, Hanabusa, Hemmings, Hogue, Kokubun, Matsuura, Nakata, Slom, Taniguchi). Excused, 1 (Menor).

#### REFERRAL OF HOUSE BILLS

#### MATTERS DEFERRED FROM FRIDAY, FEBRUARY 15, 2002

H.B. No. 1764 (Hse. Com. No. 5):

By unanimous consent, action on H.B. No. 1764, entitled: “A BILL FOR AN ACT RELATING TO FIREARMS,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1806 (Hse. Com. No. 6):

By unanimous consent, action on H.B. No. 1806, entitled: “A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,” was deferred until Wednesday, February 20, 2002.

H.B. No. 2432 (Hse. Com. No. 7):

By unanimous consent, action on H.B. No. 2432, entitled: “A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1011, H.D. 1 (Hse. Com. No. 9):

By unanimous consent, action on H.B. No. 1011, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1713, H.D. 1 (Hse. Com. No. 10):

By unanimous consent, action on H.B. No. 1713, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1715, H.D. 1 (Hse. Com. No. 11):



By unanimous consent, action on H.B. No. 1715, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Wednesday, February 20, 2002.

H.B. No. 2631 (Hse. Com. No. 12):

By unanimous consent, action on H.B. No. 2631, entitled: "A BILL FOR AN ACT RELATING TO MEAT GRADING," was deferred until Wednesday, February 20, 2002.

**REFERRAL OF  
HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM  
FRIDAY, FEBRUARY 15, 2002**

H.C.R. No. 12 (Hse. Com. No. 8):

By unanimous consent, action on H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was deferred until Wednesday, February 20, 2002.

**THIRD READING**

S.B. No. 2727, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING 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. 2751:

On motion by Senator Chun, seconded by Senator Kokubun and carried, S.B. No. 2751 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).

S.B. No. 2813, S.D. 1:

On motion by Senator Chun, seconded by Senator Kokubun and carried, S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES FOR BURIAL COUNCIL DETERMINATIONS," 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. 2810, S.D. 1:

By unanimous consent, action on S.B. No. 2810, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," was deferred until Wednesday, February 20, 2002.

**RE-REFERRAL OF SENATE BILL**

The Chair re-referred the following Senate bill that was introduced:

Senate Bill Referred to:

No. 2971, S.D. 1 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means

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

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

"I wanted to address the one measure that was deferred one day. It was pointed out to us that there's a technical problem with the bill that needs to be fixed. So, we'll be pursuing a floor amendment tomorrow.

"Thank you."

**ADJOURNMENT**

At 12:44 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., Wednesday, February 20, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TWENTY-THIRD DAY

## Wednesday, February 20, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jim Tweedie, Mililani Presbyterian Church, after which the Roll was called showing all Senators present with the exception of Senators Ige, Menor and Tam who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 180 to 188) were read by the Clerk and were referred to committees:

Gov. Msg. No. 180, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of ALFRED CASTRO, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 181, submitting for consideration and confirmation to the Credit Union Advisory Board, the nomination of MICHAEL E. ASAM, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 182, submitting for consideration and confirmation to the Education Commission of the States, the nominations of KAREN Y. AKA, PH.D., and CARL T. TAKAMURA, terms to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 183, submitting for consideration and confirmation to the Environmental Council, the nominations of FAITH CAPLAN, MELISSA DUMARAN and GAIL L.G. KAAIALII, PH.D., terms to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 184, submitting for consideration and confirmation to the Hawai'i Performance Partnerships Board, the nominations of: MARY ALICE EVANS, term to expire December 2, 2002; MICHAEL T. FITZGERALD, term to expire June 30, 2004; and AARON S. FUJIOKA, term to expire October 15, 2005, was referred to the Committee on Labor.

Gov. Msg. No. 185, submitting for consideration and confirmation to the Board of Trustees, Hawai'i Public Employees Health Fund, the nomination of TRACY K. CHANG, term to expire June 30, 2004, was referred to the Committee on Labor.

Gov. Msg. No. 186, submitting for consideration and confirmation to the Land Use Commission, the nominations of PRAVIN DESAI, STEVEN LEE MONTGOMERY, PH.D., and RANDALL F. SAKUMOTO, terms to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 187, submitting for consideration and confirmation to the Board of Directors, Natural Energy Laboratory of Hawai'i Authority, the nominations of: MARNI HERKES, term to expire June 30, 2003; RICHARD

HENDERSON, term to expire June 30, 2004; and THOMAS P. WHITEMORE, term to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 188, submitting for consideration and confirmation to the Stadium Authority, the nominations of HOWARD Y. IKEDA, GILBERT M. KIMURA and ALVIN S. NARIMATSU, terms to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 21 and 22) were read by the Clerk and were placed on file:

Hse. Com. No. 21, informing the Senate that the Speaker on February 19, 2002, made the following changes to the conferees on the following Senate bills:

S.B. No. 449, S.D. 2 (H.D. 1):

Discharged Representative Yoshinaga as first co-chair.  
Appointed Representative Saiki as first co-chair.

S.B. No. 849, S.D. 1 (H.D. 2):

Discharged Representative Yoshinaga as first co-chair.  
Appointed Representative Saiki as first co-chair.

S.B. No. 733, S.D. 1 (H.D. 1):

Discharged Representative Yoshinaga as first co-chair.  
Appointed Representative Nakasone as second co-chair.

S.B. No. 1058, S.D. 1 (H.D. 1, C.D. 1):

Discharged Representative Yoshinaga as first co-chair and Representative Davis as a manager.  
Appointed Representative Suzuki as second co-chair and Representative Rath as a manager.

Hse. Com. No. 22, informing the Senate that the Speaker on February, 19, 2002, made the following changes to the conferees on the following House bills:

H.B. No. 171, H.D. 1 (S.D. 2):

Discharged Representative Yoshinaga as co-chair.  
Appointed Representative Nakasone as co-chair.

H.B. No. 562, H.D. 2 (S.D. 2):

Discharged Representative Yoshinaga as co-chair.  
Appointed Representative Nakasone as co-chair.

H.B. No. 568, H.D. 2 (S.D. 1):

Discharged Representative Yoshinaga as co-chair.  
Appointed Representative Nakasone as co-chair.

H.B. No. 852, H.D. 2 (S.D. 2):

Discharged Representative Yoshinaga as co-chair.  
Appointed Representative Nakasone as co-chair.

H.B. No. 1056, H.D. 1 (S.D. 1):

Discharged Representative Yoshinaga as co-chair.

Appointed Representative Nakasone as co-chair.

H.B. No. 1595, H.D. 1 (S.D. 1):

Discharged Representative Yoshinaga as co-chair.  
Appointed Representative Nakasone as co-chair.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 42 and 43) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 42 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU."

Offered by: Senators Hogue, Hemmings.

No. 43 "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET."

Offered by: Senators Kawamoto, Menor, Tam, Inouye, Hemmings, Fukunaga, Buen.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 23 and 24) were read by the Clerk and were deferred:

Senate Resolution

No. 23 "SENATE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU."

Offered by: Senators Hogue, Hemmings.

No. 24 "SENATE RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET."

Offered by: Senators Kawamoto, Menor, Tam, Inouye, Hemmings, Fukunaga, Buen.

**STANDING COMMITTEE REPORTS**

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2439) recommending that S.B. No. 2264, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2440) recommending that S.B.

No. 2125 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2441) recommending that S.B. No. 2529, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2442) recommending that S.B. No. 2625, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2443) recommending that S.B. No. 2627, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2444) recommending that S.B. No. 2629, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2445) recommending that S.B. No. 2632 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2632, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2446) recommending that S.B. No. 2650 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2650, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2447) recommending that S.B. No. 2651, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2448) recommending that S.B. No. 2696, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senators Buen and Menor, for the Committee on Agriculture and the Committee on Commerce, Consumer Protection, and Housing, presented a joint report (Stand. Com. Rep. No. 2449) recommending that S.B. No. 2518, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 28, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2450) recommending that S.B. No. 2824, as amended in S.D. 1, pass Second Reading and be recommitted 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.B. No. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was recommitted to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2451) recommending that S.B. No. 3011, as amended in S.D. 1, pass Second Reading and be recommitted 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.B. No. 3011, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE EXPENSES OF THE LEGISLATURE," passed Second Reading and was recommitted to the Committee on Ways and Means.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE BILLS**

**MATTERS DEFERRED FROM TUESDAY, FEBRUARY 19, 2002**

The President made the following committee assignments of bills received on Thursday, February 14, 2002; Friday, February 15, 2002; and Tuesday, February 19, 2002:

House Bill	Referred to:
No. 1011, H.D. 1	Committee on Health and Human Services, then to the Committee on Judiciary
No. 1713, H.D. 1	Committee on Commerce, Consumer Protection and Housing
No. 1715, H.D. 1	Committee on Commerce, Consumer Protection and Housing
No. 1764	Committee on Judiciary
No. 1804	Committee on Health and Human Services, then to the Committee on Judiciary
No. 1806	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2049	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 2282	Committee on Labor, then to the Committee on Judiciary
No. 2310	Committee on Judiciary
No. 2317	Committee on Judiciary
No. 2318	Committee on Judiciary
No. 2432	Committee on Health and Human Services, then to the Committee on Judiciary
No. 2437	Committee on Judiciary
No. 2467	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 2631	Committee on Agriculture, then to the Committee on Ways and Means

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM TUESDAY, FEBRUARY 19, 2002**

The President made the following committee assignment of a House concurrent resolution that was received on Thursday, February 14, 2002:

House  
Concurrent  
Resolution            Referred to:

No. 12                    Committee on Health and Human  
Services , then to the Committee on Ways and Means

**THIRD READING**

**MATTER DEFERRED FROM  
TUESDAY, FEBRUARY 19, 2002**

S.B. No. 2810, S.D. 1:

Senator Inouye moved that S.B. No. 2810, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Inouye then offered the following amendment (Floor Amendment No. 1) to S.B. No. 2810, S.D. 1:

SECTION 1. Senate Bill No. 2810, S.D. 1, is amended by amending the definition of "landowner" in section 195D-2, Hawaii Revised Statutes, as amended by Section 1 of the bill to read as follows:

“Landowner” means [the owner of the fee simple interest in private land;] an owner of land or any estate or interest in that land when acting with the fee owner’s consent.”

Senator Inouye moved that Floor Amendment No. 1 be adopted, seconded by Senator Kanno.

Senator Inouye then noted:

“Mr. President, as circulated, here is the new language: in Section 1, as circulated, it says, “Landowner” means an owner of land or any estate or interest in that land when acting with the fee owner’s consent.’ For the record, Mr. President, I’d like to read the previous language and it goes as follows: ‘an owner of land or any estate or interest in that land when acting with the landowner’s consent.’

“I believe, Mr. President, that this is the appropriate language.”

The motion to adopt Floor Amendment No. 1 was put by the Chair and carried.

By unanimous consent, 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,” was placed on the calendar for Third Reading on Thursday, February 28, 2002.

**RE-REFERRAL OF SENATE BILL**

The Chair re-referred the following Senate bill that was introduced:

Senate Bill            Referred to:

No. 2102                    Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Judiciary and the Committee on Ways and Means

At this time, Senator Chun rose and said:

“Mr. President, pursuant to Senate Rule 66 which requires the consent of the Senate to reconsider its previous action of

February 14, 2002, I would like to move to reconsider action taken on S.B. No. 2750, S.D. 1, ‘Relating to the Hawaiian Homes Commission Act, 1920, as Amended.’”

There being no objections, the Senate took the following actions on S.B. No. 2750, S.D. 1:

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 2750, S.D. 1:

Senator Chun moved that the Senate reconsider its actions taken on February 14, 2002, in adopting Stand. Com. Rep. No. 2168 and passing S.B. No. 2750, S.D. 1, on Second Reading, seconded by Senator Taniguchi.

Senator Chun then noted:

“Mr. President, your Committee on Hawaiian Affairs voted to pass S.B. No. 2750 out of Committee unamended, however, the committee report was erroneously filed with a Senate Draft 1 that stated that the bill included technical clarifying amendments. There were no technical clarifying amendments to the bill. So, we would like an opportunity to reflect the correct recommendation of the Committee, which is to pass the bill unamended.”

Senator Taniguchi rose and said:

“Mr. President, your Committee on Ways and Means is currently in possession of this bill, and we support this motion so that the correct version of the bill can be acted on.”

The motion was put by the Chair and carried.

Senator Chun then moved that Stand. Com. Rep. No. 2168 be received and placed on file, seconded by Senator Taniguchi and carried.

By unanimous consent, S.B. No. 2750, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED,” was recommitted to the Committee on Hawaiian Affairs.

At this time, Senator Chun, Chair of the Committee on Hawaiian Affairs, requested that the referral of S.B. No. 2750, S.D. 1, to the Committee on Hawaiian Affairs be waived. The Chair granted the waiver and S.B. No. 2750, S.D. 1, was referred to the Committee on Ways and Means.

At 11:57 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o’clock a.m.

**ADJOURNMENT**

At 11:59 o’clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Thursday, February 28, 2002.

## TWENTY-FOURTH DAY

**Thursday, February 28, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Steve Murphy, Olivet Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

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

Senator Hanabusa, with the assistance of Senators Kanno, Chun, Matsunaga, Slom and Chun Oakland, introduced and congratulated the following recipients of the Ola Pono Award: Eric Enos, who was represented by Todd Motoyama; Edmarr Ramos; Bernard Carvalho; Kelly Hill, who was represented by Adina Stevens; Rochelle Murakami; and Melvin Nakama.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 189 to 216) were read by the Clerk and were placed on file:

Gov. Msg. No. 189, dated January 22, 2002, transmitting the Carryover of Funds Annual Report, prepared by the Department of Education pursuant to Section 37-41.5, HRS.

Gov. Msg. No. 190, dated January 22, 2002, transmitting the Annual Report on Federal Grant Search, Development, and Application Revolving Fund, prepared by the Department of Education pursuant to Section 302A-1405, HRS.

Gov. Msg. No. 191, dated January 22, 2002, transmitting the Federal and Trust Funds Annual Report, prepared by the Department of Education pursuant to Section 29-25, HRS.

Gov. Msg. No. 192, dated January 22, 2002, transmitting the Annual Report on Incentive and Innovation Grant Trust Fund, prepared by the Department of Education pursuant to Section 302A-301, HRS.

Gov. Msg. No. 193, dated January 22, 2002, transmitting the Annual Report on School Priority Fund, prepared by the Department of Education pursuant to Section 302A-1309, HRS.

Gov. Msg. No. 194, dated January 22, 2002, transmitting the Annual Report on the Teacher Education Coordinating Committee, prepared by the Department of Education pursuant to Section 304-20, HRS.

Gov. Msg. No. 195, dated January 22, 2002, transmitting the Annual School-by-School Expenditures Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 196, dated January 22, 2002, transmitting the Educational Assessment and Accountability Annual Reports, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 197, dated January 22, 2002, transmitting the Report on Mandatory Expulsion Policy for Possession of a Firearm, prepared by the Department of Education pursuant to Section 302A-1134, HRS.

Gov. Msg. No. 198, dated January 22, 2002, transmitting the Feasibility Study on Establishing a Resource Center for Students, Parents, and Teachers on the Island of Kauai, prepared by the Department of Education pursuant to H.C.R. No. 161 (2001).

Gov. Msg. No. 199, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to H.C.R. No. 158 (2000), requesting that the Department of Education and the University of Hawaii Community Colleges initiate a collaborative partnership to improve services for adults and expand opportunities for high school students that will result in substantive outcomes for the two entities.

Gov. Msg. No. 200, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 152 (2001), requesting the Department of Education to ensure that all middle and intermediate school students are provided with enrichment activities.

Gov. Msg. No. 201, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 99 (2001), requesting the Department of Education and University of Hawaii to study the feasibility, benefits, and costs associated with linking their individual student information systems to create a linked K-16 database.

Gov. Msg. No. 202, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 120 (2001), requesting the Department of Education to identify the full cost of educating federally connected children with disabilities as allowed by the federal impact aid formulas.

Gov. Msg. No. 203, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 98 (2001), requesting the Department of Education to provide transportation for students involved in after school extracurricular activities.

Gov. Msg. No. 204, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to H.C.R. No. 163 (2001), requesting the Board and Department of Education to reevaluate reading goals for students in Hawaii's public schools and increase system accountability for attaining those goals.

Gov. Msg. No. 205, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to H.C.R. No. 33 (2001), requesting the Board of Education to create a program that will facilitate the voluntary participation of high school students in community service, work experience, or service learning.

Gov. Msg. No. 206, dated January 22, 2002, transmitting a Report on School Rental Fees for Use of School Facilities, prepared by the Department of Education pursuant to Act 256, SLH 2000.

Gov. Msg. No. 207, dated January 22, 2002, transmitting a Report on the Interagency Educational Accountability Working Group, prepared by the Department of Education pursuant to Act 235, SLH 2000.

Gov. Msg. No. 208, dated January 22, 2002, transmitting the Report on the Education Research and Development Revolving Fund, prepared by the Department of Education pursuant to Act 261, SLH 2001.

Gov. Msg. No. 209, dated January 22, 2002, transmitting the Report on Personnel Expenditures for CIP, prepared by the Department of Education pursuant to Act 259, Section 98, SLH 2001.

Gov. Msg. No. 210, dated January 22, 2002, transmitting the Report on the DOE's Progress of Meeting Requirements of the Felix Response Plan, prepared by the Department of Education pursuant to Act 259, Section 51, SLH 2001.

Gov. Msg. No. 211, dated February 6, 2002, transmitting a report prepared by The Natural Energy Laboratory of Hawaii Authority (NELHA) pursuant to S.C.R. No. 19 (2001), requesting The Natural Energy Laboratory of Hawaii Authority to revive its proposal for the reactivation of the Noi'i O Puna Research Center.

Gov. Msg. No. 212, dated February 6, 2002, transmitting a report prepared by The Natural Energy Laboratory of Hawaii Authority (NELHA) pursuant to S.C.R. No. 124 (2001), requesting The Natural Energy Laboratory of Hawaii Authority to come up with recommendations to modify the make-up of its board to include more private sector participation.

Gov. Msg. No. 213, dated February 8, 2002, transmitting a Report on the Feasibility of Developing Wave Power as a Renewable Energy Resource for Hawaii, prepared by the Department of Business, Economic Development, and Tourism pursuant to H.R. No. 8 (2001).

Gov. Msg. No. 214, dated February 11, 2002, transmitting the 2001 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General.

Gov. Msg. No. 215, dated February 14, 2002, transmitting a Report on the Separation Incentive Program, prepared by the Department of Human Resources Development pursuant to Act 253, Sections 119 and 120, SLH 2000.

Gov. Msg. No. 216, dated February 14, 2002, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for Federal Fiscal Year Ending September 30, 2001, prepared by the Department of Business, Economic Development and Tourism.

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:22 o'clock p.m.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 23 to 41) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 23, transmitting H.B. No. 1716, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1716, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was

referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 24, transmitting H.B. No. 1970, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1970, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 25, transmitting H.B. No. 2315, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2315, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 26, transmitting H.B. No. 2382, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2382, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 27, transmitting H.B. No. 2530, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2530, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 28, transmitting H.B. No. 2601, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2601, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 29, transmitting H.B. No. 1726, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 30, transmitting H.B. No. 1746, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1746, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 31, transmitting H.B. No. 1761, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 32, transmitting H.B. No. 2014, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2014, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 33, transmitting H.B. No. 2192, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2192, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was referred to the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 34, transmitting H.B. No. 2451, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2451, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed First Reading by title and was referred jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 35, transmitting H.B. No. 2509, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2509, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 36, transmitting H.B. No. 2609, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2609, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed First Reading by title and was referred jointly to the Committee on Economic Development and Technology and Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 37, transmitting H.B. No. 2805, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2805, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed First Reading by title and was referred jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 38, transmitting H.B. No. 2834, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2834, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 39, transmitting H.B. No. 2848, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2848, H.D. 1, entitled: "A BILL FOR AN ACT 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," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 40, transmitting H.C.R. No. 25, which was adopted by the House of Representatives on February 20, 2002, was placed on file.

By unanimous consent, H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE REPORTING DATE OF THE TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 41, informing the Senate that on February 20, 2002, the House reconsidered its action taken in passing S.B. No. 1058, S.D. 1, H.D. 1, C.D. 1, on final reading and said bill was recommitted to the Committee on Conference, was placed on file.



**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 44 to 56) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT TO THE EMERGENCY ENVIRONMENTAL WORKFORCE."

Offered by: Senators Kawamoto, Menor, Hemmings, Buen, Inouye, Tam, Fukunaga.

No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES."

Offered by: Senators Kawamoto, Inouye, Menor, Buen, Tam, Fukunaga.

No. 46 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE DEVELOPMENT AND USE OF FOOD GARDENS AS A TEACHING TOOL IN ELEMENTARY SCHOOLS."

Offered by: Senator Sakamoto.

No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HEALTH'S EMERGENCY MEDICAL SERVICES SYSTEMS BRANCH."

Offered by: Senator Bunda, by request.

No. 48 "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."

Offered by: Senator Bunda.

No. 49 "SENATE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES."

Offered by: Senator Bunda.

No. 50 "SENATE CONCURRENT RESOLUTION DECLARING THE WISHES OF THE LEGISLATURE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS."

Offered by: Senator Bunda.

No. 51 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE

DEPARTMENT OF HEALTH TO NEGOTIATE THE INTRODUCTION OF HEALTHY JUICES AND SNACKS INTO THE DISPENSING MACHINES ALLOWED ON HAWAII SCHOOL PREMISES."

Offered by: Senators Chun Oakland, Kokubun, Kim, Kanno, Tam, Fukunaga, Chumbley, Kawamoto, Buen, Hanabusa, Sakamoto, Matsunaga.

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO APPROPRIATE ADEQUATE FINANCIAL IMPACT ASSISTANCE FOR HAWAII'S FREELY ASSOCIATED STATES CITIZENS."

Offered by: Senator Matsuura.

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A PANEL TO STUDY AND MAKE RECOMMENDATIONS ON WORKFORCE ISSUES RELATED TO THE NURSING PROFESSION."

Offered by: Senator Matsuura.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DESIGN AND REPORT FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTING A GRADES 6-12 CAREER AND LIFE SKILLS PROGRAM, AS A PART OF A COMPREHENSIVE CAREER DEVELOPMENT SYSTEM."

Offered by: Senator Matsuura.

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39."

Offered by: Senator Matsunaga.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN FOR THE IMPLEMENTATION OF A PATIENT SAFETY AND MEDICAL ERRORS REDUCTION PROGRAM."

Offered by: Senator Matsuura.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 25 to 30) were read by the Clerk and were deferred:

Senate Resolution

No. 25 "SENATE RESOLUTION REQUESTING THE ARMY NATIONAL GUARD OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT TO THE EMERGENCY ENVIRONMENTAL WORKFORCE."

Offered by: Senators Kawamoto, Menor, Buen, Inouye, Tam, Fukunaga.

No. 26 "SENATE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE

FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES.”

Offered by: Senators Kawamoto, Inouye, Menor, Buen, Tam, Fukunaga.

No. 27 “SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE DEVELOPMENT AND USE OF FOOD GARDENS AS A TEACHING TOOL IN ELEMENTARY SCHOOLS.”

Offered by: Senator Sakamoto.

No. 28 “SENATE RESOLUTION DECLARING THE WISHES OF THE SENATE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS.”

Offered by: Senator Bunda.

No. 29 “SENATE RESOLUTION RELATING TO AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING THAT NO COURT SHALL HAVE THE POWER TO LEVY OR INCREASE TAXES.”

Offered by: Senators Slom, Hemmings.

No. 30 “SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39.”

Offered by: Senator Matsunaga.

#### STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2452) recommending that S.B. No. 313, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 313, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,” passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection and Housing.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2453) recommending that S.B. No. 1157 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1157, entitled: “A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2454) recommending that S.B. No. 2784, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2784, S.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO WORKERS’ COMPENSATION,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2455) recommending that S.B. No. 2787 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2787, entitled: “A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2456) recommending that S.B. No. 2788 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2788, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2457) recommending that S.B. No. 411, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 411, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2458), recommending that S.C.R. No. 19, 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. 19, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF,” was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2459), recommending that S.C.R. No. 17, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

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. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR BIOLOGICALLY BASED PSYCHIATRIC AND ADDICTION DISORDERS,” was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2460), recommending that S.C.R. No. 26, 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. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AND SUPPORTING IMPLEMENTATION OF A SINGLE ENTRY POINT SYSTEM FOR LONG-TERM CARE SERVICES," was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2461) recommending that H.B. No. 1806 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1806, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was referred to the Committee on Judiciary.

**ORDER OF THE DAY**

**THIRD READING**

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

By unanimous consent, action on 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," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

S.B. No. 2125:

By unanimous consent, action on S.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," was deferred until Tuesday, March 5, 2002.

S.B. No. 2632:

By unanimous consent, action on S.B. No. 2632, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2650:

By unanimous consent, action on S.B. No. 2650, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," was deferred until Tuesday, March 5, 2002.

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

By unanimous consent, action on S.B. No. 2518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred until Tuesday, March 5, 2002.

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Monday, February 4, 2002; Wednesday, February 6, 2002; Thursday, February 7, 2002; Friday, February 8, 2002; and Tuesday, February 12, 2002:

Senate Concurrent Resolution	Referred to:
No. 29	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
No. 30	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs
No. 31	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 32	Committee on Judiciary
No. 33	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs

No. 34 Committee on Tourism and Intergovernmental Affairs

No. 35 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 36 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 37 Committee on Transportation, Military Affairs, and Government Operations

No. 38 Committee on Health and Human Services, then to the Committee on Tourism and Intergovernmental Affairs

No. 39 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 40 Committee on Education, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Monday, February 4, 2002; Wednesday, February 6, 2002; Thursday, February 7, 2002; Friday, February 8, 2002; and Tuesday, February 12, 2002:

Senate Resolution Referred to:

No. 10 Committee on Health and Human Services

No. 11 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs

No. 12 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 13 Committee on Judiciary

No. 14 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs

No. 15 Committee on Tourism and Intergovernmental Affairs

No. 16 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 17 Committee on Transportation, Military Affairs, and Government Operations

No. 18 Committee on Education, then to the Committee on Ways and Means

No. 19 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 20 Committee on Health and Human Services, then to the Committee on Tourism and Intergovernmental Affairs

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 313, S.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 411, S.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary

No. 2036 Jointly to the Committee on Education and the Committee on Ways and Means

No. 2586 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing

Senator Kanno, Chair of the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

S.B. No. 883;  
S.B. No. 2613; and  
S.B. No. 2838.

Senator Kanno noted:

“Mr. President, these are all proposed drafts that have been prepared, are available in my office, and are already posted on the Capitol website.

“I just want to mention a couple of things about these measures. On S.B. No. 883, we have a proposed S.D. 1, which is a constitutional amendment question whether first-time nonviolent drug offenders should be provided drug treatment rather than be incarcerated.

“On S.B. No. 2838, we have a proposed S.D. 1 including in the existing bill a measure to prohibit the riding of motorized platform scooters on the roadway. These are the motorized razor scooters.

“Thank you.”

The Chair then granted the waiver.

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

S.B. No. 2139;  
S.B. No. 2177;  
S.B. No. 2330;  
S.B. No. 2832;  
S.B. No. 3020;  
S.B. No. 3028; and  
S.B. No. 3063.

Senator Taniguchi noted:

“Mr. President, after a review of all the bills heard by your Committee on Ways and Means, we have decided to schedule these bills for decision-making because of a number of strong recommendations from members of this body.”

The Chair granted the waiver.

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

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

“I just wanted to thank and congratulate the Chairman of the Judiciary Committee for what he did today, in terms of the waivers, by also handing us copies of the proposed Senate drafts so that we have an opportunity to look at them in advance and more so because they have already been posted, as I understand, up on the website. I think this is a good way to go. I hope that all the chairmen will follow this procedure in the future so that the public has the information and our colleagues have the information prior to hearings.

“So, thank you again, Mr. Chairman, and thank you, Mr. President.”

Senator Ihara also rose on a point of personal privilege and stated:

“Mr. President, I’d like to stand on a point of personal privilege.

“I’d like to also acknowledge one of our Committees for making an improvement in the legislative process – that is the Ways and Means Committee for allowing written testimony on decision-making bills. The Committee, last week, had decision-making on a number of bills and testimony was not accepted, and this week, I noticed that on the hearing notice at the end of the notice it says that written testimony . . . well, I presume that written testimony is accepted because it says you can submit 30 copies to the Clerk.

“Maybe an additional improvement might be to include at the top of the agenda, some kind of note saying that written testimony will be accepted because, traditionally, for the people who want to participate in the process, notice of decision-making essentially means no testimony. I’d like to applaud the Ways and Means Committee for doing that.

“Particularly, I wanted to note that there are a number of bills that were amended substantively in the first Committee. And by having decision-making only, and not accepting testimony, the public doesn’t have a chance to comment, and actually, members don’t know how the community feels about a bill that’s been amended before them because there was no chance for testimony. So I’d like to thank Ways and Means for doing that.

“I also wanted to point out that there were 575 bills heard before the first lateral and I think we’re doing slightly better than in the past. There were 89 bills that were deferred without a vote and discounting bills that were deferred due to an intent to consider a House draft that’s coming over to the Senate or a bill that is moving that’s similar, rather than holding the bill and voting on it to send a signal to the public that we are opposed to the contents, deferring in these situations, I think, is appropriate.

“There are, I think, still a couple dozen bills that were deferred because there was not an intent to move the bill, and I think we could still improve on those.

“Thank you, Mr. President.”

**ADJOURNMENT**

At 12:32 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, March 1, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TWENTY-FIFTH DAY

Friday, March 1, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Timothy Eden, SM, Chaminade University Marianist Center, after which the Roll was called showing all Senators present with the exception of Senator Matsuura who was excused.

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

At this time, Senator English introduced Mr. Lelei LeLaulu, President and Chief Executive Officer for Counterpart International, and Ambassador Rex Horoi, Executive Director of the Foundation for the Peoples of the South Pacific.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 15 to 18) were read by the Clerk and were placed on file:

Dept. Com. No. 15, from the State Auditor dated February 15, 2002, transmitting a report, "Audit of the Adult Mental Health Division's Management of Contracted Community Services," (Report No. 02-06).

Dept. Com. No. 16, from the Department of Public Safety dated February 15, 2002, transmitting the Annual Report of the Corrections Population Management Commission, pursuant to Section 353-2, HRS.

Dept. Com. No. 17, from the Hawaii Health Systems Corporation dated February 13, 2002, transmitting the Annual Report for the Program of All-Inclusive Care for the Elderly (PACE) for the Fiscal Year Ending June 30, 2001.

Dept. Com. No. 18, from the Department of Taxation dated February 22, 2002, transmitting the Hawaii Tax Information Manual.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 42 to 58) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 42, transmitting H.B. No. 680, 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. 680, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 1717, 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. 1717, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 1725, 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. 1725, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," passed First Reading by title and was deferred.

Hse. Com. No. 45, transmitting H.B. No. 1727, 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. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL," passed First Reading by title and was deferred.

Hse. Com. No. 46, transmitting H.B. No. 1768, 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. 1768, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," passed First Reading by title and was deferred.

Hse. Com. No. 47, transmitting H.B. No. 2030, 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. 2030, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed First Reading by title and was deferred.

Hse. Com. No. 48, transmitting H.B. No. 2166, 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. 2166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 49, transmitting H.B. No. 2235, 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. 2235, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 50, transmitting H.B. No. 2302, 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. 2302, H.D. 2, entitled: "A

BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES," passed First Reading by title and was deferred.

Hse. Com. No. 51, transmitting H.B. No. 2311, 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. 2311, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," passed First Reading by title and was deferred.

Hse. Com. No. 52, transmitting H.B. No. 2460, 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. 2460, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was deferred.

Hse. Com. No. 53, transmitting H.B. No. 2531, 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. 2531, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed First Reading by title and was deferred.

Hse. Com. No. 54, transmitting H.B. No. 2581, 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. 2581, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSING," passed First Reading by title and was deferred.

Hse. Com. No. 55, transmitting H.B. No. 2582, 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. 2582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was deferred.

Hse. Com. No. 56, transmitting H.B. No. 2599, 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. 2599, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed First Reading by title and was deferred.

Hse. Com. No. 57, transmitting H.B. No. 2718, 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. 2718, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS FOR THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 58, transmitting H.B. No. 2744, 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. 2744, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," passed First Reading by title and was deferred.

#### JUDICIARY COMMUNICATION

Jud. Com. No. 1, submitting for consideration and consent, the nomination of CHRISTOPHER P. MCKENZIE to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 57 to 60) were read by the Clerk and were deferred:

##### Senate Concurrent Resolution

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE CITY AND COUNTY OF HONOLULU APPROPRIATE FUNDS TO COVER THE CITY AND COUNTY'S SHARE OF REPAIRING AND MAINTAINING PUEA CEMETERY."

Offered by: Senators Chun, Chun Oakland, English, Kokubun, Hemmings, Matsunaga, Sakamoto, Kawamoto, Nakata, Buen, Inouye.

No. 58 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FEASIBILITY AND IMPLEMENTATION STUDY FOR A CAPTIVE INSURANCE COMPANY TO INSURE POTENTIAL RISKS OF THE STATE OF HAWAII."

Offered by: Senators Chun, Oakland, Inouye, Sakamoto.

No. 59 "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF AGRICULTURE TO ADOPT PROPOSED MODIFICATION OF QUARANTINE PROCEDURES TO REFLECT CURRENT SCIENTIFIC STUDIES ON RABIES PREVENTION."

Offered by: Senators Chun, Oakland, Matsunaga, Menor.

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS."

Offered by: Senator Matsuura.

#### STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2462) recommending that S.B. No. 2183 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2462 and S.B. No. 2183, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS," was deferred until Tuesday, March 5, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2463) recommending that S.B. No. 2982 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2982, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2464) recommending that S.B. No. 2009, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2464 and S.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2465) recommending that S.B. No. 2037, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2465 and S.B. No. 2037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2466) recommending that S.B. No. 2044, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2466 and S.B. No. 2044, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2467) recommending that S.B. No. 2062, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2468) recommending that S.B. No. 2118, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2468 and S.B. No. 2118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2469) recommending that S.B. No. 2126, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2470) recommending that S.B. No. 2307 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2470 and S.B. No. 2307, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2471) recommending that S.B. No. 2309, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2471 and S.B. No. 2309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2472) recommending that S.B. No. 2335 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2472 and S.B. No. 2335, entitled: "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2473) recommending that S.B. No. 2336, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2473 and S.B. No. 2336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2474) recommending that S.B. No. 2337, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2474 and S.B. No. 2337, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2475) recommending that S.B. No. 2464, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2475 and S.B. No. 2464, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2476) recommending that S.B. No. 2481, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2476 and S.B. No. 2481, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," was deferred until Tuesday, March 5, 2002.



Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2477) recommending that S.B. No. 2484 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2477 and S.B. No. 2484, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2478) recommending that S.B. No. 2527, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2479) recommending that S.B. No. 2630 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2630, entitled: "A BILL FOR AN ACT RELATING TO VENUE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2480) recommending that S.B. No. 2695, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2695, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2481) recommending that S.B. No. 2552, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2481 and S.B. No. 2552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2482) recommending that S.B. No. 2567 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2482 and S.B. No. 2567, entitled: "A BILL FOR AN ACT RELATING TO LITTER," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2483) recommending that S.B. No. 2620 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2483 and S.B. No. 2620, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2484) recommending that S.B. No. 2691, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2484 and S.B. No. 2691, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2485) recommending that S.B. No. 2624, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2485 and S.B. No. 2624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2486) recommending that S.B. No. 2633, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2486 and S.B. No. 2633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2487) recommending that S.B. No. 2645 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2487 and S.B. No. 2645, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2488) recommending that S.B. No. 2646 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2488 and S.B. No. 2646, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2489) recommending that S.B. No. 2692 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2489 and S.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2490) recommending that S.B. No. 2693 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2490 and S.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2491) recommending that S.B. No. 2704, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2491 and S.B. No. 2704, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO HOUSING,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2492) recommending that S.B. No. 2705 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2492 and S.B. No. 2705, entitled: “A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2493) recommending that S.B. No. 2729, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2493 and S.B. No. 2729, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2494) recommending that S.B. No. 2730, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2494 and S.B. No. 2730, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MERGERS,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2495) recommending that S.B. No. 2731, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2495 and S.B. No. 2731, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2496) recommending that S.B. No. 2754 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2496 and S.B. No. 2754, entitled: “A BILL FOR AN ACT RELATING TO CHILD CARE,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2497) recommending that S.B. No. 2765, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2497 and S.B. No. 2765, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2498) recommending that S.B. No. 2777 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2498 and S.B. No. 2777, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2499) recommending that S.B. No. 2791, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2499 and S.B. No. 2791, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2500) recommending that S.B. No. 2794, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2500 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,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2501) recommending that S.B. No. 2795, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2501 and S.B. No. 2795, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2502) recommending that S.B. No. 2823, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2502 and S.B. No. 2823, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXPLOSIVES,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2503) recommending that S.B. No. 2840, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2503 and S.B. No. 2840, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2504) recommending that S.B. No. 3031, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2504 and S.B. No. 3031, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2505) recommending that S.B. No. 3040, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2505 and S.B. No. 3040, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2506) recommending that H.B. No. 741, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2506 and H.B. No. 741, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL LIABILITY,” was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2507) recommending that S.B. No. 2045 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2507 and S.B. No. 2045, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2508) recommending that S.B. No. 2093, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2508 and S.B. No. 2093, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2509) recommending that S.B. No. 2234, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2509 and S.B. No. 2234, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2510) recommending that S.B. No. 2291 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2510 and S.B. No. 2291, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2511) recommending that S.B. No. 2409, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2511 and S.B. No. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2512) recommending that S.B. No. 2694, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2512 and S.B. No. 2694, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2513) recommending that S.B. No. 2837 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2513 and S.B. No. 2837, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2514) recommending that S.B. No. 2990, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2514 and S.B. No. 2990, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO CRIME STOPPERS ORGANIZATIONS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2515) recommending that S.B. No. 2732, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2515 and S.B. No. 2732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2516) recommending that S.B. No. 2046, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2517) recommending that S.B. No. 2523, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2523, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2518) recommending that S.B. No. 2685 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2519) recommending that S.B. No. 2697, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2520) recommending that S.B. No. 2468, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2468, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second

Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2521) recommending that S.B. No. 2708, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2708, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2522) recommending that S.B. No. 2728, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2523) recommending that S.B. No. 2091 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2523 and S.B. No. 2091, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2524) recommending that S.B. No. 2094, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2524 and S.B. No. 2094, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2525) recommending that S.B. No. 2721, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2525 and S.B. No. 2721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2526) recommending that S.B. No. 2725 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2526 and S.B. No. 2725, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2527) recommending that S.B. No. 2762, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2527 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," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2528) recommending that S.B. No. 2769 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2528 and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2529) recommending that S.B. No. 2772 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2529 and S.B. No. 2772, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2530) recommending that S.B. No. 2121, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2530 and S.B. No. 2121, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAPAYA RESEARCH," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2531) recommending that S.B. No. 2132, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2531 and S.B. No. 2132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2532) recommending that S.B. No. 2136, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2532 and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF FIREWEED," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2533) recommending that S.B. No. 2184, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2533 and S.B. No. 2184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2534) recommending that S.B. No. 2228, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2534 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2535) recommending that S.B. No. 2239, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2535 and S.B. No. 2239, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OCEANIC INSTITUTE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2536) recommending that S.B. No. 2242, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2536 and S.B. No. 2242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2537) recommending that S.B. No. 2245, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2537 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2538) recommending that S.B. No. 2345, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2538 and S.B. No. 2345, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2539) recommending that S.B. No. 2482 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2539 and S.B. No. 2482, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2540) recommending that S.B. No. 2665, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2540 and S.B. No. 2665, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2541) recommending that S.B. No. 2673 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2541 and S.B. No. 2673, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2542) recommending that S.B. No. 2931, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2542 and S.B. No. 2931, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR VARIOUS STATE IRRIGATION SYSTEMS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2543) recommending that S.B. No. 3038, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2543 and S.B. No. 3038, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN APICULTURE PROGRAM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2544) recommending that S.B. No. 2582, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2544 and S.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2545) recommending that S.B. No. 2703, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2545 and S.B. No. 2703, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2546) recommending that S.B. No. 2722, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2546 and S.B. No. 2722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2547) recommending that S.B. No. 2723, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2547 and S.B. No. 2723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2548) recommending that S.B. No. 2724, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2548 and S.B. No. 2724, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO REAL ESTATE,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2549) recommending that S.B. No. 2726, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2549 and S.B. No. 2726, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2550) recommending that S.B. No. 2743 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2550 and S.B. No. 2743, entitled: “A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2551) recommending that S.B. No. 2254, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2551 and S.B. No. 2254, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2552) recommending that S.B. No. 2412, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2552 and S.B. No. 2412, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2553) recommending that S.B. No. 2540, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2553 and S.B. No. 2540, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2554) recommending that S.B. No. 2012, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2554 and S.B. No. 2012, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2555) recommending that S.B. No. 2033, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2555 and S.B. No. 2033, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2556) recommending that S.B. No. 2035 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2556 and S.B. No. 2035, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2557) recommending that S.B. No. 2038, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2557 and S.B. No. 2038, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE AUDITOR,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2558) recommending that S.B. No. 2067, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2558 and S.B. No. 2067, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HIGHER EDUCATION,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2559) recommending that S.B. No. 2073 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2559 and S.B. No. 2073, entitled: “A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2560) recommending that S.B. No. 2084, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2560 and S.B. No. 2084, S.D. 2, entitled: “A BILL FOR AN ACT RELATED TO LIMITED LIABILITY,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2561) recommending that S.B. No. 2099, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2561 and S.B. No. 2099, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2562) recommending that S.B. No. 2100, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2562 and S.B. No. 2100, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2563) recommending that S.B. No. 2205 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2563 and S.B. No. 2205, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2564) recommending that S.B. No. 2206, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2564 and S.B. No. 2206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2565) recommending that S.B. No. 2224 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2565 and S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2566) recommending that S.B. No. 2233, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2566 and S.B. No. 2233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PARENT-COMMUNITY NETWORKING CENTER PROGRAM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2567) recommending that S.B. No. 2270, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2567 and S.B. No. 2270, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2568) recommending that S.B. No. 2283, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2568 and S.B. No. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2569) recommending that S.B. No. 2284, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2569 and S.B. No. 2284, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2570) recommending that S.B. No. 2512, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, Stand. Com. Rep. No. 2570 and S.B. No. 2512, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were recommitted to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2571) recommending that S.B. No. 2619, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2571 and S.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2572) recommending that S.B. No. 2660, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2572 and S.B. No. 2660, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSURE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2573) recommending that S.B. No. 2662, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2573 and S.B. No. 2662, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2574) recommending that S.B. No. 2680 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2574 and S.B. No. 2680, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2575) recommending that S.B. No. 2741, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2575 and S.B. No. 2741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2576) recommending that S.B. No. 2792, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2576 and S.B. No. 2792, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2577) recommending that S.B. No. 2816, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2577 and S.B. No. 2816, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2578) recommending that S.B. No. 2938 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2578 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2579) recommending that S.B. No. 3006, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2579 and S.B. No. 3006, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF DEPARTMENT OF EDUCATION FACILITIES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2580) recommending that S.B. No. 3041, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2580 and S.B. No. 3041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2581) recommending that S.B. No. 2043, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2581 and S.B. No. 2043, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2582) recommending that S.B. No. 2232, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2582 and S.B. No. 2232, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2583) recommending that S.B. No. 2478 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2583 and S.B. No. 2478, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2584) recommending that S.B. No. 2869, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2584 and S.B. No. 2869, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2585) recommending that S.B. No. 2895, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2585 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2586) recommending that S.B. No. 251, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2586 and S.B. No. 251, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2587) recommending that S.B. No. 1399, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2587 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2588) recommending that S.B. No. 2026, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2588 and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASED MEDICAID REIMBURSEMENT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2589) recommending that S.B. No. 2052 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2589 and S.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2590) recommending that S.B. No. 2085, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2590 and S.B. No. 2085, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2591) recommending that S.B. No. 2140 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2591 and S.B. No. 2140, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," was deferred until Tuesday, March 5, 2002.



Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2592) recommending that S.B. No. 2145, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2592 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2593) recommending that S.B. No. 2150, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2593 and S.B. No. 2150, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2594) recommending that S.B. No. 2227, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2594 and S.B. No. 2227, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2595) recommending that S.B. No. 2274, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2595 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2596) recommending that S.B. No. 2275, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2596 and S.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MAUI ADULT DAY CARE CENTER," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2597) recommending that S.B. No. 2351, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2597 and S.B. No. 2351, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2598) recommending that S.B. No. 2432, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2598 and S.B. No. 2432, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2599) recommending

that S.B. No. 2591, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2599 and S.B. No. 2591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HANA COMMUNITY HEALTH CENTER," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2600) recommending that S.B. No. 2717, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2600 and S.B. No. 2717, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2601) recommending that S.B. No. 2753 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2601 and S.B. No. 2753, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2602) recommending that S.B. No. 2761, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2602 and S.B. No. 2761, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2603) recommending that S.B. No. 2764, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2603 and S.B. No. 2764, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2604) recommending that S.B. No. 2770, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2604 and S.B. No. 2770, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2605) recommending that S.B. No. 2773, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2605 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2606) recommending that S.B. No. 2775 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2606 and S.B. No. 2775, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2607) recommending that S.B. No. 2776, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2607 and S.B. No. 2776, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2608) recommending that S.B. No. 2781 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2608 and S.B. No. 2781, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2609) recommending that S.B. No. 2782, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2609 and S.B. No. 2782, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2610) recommending that S.B. No. 2867, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2610 and S.B. No. 2867, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2611) recommending that S.B. No. 2881, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2611 and S.B. No. 2881, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2612) recommending that S.B. No. 2944, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2612 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2613) recommending that S.B. No. 3047, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2613 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2614) recommending that S.B. No. 3053, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2614 and S.B. No. 3053, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2615) recommending that S.B. No. 3077, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2615 and S.B. No. 3077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2616) recommending that S.B. No. 1381, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2616 and S.B. No. 1381, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2617) recommending that S.B. No. 2223, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2617 and S.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2618) recommending that S.B. No. 2634, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2618 and S.B. No. 2634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2619) recommending that S.B. No. 2819, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2619 and S.B. No. 2819, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2620) recommending that S.B. No. 2821, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2620 and S.B. No. 2821, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2621) recommending that S.B. No. 941, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2621 and S.B. No. 941, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2622) recommending that S.B. No. 2078, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2622 and S.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2623) recommending that S.B. No. 2111 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2623 and S.B. No. 2111, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2624) recommending that S.B. No. 2114, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2624 and S.B. No. 2114, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2625) recommending that S.B. No. 2120, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2625 and S.B. No. 2120, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2626) recommending that S.B. No. 2127 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2626 and S.B. No. 2127, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2627) recommending that S.B. No. 2467, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2627 and S.B. No. 2467, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2628) recommending that S.B. No. 2571 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2628 and S.B. No. 2571, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2629) recommending that S.B. No. 2715, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2629 and S.B. No. 2715, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2630) recommending that S.B. No. 2718, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2630 and S.B. No. 2718, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2631) recommending that S.B. No. 2757, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2631 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2632) recommending that S.B. No. 2758, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2632 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2633) recommending that S.B. No. 2759, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2633 and S.B. No. 2759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2634) recommending that S.B. No. 2786, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2634 and S.B. No. 2786, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2635) recommending that S.B. No. 2789, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2635 and S.B. No. 2789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2636) recommending that S.B. No. 2900 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2636 and S.B. No. 2900, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2637) recommending that S.B. No. 2967 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2637 and S.B. No. 2967, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2638) recommending that S.B. No. 3008, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2638 and S.B. No. 3008, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2639) recommending that S.B. No. 3010, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2639 and S.B. No. 3010, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2640) recommending that S.B. No. 3025 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2640 and S.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2641) recommending that S.B. No. 2421, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2641 and S.B. No. 2421, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2642) recommending that S.B. No. 2635, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2642 and S.B. No. 2635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2643) recommending that S.B. No. 2875, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2643 and S.B. No. 2875, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2644) recommending that S.B. No. 2904, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2644 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2645) recommending that S.B. No. 2068, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2645 and S.B. No. 2068, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2646) recommending that S.B. No. 2077, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2646 and S.B. No. 2077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2647) recommending that S.B. No. 2221 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2647 and S.B. No. 2221, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2648) recommending that S.B. No. 2306, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2648 and S.B. No. 2306, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2649) recommending that S.B. No. 2325, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2649 and S.B. No. 2325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2650) recommending

that S.B. No. 2331, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2650 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2651) recommending that S.B. No. 2488, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2651 and S.B. No. 2488, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2652) recommending that S.B. No. 2545, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2652 and S.B. No. 2545, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2653) recommending that S.B. No. 2702, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2653 and S.B. No. 2702, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2654) recommending that S.B. No. 2736, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2654 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2655) recommending that S.B. No. 2737 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2655 and S.B. No. 2737, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2656) recommending that S.B. No. 2785, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2656 and S.B. No. 2785, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2657) recommending that S.B. No. 2817, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2657 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2658) recommending that S.B. No. 3049, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2658 and S.B. No. 3049, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2659) recommending that S.B. No. 3086, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2659 and S.B. No. 3086, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2660) recommending that S.B. No. 2003, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2660 and S.B. No. 2003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2661) recommending that S.B. No. 2179, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2661 and S.B. No. 2179, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2662) recommending that S.B. No. 2238, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2662 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2663) recommending that S.B. No. 2516, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2663 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2664) recommending that S.B. No. 2615, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2664 and S.B. No. 2615, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2665) recommending that S.B. No. 2667 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2665 and S.B. No. 2667, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2666) recommending that S.B. No. 2669 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2666 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2667) recommending that S.B. No. 2713, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2667 and S.B. No. 2713, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2668) recommending that S.B. No. 2774, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2668 and S.B. No. 2774, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2669) recommending that S.B. No. 2805 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2669 and S.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2670) recommending that S.B. No. 2811 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2670 and S.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2671) recommending

that S.B. No. 2824, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2671 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2672) recommending that S.B. No. 2814 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2673) recommending that S.B. No. 2682, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and 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," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2674) recommending that S.B. No. 2826, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2826, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2675) recommending that S.B. No. 2827, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and 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," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2676) recommending that S.B. No. 2899 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

## STANDING COMMITTEE REPORTS

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2243, and the Chair granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2971.

Senator Kawamoto noted:

“Mr. President, after careful negotiations, we have obtained a prior concurrence from previous Committees to move forward on this measure.”

The Chair then granted the waiver.

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

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

Senator English, Vice Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2320.

Senator English noted:

“Mr. President, your Committee on Tourism and Intergovernmental Affairs would like to reconsider its previous decision on this matter.”

The Chair then granted the waiver.

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

S.B. No. 2375;  
S.B. No. 2383; and  
S.B. No. 2883.

Senator Taniguchi noted:

“Mr. President, we have received exciting new information on these bills and would like to keep these bills alive for further discussion and possible resolution.”

The Chair then granted the waiver.

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

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

“As I was perusing the Web this morning and looking at the actions that we took yesterday, the deleterious actions in Ways and Means, I noticed that my vote had mysteriously gone from a very strong and vocal ‘no’ vote to a ‘w/r’ and it was substituted with the good Senator from Pauoa/Downtown who we are often said that we look alike and that we’re mistaken for each other. But I’m very happy to note now that the Clerk has taken care of that administrative matter.

“I guess my problem has been that I’m too shy in speaking up so that my strong ‘NO’ votes on tax increases don’t get properly heard. I’ll try to do a much better job in the future, Mr. President. Thank you very much.”

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that Senate bills pass Second Reading and be placed on the calendar for Third Reading. The Clerk was further authorized to receive standing committee reports recommending that Senate bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 12:15 o'clock p.m., the Senate took the following actions on the following Senate bills and standing committee reports:

Senators Kim, Kawamoto and Kanno, for the Committee on Tourism and Intergovernmental Affairs, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2677) recommending that S.B. No. 2748, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2748, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COUNTIES’ EMINENT DOMAIN POWERS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2678) recommending that S.B. No. 2934 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2678 and S.B. No. 2934, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2679) recommending that S.B. No. 2075, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2679 and S.B. No. 2075, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS,” was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2680) recommending that S.B. No. 2106, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2680 and S.B. No. 2106, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS,” was deferred until Tuesday, March 5, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2681) recommending that S.B. No. 2008, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2008, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ACCRETED LANDS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2682) recommending that S.B. No. 2806 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2806, entitled: "A BILL FOR AN ACT RELATING TO ACCRETION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2683) recommending that S.B. No. 2001, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2001, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2684) recommending that S.B. No. 2323 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2323, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2685) recommending that S.B. No. 2277 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2277, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSE PLATES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2686) recommending that S.B. No. 2313 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2313, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs,

presented a joint report (Stand. Com. Rep. No. 2687) recommending that S.B. No. 2314 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2314, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2688) recommending that S.B. No. 2315, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2315, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TRANSFERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2689) recommending that S.B. No. 2322 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2322, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2690) recommending that S.B. No. 2609, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2609, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2691) recommending that S.B. No. 3017 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3017, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SYMBOLS AND TRADEMARKS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2692) recommending that S.B. No. 2131, S.D. 1, as amended in S.D. 2, pass Third Reading.



By unanimous consent, action on Stand. Com. Rep. No. 2692 and S.B. No. 2131, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2693) recommending that S.B. No. 2666, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2693 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2694) recommending that S.B. No. 2172, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2694 and S.B. No. 2172, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2695) recommending that S.B. No. 2520, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2695 and S.B. No. 2520, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2696) recommending that S.B. No. 2247, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2696 and S.B. No. 2247, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2697) recommending that S.B. No. 2411, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2697 and S.B. No. 2411, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING OF HAWAII PRODUCTS AND SERVICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2698) recommending that S.B. No. 3014, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2698 and S.B. No. 3014, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA STADIUM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2699) recommending that S.B. No. 2032, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2699 and S.B. No. 2032, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2700) recommending that S.B. No. 2060, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2700 and S.B. No. 2060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2701) recommending that S.B. No. 2069, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2701 and S.B. No. 2069, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII EDUCATIONAL POLICY CENTER," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2702) recommending that S.B. No. 2211, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2702 and S.B. No. 2211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2703) recommending that S.B. No. 2512, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2703 and S.B. No. 2512, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2704) recommending that S.B. No. 2738, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2704 and S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2705) recommending that S.B. No. 2793, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2705 and S.B. No. 2793, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2706) recommending that S.B. No. 2926, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2706 and S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2707) recommending that S.B. No. 3007, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2707 and S.B. No. 3007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2708) recommending that S.B. No. 3018, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2708 and S.B. No. 3018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2709) recommending that S.B. No. 2476, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2709 and S.B. No. 2476, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2710) recommending that S.B. No. 2763, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2710 and S.B. No. 2763, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2711) recommending that S.B. No. 2027, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2711 and S.B. No. 2027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2712) recommending that S.B. No. 2276, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2712 and S.B. No. 2276, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI FOOD BANK," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2713) recommending that S.B. No. 2302, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2713 and S.B. No. 2302, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2714) recommending that S.B. No. 2416, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2714 and S.B. No. 2416, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2715) recommending that S.B. No. 2568, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2715 and S.B. No. 2568, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2716) recommending that S.B. No. 2829, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2716 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2717) recommending that S.B. No. 2871, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2717 and S.B. No. 2871, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INSURERS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2718) recommending that S.B. No. 2964, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2718 and S.B. No. 2964, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2719) recommending that S.B. No. 2985, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2719 and S.B. No. 2985, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2720) recommending that S.B. No. 2760, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2720 and S.B. No. 2760, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO MARRIAGE,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2721) recommending that S.B. No. 2457, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2721 and S.B. No. 2457, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOUSE EMBRYONIC STEM CELL RESEARCH,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2722) recommending that S.B. No. 3051, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2722 and S.B. No. 3051, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BONDS,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2723) recommending that S.B. No. 2112, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2723 and S.B. No. 2112, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2724) recommending that S.B. No. 2983, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2724 and S.B. No. 2983, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2725) recommending that S.B. No. 3078, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2725 and S.B. No. 3078, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2726) recommending that S.B. No. 2350, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2726 and S.B. No. 2350, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2727) recommending that S.B. No. 2556, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2727 and S.B. No. 2556, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

2728) recommending that S.B. No. 2709, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2728 and S.B. No. 2709, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2729) recommending that S.B. No. 2907, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2729 and S.B. No. 2907, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2730) recommending that S.B. No. 2137, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2730 and S.B. No. 2137, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2731) recommending that S.B. No. 2246, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2731 and S.B. No. 2246, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC.,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2732) recommending that S.B. No. 2382, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2732 and S.B. No. 2382, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2733) recommending that S.B. No. 2526, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2733 and S.B. No. 2526, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2734) recommending that S.B. No. 2550, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2734 and S.B. No. 2550, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS,” was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2735) recommending

that S.B. No. 2601, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2735 and S.B. No. 2601, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2736) recommending that S.B. No. 3009, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2736 and S.B. No. 3009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF GRANT WRITING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2737) recommending that S.B. No. 3048, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2737 and S.B. No. 3048, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BONDS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2738) recommending that S.B. No. 3060, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2738 and S.B. No. 3060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE SAFETY EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2739) recommending that S.B. No. 2330, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2739 and S.B. No. 2330, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE FEES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2740) recommending that S.B. No. 3028, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2740 and S.B. No. 3028, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2741) recommending that S.B. No. 2681, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2741 and S.B. No. 2681, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2742) recommending that S.B. No. 2177, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2742 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2743) recommending that S.B. No. 2266, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2743 and S.B. No. 2266, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2744) recommending that S.B. No. 2278, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2744 and S.B. No. 2278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMBINED HEAT AND POWER SYSTEMS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2745) recommending that S.B. No. 2802, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2745 and S.B. No. 2802, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2746) recommending that S.B. No. 2804, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2746 and S.B. No. 2804, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2747) recommending that S.B. No. 2812, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2747 and S.B. No. 2812, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2748) recommending that S.B. No. 2716, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2716, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2749) recommending that S.B. No. 2831, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and 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," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2750) recommending that S.B. No. 2013, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2013, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Sakamoto and Taniguchi, for the Committee on Education and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2751) recommending that S.B. No. 2036, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2036, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Sakamoto, Kawamoto, Kanno and Taniguchi, for the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Judiciary and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2752) recommending that S.B. No. 2102, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2102, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2753) recommending that S.B. No. 2294, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2753 and S.B. No. 2294, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2754) recommending that S.B. No. 2733, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2754 and S.B. No. 2733, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2755) recommending that S.B. No. 2231, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2755 and S.B. No. 2231, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHOLAWE ISLAND RESERVE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2756) recommending that S.B. No. 2039, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2756 and S.B. No. 2039, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2757) recommending that S.B. No. 2041, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2757 and S.B. No. 2041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2758) recommending that S.B. No. 2149, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2758 and S.B. No. 2149, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2759) recommending that S.B. No. 2684, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2759 and S.B. No. 2684, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2760) recommending that S.B. No. 2686, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2760 and S.B. No. 2686, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2761) recommending that S.B. No. 2779, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2761 and S.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2762) recommending that S.B. No. 2818, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2762 and S.B. No. 2818, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2763) recommending that S.B. No. 2321 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2763 and S.B. No. 2321, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2764) recommending that S.B. No. 2422, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2764 and S.B. No. 2422, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2765) recommending that S.B. No. 2487, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2765 and S.B. No. 2487, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2766) recommending that S.B. No. 2628, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2766 and S.B. No. 2628, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2767) recommending that S.B. No. 2808, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2767 and S.B. No. 2808, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," was deferred until Tuesday, March 5, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2768) recommending that S.B. No. 2007, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2768 and S.B. No. 2007, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred until Tuesday, March 5, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2769) recommending that S.B. No. 2909, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2769 and S.B. No. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred until Tuesday, March 5, 2002.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2770) recommending that S.B. No. 411, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2770 and S.B. No. 411, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2771) recommending that S.B. No. 2310, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2310, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2772) recommending that S.B. No. 2320 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2320, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2773) recommending that S.B. No. 2290, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2773 and S.B. No. 2290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2774) recommending that S.B. No. 2341, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2775) recommending that S.B. No. 2490, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2775 and S.B. No. 2490, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," was deferred until Tuesday, March 5, 2002.

Senators Tam and Menor, for the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a

joint report (Stand. Com. Rep. No. 2776) recommending that S.B. No. 2289, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2289, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Kawamoto and Taniguchi, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2777) recommending that S.B. No. 2971, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2777 and S.B. No. 2971, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2778) recommending that S.B. No. 2005, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2778 and S.B. No. 2005, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED SOLID WASTE MANAGEMENT," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2779) recommending that S.B. No. 2334, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2779 and S.B. No. 2334, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2780) recommending that S.B. No. 2134 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2780 and S.B. No. 2134, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2781) recommending that S.B. No. 2768, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2781 and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS FOR PERSONS WITH DISABILITIES," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2782) recommending that S.B. No. 2498, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2782 and S.B. No. 2498, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2783) recommending that S.B. No. 2890, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2783 and S.B. No. 2890, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, March 5, 2002.

Senators Menor and Taniguchi, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2784) recommending that S.B. No. 313, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2784 and S.B. No. 313, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2785) recommending that S.B. No. 2470, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2786) recommending that S.B. No. 2734, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2734, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL EMPLOYMENT AGENCIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2787) recommending that S.B. No. 2912, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2787 and S.B. No. 2912, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AQUACULTURE PRODUCTION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2788) recommending that S.B. No. 2913, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2788 and S.B. No. 2913, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2789) recommending that S.B. No. 2375, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2789 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2790) recommending that S.B. No. 2885, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2790 and S.B. No. 2885, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2791) recommending that S.B. No. 2383, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2791 and S.B. No. 2383, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2792) recommending that S.B. No. 2097, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2792 and S.B. No. 2097, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2793) recommending that S.B. No. 2919, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2793 and S.B. No. 2919, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2794) recommending that S.B. No. 2055, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2794 and S.B. No. 2055, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2795) recommending that S.B. No. 2750, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2796) recommending that S.B. No. 2024, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2796 and S.B. No. 2024, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2797) recommending that S.B. No. 3020, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2797 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," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2798) recommending that S.B. No. 2438, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2798 and S.B. No. 2438, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' ECONOMIC SECURITY AND SAFETY ACT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2799) recommending that S.B. No. 2139, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2799 and S.B. No. 2139, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS PROGRAM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2800) recommending that S.B. No. 2883, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2800 and S.B. No. 2883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2801) recommending that S.B. No. 3063, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2801 and S.B. No. 3063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2802) recommending that S.B. No. 2908, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2802 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.," was deferred until Tuesday, March 5, 2002.



Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2803) recommending that S.B. No. 2832, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2832, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX RATES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2804) recommending that S.B. No. 3011, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2804 and S.B. No. 3011, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXPENSES OF THE LEGISLATURE," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2805) recommending that S.B. No. 2021, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2805 and S.B. No. 2021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENROLLMENT IN THE CHILDREN'S HEALTH INSURANCE PROGRAM," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2806) recommending that S.B. No. 2500, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2806 and S.B. No. 2500, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2807) recommending that S.B. No. 2210, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2807 and S.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL COUNSELORS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2808) recommending that S.B. No. 2431, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2808 and S.B. No. 2431, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2809) recommending that S.B. No. 2477, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2809 and S.B. No. 2477, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2810) recommending that S.B. No. 2842, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2810 and S.B. No. 2842, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2811) recommending that S.B. No. 3021, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2811 and S.B. No. 3021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2812) recommending that S.B. No. 3061, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2812 and S.B. No. 3061, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2813) recommending that S.B. No. 2838, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2813 and S.B. No. 2838, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2814) recommending that S.B. No. 2613, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2814 and S.B. No. 2613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2815) recommending that S.B. No. 2528, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2815 and S.B. No. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2816) recommending that S.B. No. 2445, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2816 and S.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," was deferred until Tuesday, March 5, 2002.

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

No. 2817) recommending that S.B. No. 2087, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2817 and S.B. No. 2087, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred until Tuesday, March 5, 2002.

Senators Menor and Kanno, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2818) recommending that S.B. No. 2180, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2818 and S.B. No. 2180, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2819) recommending that S.B. No. 410, S.D. 2, as amended in S.D. 3, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2819 and S.B. No. 410, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2820) recommending that S.B. No. 2701, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and 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," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2821) recommending that S.B. No. 883, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2822) recommending that S.B. No. 2115 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and 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," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2823) recommending that S.B. No. 2288 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2288, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG DEALER LIABILITY ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2824) recommending that S.B. No. 2547, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2825) recommending that S.B. No. 2698, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2825 and S.B. No. 2698, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2826) recommending that S.B. No. 2898, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2826 and S.B. No. 2898, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," was deferred until Tuesday, March 5, 2002.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2827) recommending that S.B. No. 2973 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2827 and S.B. No. 2973, entitled: "A BILL FOR AN ACT RELATING TO PICKETING," was deferred until Tuesday, March 5, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2828) recommending that S.B. No. 2969, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2828 and S.B. No. 2969, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2829) recommending that S.B. No. 2471, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2471, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2830) recommending that S.B. No. 2505, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2830 and S.B. No. 2505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was deferred until Tuesday, March 5, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2831) recommending that S.B. No. 1280, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senators Tam and Menor, for the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2832) recommending that S.B. No. 2243, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2832 and S.B. No. 2243, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," was deferred until Tuesday, March 5, 2002.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, March 5, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## 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 27<sup>th</sup> 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 11<sup>th</sup>, 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 31<sup>st</sup>, 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> District, you have to come through the 19<sup>th</sup> 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 21<sup>st</sup> District, the 19<sup>th</sup>, the 18<sup>th</sup>, the 17<sup>th</sup>, and so forth. We don’t get to have any of that out in the 8<sup>th</sup> 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 21<sup>st</sup> 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 23<sup>rd</sup>:
  - 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 60<sup>th</sup> 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

## TWENTY-SEVENTH DAY

## Thursday, March 7, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Mark Hsi, Hope Chapel, Manoa, after which the Roll was called showing all Senators present.

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

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

Senator Chumbley, on behalf of Senator Sakamoto, introduced Harry Greene, Daniel Maschey, Dennis Yokota and George Akahane from The Good News Jail and Prison Ministry.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 127 to 271) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 127, transmitting H.B. No. 536, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 536, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed First Reading by title and was referred jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 128, transmitting H.B. No. 1012, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1012, entitled: "A BILL FOR AN ACT 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," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 129, transmitting H.B. No. 1093, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1093, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON

PLACE FOR CAMPAIGN ACTIVITIES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 130, transmitting H.B. No. 1722, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1722, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 131, transmitting H.B. No. 1723, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary.

Hse. Com. No. 132, transmitting H.B. No. 1724, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1724, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 133, transmitting H.B. No. 1729, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1729, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 134, transmitting H.B. No. 1731, H.D. 2, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1731, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means.



Hse. Com. No. 135, transmitting H.B. No. 1766, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1766, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 136, transmitting H.B. No. 1777, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1777, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 137, transmitting H.B. No. 1778, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1778, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 138, transmitting H.B. No. 1842, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 139, transmitting H.B. No. 1867, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1867, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE FOR THE UNINSURED," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 140, transmitting H.B. No. 1941, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1941, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Agriculture, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 141, transmitting H.B. No. 1950, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1950, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 142, transmitting H.B. No. 1959, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1959, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 143, transmitting H.B. No. 1966, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1966, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Judiciary.

Hse. Com. No. 144, transmitting H.B. No. 1969, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1969, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 145, transmitting H.B. No. 1999, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1999, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 146, transmitting H.B. No. 2006, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2006, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary.

Hse. Com. No. 147, transmitting H.B. No. 2009, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2009, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred to the Committee on Agriculture.

Hse. Com. No. 148, transmitting H.B. No. 2018, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2018, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 149, transmitting H.B. No. 2044, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2044, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 150, transmitting H.B. No. 2045, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2045, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS," passed First Reading by title and was referred to the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 151, transmitting H.B. No. 2094, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2094, H.D. 1, 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," passed First Reading by title and was referred jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 152, transmitting H.B. No. 2163, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2163, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 153, transmitting H.B. No. 2167, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2167, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 154, transmitting H.B. No. 2176, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2176, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

Hse. Com. No. 155, transmitting H.B. No. 2212, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2212, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 156, transmitting H.B. No. 2231, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2231, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 157, transmitting H.B. No. 2245, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2245, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 158, transmitting H.B. No. 2271, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2271, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

Hse. Com. No. 159, transmitting H.B. No. 2304, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2304, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 160, transmitting H.B. No. 2305, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2305, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 161, transmitting H.B. No. 2352, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2352, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 162, transmitting H.B. No. 2400, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2400, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was referred to the Committee on Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 163, transmitting H.B. No. 2428, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2428, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 164, transmitting H.B. No. 2433, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2433, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 165, transmitting H.B. No. 2438, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2438, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 166, transmitting H.B. No. 2445, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2445, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 167, transmitting H.B. No. 2448, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2448, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed First Reading by title and was referred jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 168, transmitting H.B. No. 2455, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2455, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 169, transmitting H.B. No. 2459, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2459, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 170, transmitting H.B. No. 2495, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2495, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 171, transmitting H.B. No. 2501, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2501, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 172, transmitting H.B. No. 2512, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2512, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 173, transmitting H.B. No. 2514, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2514, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 174, transmitting H.B. No. 2518, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2518, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 175, transmitting H.B. No. 2521, H.D. 2, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2521, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 176, transmitting H.B. No. 2523, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 177, transmitting H.B. No. 2538, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 178, transmitting H.B. No. 2545, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2545, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS ON PUBLIC LANDS," passed First Reading by title and was referred jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 179, transmitting H.B. No. 2549, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2549, entitled: "A BILL FOR AN ACT RELATING TO EXTENSION OF PUBLIC LAND LEASES," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 180, transmitting H.B. No. 2552, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2552, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary.

Hse. Com. No. 181, transmitting H.B. No. 2553, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2553, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 182, transmitting H.B. No. 2556, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2556, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 183, transmitting H.B. No. 2557, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2557, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED SCHOOL ADMINISTRATORS," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 184, transmitting H.B. No. 2558, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR

TEACHERS,” passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 185, transmitting H.B. No. 2568, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2568, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES,” passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 186, transmitting H.B. No. 2569, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2569, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CONFORMITY OF THE STATE TAX LAWS TO THE UNITED STATES CONSTITUTION,” passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 187, transmitting H.B. No. 2570, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2570, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CAPITAL GOODS EXCISE TAX CREDIT,” passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 188, transmitting H.B. No. 2571, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2571, 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,” passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 189, transmitting H.B. No. 2577, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2577, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS,” passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 190, transmitting H.B. No. 2606, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2606, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental

Affairs and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 191, transmitting H.B. No. 2618, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2618, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 192, transmitting H.B. No. 2662, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2662, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND USE,” passed First Reading by title and was referred jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, then to the Committee on Ways and Means.

Hse. Com. No. 193, transmitting H.B. No. 2708, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2708, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANIMAL DISEASES,” passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

Hse. Com. No. 194, transmitting H.B. No. 2709, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2709, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 195, transmitting H.B. No. 2723, H.D. 2, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2723, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs.

Hse. Com. No. 196, transmitting H.B. No. 2731, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2731, H.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.,” passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 197, transmitting H.B. No. 2761, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 198, transmitting H.B. No. 2798, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOLARSHIPS," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 199, transmitting H.B. No. 2842, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2842, entitled: "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary.

Hse. Com. No. 200, transmitting H.B. No. 2843, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2843, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 201, transmitting H.B. No. 2854, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2854, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANCY," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 202, transmitting H.B. No. 57, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 57, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Judiciary.

Hse. Com. No. 203, transmitting H.B. No. 1451, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1451, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF WORKPLACE VIOLENCE," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Judiciary.

Hse. Com. No. 204, transmitting H.B. No. 1730, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1730, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 205, transmitting H.B. No. 1741, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1741, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION SAFETY," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 206, transmitting H.B. No. 1749, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1749, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 207, transmitting H.B. No. 1751, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1751, H.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE SEX OFFENDER TREATMENT PROGRAM," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 208, transmitting H.B. No. 1816, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1816, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs.

Hse. Com. No. 209, transmitting H.B. No. 1821, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1821, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 210, transmitting H.B. No. 1858, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1858, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 211, transmitting H.B. No. 1878, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1878, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 212, transmitting H.B. No. 1901, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1901, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 213, transmitting H.B. No. 1939, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1939, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL WATER DEVELOPMENT," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 214, transmitting H.B. No. 1974, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1974, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 215, transmitting H.B. No. 2017, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2017, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE,"

passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

Hse. Com. No. 216, transmitting H.B. No. 2033, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2033, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 217, transmitting H.B. No. 2037, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2037, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION REFORM," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 218, transmitting H.B. No. 2055, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2055, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 219, transmitting H.B. No. 2056, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2056, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 220, transmitting H.B. No. 2065, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2065, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 221, transmitting H.B. No. 2072, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2072, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 222, transmitting H.B. No. 2084, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2084, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 223, transmitting H.B. No. 2158, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2158, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 224, transmitting H.B. No. 2165, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 225, transmitting H.B. No. 2169, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2169, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 226, transmitting H.B. No. 2172, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2172, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 227, transmitting H.B. No. 2223, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2223, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 228, transmitting H.B. No. 2228, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2228, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 229, transmitting H.B. No. 2234, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2234, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 230, transmitting H.B. No. 2242, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2242, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HYDROELECTRICITY," passed First Reading by title and was referred jointly to the Committee on Agriculture, the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 231, transmitting H.B. No. 2258, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2258, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPY," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 232, transmitting H.B. No. 2266, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2266, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary.

Hse. Com. No. 233, transmitting H.B. No. 2276, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2276, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 234, transmitting H.B. No. 2301, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.



On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2301, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 235, transmitting H.B. No. 2325, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2325, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCEPTANCE OF PROPERTY BY COUNTIES," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 236, transmitting H.B. No. 2349, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2349, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 237, transmitting H.B. No. 2353, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2353, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 238, transmitting H.B. No. 2424, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2424, H.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 239, transmitting H.B. No. 2443, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2443, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 240, transmitting H.B. No. 2450, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2450, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 241, transmitting H.B. No. 2452, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2452, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 242, transmitting H.B. No. 2465, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2465, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 243, transmitting H.B. No. 2466, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2466, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 244, transmitting H.B. No. 2479, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2479, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 245, transmitting H.B. No. 2480, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2480, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 246, transmitting H.B. No. 2493, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2493, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Hawaiian Affairs.

Hse. Com. No. 247, transmitting H.B. No. 2496, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 248, transmitting H.B. No. 2503, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2503, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 249, transmitting H.B. No. 2506, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2506, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 250, transmitting H.B. No. 2507, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2507, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 251, transmitting H.B. No. 2542, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2542, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 252, transmitting H.B. No. 2550, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," passed First Reading

by title and was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary.

Hse. Com. No. 253, transmitting H.B. No. 2559, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2559, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 254, transmitting H.B. No. 2560, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2560, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 255, transmitting H.B. No. 2576, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2576, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES," passed First Reading by title and was referred to the Committee on Economic Development and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 256, transmitting H.B. No. 2580, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2580, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 257, transmitting H.B. No. 2630, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS PROGRAM," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 258, transmitting H.B. No. 2642, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2642, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOME LOAN PROTECTION ACT," passed First Reading by title and

was referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary.

Hse. Com. No. 259, transmitting H.B. No. 2751, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2751, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 260, transmitting H.B. No. 2654, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2654, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 261, transmitting H.B. No. 2672, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2672, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDRAISING ACTIVITIES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 262, transmitting H.B. No. 2787, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2787, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 263, transmitting H.B. No. 2803, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2803, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTION PICTURE AND FILM PRODUCTION," passed First Reading by title and was referred to the Committee on Economic Development and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 264, transmitting H.B. No. 2806, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2806, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTION," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 265, transmitting H.B. No. 2831, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2831, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO CORAL REEF PROTECTION," passed First Reading by title and was referred jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 266, transmitting H.B. No. 2836, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2836, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed First Reading by title and was referred jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 267, transmitting H.B. No. 2838, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2838, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES," passed First Reading by title and was referred jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 268, transmitting H.B. No. 2841, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2841, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary.

Hse. Com. No. 269, transmitting H.B. No. 2845, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2845, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL LICENSING," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 270, transmitting H.B. No. 2849, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2849, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREER AND TECHNICAL EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 271, transmitting H.B. No. 2851, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2851, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 62 to 65) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 62 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII UNINSURED PROJECT TO CONVENE A TASK FORCE ON THE PREPAID HEALTH CARE ACT OF 1974."

Offered by: Senator Menor.

No. 63 "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."

Offered by: Senator Matsuura.

No. 64 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF STATE PROGRAMS AND SERVICES FOR LONG-TERM CARE AND HAWAII'S ELDERLY."

Offered by: Senator Matsuura.

No. 65 "SENATE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS."

Offered by: Senator Matsuura.

**STANDING COMMITTEE REPORTS**

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2833) recommending that the Senate advise and consent to the nominations of LANI BOWMAN, KEVIN M. F. HO, PHARM.D., T. VIVIAN ISHIMARU-TSENG, M.D., BARBARA-ANN KELLER, MITCHELL KEPA, CHAD Y. KOYANAGI, M.D., and JUDITH Y. AKAMINE to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 174.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2833 and Gov. Msg. No. 174 was deferred until Friday, March 8, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2834) recommending that the Senate advise and consent to the nominations of LORIANN M. KANNO, PHARM.D., GEORGE W. READ, PH.D., MARCELLA SETO CHOCK, PHARM.D., and MARY JO KEEFE to the Drug Product Selection Board, in accordance with Gov. Msg. No. 175.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2834 and Gov. Msg. No. 175 was deferred until Friday, March 8, 2002.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs presented a report (Stand. Com. Rep. No. 2835), recommending that S.C.R. No. 2, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted 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 referred to the Committee on Judiciary.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs presented a report (Stand. Com. Rep. No. 2836), recommending that S.R. No. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted 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 referred to the Committee on Judiciary.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE BILLS**

**MATTERS DEFERRED FROM TUESDAY, MARCH 5, 2002**

The President made the following committee assignments of bills received on Friday, March 1, 2002, and Tuesday, March 5, 2002:

- | House Bill       | Referred to:  |
|------------------|---|
| No. 680, H.D. 2  | Jointly to the Committee on Labor and the Committee on Judiciary, then to the Committee on Ways and Means   |
| No. 682          | Committee on Labor, then to the Committee on Ways and Means   |
| No. 1008         | Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 1009         | Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 1542, H.D. 1 | Jointly to the Committee on Health and Human Services and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary  |

- No. 1717, H.D. 2 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary, then to the Committee on Ways and Means
- No. 1725, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 1727, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 1740, H.D. 1 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 1768, H.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 1770, H.D. 2 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 1772 Jointly to the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 1823, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 1825, H.D. 1 Jointly to the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 1843 Committee on Labor, then to the Committee on Ways and Means
- No. 1864, H.D. 1 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 1900, H.D. 1 Jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
- No. 1942 Committee on Education, then to the Committee on Ways and Means
- No. 1976 Jointly to the Committee on Agriculture and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2002 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2030, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2128, H.D. 1 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2132, H.D. 1 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2164, H.D. 2 Committee on Education, then to the Committee on Ways and Means
- No. 2166, H.D. 1 Committee on Education, then to the Committee on Ways and Means
- No. 2195 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2198, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2216, H.D. 1 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2235, H.D. 2 Committee on Education, then to the Committee on Ways and Means
- No. 2236, H.D. 1 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2237, H.D. 1 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2248, H.D. 1 Committee on Agriculture, then to the Committee on Ways and Means
- No. 2249 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2251, H.D. 2 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2278, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2298, H.D. 1 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
- No. 2302, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2306, H.D. 2 Committee on Judiciary
- No. 2307, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary
- No. 2308, H.D. 2 Committee on Judiciary
- No. 2311, H.D. 2 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2329 Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2385	Committee on Agriculture, then to the Committee on Ways and Means	No. 2563, H.D. 1	Committee on Judiciary, then to the Committee on Ways and Means
No. 2387, H.D. 1	Committee on Judiciary	No. 2565, H.D. 2	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2426, H.D. 1	Committee on Health and Human Services, then to the Committee on Judiciary	No. 2581	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2427, H.D. 1	Committee on Judiciary	No. 2582, H.D. 1	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2429, H.D. 1	Jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2595, H.D. 1	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Agriculture, then to the Committee on Ways and Means
No. 2449, H.D. 1	Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2599, H.D. 2	Jointly to the Committee on Labor and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 2453	Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2613	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary
No. 2454	Committee on Economic Development and Technology, then to the Committee on Ways and Means	No. 2638, H.D. 2	Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2460, H.D. 2	Committee on Labor, then to the Committee on Ways and Means	No. 2659, H.D. 2	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
No. 2468, H.D. 1	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2710, H.D. 1	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 2473, H.D. 1	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary	No. 2718, H.D. 1	Committee on Education, then to the Committee on Ways and Means
No. 2478	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means	No. 2726, H.D. 1	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2485	Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2738, H.D. 1	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2500, H.D. 1	Committee on Labor, then to the Committee on Ways and Means	No. 2741, H.D. 2	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2525, H.D. 1	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2744, H.D. 1	Committee on Agriculture, then to the Committee on Ways and Means
No. 2526	Committee on Labor, then to the Committee on Ways and Means	No. 2752, H.D. 1	Committee on Education, then to the Committee on Ways and Means
No. 2527	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means	No. 2764, H.D. 1	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Health and Human Services, then to the Committee on Ways and Means
No. 2531, H.D. 2	Committee on Labor, then to the Committee on Ways and Means	No. 2821, H.D. 1	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means
No. 2536	Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary	No. 2832, H.D. 1	Committee on Tourism and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
No. 2537	Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary		
No. 2554	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means		

No. 2837, H.D. 1 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2844, H.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM TUESDAY, MARCH 5, 2002**

The President made the following committee assignment of a concurrent resolution that was received on Tuesday, March 5, 2002:

House Concurrent Resolution

Referred to:

No. 11 Committee on Health and Human Services

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

**SENATE COMMUNICATION**

Sen. Com. No. 1, notice to the Governor dated March 7, 2002, transmitting S.B. No. 883, S.D. 1; S.B. No. 2102, S.D. 1; and S.B. No. 2115, 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:

"March 7, 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 Senate Bill(s), a copy of which is attached hereto:

S.B. NO. 883, S.D. 1  
'RELATING TO PUBLIC SAFETY.'

S.B. NO. 2102, S.D. 1  
'RELATING TO EDUCATION.'

S.B. NO. 2115  
'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.'

Respectfully,

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

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

**THIRD READING**

S.B. No. 2032, S.D. 3:

Senator Taniguchi, moved that S.B. No. 2032, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Sakamoto rose and said:

"Mr. President, I understand that people have concerns about the kindergarten age issue and we're discussing it with some early education people and others.

"Hopefully there'll be continued room for input as the issue moves forward, but I ask for people's support at this point."

Senator Kanno rose to speak against the measure as follows:

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

"Mr. President, I'd first like to start off by thanking the Chair of the Education Committee for entertaining the amendment today because I think it is an improvement to the bill – looking at a readiness test for those children who feel that they should qualify to start with kindergarten although their birthday falls later than the date.

"I think, though, that there's another segment of the community that we also need to pay attention to which is those children who will not be entering kindergarten and who will not be entering preschool either, and who will have to, for lack of not having an opportunity for other educational opportunities, really sit at home for a year. If you look at the research on early childhood development, really the key period for the development of the brain comes before the age of five. That's why we are looking at and exploring ways to provide preschool opportunities for more and more of our children.

"I think it goes really for the whole educational system that if you look at those students who are going to excel and do well, they'll really do well in whatever environment they get placed in. I think our concern really needs to go to those children who may be termed borderline who really struggle with the current educational system and run a risk of falling between the cracks.

"I think with this bill, I probably would be more open to the bill if we had provided in the legislation a guarantee that if a child was held back because of their birth date, that they'd be guaranteed a space in a preschool program, and if there wasn't a preschool program available, they could start kindergarten as a last resort, and possibly, following the spirit of the bill, maybe they would attend kindergarten for two years. I think this would be a better situation than having that child sit at home for a year with no opportunity of preschool, no opportunity for an educational program and really the key time for their brain to develop, and not have the educational opportunities that children from other neighborhoods may have.

“So, for those reasons, I’ll be voting ‘no’ against the bill. I would ask the Chair to continue to look at this segment of the population, for they will be falling between the cracks. Thank you.”

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

“Mr. President, I rise to speak in favor of the bill, and I want to address the concerns from the good Senator of the West side.

“Really, the most critical time for any child’s upbringing are those first few years, and I think if they are at home working with their parents where their parents can read to them, where their parents can give them opportunities, that is a critical, critical time. We don’t need to force them into the school system when they are too immature, when they might end up falling between the cracks, to use your words, over many, many years.

“If you come into the school system behind, immature, you will stay behind for many, many years. So I think that maturity is really a strong key here and a key factor as to the reason for this bill.

“Both of my parents are teachers. I know that they have strongly advocated early learning. They’ve done a great job, and I think that we should encourage parents to do this at home. I think that allowing the children to stay at home for another year and mature and to get this added involvement with their parents is a very, very good opportunity for them, so I will be voting ‘yes.’

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 2032, S.D. 3, 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 (Kanno).

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, February 13, 2002; Wednesday, February 20, 2002; Thursday, February 28, 2002; and Friday, March 1, 2002:

Senate

Concurrent Resolution Referred to:

No. 41 Committee on Education

No. 42 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 43 Committee on Transportation, Military Affairs, and Government Operations

No. 44 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment

No. 45 Committee on Transportation, Military Affairs, and Government Operations

No. 46 Committee on Health and Human Services, then to the Committee on Education

No. 47 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 48 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 49 Committee on Tourism and Intergovernmental Affairs

No. 50 Committee on Agriculture

No. 51 Jointly to the Committee on Education and the Committee on Health and Human Services

No. 52 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 53 Committee on Health and Human Services, then to the Committee on Labor

No. 54 Committee on Education

No. 55 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs

No. 56 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 57 Committee on Hawaiian Affairs, then to the Committee on Tourism and Intergovernmental Affairs

No. 58 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 59 Jointly to the Committee on Agriculture and the Committee on Health and Human Services

No. 60 Committee on Health and Human Services

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Wednesday, February 13, 2002; Thursday, February 14, 2002; Wednesday, February 20, 2002; and Thursday, February 28, 2002:

Senate Resolution Referred to:

No. 21 Committee on Education

No. 22 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 23 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 24 Committee on Transportation, Military Affairs, and Government Operations



No. 25 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment

No. 26 Committee on Transportation, Military Affairs, and Government Operations

No. 27 Committee on Health and Human Services, then to the Committee on Education

No. 28 Committee on Agriculture

No. 29 Committee on Judiciary, then to the Committee on Ways and Means

No. 30 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs

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

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

“Colleagues, in the spirit of fun, you know, it’s hard to be him. It takes a tremendous, tremendous amount of energy, and I’m referring to the good Senator from God’s country. The good Senator from Waipahu reminds me of characters and themes that are used to market products. First, he reminds me of the Eveready bunny – he keeps going, and going, and going, and keeps banging, and banging, and going, and banging. Then he reminds me of a Timex watch – he takes a lickin and keeps on tickin. (Laughter.)

“Over the past few years, just like that Eveready bunny, he’s kept going and going, and at the same time, he keeps banging those cymbals and banging and banging. But recently, like the Timex watch, he’s been taking a licking here on the floor on various bills. But he keeps on ticking; he keeps on going and going.

“I’ve noticed that his level of energy has been dropping as a result of that, but this good Senator is a very jovial person and he seems to be in his best spirit when he’s wearing his character ties. Of course today, he has on his Snoopy tie. Therefore, in an attempt to increase his level of energy so that he can keep on banging and banging and going and taking these lickings, on behalf of all of us today, I’d like to ask the Sergeant of Arms to bring out something to present to the good Senator. (The Sergeant-at-Arms presented Senator Kawamoto with an array of various ties with cartoon characters on them.) (Laughter.)

“We have a collection of ties for this gentleman. There’s a Bugs Bunny tie, a Tweety Bird tie, a Mickey Mouse tie, a Donald Duck tie, Aladdin, Wiley Coyote. There’s one tie, though, that I think that he should wear that depicts him the best, and that’s Dudley Do-Right. (Laughter.)

“So, Senator Kawamoto, even though you’ve received these ties from all of us, I want you to know that it doesn’t mean that we’re not going to continue to vote ‘no’ on some of those bills that you keep presenting to us. So, thank you for banging and going and taking all the hard lickings.

“Thank you, Mr. President.”

Senator Kawamoto rose to respond as follows:

“Mr. President, I accept these ties in good faith and good honor and I accept all those ‘noes’ that turn to ‘ayes’ later on. (Laughter.) Thank you very much.”

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

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

“Mr. President, I, too, want to share in the praise of my colleague from East Maui for the Senator from God’s country. I also want to assure the Senator from God’s country that these ties are not simply meant to allow his detractors to grab his neck in another fashion. (Laughter.)

“I understand that so many people have been screaming for his neck and I’m confident that my colleague from Maui has simply meant that if they ever do get a hold of his neck, it will certainly be by a 13/12 vote. (Laughter.) But if they ever do get a hold of his neck, at least now it will be adorned with style, with fashion, and with panache.

“Thank you, Mr. President.”

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

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

“I’m glad to see that the Senator from God’s country is in the Tie Caucus along with the good Senator from Kailua/Waimanalo and the good Senator from East Maui.

“Speaking of caucuses or cockeyed, as they will, I wanted to bring up a spell check on the caucus that the good Senator from East Maui recognized the other day. He spoke to being a member of the wine caucus, but was the spelling of that w-i-n-e or w-h-i-n-e? (Laughter.)

“Thank you.”

Senator Chumbley rose to respond as follows:

“Mr. President, may I respond?”

“Based on the way I was acting the other day, I think it might be w-h-i-n-e. Thank you.” (Laughter.)

**ADJOURNMENT**

At 12:15 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, March 8, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TWENTY-EIGHTH DAY

Friday, March 8, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend James McFadden, St. John the Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Chumbley, Matsuura and Tam who were excused.

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

Senator Sakamoto, with the assistance of Senators Kim, Ige, Hanabusa, Kokubun, Menor and Hogue, introduced the following individuals from the military who have volunteered their time to the Public Education System: Col. Albert Riggle and Lt. Col. Mike Benjamin from the Air Force; Col. David Tom and Dr. Allen Awaya from CINCPAC; Capt. Frank Grandau and Lt. Neil Smith from the Navy; Lt. Col. Michael Wong and Brig. Gen. Clarence Agena from the National Guard; Capt. Christopher Conklin from the Coast Guard; Col. John Woods (accepting for Maj. Gen. James Dubik) and Lt. Col. Mike Warburton from the Army; and Maj. Chris Hughes and Lt. Col. Sarah Frye from the Marine Corps.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 218 to 228) were read by the Clerk and were placed on file:

Gov. Msg. No. 218, dated February 19, 2002, transmitting a report, "Statistics of Hawaii Agriculture 2000," prepared by the Hawaii Agricultural Statistics Service.

Gov. Msg. No. 219, dated February 22, 2002, transmitting the Monthly Report for January on Expenditures for the Felix Consent Decree, Felix Special Monitor, and Felix Monitoring Project, prepared by the Department of Education pursuant to Act 259, Section 53, SLH 2001.

Gov. Msg. No. 220, dated February 25, 2002, transmitting the Expenditure Report for Kupuna Care and Elderly Abuse Services, FY 2001-2002, prepared by the Department of Health, Executive Office on Aging, pursuant to Act 259, Section 42, SLH 2001.

Gov. Msg. No. 221, dated February 25, 2002, transmitting the State Health Policy Guidebook, prepared by the State Health Planning and Development Agency pursuant to S.C.R. No. 107 (2001).

Gov. Msg. No. 222, dated February 27, 2002, transmitting the proposed changes to the FB 2002-2003 Supplemental Appropriations Bill.

Gov. Msg. No. 223, dated March 1, 2002, transmitting the Report on the Immediate Implementation of an Integrated Marketing Plan to Market and Promote the State of Hawaii as a Visitor Destination, prepared by the Hawaii Tourism Authority and Hawaii Visitors and Convention Bureau pursuant to Act 2, SLH 2001, Third Special Session.

Gov. Msg. No. 224, dated March 1, 2002, transmitting a Report Relating to Integrated Solid Waste Management, prepared by the Department of Health pursuant to Section 342G-15, HRS.

Gov. Msg. No. 225, dated March 1, 2002, transmitting the Detailed Quarterly Reports on Projected and Actual Expenditures from the Behavioral Health Administration for the Quarter Ending December 31, 2001, prepared by the Department of Health pursuant to Act 259, Section 36, SLH 2001.

Gov. Msg. No. 226, dated March 1, 2002, transmitting the 2001 State Energy Resources Coordinator's Annual Report, pursuant to Section 196-4, HRS.

Gov. Msg. No. 227, dated March 4, 2002, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 2001, prepared by the Comptroller pursuant to Section 40-5, HRS.

Gov. Msg. No. 228, dated March 5, 2002, transmitting a Report Requesting that the Department of Education and the University of Hawaii Community Colleges Initiate a Collaborative Partnership to Improve Services for Adults and Expand Opportunities for High School Students that will Result in Substantive Outcomes for the Two Entities, prepared by the University of Hawaii pursuant to H.C.R. No. 158 (2000).

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 19, from the Hawaii Tourism Authority dated February 26, 2002, transmitting a report, "Ke Kumu - Strategic Directions for Hawaii's Visitor Industry," was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 272 to 311) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 272, transmitting H.B. No. 1072, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1072, entitled: "A BILL FOR AN ACT RELATING TO THE MAUI REGIONAL HEALTH SYSTEMS CORPORATION," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 273, transmitting H.B. No. 1092, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1092, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFLICTS OF INTERESTS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Judiciary.

Hse. Com. No. 274, transmitting H.B. No. 1700, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1700, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE POLICIES," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 275, transmitting H.B. No. 1701, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1701, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 276, transmitting H.B. No. 1758, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1758, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 277, transmitting H.B. No. 1762, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1762, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INJURY TO PUBLIC UTILITY PROPERTY," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 278, transmitting H.B. No. 1802, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1802, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTION FOR SEXUAL ASSAULT SURVIVORS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 279, transmitting H.B. No. 1822, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1822, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE ANALYST," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 280, transmitting H.B. No. 1996, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1996, entitled: "A BILL FOR

AN ACT RELATING TO THE ADMINISTRATION OF TAXES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 281, transmitting H.B. No. 2117, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2117, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 282, transmitting H.B. No. 2120, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2120, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 283, transmitting H.B. No. 2199, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2199, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed First Reading by title and was referred jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 284, transmitting H.B. No. 2207, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2207, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 285, transmitting H.B. No. 2224, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 286, transmitting H.B. No. 2232, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," passed First

Reading by title and was referred to the Committee on Labor, then to the Committee on Judiciary.

Hse. Com. No. 287, transmitting H.B. No. 2365, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2365, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 288, transmitting H.B. No. 2333, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2333, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 289, transmitting H.B. No. 2351, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2351, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION," passed First Reading by title and was referred jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 290, transmitting H.B. No. 2381, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2381, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 291, transmitting H.B. No. 2412, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2412, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 292, transmitting H.B. No. 2413, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2413, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 293, transmitting H.B. No. 2420, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2420, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 294, transmitting H.B. No. 2423, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2423, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 295, transmitting H.B. No. 2440, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2440, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed First Reading by title and was referred to the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 296, transmitting H.B. No. 2481, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2481, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 297, transmitting H.B. No. 2487, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 298, transmitting H.B. No. 2491, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2491, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO DEATH WITH DIGNITY," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee

on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 299, transmitting H.B. No. 2515, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2515, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 300, transmitting H.B. No. 2566, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2566, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 301, transmitting H.B. No. 2639, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2639, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 302, transmitting H.B. No. 2655, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2655, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 303, transmitting H.B. No. 2720, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2720, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 304, transmitting H.B. No. 2788, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2788, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed First

Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 305, transmitting H.B. No. 2817, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2817, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 306, transmitting H.B. No. 2818, H.D. 2, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2818, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 307, transmitting H.B. No. 2824, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2824, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPEACHMENT," passed First Reading by title and was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 308, transmitting H.B. No. 2827, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2827, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FINANCES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 309, transmitting H.B. No. 2840, which passed Third Reading in the House of Representatives on March 7, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2840, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 310, transmitting H.C.R. No. 28, which was adopted by the House of Representatives on March 7, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES," was deferred until Monday, March 11, 2002.

Hse. Com. No. 311, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 741, H.D. 1 (S.D. 1), was placed on file.

### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 66 to 71) were read by the Clerk and were deferred:

#### Senate Concurrent Resolution

No. 66 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O`AHU."

Offered by: Senators Hogue, Hemmings.

No. 67 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO MAINTAIN ITS INITIATIVE AND RESPONSIBILITY TO CLEAR KAHO`OLAWA OF UNEXPLODED ORDNANCE BEYOND THE DATE IT IS CURRENTLY SCHEDULED TO BE TURNED OVER TO THE STATE."

Offered by: Senators Chun, Chumbley, English, Inouye, Kokubun, Sakamoto, Hanabusa, Kim, Tam, Chun Oakland, Matsuura, Buen, Hogue, Hemmings, Kawamoto.

No. 68 "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK."

Offered by: Senators Inouye, Matsuura, Kokubun.

No. 69 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO ALLOCATE ADDITIONAL FUNDING FOR THE RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM."

Offered by: Senator Inouye.

No. 70 "SENATE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS."

Offered by: Senator Inouye.

No. 71 "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII."

Offered by: Senators Chun Oakland, Fukunaga, Kim, Inouye, Buen, Hanabusa, Kokubun, Tam, Chumbley, Nakata, Kanno, Matsunaga.

### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 32 and 33) were read by the Clerk and were deferred:

#### Senate Resolution

No. 32 "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH AN

INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO COORDINATE A PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O`AHU."

Offered by: Senators Hogue, Hemmings.

No. 33 "SENATE RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII."

Offered by: Senators Chun Oakland, Fukunaga, Kim, Inouye, Buen, Hanabusa, Kokubun, Tam, Chumbley, Nakata, Kanno, Matsunaga.

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 2833 (Gov. Msg. No. 174):

Senator Buen moved that Stand. Com. Rep. No. 2833 be received and placed on file, seconded by Senator English and carried.

Senator Buen then moved that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

LANI BOWMAN, KEVIN M.F. HO, PHARM.D., T. VIVIAN ISHIMARU-TSENG, M.D., BARBARA-ANN KELLER, MITCHELL KEPA and CHAD Y. KOYANAGI, M.D., terms to expire June 30, 2005; and

JUDITH Y. AKAMINE, term to expire June 30, 2006,

seconded by Senator English.

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

Ayes, 21. Noes, none. Excused, 4 (Chumbley, Matsuura, Tam, Taniguchi).

Stand. Com. Rep. No. 2834 (Gov. Msg. No. 175):

Senator Buen moved that Stand. Com. Rep. No. 2834 be received and placed on file, seconded by Senator English and carried.

Senator Buen then moved that the Senate advise and consent to the nominations to the Drug Product Selection Board of the following:

LORIANN M. KANNO, PHARM.D., and GEORGE W. READ, PH.D., terms to expire June 30, 2005; and

MARCELLA SETO CHOCK, PHARM.D., and MARY JO KEEFE, terms to expire June 30, 2006,

seconded by Senator English.

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

Ayes, 21. Noes, none. Excused, 4 (Chumbley, Matsuura, Tam, Taniguchi).

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill                    Referred to:

No. 1011, H.D. 1            Committee on Judiciary

No. 2525, H.D. 1            Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2834                    Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means

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

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

“I appreciate all the people who pitched in today and your patience, but I believe it was worth the time because they spend endless hours unseen. So we put some faces us to them and them to us because they’re really helping our schools.

“Thank you.”

**ADJOURNMENT**

At 12:18 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., Monday, March 11, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## TWENTY-NINTH DAY

Monday, March 11, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Shigenori Makino, Honpa Hongwanji Buddhist Temple, after which the Roll was called showing all Senators present with the exception of Senators Chumbley and Fukunaga who were excused.

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

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 217, advising the Senate that the term for the nominee to the Education Commission of the States, CARL T. TAKAMURA, under Gov. Msg. No. 182, dated February 19, 2002, has been amended to expire June 30, 2004, was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 72 to 81) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 72 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS."

Offered by: Senators Fukunaga, Chun Oakland, Matsunaga, Hanabusa, Ihara, Kim, Inouye, Buen, Chumbley, Ige, Kokubun.

No. 73 "SENATE CONCURRENT RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION."

Offered by: Senators Fukunaga, Buen, Inouye, Kim, Chun Oakland, Hanabusa.

No. 74 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DRAFT NECESSARY PROPOSED LEGISLATION TO ENABLE THE STATE COMMITTEE OF BLIND VENDORS TO EXPEND FUNDS FROM THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT TO HIRE LAWYERS OR OTHER CONSULTANTS FOR THE PURPOSE OF BENEFITING BLIND VENDORS OF HAWAII."

Offered by: Senator Matsuura.

No. 75 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII."

Offered by: Senator Matsuura.

No. 76 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY REGARDING THE

REGULATION OF PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES."

Offered by: Senator Matsuura.

No. 77 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS."

Offered by: Senator Matsuura.

No. 78 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT."

Offered by: Senators Buen, Matsuura, Kokubun, Hogue, Tam, Chun Oakland, Kanno, Nakata, Kawamoto, Hanabusa.

No. 79 "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."

Offered by: Senators Kokubun, Buen, Kim, Slom, Inouye, Matsunaga, Chun, Kanno, Hanabusa.

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE IMPORTATION TO HAWAII OF TUNA PROCESSED WITH 'TASTELESS SMOKE' OR CARBON MONOXIDE."

Offered by: Senator Matsuura.

No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE THE FEASIBILITY OF USING NATIONAL HIGHWAY TRANSPORTATION SAFETY ADMINISTRATION SECTION 402 FUNDS FOR THE ESTABLISHMENT OF A CHILD PASSENGER RESTRAINT REBATE PROGRAM."

Offered by: Senators Taniguchi, Kawamoto.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 34 to 47) were read by the Clerk and were deferred:

## Senate Resolution

No. 34 "SENATE RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS."

Offered by: Senators Fukunaga, Chun Oakland, Matsunaga, Hanabusa, Ihara, Kim, Inouye, Buen, Chumbley, Ige, Kokubun.

No. 35 "SENATE RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION."



Offered by: Senators Fukunaga, Buen, Inouye, Kim, Chun Oakland, Hanabusa.

No. 36 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DRAFT NECESSARY PROPOSED LEGISLATION TO ENABLE THE STATE COMMITTEE OF BLIND VENDORS TO EXPEND FUNDS FROM THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT TO HIRE LAWYERS OR OTHER CONSULTANTS FOR THE PURPOSE OF BENEFITING BLIND VENDORS OF HAWAII."

Offered by: Senator Matsuura.

No. 37 "SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT."

Offered by: Senators Buen, Matsuura, Kokubun, Hogue, Tam, Chun Oakland, Hanabusa, Kanno, Nakata, Kawamoto.

No. 38 "SENATE RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES HISTORIC PRESERVATION DIVISION."

Offered by: Senators Kokubun, Buen, Kim, Slom, Inouye, Matsunaga, Chun, Kanno, Hanabusa.

No. 39 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO SUSPEND THE USE OF PHOTO TRAFFIC ENFORCEMENT CAMERAS TO CITE SPEEDERS ON STATE ROADWAYS UNTIL THE DEPARTMENT CAN PROVIDE THE PUBLIC WITH A CLEAR PLAN TO ADDRESS ROADWAY SAFETY."

Offered by: Senators Tam, Nakata, Taniguchi, Kim, Buen.

No. 40 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DO A THOROUGH INVESTIGATION INTO THE QUALITY OF THE AIR CONDITIONING SYSTEM OF THE STATE CAPITOL BUILDING."

Offered by: Senators Tam, Slom, Nakata, Kokubun, Hemmings, Fukunaga, Taniguchi, Kim, Buen, Kawamoto.

No. 41 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT."

Offered by: Senators Tam, Slom, Nakata, Kokubun, Hemmings, Fukunaga, Kim, Buen, Kawamoto.

No. 42 "SENATE RESOLUTION URGING HAWAII CELLULAR TELEPHONE COMPANIES TO PROVIDE THEIR CUSTOMERS WITH AN INFORMATION PAMPHLET ON THE SAFE USE OF CELLULAR TELEPHONES AND A SAFETY VIDEO."

Offered by: Senators Tam, Nakata, Buen.

No. 43 "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY TO INVESTIGATE THE SMALL

BOAT HARBORS MANAGEMENT PRACTICES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF BOATING AND OCEAN RECREATION."

Offered by: Senators Tam, Slom, Nakata, Hemmings, Fukunaga, Kim, Kawamoto.

No. 44 "SENATE RESOLUTION REQUESTING A REVIEW OF THE IMPORTATION TO HAWAII OF TUNA PROCESSED WITH 'TASTELESS SMOKE' OR CARBON MONOXIDE."

Offered by: Senator Matsuura.

No. 45 "SENATE RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR BIOLOGICALLY BASED PSYCHIATRIC AND ADDICTION DISORDERS."

Offered by: Senator Matsuura.

No. 46 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A FOOD ASSISTANCE PROGRAM."

Offered by: Senator Matsuura.

No. 47 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS."

Offered by: Senator Matsuura.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM FRIDAY, MARCH 8, 2002**

H.C.R. No. 28 (Hse. Com. No. 310):

By unanimous consent, action on H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES," was deferred until Tuesday, March 12, 2002.

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 1542, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2094, H.D. 1 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2451 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

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

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

“I’m quite alarmed at the disingenuousness of this and the presumptuousness of it and how misleading it is that the state administration to the Office of Aging would send out a brochure announcing, basically, the CarePlus program. Nothing is in this brochure that says it has not passed the Legislature yet. To the reader of this, the aged and the needy, they will think that CarePlus is on the way and that this alleged program to help the senior citizens is going to be available. It erroneously says CarePlus is scheduled to begin receiving contributions starting 2003.

“This is tremendously presumptuous, to you and me and members of this Legislature, that the administration would think so little of us that they would send out a brochure announcing a program that we haven’t even passed yet. I’ll be willing to bet, because there are so many viable alternatives, that the proposed legislation will not pass. What is the ethics on this? How much did it cost? How presumptuous it is for the administration to send this out.

“Mr. President, colleagues, oftentimes we stand up and protest programs that we think are not going to benefit our people. But likewise, you Minority has always – always – offered viable options and alternatives. I’d like to announce once again today that there are alternatives for long-term care. For instance, if you log on to AARP on the Internet, you can see that you can get many different programs and you get a cafeteria choice of programs, not just one-size-fits-all, something the state seems to be so always in favor of. For instance, for \$10.08 a year a 50-year old can get a benefit that is going to pay out for four years, not one year by the state.

“Time is not available for me to tell you how disingenuous and how misleading this is, especially for our old people who are being led to believe that starting soon for \$10 a month they’ll be taken care of by the state. Of course, we all know in the small print that you have to wait 10 years before you’re even vested fully in the program.

“Mr. President, I’m hoping you and your Majority Party colleagues will address this issue and ask by what right does the Governor have to preempt us with this brochure, how much did it cost, and how misleading it is for our senior citizens.

“Thank you, Mr. President.”

#### ADJOURNMENT

At 11:47 o’clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, March 12, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTIETH DAY

Tuesday, March 12, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend James McFadden, St. John the Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators English, Kawamoto, Kokubun and Menor who were excused.

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

Senator Tam, with the assistance of Senators Sakamoto, Matsuura, Chun, Buen, Taniguchi and Fukunaga, introduced and congratulated the following recipients of the 2002 US Small Business Administration's Small Business Awards: Thanh Quoc Lam, Small Business Person of the Year; David De Luz, Sr., Entrepreneurial Success Award; Yu-Sen Hwang, Small Business Exporter of the Year; Darren T. Kimura, Young Entrepreneur of the Year; Alan Yee, Accountant Advocate of the Year; Ray Kamikawa, Financial Services Advocate of the Year; Barry Gay, Home-Based Business Advocate of the Year; Leona Jona, Minority Small Business Advocate of the Year; Jocelyn Kumi Fujii, Small Business Journalist of the Year; and Cheryl Kauhane, Women in Business Advocate of the Year. Accompanying the honorees was Andy Poepoe, District Director of the US Small Business Administration.

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

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 229 to 242) were read by the Clerk and were referred to committees:

Gov. Msg. No. 229, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of RICHARD TURBIN, term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Disability and Communication Access Board, the nominations of DEAN T. AOKI, HAROLD R. DECOSTA, CHARLES W. FLEMING, DEAN M. GEORGIEV, STEPHEN G. LARACUENTE and CHRISTINA M. PILKINGTON, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 231, submitting for consideration and confirmation to the Board of Directors, Hawai'i Tourism Authority, the nomination of MIKE MCCARTNEY, term to expire June 30, 2004, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nomination of ALLAN L. PARKER, term to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 233, submitting for consideration and confirmation to the Statewide Independent Living Council, the nominations of WINNIFRED AOKI, DONNA M. BUHRMAN, J. COURTNEY FITZSIMMONS, RANDOLPH C. HACK, FRANCINE M.L. KENYON, KEVIN KIMURA, VIRGINIA M. KLINE, ALISA MITCHENER, CHARLOTTE GEORGE SMITH, ANDRICK C. TONG and LINDA WONG, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 234, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nominations of: TOBY MARTYN, term to expire June 30, 2005; and VIRGINIA H. GOLDSTEIN and TIMOTHY E. JOHNS, terms to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of JAMES D. JACOBI, PH.D., term to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 236, submitting for consideration and confirmation to the State Post-Secondary Education Commission, the nomination of LOIS C. MIYASHIRO, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Public Utilities Commission, the nominations of: WAYNE H. KIMURA, terms to expire June 30, 2002, and June 30, 2008; and JANET K. KAWELO, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 238, submitting for consideration and confirmation to the State Rehabilitation Council, the nominations of: SANDRA LEE KOFEL, term to expire June 30, 2004; and KATHLEEN DELAHANTY, DOROTHY (NANI) FIFE and JOANNE H. KEALOHA, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 239, submitting for consideration and confirmation to the Reproductive Rights Protection Committee, the nomination of ROSEMARY C. ADAM-TEREM, PH.D., term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawai'i, the nominations of: LYNN C. KINNEY, term to expire June 30, 2005; and SHIGEO IWAMOTO and BRIAN T. TAMAMOTO, terms to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of ELIZABETH KENT, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of IAN KAGIMOTO, term to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

**DEPARTMENTAL COMMUNICATION**

Dept. Com. No. 20, from the State Auditor dated March 7, 2002, transmitting a report, "Management Audit of the Disability Compensation Division and A Study of the Correlation Between Medical Access and Reimbursement Rates Under the Medical Fee Schedule," (Report No. 02-07), was read by the Clerk and was placed on file.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 82 to 87) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM."

Offered by: Senators Hemmings, Tam, Hogue, Nakata, Slom, Kim, Ige.

No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE UNIVERSITY OF HAWAII FOUNDATION."

Offered by: Senator Taniguchi.

No. 84 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S USE OF PETROLEUM VIOLATION ESCROW FUNDS."

Offered by: Senator Taniguchi, by request.

No. 85 "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."

Offered by: Senator Bunda.

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF PROCEDURES FOR THE EXPEDITIOUS CLEARING OF FILM AND VIDEOTAPES THROUGH AIRPORT SECURITY."

Offered by: Senators Kanno, Buen, Matsunaga, Kokubun, Ihara, Chun Oakland, Matsuura, Tam, English.

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII."

Offered by: Senators Kanno, Matsuura, Chun, Ihara, Kokubun, Hanabusa, Nakata, Fukunaga.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 48 and 49) were read by the Clerk and were deferred:

Senate Resolution

No. 48 "SENATE RESOLUTION REQUESTING INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM."

Offered by: Senators Hemmings, Hogue, Slom, Tam, Kim, Ige.

No. 49 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF PROCEDURES FOR THE EXPEDITIOUS CLEARING OF FILM AND VIDEOTAPES THROUGH AIRPORT SECURITY."

Offered by: Senators Kanno, Buen, Matsunaga, Kokubun, Ihara, Chun Oakland, Matsuura, Tam, English.

**STANDING COMMITTEE REPORT**

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. 2837) recommending that S.C.R. No. 8, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2837 and S.C.R. No. 8, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF THE CHANNELS, STREAMBEDS, STREAMBANKS, AND DRAINAGEWAYS LOCATED IN THE COUNTY," was deferred until Wednesday, March 13, 2002.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM MONDAY, MARCH 11, 2002**

The President made the following committee assignment of a concurrent resolution that was received on Friday, March 8, 2002:

House Concurrent Resolution Referred to:

No. 28 Committee on Tourism and Intergovernmental Affairs

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 1770, H.D. 2 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2803, H.D. 2 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic

Development and Technology, then to the Committee on Ways and Means

**ADJOURNMENT**

At 12:23 o'clock p.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 13, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTY-FIRST DAY

## Wednesday, March 13, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Hiromi Kawaji, Honpa Hongwanji Buddhist Temple, after which the Roll was called showing all Senators present with the exception of Senator Buen who was excused.

The President announced that he had read and approved the Journal of the Thirtieth Day.

Senator Slom, with the assistance of Senators Taniguchi, Fukunaga, Hemmings, Kim and Matsuura, introduced and congratulated the following Hawaii Junior Achievement Business Hall of Fame Laureates: Lloyd Jones, Jon Martin, Jeff Bloom, Kitty Lagareta, Roswell Towill (represented by son Richard Towill) and Richard Miyashiro (represented by daughter Gloria Kobayashi). Accompanying the honorees was Carol Ann Biederman, President of Junior Achievement of Hawaii.

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:22 o'clock p.m.

## HOUSE COMMUNICATION

Hse. Com. No. 312, transmitting H.C.R. No. 88, which was adopted by the House of Representatives on March 12, 2002, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS," was deferred until Thursday, March 14, 2002.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 88 to 105) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 88 "SENATE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF OPTOMETRY REGULATION."

Offered by: Senator Matsuura.

No. 89 "SENATE CONCURRENT RESOLUTION URGING THE USE OF VIDEOCONFERENCING TECHNOLOGY TO ENABLE NEIGHBOR ISLAND RESIDENTS TO TESTIFY LIVE AT PUBLIC HEARINGS."

Offered by: Senators Tam, Kanno, Kokubun, Ige, Nakata, Hemmings, Slom, Chun Oakland, Ihara.

No. 90 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO HOLD PUBLIC HEARINGS PRIOR TO MAKING MODIFICATIONS TO OR IMPOSING REDUCTIONS ON APPROVED BUDGETS OF ANY STATE DEPARTMENT."

Offered by: Senators Tam, Kanno, Taniguchi, Ige, Nakata, Kokubun, Slom, Ihara, Chun Oakland.

No. 91 "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE BRANCH TO PROVIDE THE LEGISLATURE WITH ELECTRONIC ACCESS TO EXECUTIVE BUDGET DATA."

Offered by: Senators Tam, Kanno, Kokubun, Hemmings, Slom, Chun Oakland, Nakata, Kim, Ige, Ihara.

No. 92 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO SUSPEND THE USE OF PHOTO TRAFFIC ENFORCEMENT CAMERAS TO CITE SPEEDERS ON STATE ROADWAYS UNTIL THE DEPARTMENT CAN PROVIDE THE PUBLIC WITH A CLEAR PLAN TO ADDRESS ROADWAY SAFETY."

Offered by: Senators Tam, Kanno, Hemmings, Chun Oakland, Nakata, Kim, Ige.

No. 93 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DELAY PLANS TO CONSTRUCT NEW LIVING QUARTERS AT WASHINGTON PLACE."

Offered by: Senators Tam, Kanno, Slom, Nakata, Kim, Ige.

No. 94 "SENATE CONCURRENT RESOLUTION URGING THE DIVISION OF BOATING AND OCEAN RECREATION TO ADHERE TO THE STATE AUDITOR'S RECOMMENDATIONS."

Offered by: Senators Tam, Slom, Hemmings, Nakata, Kim, Ige, Ihara.

No. 95 "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."

Offered by: Senators Inouye, Hogue, Fukunaga, Ihara, Chun Oakland, Kim.

No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO ASSESS AND REDUCE CARBON DIOXIDE EMISSIONS."

Offered by: Senators Inouye, Chun Oakland, Kim, Ihara.

No. 97 "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE MANAGEMENT AND FINANCIAL AUDIT OF HAWAII STATE GOVERNMENT."

Offered by: Senators Tam, Slom, Nakata, Ige, Ihara.

No. 98 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A NEW DOCKET CONCERNING STANDBY CHARGES APPLICABLE TO NON-UTILITY

DISTRIBUTED ENERGY RESOURCES AND CUSTOMER RETENTION DISCOUNTS OFFERED BY PUBLIC UTILITIES.”

Offered by: Senator Bunda.

No. 99 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH COUNTY GOVERNMENTS, TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF ROADS IN LIMBO.”

Offered by: Senators Inouye, Kim, Kawamoto, Bunda.

No. 100 “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.”

Offered by: Senator Taniguchi.

No. 101 “SENATE CONCURRENT RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO’OLAWA.”

Offered by: Senators Kokubun, Chun Oakland, Ige, Hemmings, Hanabusa, Hogue, Inouye, Tam, Chun, Ihara, Matsunaga, Taniguchi, Sakamoto, Nakata.

No. 102 “SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS.”

Offered by: Senators Buen, Chumbley, Matsuura, Nakata, Hogue.

No. 103 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES.”

Offered by: Senators Bunda, Kawamoto, Kanno, Taniguchi.

No. 104 “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON COMMISSION TO EXAMINE THE ADVANTAGES AND DISADVANTAGES OF REGULATING HEALTH AND DENTAL INSURANCE PREMIUMS IN THE STATE OF HAWAII.”

Offered by: Senator Bunda.

No. 105 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO AUCTION THE STATE’S SURPLUS FURNITURE TO NONPROFIT ENTITIES.”

Offered by: Senators Tam, Kanno, Kokubun, Hemmings, Slom, Chun Oakland, Nakata, Kim, Taniguchi, Ihara, Matsuura, Ige, Buen.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 50 to 55) were read by the Clerk and were deferred:

Senate Resolution

No. 50 “SENATE RESOLUTION REQUESTING A REVIEW OF STATE YOUTH SERVICES AND A STUDY ON CONSOLIDATING YOUTH SERVICES.”

Offered by: Senator Matsuura.

No. 51 “SENATE RESOLUTION REQUESTING THE ADOPTION OF THE ECONOMIC PLANS OF EACH COUNTY TO STABILIZE AND STIMULATE THE STATE’S ECONOMY.”

Offered by: Senators Tam, Kokubun, Kanno, Hemmings, Slom, Chun Oakland, Nakata, Kim, Ige, Ihara.

No. 52 “SENATE RESOLUTION REQUESTING THE DRAFTING OF A MASTER PLAN INCORPORATING CONSUMER AND ECONOMIC ISSUES AND CONCERNS TO ADDRESS HAWAII’S FUTURE ALTERNATIVE ENERGY REQUIREMENTS.”

Offered by: Senators Tam, Slom, Chun Oakland, Nakata, Ige, Ihara.

No. 53 “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.”

Offered by: Senators Inouye, Hogue, Fukunaga, Ihara, Chun Oakland, Kim.

No. 54 “SENATE RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO’OLAWA.”

Offered by: Senators Kokubun, Chun Oakland, Ige, Nakata, Hanabusa, Hemmings, Inouye, Tam, Chun, Ihara, Matsunaga, Taniguchi, Sakamoto, Hogue.

No. 55 “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.”

Offered by: Senator Taniguchi.

**ORDER OF THE DAY**

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM TUESDAY, MARCH 12, 2002**

Stand. Com. Rep. No. 2837 (S.C.R. No. 8, 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. 8, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF THE CHANNELS, STREAMBEDS, STREAMBANKS, AND DRAINAGEWAYS LOCATED IN THE COUNTY,” was adopted.

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

- |                  |   |
|------------------|---|
| House Bill       | Referred to:  |
| No. 1012         | Committee on Judiciary  |
| No. 1542, H.D. 1 | Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations  |
| No. 2224         | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2485         | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means   |
| No. 2487, H.D. 1 | Committee on Health and Human Services, then to the Committee on Judiciary  |
| No. 2491, H.D. 1 | Committee on Health and Human Services, then to the Committee on Judiciary  |
| No. 2613         | Committee on Judiciary  |

Senator Kim rose on a point of personal privilege and stated:

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

“Mr. President, although the Hawaii Tourism Authority Chair has told me that the search for the executive director is ongoing and that they are forwarding the top ten applicants to a headhunter and are still looking, I have gotten some reliable information yesterday that behind closed doors the majority of the HTA administration committee, who is conducting this search, have already decided that Paul Casey has the job. I’m not sure how they made this decision, Mr. President, because HTA has not met since January, as I was told by other members. They have not had a full board meeting. I find this very disturbing, Mr. President and colleagues.

“First, let me say that I have no opinion whether Mr. Paul Casey would make a good executive director or not. In fact, the last time I spoke with Mr. Casey, about a few weeks ago, he told me flatly that he was not interested and had no intentions to apply for the position. This has nothing to do with Paul, in fact I do consider him a friend.

“What I’m concerned about, Mr. President, is the process that the Hawaii Tourism Authority is going about to make this selection. I’m concerned that the decision may be already a done deal by a few board members while the public is being led to believe that they are following an agreed process. This is not fair to all of the people who have applied for the position.

“This is the same authority, Mr. President, that had selected Bob Fishman and they never bothered to read the contract prior to it being ratified. I’m afraid that this authority is once again doing business as usual. In the recent audit by Marion Higa, the State Auditor reports: The authority failed to maintain a complete file of documents relevant to its contract with Mr. Fishman. In addition, current and former board members and staff do not know the location of documents to support the Fishman Enterprises selection, such as documents used to evaluate and rank the final candidates. Without these

documents, the authority has been unable to provide sufficient proof that its decision to contract was proper and justified. There must be an open process, Mr. President, on this selection and it must be well documented.

“I also questioned whether the current authority members should be making this decision because many of them will not be reappointed to the authority this year. In light of this and of the Auditor’s report, Mr. President and colleagues, I am adding language to a bill before us, calling for the confirmation of the HTA director by this Senate. And while this may be a departure from past practices, I believe that this authority, like no other state entity, have dedicated funding and report directly to the Governor.

“It is clear in the audit that this Legislature must provide more oversight and accountability. I hope you will all work with me, members, to achieve this, because tourism is too important to our fragile economy and HTA must not operate like they have in the past.

“Thank you, Mr. President.”

**ADJOURNMENT**

At 12:27 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 14, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate



THIRTY-SECOND DAY

Thursday, March 14, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Chuck Klingman, Father's House Christian Fellowship, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-First Day.

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

Senator Sakamoto introduced Melvin Nakamura and congratulated him on becoming the District 50 Hawaii Lions Candidate for the Lions Clubs International Board of Directors. Accompanying Mr. Nakamura was his wife Nancy and Lions Bernard Ho and Dick Crislip.

Senator Tam introduced and congratulated Minnie Ho Pang, United Chinese Society's Model Chinese Mother of the Year 2001; Dr. K.S. Tom, Model Chinese Father of the Year 2001; and former US Senator Hiram L. Fong, Model Chinese Citizen of the Year 2001. Accompanying the honorees was Larry Siu, president of the United Chinese Society.

Senator Chun Oakland, in recognition of St. Francis Healthcare System's 75<sup>th</sup> anniversary, introduced Sister Beatrice Tom, Sister Francis Regis Hadano, and Sister Gretchen Gilroy.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 106 to 181) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 106 "SENATE CONCURRENT RESOLUTION URGING THE PEOPLE OF HAWAII TO RECOGNIZE U.S. MILITARY PERSONNEL AND THEIR FAMILIES AS HAWAII RESIDENTS."

Offered by: Senator Bunda.

No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EXAMINE THE FEASIBILITY OF ADDING SURFING AS A COMPETITIVE INTERSCHOLASTIC SPORT."

Offered by: Senator Bunda.

No. 108 "SENATE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION."

Offered by: Senator Taniguchi.

No. 109 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES."

Offered by: Senator Kanno.

No. 110 "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES."

Offered by: Senators Buen, Chumbley, Kokubun, Chun, English, Nakata.

No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM."

Offered by: Senators Hanabusa, Slom, Taniguchi, English, Chun, Ige.

No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE MOVEMENT OF CAPITAL OUT OF THE STATE."

Offered by: Senators Hanabusa, Hogue, Matsuura, Chun Oakland, Chumbley, Kanno, Buen, Tam, Slom, English, Taniguchi, Chun, Ige.

No. 113 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES."

Offered by: Senators Hanabusa, Slom, Chumbley, Chun Oakland, Buen, Taniguchi, Hogue, Kokubun, English, Matsunaga, Chun, Tam, Ige, Fukunaga, Matsuura, Kanno.

No. 114 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE ON ABUSIVE MORTGAGE LENDING PRACTICES."

Offered by: Senator Bunda.

No. 115 "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."

Offered by: Senator Bunda.

No. 116 "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."

Offered by: Senators Menor, Kawamoto.

No. 117 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE THE USE OF THE OCEAN AND COASTAL AREAS."

Offered by: Senator English.

No. 118 "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON ISSUING REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES."

Offered by: Senator English.

No. 119 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE SIERRA CLUB, HAWAII CHAPTER, THE LAND USE RESEARCH FOUNDATION, THE CONSERVATION COUNCIL OF HAWAII, THE ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, THE UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA."

Offered by: Senator English.

No. 120 "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."

Offered by: Senator Fukunaga.

No. 121 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CURRENT POLICIES AND CRITERIA USED IN CONDUCTING SUNRISE REVIEWS PURSUANT TO CHAPTER 26H, HAWAII REVISED STATUTES."

Offered by: Senators Matsuura, English, Hogue, Ige, Sakamoto, Chun, Hanabusa, Hemmings, Inouye, Kawamoto, Tam, Chumbley, Buen, Nakata, Slom, Kim, Kokubun, Chun Oakland.

No. 122 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT."

Offered by: Senators Chumbley, English, Buen, Inouye, Kanno, Fukunaga, Ihara, Hogue, Matsunaga, Slom, Chun Oakland, Nakata, Hanabusa, Sakamoto, Kokubun, Ige, Tam, Matsuura, Kawamoto, Chun, Bunda.

No. 123 "SENATE CONCURRENT RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU."

Offered by: Senators Kim, Ige, English, Hemmings.

No. 124 "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."

Offered by: Senators Kim, Matsunaga, Ige, English, Hemmings.

No. 125 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ADMINISTRATION TO DIRECT ONE-FIFTH OF ONE PER CENT OF ALL CONSTRUCTION EXPENDITURE BUDGETED BY THE STATE OF HAWAII IN ANY YEAR TOWARDS A CONSTRUCTION RESOURCES RESEARCH CENTER AT THE UNIVERSITY OF HAWAII."

Offered by: Senator Bunda.

No. 126 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO COORDINATE AGRICULTURE INSPECTION CREW SCHEDULES WITH AIRLINE SCHEDULES AT STATE AIRPORTS TO PROVIDE AGRICULTURAL INSPECTIONS IN A TIMELY MANNER."

Offered by: Senators Matsunaga, Buen, Kawamoto.

No. 127 "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."

Offered by: Senator Sakamoto.

No. 128 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO DEVELOP A PLAN FOR A COMPREHENSIVE ASSESSMENT AND ACCOUNTABILITY SYSTEM FOR PUBLIC SCHOOLS."

Offered by: Senator Sakamoto.

No. 129 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PRINTING PRODUCTS AND SERVICES UTILIZED, CONTRACTED, AND SUBCONTRACTED BY HAWAII STATE GOVERNMENT."

Offered by: Senators Sakamoto, Kawamoto.

No. 130 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK."

Offered by: Senator Sakamoto.

No. 131 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND PRESENT FOR APPROVAL TO THE BOARD OF EDUCATION NEW STANDARDS FOR SCHOOL ADMINISTRATORS."

Offered by: Senator Sakamoto.

No. 132 "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."

Offered by: Senators Inouye, Chun, Sakamoto.

No. 133 "SENATE CONCURRENT RESOLUTION URGING THE EXPEDITIOUS EXECUTION OF LEASE AGREEMENTS WITH NANAKULI NEIGHBORHOOD HOUSING SERVICES."

Offered by: Senators Hanabusa, Tam, Chun Oakland, Slom, Nakata, Kanno, Chun, Ige.

No. 134 "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 ON OAHU."

Offered by: Senators Tam, Slom, Chun Oakland, Matsuura, Buen, Kanno, Chun.

No. 135 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A SURVEY OF AUTOMOBILE INSURANCE FOR EMPLOYEES OF NONPROFIT ORGANIZATIONS."

Offered by: Senators Chun, Chun Oakland, Chumbley, Tam, Menor, Ige, Hemmings, Kokubun, English, Taniguchi.

No. 136 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES."

Offered by: Senators Chun, Matsunaga, Hogue, Ige, English.

No. 137 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HALT ANY FURTHER DEVELOPMENT ON THE SUMMIT OF MAUNA KEA AND ITS SURROUNDING LANDS UNTIL SUCH TIME AS THE FULL IMPACT OF SUMMIT ACTIVITY CAN BE ASSESSED."

Offered by: Senators Chun, English, Hemmings.

No. 138 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO OBTAIN REASONABLE COMPENSATION FOR THE USE OF THE LANDS ON MAUNA KEA BY THE ASTRONOMICAL OBSERVATORIES."

Offered by: Senators Chun, Kokubun, English, Hanabusa.

No. 139 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF BIG BOX RETAILERS ON LOCAL SMALL AND MEDIUM RETAIL BUSINESSES."

Offered by: Senators Kawamoto, Tam, Kanno, Hemmings.

No. 140 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE WHETHER THE STATE IS RECEIVING A PROPORTIONATE SHARE OF MEDICARE REIMBURSEMENTS."

Offered by: Senators Kawamoto, Kanno, Tam, Hemmings.

No. 141 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF FEDERAL INITIATIVES ON THE ECONOMY OF THE STATE OF HAWAII."

Offered by: Senators Kawamoto, Tam, Kanno, Hemmings.

No. 142 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM."

Offered by: Senators Kawamoto, Kanno, Buen, Tam.

No. 143 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII."

Offered by: Senator Chun Oakland.

No. 144 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO PREPARE MATERIALS ON LEARNING PROBLEMS FOR PARENTS OF PUBLIC SCHOOL CHILDREN."

Offered by: Senators Chun Oakland, Hanabusa, Fukunaga, Chun, Matsuura, Ihara, Chumbley, Kanno.

No. 145 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REFORM THE INDIVIDUALS WITH DISABILITIES IN EDUCATION ACT."

Offered by: Senators Chun Oakland, Chun, Matsuura, Hogue, Hanabusa, Fukunaga, Sakamoto, Ihara, Chumbley, Kanno, English.

No. 146 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF HEALTH TO COORDINATE THEIR RESOURCES TO DEVELOP A 'SAFE ROUTES TO SCHOOL' PROGRAM IN HAWAII."

Offered by: Senators Chun Oakland, Kanno, Hanabusa, Matsuura, Hogue, Chumbley, English, Matsunaga, Fukunaga, Ihara.

No. 147 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE USE OF DRUGS TO TREAT ATTENTION DEFICIT/HYPERACTIVITY DISORDER IN CHILDREN."

Offered by: Senators Chun Oakland, Kanno, Fukunaga, Ihara, Kim, Chumbley.

No. 148 "SENATE CONCURRENT RESOLUTION URGING THE DESIGNATION OF ALL AREAS OF THE STATE CAPITOL AS A SMOKE-FREE WORKPLACE."

Offered by: Senators Chun Oakland, Chumbley, Kanno, English, Hanabusa, Fukunaga, Ihara, Kim, Matsunaga.

No. 149 "SENATE CONCURRENT RESOLUTION REQUESTING ALL MANUFACTURERS OF CIGARETTES AND TOBACCO PRODUCTS TO PROVIDE ANNUAL REPORTS TO THE DEPARTMENT OF HEALTH ON THE CONSTITUENCY AND NICOTINE RATINGS OF THE PRODUCTS AND REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE PUBLIC HEALTH RISKS ASSOCIATED WITH EXPOSURE TO THE ADDED CONSTITUENTS AND NICOTINE."

Offered by: Senators Chun Oakland, Hogue, Hanabusa, Fukunaga, Sakamoto, Kanno, Ihara, English, Chumbley.

No. 150 "SENATE CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK'."

Offered by: Senator Menor.

No. 151 "SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH."

Offered by: Senator Menor.

No. 152 "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."

Offered by: Senators Menor, Kawamoto, Buen.

No. 153 "SENATE CONCURRENT RESOLUTION URGING THE CONTINUATION OF COLLECTIVE BARGAINING ON UNIFORM STANDARDS OF EMPLOYMENT FOR LOCAL 5 HOTEL AND RESTAURANT WORKERS."

Offered by: Senator Menor.

No. 154 "SENATE CONCURRENT RESOLUTION REQUESTING A COMPARATIVE STUDY ON HEALTH INSURANCE MARKET CONDITIONS."

Offered by: Senator Menor.

No. 155 "SENATE CONCURRENT RESOLUTION REQUESTING THE ISSUANCE OF FIREWORKS PERMITS VALID FOR ONE YEAR."

Offered by: Senator Tam.

No. 156 "SENATE CONCURRENT RESOLUTION REQUESTING THE HONOLULU CITY COUNCIL TO SUPPORT THE CONSTRUCTION OF A MODIFIED KUAKINI STREET EXTENSION."

Offered by: Senator Tam.

No. 157 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT ECONOMIC DIVERSIFICATION AND TECHNOLOGY INDUSTRY DEVELOPMENT."

Offered by: Senator Tam.

No. 158 "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."

Offered by: Senator Tam.

No. 159 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU."

Offered by: Senator Bunda.

No. 160 "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF HEALTH'S DENTAL HEALTH DIVISION."

Offered by: Senators English, Matsuura.

No. 161 "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."

Offered by: Senator English.

No. 162 "SENATE CONCURRENT RESOLUTION STRONGLY ENCOURAGING THE GOVERNOR TO CREATE A CRUISE SHIP INDUSTRY TASK FORCE TO RESEARCH AND ANALYZE POTENTIAL IMPACTS AND TO BALANCE ECONOMIC, CULTURAL, SOCIAL, AND ENVIRONMENTAL INTERESTS IN HAWAII."

Offered by: Senator English.

No. 163 "SENATE CONCURRENT RESOLUTION REQUESTING RESEARCH TO DEVELOP RECOMMENDATIONS TO ENABLE CITIZENS STATEWIDE TO HAVE AUDIO AND VIDEO ACCESS OVER THE INTERNET OF LEGISLATIVE PROCEEDINGS."

Offered by: Senator Ihara.

No. 164 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A LONG-TERM PLAN FOR THE LEGISLATIVE BROADCAST PROJECT."

Offered by: Senator Ihara.

No. 165 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN INFORMATION PRACTICES TASK FORCE."

Offered by: Senator Ihara.

No. 166 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE AGRIBUSINESS DEVELOPMENT CORPORATION."

Offered by: Senator Ihara.

No. 167 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE CAMPAIGN DONATIONS FOR THE 1998 AND 2000 ELECTIONS."

Offered by: Senator Ihara.

No. 168 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO ADOPT JOINT RULES RELATING TO CONFLICTS OF INTEREST."

Offered by: Senator Ihara.

No. 169 "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF THE POWER QUALITY TASK FORCE TO STUDY ISSUES RELATING TO RESPONSIBILITY OVER POWER QUALITY IN HAWAII."

Offered by: Senators Ihara, Matsunaga, Nakata, Inouye, Chun Oakland, Hogue, Taniguchi.

No. 170 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT AN AGRICULTURAL SELF-SUFFICIENCY TASK FORCE TO REDUCE THE STATE'S DEPENDENCY ON IMPORTED AGRICULTURAL PRODUCTS THAT COULD BE PRODUCED LOCALLY."

Offered by: Senator Ihara.

No. 171 "SENATE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF A LEGISLATIVE ROLE IN OVERSEEING AND ENSURING EQUITABLE PUBLIC, EDUCATION, AND GOVERNMENT CABLE TELEVISION ACCESS."

Offered by: Senator Ihara.

No. 172 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO REQUIRE ADULT RESIDENTIAL CARE HOME OPERATORS TO SUBMIT QUARTERLY REPORTS OF PERSONAL NEEDS ALLOWANCES DISTRIBUTED TO RESIDENTS."

Offered by: Senator Chun.

No. 173 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU."

Offered by: Senators Chun, Kokubun.

No. 174 "SENATE CONCURRENT RESOLUTION SUPPORTING TRAFFIC IMPROVEMENT AND BEAUTIFICATION AT THE INTERSECTION OF KUAKINI STREET AND LANAKILA AVENUE."

Offered by: Senator Chun Oakland.

No. 175 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO IMPLEMENT A MORE DEFINITIVE ATTENDANCE POLICY."

Offered by: Senator Sakamoto.

No. 176 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, DEPARTMENT OF EDUCATION, AND GOVERNOR'S SPECIAL ADVISOR FOR TECHNOLOGY DEVELOPMENT TO SUPPORT AND PROMOTE THE HAWAII CUBESAT PROJECT."

Offered by: Senator Sakamoto.

No. 177 "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL ACCREDITED POST-SECONDARY MEDICAL AND HEALTHCARE EDUCATION PROGRAMS IN HAWAII TO OFFER COURSES IN PALLIATIVE CARE."

Offered by: Senator Matsuura.

No. 178 "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."

Offered by: Senator Matsuura.

No. 179 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A SCHOOL ATTENDANCE RECORD OF AT LEAST SEVENTY PER CENT FOR MINORS WHO ARE PARENTS UNDER THE AGE OF EIGHTEEN IN INDEPENDENT HOUSEHOLDS WHO HAVE CHILDREN BUT NO HIGH SCHOOL DIPLOMA IN ORDER TO COMPLY WITH THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 SO THAT THESE INDIVIDUALS MAY RECEIVE BENEFITS UNDER THE TEMPORARY AID TO NEEDY FAMILIES PROGRAM."

Offered by: Senators Hemmings, Slom, Hogue, Kim, Ige, Kawamoto, Chun, Chun Oakland.

No. 180 "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE ALLEGED FIDUCIARY VIOLATION BY STATE OF HAWAII, EMPLOYEES RETIREMENT SYSTEM TRUSTEES."

Offered by: Senators Hemmings, Slom, Hogue.

No. 181 "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ORION SOCIETY FOR ITS COMMITMENT TO NATURE THROUGH COMMUNITY INVOLVEMENT, ART, AND WRITING, AND URGING STATE AGENCIES TO ENCOURAGE PARTICIPATION IN THE ORION SOCIETY'S FORGOTTEN LANGUAGE TOUR."

Offered by: Senator English.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 56 to 113) were read by the Clerk and were deferred:

Senate Resolution

No. 56 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EXAMINE THE FEASIBILITY OF ADDING SURFING AS A COMPETITIVE INTERSCHOLASTIC SPORT."

- Offered by: Senator Bunda.
- No. 57 "SENATE RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION."
- Offered by: Senator Taniguchi.
- No. 58 "SENATE RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES."
- Offered by: Senator Kanno.
- No. 59 "SENATE RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS."
- Offered by: Senators Buen, Chumbley, Matsuura, English, Nakata, Kokubun.
- No. 60 "SENATE RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES."
- Offered by: Senators Buen, Chumbley, Kokubun, Chun, English, Nakata.
- No. 61 "SENATE RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES."
- Offered by: Senators Hanabusa, Slom, Chumbley, Chun Oakland, Buen, Taniguchi, Matsuura, Kokubun, English, Matsunaga, Chun, Tam, Ige, Fukunaga, Kanno, Hogue.
- No. 62 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE ON ABUSIVE MORTGAGE LENDING PRACTICES."
- Offered by: Senator Bunda.
- No. 63 "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."
- Offered by: Senators Menor, Kawamoto.
- No. 64 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE THE USE OF THE OCEAN AND COASTAL AREAS."
- Offered by: Senator English.
- No. 65 "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON ISSUING REVENUE BONDS OR OTHER FORMS OF REVENUE FINANCING FOR RENEWABLE ENERGY SYSTEMS IN PUBLIC FACILITIES."
- Offered by: Senator English.
- No. 66 "SENATE RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE SIERRA CLUB, HAWAII CHAPTER, THE LAND USE RESEARCH FOUNDATION, THE CONSERVATION COUNCIL OF HAWAII, THE ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, THE UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA."
- Offered by: Senator English.
- No. 67 "SENATE 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."
- Offered by: Senator Fukunaga.
- No. 68 "SENATE RESOLUTION CONVENING AN INTERIM STUDY BY THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES TO EXPLORE WAYS TO MAXIMIZE FEDERAL FUNDING FOR HEALTH AND HUMAN SERVICES PROGRAMS."
- Offered by: Senators Matsuura, English, Hogue, Sakamoto, Hanabusa, Hemmings, Tam, Nakata, Chun Oakland, Inouye, Kokubun, Buen, Ige, Chumbley, Chun, Slom, Kim, Kawamoto, Taniguchi.
- No. 69 "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT."
- Offered by: Senators Chumbley, English, Buen, Inouye, Kanno, Fukunaga, Ihara, Hogue, Matsunaga, Slom, Chun Oakland, Nakata, Hanabusa, Sakamoto, Kokubun, Ige, Tam, Matsuura, Kawamoto, Chun, Bunda.
- No. 70 "SENATE RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU."
- Offered by: Senators Kim, Ige, English, Hemmings.
- No. 71 "SENATE 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."
- Offered by: Senators Kim, Matsunaga, Ige, English, Hemmings.

No. 72 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO COORDINATE AGRICULTURE INSPECTION CREW SCHEDULES WITH AIRLINE SCHEDULES AT STATE AIRPORTS TO PROVIDE AGRICULTURAL INSPECTIONS IN A TIMELY MANNER."

Offered by: Senators Matsunaga, Buen, Kawamoto.

No. 73 "SENATE RESOLUTION URGING THE ESTABLISHMENT OF ANNUAL CONCERTS AT THE ALOHA STADIUM BY JAPANESE POP GROUPS TO ATTRACT YOUNG JAPANESE FANS AND THEIR PARENTS AS VISITORS TO HAWAII."

Offered by: Senator Matsunaga.

No. 74 "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."

Offered by: Senator Matsunaga.

No. 75 "SENATE RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK."

Offered by: Senator Sakamoto.

No. 76 "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."

Offered by: Senators Inouye, Chun, Sakamoto.

No. 77 "SENATE RESOLUTION REQUESTING THAT THE FUNDS RECEIVED BY THE GOVERNOR AS A PERSONAL FOOD OR EXPENSE ALLOWANCE, OR ANY PERQUISITES RECEIVED, BE EITHER REIMBURSED BY THE GOVERNOR TO THE STATE OR CONSIDERED AS TAXABLE INCOME."

Offered by: Senators Tam, Nakata, Slom.

No. 78 "SENATE RESOLUTION REQUESTING THE ISSUANCE OF FIREWORKS PERMITS VALID FOR ONE YEAR."

Offered by: Senators Tam, Chun Oakland, Nakata, Chun, Ige.

No. 79 "SENATE RESOLUTION REQUESTING THE HONOLULU CITY COUNCIL TO SUPPORT THE CONSTRUCTION OF A MODIFIED KUAKINI STREET EXTENSION."

Offered by: Senators Tam, Chun Oakland, Slom, Nakata, Kanno, Chun, Ige.

No. 80 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A SURVEY OF AUTOMOBILE INSURANCE FOR EMPLOYEES OF NONPROFIT ORGANIZATIONS."

Offered by: Senators Chun, Chun Oakland, Chumbley, Tam, Menor, Ige, Hemmings, Kokubun, English, Taniguchi.

No. 81 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES."

Offered by: Senators Chun, Matsunaga, Hogue, Ige, English.

No. 82 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO REQUIRE ADULT RESIDENTIAL CARE HOME OPERATORS TO SUBMIT QUARTERLY REPORTS OF PERSONAL NEEDS ALLOWANCES DISTRIBUTED TO RESIDENTS."

Offered by: Senators Chun, Kokubun, English.

No. 83 "SENATE RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII."

Offered by: Senator Chun Oakland.

No. 84 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO PREPARE MATERIALS ON LEARNING PROBLEMS FOR PARENTS OF PUBLIC SCHOOL CHILDREN."

Offered by: Senators Chun Oakland, Hanabusa, Fukunaga, Chun, Matsuura, Ihara, Chumbley, Kanno.

No. 85 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO REFORM THE INDIVIDUALS WITH DISABILITIES IN EDUCATION ACT."

Offered by: Senators Chun Oakland, Hogue, Chun, Matsuura, Hanabusa, Fukunaga, Sakamoto, Ihara, Chumbley, Kanno, English.

No. 86 "SENATE RESOLUTION EXPRESSING SUPPORT FOR THE GLOBAL ACTION AND INVESTMENTS FOR NEW SUCCESS FOR WOMEN AND GIRLS ACT."

Offered by: Senators Chun Oakland, Inouye, Kim, Hanabusa, Fukunaga.

No. 87 "SENATE RESOLUTION REQUESTING A STUDY ON THE USE OF DRUGS TO TREAT ATTENTION DEFICIT/HYPERACTIVITY DISORDER IN CHILDREN."

Offered by: Senators Chun Oakland, Kanno, Fukunaga, Ihara, Kim, Chumbley.

No. 88 "SENATE RESOLUTION URGING THE DESIGNATION OF ALL AREAS OF THE STATE CAPITOL AS A SMOKE-FREE WORKPLACE."

Offered by: Senators Chun Oakland, Chumbley, Kanno, English, Hanabusa, Fukunaga, Ihara, Kim, Matsunaga.

No. 89 "SENATE RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK'."

- Offered by: Senator Menor.
- No. 90 "SENATE RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH."
- Offered by: Senator Menor.
- No. 91 "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."
- Offered by: Senators Menor, Kawamoto, Buen.
- No. 92 "SENATE RESOLUTION URGING THE CONTINUATION OF COLLECTIVE BARGAINING ON UNIFORM STANDARDS OF EMPLOYMENT FOR LOCAL 5 HOTEL AND RESTAURANT WORKERS."
- Offered by: Senator Menor.
- No. 93 "SENATE RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES."
- Offered by: Senator Menor, by request.
- No. 94 "SENATE RESOLUTION REQUESTING THE SENATE TO SUPPORT ECONOMIC DIVERSIFICATION AND TECHNOLOGY INDUSTRY DEVELOPMENT."
- Offered by: Senator Tam.
- No. 95 "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."
- Offered by: Senator Tam.
- No. 96 "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF THE ATTORNEY GENERAL."
- Offered by: Senator Tam.
- No. 97 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU."
- Offered by: Senator Bunda.
- No. 98 "SENATE RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF HEALTH'S DENTAL HEALTH DIVISION."
- Offered by: Senators English, Matsuura.
- No. 99 "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."
- Offered by: Senator English.
- No. 100 "SENATE RESOLUTION STRONGLY ENCOURAGING THE GOVERNOR TO CREATE A CRUISE SHIP INDUSTRY TASK FORCE TO RESEARCH AND ANALYZE POTENTIAL IMPACTS AND TO BALANCE ECONOMIC, CULTURAL, SOCIAL, AND ENVIRONMENTAL INTERESTS IN HAWAII."
- Offered by: Senator English.
- No. 101 "SENATE RESOLUTION REQUESTING RESEARCH TO DEVELOP RECOMMENDATIONS TO ENABLE CITIZENS STATEWIDE TO HAVE AUDIO AND VIDEO ACCESS OVER THE INTERNET OF LEGISLATIVE PROCEEDINGS."
- Offered by: Senator Ihara.
- No. 102 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A LONG-TERM PLAN FOR THE LEGISLATIVE BROADCAST PROJECT."
- Offered by: Senator Ihara.
- No. 103 "SENATE RESOLUTION REQUESTING THE CONVENING OF AN INFORMATION PRACTICES TASK FORCE."
- Offered by: Senator Ihara.
- No. 104 "SENATE RESOLUTION REQUESTING THE HAWAII STATE SENATE TO ADOPT RULES RELATING TO CONFLICTS OF INTEREST."
- Offered by: Senator Ihara.
- No. 105 "SENATE RESOLUTION REQUESTING THE FORMATION OF THE POWER QUALITY TASK FORCE TO STUDY ISSUES RELATING TO RESPONSIBILITY OVER POWER QUALITY IN HAWAII."
- Offered by: Senators Ihara, Matsunaga, Nakata, Inouye, Chun Oakland, Hogue, Taniguchi.
- No. 106 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO APPOINT AN AGRICULTURAL SELF-SUFFICIENCY TASK FORCE TO REDUCE THE STATE'S DEPENDENCY ON IMPORTED AGRICULTURAL PRODUCTS THAT COULD BE PRODUCED LOCALLY."
- Offered by: Senator Ihara.
- No. 107 "SENATE RESOLUTION REQUESTING AN EVALUATION OF A LEGISLATIVE ROLE IN OVERSEEING AND ENSURING EQUITABLE PUBLIC, EDUCATION, AND GOVERNMENT CABLE TELEVISION ACCESS."
- Offered by: Senator Ihara.
- No. 108 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU."
- Offered by: Senators Chun, Kokubun.
- No. 109 "SENATE RESOLUTION SUPPORTING TRAFFIC IMPROVEMENT AND BEAUTIFICATION AT



THE INTERSECTION OF KUAKINI STREET AND LANAKILA AVENUE.”

Offered by: Senator Chun Oakland.

No. 110 “SENATE RESOLUTION ESTABLISHING AN INTERIM WORKING GROUP TO DISSEMINATE INFORMATION REGARDING PRESCRIPTION DRUG CARD DISCOUNT PROGRAMS OFFERED BY PHARMACEUTICAL COMPANIES.”

Offered by: Senator Matsuura.

No. 111 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A SCHOOL ATTENDANCE RECORD OF AT LEAST SEVENTY PER CENT FOR MINORS WHO ARE PARENTS UNDER THE AGE OF EIGHTEEN IN INDEPENDENT HOUSEHOLDS WHO HAVE CHILDREN BUT NO HIGH SCHOOL DIPLOMA IN ORDER TO COMPLY WITH THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 SO THAT THESE INDIVIDUALS MAY RECEIVE BENEFITS UNDER THE TEMPORARY AID TO NEEDY FAMILIES PROGRAM.”

Offered by: Senators Hemmings, Slom, Hogue, Kim, Ige, Chun, Chun Oakland, Kawamoto.

No. 112 “SENATE RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE ALLEGED FIDUCIARY VIOLATION BY STATE OF HAWAII, EMPLOYEES RETIREMENT SYSTEM TRUSTEES.”

Offered by: Senators Hemmings, Slom, Hogue.

No. 113 “SENATE RESOLUTION RECOGNIZING THE ORION SOCIETY FOR ITS COMMITMENT TO NATURE THROUGH COMMUNITY INVOLVEMENT, ART, AND WRITING, AND URGING STATE AGENCIES TO ENCOURAGE PARTICIPATION IN THE ORION SOCIETY’S FORGOTTEN LANGUAGE TOUR.”

Offered by: Senator English.

**STANDING COMMITTEE REPORT**

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2838) recommending that the Senate consent to the nomination of CHRISTOPHER P. MCKENZIE to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2838 and Jud. Com. No. 1 was deferred until Friday, March 15, 2002.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM WEDNESDAY, MARCH 13 2002**

The President made the following committee assignment of a concurrent resolution that was received on Wednesday, March 13, 2002:

House  
Concurrent  
Resolution Referred to:  
No. 88 Committee on Water, Land, Energy, and Environment

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill Referred to:  
No. 870 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means  
No. 2207, H.D. 1 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary  
No. 2245, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means  
No. 2351, H.D. 1 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means  
No. 2854, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

**ADJOURNMENT**

At 12:20 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, March 15, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTY-THIRD DAY

Friday, March 15, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Conrado Lomibao, Saint Philomena Church, after which the Roll was called showing all Senators present with the exception of Senators Buen, Chumbley, Chun, Ige, Matsuura and Menor who were excused.

The President announced that he had read and approved the Journal of the Thirty-Second Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 243 and 244) were read by the Clerk and were placed on file:

Gov. Msg. No. 243, dated March 8, 2002, transmitting the Hawaii Performance Partnerships Board Report for 2001, pursuant to Act 160, SLH 1999.

Gov. Msg. No. 244, dated March 11, 2002, transmitting the Report on the Funds Expended for Health Promotion and Disease Prevention Programs from the Tobacco Settlement Fund, Including Expenditure and Allocation of Funds for the State Children's Health Insurance Program, prepared by the Department of Health pursuant to Act 259, Section 27, SLH 2001.

## STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2839) recommending that H.B. No. 1766 pass Second Reading and 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 H.B. No. 1766, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2840) recommending that H.B. No. 2459, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2459, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2841) recommending that H.B. No. 2495 pass Second Reading and 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 H.B. No. 2495, entitled: "A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2842) recommending that H.B. No. 2506, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2843) recommending that H.B. No. 2512, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2844) recommending that H.B. No. 2518 pass Second Reading and 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 H.B. No. 2518, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2845) recommending that H.B. No. 2523 pass Second Reading and 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 H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2846) recommending that H.B. No. 2571, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2571, 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,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2847) recommending that H.B. No. 2738, H.D. 1, pass Second Reading and 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 H.B. No. 2738, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LANGUAGE,” passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 2838 (Jud. Com. No. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2838 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kanno then moved that the Senate consent to the nomination of CHRISTOPHER P. MCKENZIE as Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Fukunaga.

Senator Kanno rose in support of the nominee and said:

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

“Mr. President, the Committee on Judiciary held a public hearing on the nomination of Christopher P. McKenzie to the District Court of the First Circuit on March 12, and the testimony was unanimously in support of the nominee, including a number of officials from the Judiciary, the Department of the Prosecuting Attorney, the Iron Workers’ Union, the Inlandboatmen’s Union, a number of private attorneys and a deputy public defender.

“The nominee has served as district court judge in the first circuit on a per diem basis since 1995. During this time, he has served on every district court division in the first circuit. He is a member of the Bar of Hawaii, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

“The Hawaii State Bar Association subjected the nominee to rigorous review and evaluation before rating the nominee as ‘highly qualified’ for the position. That rating is the highest endorsement given by the Hawaii State Bar Association. The criteria for evaluation include: integrity, legal knowledge and ability, professional expertise, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

“Mr. President, I urge my colleagues to support this outstanding nominee.”

Senator Slom also rose in support of the nominee and stated:

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

“On behalf of the Minority, we are very pleased to support this nominee. He has a very good track record already. He handled himself quite well in the hearings. I think he has some very good and creative ideas and I think he’s going to make some needed changes within the Judiciary, but the most

important thing that he brings is that integrity and the respect that he has in the community.

“We’re very happy to support him. Thank you.”

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

Ayes, 19. Noes, none. Excused, 6 (Buen, Chumbley, Chun, Ige, Matsuura, Menor).

At this time, Senator Kanno introduced Judge McKenzie, who was seated in the gallery with his family, to the members of the Senate.

At 11:52 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o’clock a.m.

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 5, 2002; Thursday, March 7, 2002; Friday, March 8, 2002; Monday, March 11, 2002; Tuesday, March 12, 2002; and Wednesday, March 13, 2002:

Senate Concurrent Resolution	Referred to:
No. 61	Committee on Commerce, Consumer Protection and Housing
No. 62	Jointly to the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 63	Committee on Health and Human Services
No. 64	Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 65	Committee on Health and Human Services
No. 66	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education
No. 67	Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations
No. 68	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology
No. 69	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 70	Committee on Water, Land, Energy, and Environment
No. 71	Committee on Health and Human Services

No. 72 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services

No. 73 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 74 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 75 Committee on Health and Human Services

No. 76 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 77 Committee on Health and Human Services

No. 78 Committee on Agriculture

No. 79 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 80 Committee on Health and Human Services

No. 81 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 82 Committee on Judiciary, then to the Committee on Ways and Means

No. 83 Committee on Ways and Means

No. 84 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 85 Committee on Economic Development and Technology

No. 86 Committee on Transportation, Military Affairs, and Government Operations

No. 87 Committee on Judiciary

No. 88 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 89 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 90 Committee on Ways and Means

No. 91 Committee on Ways and Means

No. 92 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 93 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 94 Committee on Economic Development and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 95 Committee on Water, Land, Energy, and Environment

No. 96 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 97 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 98 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 99 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 100 Committee on Judiciary

No. 101 Committee on Hawaiian Affairs

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Tuesday, March 5, 2002; Friday, March 8, 2002; Monday, March 11, 2002; Tuesday, March 12, 2002; and Wednesday, March 13, 2002:

Senate Resolution	Referred to:
No. 31	Committee on Commerce, Consumer Protection and Housing
No. 32	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education
No. 33	Committee on Health and Human Services
No. 34	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services
No. 35	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 36	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 37	Committee on Agriculture
No. 38	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 39	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 40	Committee on Health and Human Services

- |   |                                |
|---|--------------------------------|
| <p>No. 41 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology</p>  | <p>Respectfully submitted,</p> |
| <p>No. 42 Committee on Transportation, Military Affairs, and Government Operations</p>  | <p>Clerk of the Senate</p>     |
| <p>No. 43 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means</p> | <p>Approved:</p>               |
| <p>No. 44 Committee on Health and Human Services</p>  | <p>President of the Senate</p> |
| <p>No. 45 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means</p>   |                                |
| <p>No. 46 Committee on Health and Human Services, then to the Committee on Ways and Means</p>   |                                |
| <p>No. 47 Committee on Health and Human Services, then to the Committee on Ways and Means</p>   |                                |
| <p>No. 48 Committee on Judiciary, then to the Committee on Ways and Means</p>   |                                |
| <p>No. 49 Committee on Transportation, Military Affairs, and Government Operations</p>  |                                |
| <p>No. 50 Committee on Health and Human Services</p>  |                                |
| <p>No. 51 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs</p>  |                                |
| <p>No. 52 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing</p>   |                                |
| <p>No. 53 Committee on Water, Land, Energy, and Environment</p>   |                                |
| <p>No. 54 Committee on Hawaiian Affairs</p>   |                                |
| <p>No. 55 Committee on Judiciary</p>  |                                |

**RE-REFERRAL OF HOUSE BILL**

The Chair re-referred the following House bill that was received:

- |                         |  |
|-------------------------|--|
| <p>House Bill</p>       | <p>Referred to:</p>  |
| <p>No. 2552, H.D. 1</p> | <p>Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary</p> |

**ADJOURNMENT**

At 11:56 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 18, 2002.

## THIRTY-FOURTH DAY

**Monday, March 18, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Fred Hemmings, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Buen, Chumbley, Fukunaga, Hanabusa, Ige and Ihara who were excused.

The President announced that he had read and approved the Journal of the Thirty-Third Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 245, dated March 13, 2002, transmitting the Actuarial Report on the Proposed Hawaii Long-Term Care Financing Program, prepared by the Executive Office on Aging pursuant to S.C.R. No. 23 (2001), was read by the Clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 313, transmitting H.C.R. No. 34, which was adopted by the House of Representatives on March 15, 2002, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' STATUS AND BENEFITS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

## STANDING COMMITTEE REPORTS

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2848) recommending that H.B. No. 1867, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 1867, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE FOR THE UNINSURED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2849) recommending that H.B. No. 2228, H.D. 2, pass Second Reading and 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 H.B. No. 2228, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2850) recommending that H.B. No. 2282 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2282, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2851) recommending that H.B. No. 2501, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2501, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2852) recommending that H.B. No. 2526 pass Second Reading and 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 H.B. No. 2526, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2853) recommending that H.B. No. 2530, H.D. 1, pass Second Reading and 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 H.B. No. 2530, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2854) recommending that H.B. No. 2531, H.D. 2, pass Second Reading and 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 H.B. No. 2531, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2855) recommending that H.B. No. 2128, H.D. 1, pass Second Reading and 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 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 Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2856) recommending that H.B. No. 2266, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2266, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2857) recommending that H.B. No. 2536 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2536, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2858) recommending that H.B. No. 2537, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2859) recommending that H.B. No. 2538 pass Second Reading and 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 H.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2860) recommending that H.B. No. 2550, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," passed Second Reading and was referred to the Committee on Judiciary.

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

2861) recommending that H.B. No. 2553, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2862) recommending that H.B. No. 2731, H.D. 1, pass Second Reading and 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 H.B. No. 2731, H.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.," passed Second Reading and 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. 2863) recommending that S.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2863 and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION ADOPTING OUTCOME INDICATORS OF WELL-BEING FOR HAWAII'S CHILDREN AND FAMILIES," was deferred until Tuesday, March 19, 2002.

**ORDER OF THE DAY**

**RE-REFERRAL OF HOUSE BILL**

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 2251, H.D. 2	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was offered:

Senate Concurrent Resolution	Referred to:
No. 95	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs

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

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

"The events of this past weekend involving the decision by Hawaiian Airlines and Aloha Airlines not to merge, I think, is a

very good decision. I think it's in the best interest of our community and our State and the future. But I think that it is in large measure, depending on what you read and who you listen to, it's dependent on large measure to the hearings that were held in the Senate and the line of questioning in a bipartisan manner in terms of trying to get at the accurate financial statistics, the reasons for the merger, viable alternatives, why certain things were done and weren't done, and so forth.

"So I think that in this case, first of all, the decision was the right one. The community will benefit and I think that people can be assured that the Legislature, and particularly this body, had done the right thing in really scrutinizing this particular operation. I just hope that this will translate into the future, into our budget hearings, and into other tax and related issues as well, because when you start looking at things such as long-term care, for example, you find all of the things that are questionable and need to be answered, and better that we do it in this forum before it becomes law and we have problems.

"So, to my colleagues, congratulations. I think that we finally earned our keep on this one. Aloha."

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

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

"Following up on the good Senator from the East Side of this island, I would like to just add that I think we did do a good job with the handling of the merger. It did raise a number of very interesting and serious questions, and to me, one of the most important ones, and one that I hope that we will continue to pursue, is service to the rural airports.

"This is something that is lacking – Kamuela, Hana, Kalaupapa, Moloka'i, Lana'i, Princeville – these airports are seriously underserved. Our people cannot get access to these centers; medical access is denied . . . services – newspapers are a day or two delayed, all of this because of the lack of proper air-links.

"So while we preserve a competitive free-market system in Hawaii for the airlines, we also have to make sure that our rural areas continue to be serviced or that services are provided.

"So, with that, I say thank you all for your wonderful work on this one."

#### ADJOURNMENT

At 11:51 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 19, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate



## THIRTY-FIFTH DAY

**Tuesday, March 19, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father Anthony Rosario, Our Lady of the Mount, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Fourth Day.

At this time, Senator Matsuura recognized Meredith Mattos-Mohajerin for her service to the Hawaii State Senate.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

## HOUSE COMMUNICATION

Hse. Com. No. 314, returning S.B. No. 2662, S.D. 2, which passed Third Reading in the House of Representatives on March 18, 2002, was read by the Clerk and was placed on file.

## STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2864) recommending that H.B. No. 1864, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1864, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2865) recommending that H.B. No. 2223, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2223, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2866) recommending that H.B. No. 2258, H.D. 2, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2258, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2867) recommending that H.B. No. 2426, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2868) recommending that H.B. No. 2428, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2428, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2869) recommending that H.B. No. 2432 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2870) recommending that H.B. No. 2433, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2433, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2871) recommending that H.B. No. 2467 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2467, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2872) recommending that H.B. No. 2496, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2873) recommending that H.B. No. 2507, H.D. 3, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2507, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2874) recommending that H.B. No. 2514 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2514, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2875) recommending that H.B. No. 2618, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2618, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2876) recommending that H.B. No. 1843 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 1843, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2877) recommending that H.B. No. 2460, H.D. 2, pass Second Reading and 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 H.B. No. 2460, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2878) recommending that H.B.

No. 2500, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata and Inouye, for the Committee on Labor and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2879) recommending that H.B. No. 2599, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2599, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2880) recommending that H.B. No. 2352, H.D. 1, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2352, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

**ORDER OF THE DAY**

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM MONDAY, MARCH 18, 2002**

Stand. Com. Rep. No. 2863 (S.C.R. No. 18):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION ADOPTING OUTCOME INDICATORS OF WELL-BEING FOR HAWAII'S CHILDREN AND FAMILIES," was adopted.

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, March 13, 2002, and Thursday, March 14, 2002:

Senate Concurrent Resolution	Referred to:
No. 102	Committee on Health and Human Services
No. 104	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 105 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 106 Committee on Transportation, Military Affairs, and Government Operations

No. 107 Committee on Education

No. 108 Committee on Commerce, Consumer Protection and Housing

No. 109 Committee on Judiciary, then to the Committee on Ways and Means

No. 110 Committee on Agriculture

No. 111 Committee on Labor, then to the Committee on Ways and Means

No. 112 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 114 Committee on Commerce, Consumer Protection and Housing

No. 115 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 116 Committee on Transportation, Military Affairs, and Government Operations

No. 117 Committee on Economic Development and Technology, then to the Committee on Water, Land, Energy, and Environment

No. 119 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 120 Committee on Education, then to the Committee on Ways and Means

No. 121 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 122 Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary

No. 123 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 125 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 126 Committee on Agriculture, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 127 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 128 Committee on Education

No. 129 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 130 Jointly to the Committee on Education and the Committee on Health and Human Services

No. 131 Committee on Education

No. 132 Committee on Education

No. 134 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 135 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Health and Human Services

No. 136 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 137 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 138 Committee on Education, then to the Committee on Ways and Means

No. 139 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 140 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 142 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 143 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 144 Committee on Education, then to the Committee on Ways and Means

No. 145 Jointly to the Committee on Education and the Committee on Tourism and Intergovernmental Affairs

No. 146 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 147 Committee on Health and Human Services, then to the Committee on Education

No. 148 Committee on Health and Human Services, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 149 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 150 Committee on Education, then to the Committee on Judiciary

No. 151 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 152 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 153 Committee on Labor

No. 155 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 156 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs

No. 157 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 158 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment

No. 159 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 160 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 161 Committee on Tourism and Intergovernmental Affairs

No. 163 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 164 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 165 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means

No. 166 Committee on Agriculture, then to the Committee on Ways and Means

No. 168 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 169 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 170 Committee on Agriculture, then to the Committee on Ways and Means

No. 171 Committee on Commerce, Consumer Protection and Housing

No. 172 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 173 Committee on Hawaiian Affairs, then to the Committee on Economic Development and Technology

No. 174 Committee on Transportation, Military Affairs, and Government Operations

No. 175 Committee on Education

No. 176 Jointly to the Committee on Education and the Committee on Economic Development and Technology

No. 177 Committee on Health and Human Services, then to the Committee on Education

No. 178 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 179 Jointly to the Committee on Health and Human Services and the Committee on Education

No. 180 Committee on Labor, then to the Committee on Ways and Means

No. 181 Committee on Education

#### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, March 14, 2002:

Senate Resolution	Referred to:
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No. 56	Committee on Education
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No. 57	Committee on Commerce, Consumer Protection and Housing
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No. 58	Committee on Judiciary, then to the Committee on Ways and Means
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No. 59	Committee on Health and Human Services
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No. 60	Committee on Agriculture
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No. 62	Committee on Commerce, Consumer Protection and Housing
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No. 63	Committee on Transportation, Military Affairs, and Government Operations
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No. 64	Committee on Economic Development and Technology, then to the Committee on Water, Land, Energy, and Environment
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No. 66	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
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No. 67	Committee on Education, then to the Committee on Ways and Means
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No. 68	Committee on Health and Human Services, then to the Committee on Ways and Means
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No. 69	Committee on Water, Land, Energy, and Environment, then to the Committee on Judiciary
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No. 70	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
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No. 72	Committee on Agriculture, then to the Committee on Transportation, Military Affairs, and Government Operations
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| <p>No. 73                    Committee on Tourism and Intergovernmental Affairs, then to the Committee on Economic Development and Technology</p> <p>No. 74                    Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 75                    Jointly to the Committee on Education and the Committee on Health and Human Services</p> <p>No. 76                    Committee on Education</p> <p>No. 77                    Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means</p> <p>No. 78                    Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary</p> <p>No. 79                    Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs</p> <p>No. 80                    Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Health and Human Services</p> <p>No. 81                    Committee on Economic Development and Technology, then to the Committee on Ways and Means</p> <p>No. 82                    Committee on Health and Human Services, then to the Committee on Ways and Means</p> <p>No. 83                    Committee on Health and Human Services, then to the Committee on Ways and Means</p> <p>No. 84                    Committee on Education, then to the Committee on Ways and Means</p> <p>No. 85                    Jointly to the Committee on Education and the Committee on Tourism and Intergovernmental Affairs</p> <p>No. 86                    Committee on Economic Development and Technology</p> <p>No. 87                    Committee on Health and Human Services, then to the Committee on Education</p> <p>No. 88                    Committee on Health and Human Services, then to the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 89                    Committee on Education, then to the Committee on Judiciary</p> <p>No. 90                    Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary</p> <p>No. 91                    Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs</p> <p>No. 92                    Committee on Labor</p> <p>No. 94                    Committee on Economic Development and Technology, then to the Committee on Ways and Means</p> | <p>No. 95                    Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment</p> <p>No. 96                    Committee on Education, then to the Committee on Judiciary</p> <p>No. 97                    Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means</p> <p>No. 98                    Committee on Health and Human Services, then to the Committee on Ways and Means</p> <p>No. 99                    Committee on Tourism and Intergovernmental Affairs</p> <p>No. 101                   Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means</p> <p>No. 102                   Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means</p> <p>No. 103                   Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means</p> <p>No. 104                   Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary</p> <p>No. 105                   Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means</p> <p>No. 106                   Committee on Agriculture, then to the Committee on Ways and Means</p> <p>No. 107                   Committee on Commerce, Consumer Protection and Housing</p> <p>No. 108                   Committee on Hawaiian Affairs, then to the Committee on Economic Development and Technology</p> <p>No. 109                   Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 110                   Committee on Health and Human Services, then to the Committee on Ways and Means</p> <p>No. 111                   Jointly to the Committee on Health and Human Services and the Committee on Education</p> <p>No. 112                   Committee on Labor, then to the Committee on Ways and Means</p> <p>No. 113                   Committee on Education</p> |
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**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill                    Referred to:

No. 2351, H.D. 1            Jointly to the Committee on Economic Development and Technology and the Committee on

Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 2723, H.D. 2 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs

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

**ADJOURNMENT**

At 12:01 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., Wednesday, March 20, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTY-SIXTH DAY

**Wednesday, March 20, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Paul Brennan, First Chinese Church of Christ, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

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

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

Senator Sakamoto introduced Miss Angela Baraquio, Miss America 2001, and congratulated her on a job well done as a role model to young women and for her dedication to the children of the nation and the State of Hawaii. Accompanying Miss Baraquio were her manager, Therese Baraquio, and traveling companion, Leilani Keough.

Senator Sakamoto then introduced Dr. Loretta Krause, Principal of the University Laboratory School and Professor at the University of Hawaii College of Education.

Senator Tam, with the assistance of Senators Sakamoto, Matsunaga and Chun Oakland, introduced and congratulated the 2002 Miss Chinatown Hawaii Queen Janna Marie Gum and her Court: First Princess Chun Hui Chen and Second Princess Doris Ding Gar Lum. Accompanying the young women was Paul Chun, executive pageant director.

Senator Ige, in recognition of the 20<sup>th</sup> anniversary of the Nissan Hawaii High School Hall of Honor, introduced J. Robertson and Toshiyuki Nakasone.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

#### JUDICIARY COMMUNICATION

Jud. Com. No. 2, submitting for consideration and consent, the nomination of HILARY B. GANGNES to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

#### STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2881) recommending that H.B. No. 2521, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2521, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," passed Second Reading and was referred to the Committee on Judiciary.

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. 2882) recommending that H.B. No. 1974, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 1974, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2883) recommending that H.B. No. 1942, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 1942, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2884) recommending that H.B. No. 1959, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 1959, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2885) recommending that H.B. No. 2164, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2164, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2886) recommending that H.B. No. 2558, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2558, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2887) recommending that H.B. No. 2798, H.D. 1, pass Second Reading and 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 H.B. No. 2798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOLARSHIPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2888) recommending that the Senate advise and consent to the nomination of LOIS C. MIYASHIRO to the State Post-Secondary Education Commission, in accordance with Gov. Msg. No. 236.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2888 and Gov. Msg. No. 236 was deferred until Thursday, March 21, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2889), recommending that S.C.R. No. 29, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 29, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE EFFECTIVENESS OF THE HAWAII PREPAID HEALTH CARE ACT, CHAPTER 393, HAWAII REVISED STATUTES, AND TO CONSIDER THE FEASIBILITY OF AMENDING OR REPEALING THE ACT," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2890) recommending that H.B. No. 2014, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2014, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2891) recommending that H.B. No. 2033, H.D. 3, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2033, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2892) recommending that H.B. No. 2166, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2166, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2893) recommending that H.B. No. 2353, H.D. 2, pass Second Reading and 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 H.B. No. 2353, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2894) recommending that H.B. No. 2480, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2480, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2895) recommending that H.B. No. 2751, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2751, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2896) recommending that H.B. No. 2787, H.D. 2, pass Second Reading and 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 H.B. No. 2787, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2897) recommending that H.B. No. 2848, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2848, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT 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," passed Second Reading and was referred to the Committee on Ways and Means.



**ORDER OF THE DAY**

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, March 13, 2002, and Thursday, March 14, 2002:

Senate  
Concurrent  
Resolution

Referred to:

No. 103 Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 113 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 118 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 124 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Tourism and Intergovernmental Affairs

No. 133 Committee on Water, Land, Energy, and Environment

No. 141 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 154 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 162 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 167 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Thursday, March 14, 2002:

Senate  
Resolution

Referred to:

No. 61 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 65 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 71 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Tourism and Intergovernmental Affairs

No. 93 Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 100 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 2352, H.D. 1, S.D. 1 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2440, H.D. 1 Jointly to the Committee on Health and Human Services and the Committee on Judiciary

**RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following concurrent resolutions that were offered:

Senate  
Concurrent  
Resolution

Referred to:

No. 12 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs

No. 127 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

**RE-REFERRAL OF  
SENATE RESOLUTION**

The Chair re-referred the following resolution that was offered:

Senate  
Resolution

Referred to:

No. 41 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 2764.

Senator Inouye noted:

“Mr. President, H.B. No. 2764, H.D. 1, is relating to conveyance tax. This changes the percentage of the conveyance tax designated to the NARs program, and it’s being asked that an appropriation of \$1 million be transferred to the homeless assistance.”

The Chair then granted the waiver.

Senator Kanno, Chair of the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 2429.

Senator Kanno noted:

“Mr. President, the bill was heard this morning jointly by the Committee on Health and Human Services and the Committee on Judiciary, and although the Committees did set a time for decision making for Judiciary for today at 1:15 and Health and Human Services for Friday at 1:00 p.m., after conferring with the Chairs, what the Chairs have decided to pursue is a proposed S.D. 1, which we’d like to schedule for a public hearing on Friday, March 22 at 9:30 in room 229.

“The bill is called, ‘Relating to Tobacco.’ The proposed S.D. 1 will include language having to implement a ban on smoking in bars and restaurants and we also have drafts available. The hearing notice was decked this morning and drafts are available in room 226 and room 202. It’s also already been posted on the Capitol website.”

The Chair then granted the waiver.

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

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

“In a letter to you several days ago, I informed you that I have the honor of being invited to Lima, Peru on basically a goodwill trip on behalf of Hawaii and the sport of surfing. While in Peru, I will be meeting with the U.S. Ambassador and I’m also giving a talk to a business association regarding development of the travel industry, and I’ll be doing a national television show about drugs and sports and how sports can be a deterrent to drug use, and also participating in the opening of a display at their newly inaugurated surfing museum.

“I have received an inquiry from not a smarmy but a snooty reporter wondering if I was going to Peru at the taxpayers’ expense. Unfortunately, I have to take the time here to put the disclaimer in for the notice of the public and my colleagues that I’m paying for the entire trip out my pocket and nothing is being done at the taxpayers’ expense.

“Thank you for this opportunity.”

#### ADJOURNMENT

At 12:22 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 21, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTY-SEVENTH DAY

## Thursday, March 21, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Marla Wade, New Grace Christian Fellowship Church, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Matsuura who were excused.

The President announced that he had read and approved the Journal of the Thirty-Sixth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 315 to 317) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 315, transmitting H.B. No. 1800, H.D. 1, which passed Third Reading in the House of Representatives on March 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1800, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 316, transmitting H.B. No. 2300, H.D. 2, which passed Third Reading in the House of Representatives on March 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2300, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

Hse. Com. No. 317, returning S.B. No. 2283, S.D. 1, which passed Third Reading in the House of Representatives on March 20, 2002, was placed on file.

## STANDING COMMITTEE REPORTS

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2898) recommending that H.B. No. 2231 pass Second Reading and 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 majority of the Committees was adopted and H.B. No. 2231, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2899) recommending that H.B. No. 1723 pass Second Reading and be referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed Second Reading and was referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2900) recommending that H.B. No. 1724 pass Second Reading and 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 H.B. No. 1724, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2901) recommending that H.B. No. 1725, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1725, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2902) recommending that H.B. No. 1727, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2903) recommending that H.B. No. 1746, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1746, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Buen, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2904) recommending that H.B. No. 1941 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1941, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2905) recommending that H.B. No. 2006, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2006, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2906) recommending that H.B. No. 2030, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2030, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2907) recommending that H.B. No. 2234, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2234, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2908) recommending that H.B. No. 2304, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2304, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2909) recommending that H.B. No. 2559, H.D. 2, pass Second Reading and 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 H.B. No. 2559, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2910) recommending that H.B. No. 2577, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2577, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2911) recommending that H.B. No. 2582, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2582, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2912) recommending that H.B. No. 1749, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1749, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2913) recommending that H.B. No. 2560, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2560, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2914) recommending that H.B. No. 1804 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1804, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2915) recommending that H.B. No. 2017, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2017, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2916) recommending that H.B. No. 2169, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2169, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2917) recommending that H.B. No. 2176, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2176, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2918) recommending that H.B. No. 2248, H.D. 1, pass Second Reading and 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 H.B. No. 2248, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2919) recommending that H.B. No. 2385 pass Second Reading and 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 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 Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2920) recommending that H.B. No. 2708, H.D. 1, pass Second Reading and 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 H.B. No. 2708, H.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO ANIMAL DISEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2921) recommending that H.B. No. 2744, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2744, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2922) recommending that H.B. No. 1878, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 1878, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2923) recommending that H.B. No. 2235, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2235, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2924) recommending that H.B. No. 1939, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 1939, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL WATER DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2925) recommending that H.B. No. 2018, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2018, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Sakamoto, for the Committee on Agriculture and the Committee on Education, presented a joint

report (Stand. Com. Rep. No. 2926) recommending that H.B. No. 2172, H.D. 1, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2172, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2927) recommending that H.B. No. 2400, H.D. 1, pass Second Reading and 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 H.B. No. 2400, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2928), recommending that S.C.R. No. 24 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. 24, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR MAINTENANCE OF BREAKWATER PURPOSES," was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2929) recommending that H.B. No. 2037, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2037, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION REFORM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2930) recommending that H.B. No. 2163, as amended in S.D. 1, pass Second Reading and 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 majority of the Committees was adopted and H.B. No. 2163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2931) recommending that H.B. No.

2851, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2851, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2932) recommending that H.B. No. 2271, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2271, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT," passed Second Reading and was referred to the Committee on Ways and Means.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 2888 (Gov. Msg. No. 236):

Senator Sakamoto moved that Stand. Com. Rep. No. 2888 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of LOIS C. MIYASHIRO to the State Post-Secondary Education Commission, term to expire June 30, 2005, seconded by Senator Chumbley.

Senator Sakamoto rose in support of the nominee and said:

"Mr. President, our Committee has reviewed her qualifications and she's worked in the schools on advisory council with inspection programs, community-based management and other things.

"There are some other remarks that I'd like to insert into the Journal and I ask the members to confirm her. Thank you."

The Chair having so ordered, Senator Sakamoto's remarks read as follows:

"Mr. President, I rise in support of gubernatorial nominee Lois Miyashiro.

"Ms. Miyashiro has all the necessary qualifications needed for reappointment to the State Post-Secondary Education Commission. She has acquired valuable experience from her involvement with the public education system in two different capacities, as a parent and as a member of the community. For many years, Ms. Miyashiro has been an active participant on the school, district and state levels. She was a member of the District School Advisory Council for the Central Oahu District for eight years, five of them as the chairperson; the Department of Education's School Inspection Program; and Aiea High School's School Community Based Management (SCBM) to name a few.

"Lois Miyashiro also has extensive experience working at the Capitol with several Senators and Representatives. Many, including colleagues and co-workers, find that Ms. Miyashiro has the knowledge, dedication and experience for the position

on the State Post-Secondary Education Commission, and the integrity and desire to help improve Hawaii's education.

"Mr. President, fellow members, I ask for your support in confirming Ms. Lois Miyashiro to the State Post-Secondary Education Commission."

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

Ayes, 18. Noes, none. Excused, 7 (Chun, Fukunaga, Ihara, Kanno, Kokubun, Matsuura, Nakata).

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 2840 and 2302, and the Chair granted the waiver.

Senator Buen, Chair of the Committee on Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 2212 and 2631.

Senator Buen noted:

"Mr. President, your Committees on Agriculture and Water, Land, Energy, and Environment held a public hearing on H.B. No. 2212, H.D. 1, on March 19, and at that time decision making was deferred. Your Committees have agreed to schedule decision making on this bill in order to meet the lateral deadline tomorrow.

"In addition, your Committee on Agriculture previously held a hearing on H.B. No. 2631 and voted to pass the bill with amendments but would like to reconsider its decision."

The Chair then granted the waiver.

Senator Nakata, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 2329.

Senator Nakata noted:

"Mr. President, there is a need to have a definition of the term managed competition."

The Chair then granted the waiver.

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. No. 12 and H.B. No. 2351, and the Chair granted the waiver.

Senator Slom rose on a point of personal privilege:

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

"I need to clear up something that was reported in the newspaper this morning. There was a letter from the University of Hawaii football coach addressed to federal Judge Ezra. In the letter, Coach Jones kept mentioning SS, and I wasn't sure whether he was referring to Germans during World War II. My initials happen to be SS, Mr. President, but I don't think he was talking about me. He was talking about someone who is about to be sentenced for a federal crime.

"He had a very interesting proposition – that the gentleman should instead be allowed to lecture in the schools to our young people. I thought that was particularly timely since we're talking about teacher certification and licensing and standards

and all that. Perhaps it is a good idea that Mr. Sukanto Sia could lecture, because he could enlighten the students on bank fraud, criminality, misuse of funds, gambling, and so forth, that he knows a lot about. And then I thought further, Mr. President, that perhaps we could then bring back Mr. Mirikitani early and he could lecture the students on ethics and the wise use of counsel and marriage as an economic tool. Perhaps one of the executives from SS Engineering could enlighten the students on the real meaning of effective political participation.

"So, I think these are things perhaps the Education Chairman would like to look into, to make sure that all of them would be currently licensed and meet all of the standards, the very high standards that we have for people teaching today.

"Thank you, Mr. President."

**ADJOURNMENT**

At 11:52 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 22, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTY-EIGHTH DAY

Friday, March 22, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Napoleon Andres, MS, St. Anthony's Church, after which the Roll was called showing all Senators present with the exception of Senators English, Ige, Ihara, Inouye and Menor who were excused.

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

Senator Kawamoto introduced and welcomed Rear Admiral Ralph D. Utley, who assumed duties as Commander of the 14<sup>th</sup> Coast Guard District in Honolulu on June 22, 2001.

At this time, President Bunda invited Admiral Utley to the podium to address the members of the Senate.

Admiral Utley addressed the Senate as follows:

"Thank you for the warm welcome. I certainly do appreciate it. It's beautiful to be here in your lovely State, and my wife and I certainly appreciate the hospitality.

"The Coast Guard and the State of Hawaii have a long history of working together, a lot better, perhaps, than almost any other state in the Union. Unlike my counterparts on the mainland who were exchanging business cards on the 11<sup>th</sup> of September, we already – we, I'm referring to the State of Hawaii, the Coast Guard and other federal agencies – had been use to working together for a long time. We convened meetings of councils that we already had in place precisely for these things, and a lot of credit goes to General Correa, who is at my side at almost every one of these meetings.

"Basically, the particular committee that I'm talking about is the Hawaiian Emergency Preparedness Executive Committee. That was already in place thanks to the forethought of my predecessor and General Correa to take care of just such instances. So we were already in place, ready to take action after the 11<sup>th</sup> of September.

"In addition to that, there are a number of other partnerships that we have. We participate fully, as do other federal agencies, in the hurricane preparedness drill that's going to happen from the 10<sup>th</sup> to the 17<sup>th</sup> of May. We, along with members of the Honolulu Police Department, Fire Department, and other state and local agencies participate in an incident command system training so that when there is some sort of disaster, whether it be manmade or natural, that we know how to work together. We've already trained; this will not be a surprise and we'll be able to do this.

"As far as homeland security is concerned, I'd just like to tell you that we've been very active here to maintain the security of the people of this great State of Hawaii, along with partnerships with the other services and the police department and fire department. As an example, we've expended 6,275 vessel hours in port security right here in the Hawaiian Islands; 529 aircraft hours; and we have inspected over 507 containers here in the port of Honolulu.

"I just want to let all of you know that it's a pleasure being a public servant in paradise. Thank you very much."

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

The Senate reconvened at 11:58 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 246 to 249) were read by the Clerk and were placed on file:

Gov. Msg. No. 246, dated March 7, 2002, transmitting a report, "Success is a Journey . . . Bring It On! – Proceedings of the 2001 Hawaii State Student Conference," pursuant to Chapter 317, HRS.

Gov. Msg. No. 247, dated March 12, 2002, transmitting the report, "Nurturing a Clean Energy Future in Hawaii: Assessing the Feasibility of the Large-Scale Utilization of Hydrogen and Fuel Cells in Hawaii," and the Progress Report on the State's Hydrogen Fuel and NELHA Gateway Projects, pursuant to Act 283, SLH 2001.

Gov. Msg. No. 248, dated March 15, 2002, transmitting the Report on Mental Health Services from the Child and Adolescent Mental Health Division, prepared by the Department of Health pursuant to Act 259, Section 33, SLH 2001.

Gov. Msg. No. 249, dated March 13, 2002, transmitting the Monthly Report for February on Expenditures for the Felix Consent Decree, Felix Special Monitor, and Felix Monitoring Project, prepared by the Department of Education pursuant to Act 259, Section 53, SLH 2001.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 318 and 319) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 318, transmitting H.C.R. No. 96, which was adopted by the House of Representatives on March 21, 2002, was placed on file.

By unanimous consent, H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE CITY OF KAPOLEI AS THE E-COMMERCE CITY OF O'AHU," was referred to the Committee on Economic Development and Technology, then to the Committee on Tourism and Intergovernmental Affairs.

Hse. Com. No. 319, returning S.B. No. 2788, which passed Third Reading in the House of Representatives on March 21, 2002, was placed on file.

## STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2933) recommending that the Senate advise and consent to the nominations of SANDRA JOY EASTLACK and DAWN YOSHIMURA SINCLAIR to the Crime Victim Compensation Commission, in accordance with Gov. Msg. No. 173.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2933 and Gov. Msg. No. 173 was deferred until Monday, March 25, 2002.



Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2934) recommending that the Senate advise and consent to the nomination of ALFRED CASTRO to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 180.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2934 and Gov. Msg. No. 180 was deferred until Monday, March 25, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2935) recommending that the Senate advise and consent to the nomination of MICHAEL E. ASAM to the Credit Union Advisory Board, in accordance with Gov. Msg. No. 181.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2935 and Gov. Msg. No. 181 was deferred until Monday, March 25, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2936) recommending that the Senate advise and consent to the nominations of KAREN Y. AKA, PH.D., and CARL T. TAKAMURA to the Education Commission of the States, in accordance with Gov. Msg. No. 182.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2936 and Gov. Msg. No. 182 was deferred until Monday, March 25, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2937) recommending that the Senate advise and consent to the nominations of LYNN C. KINNEY, SHIGEO IWAMOTO and BRIAN T. TAMAMOTO to the Board of Directors, Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 240.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2937 and Gov. Msg. No. 240 was deferred until Monday, March 25, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2938) recommending that S.C.R. No. 54 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2938 and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DESIGN AND REPORT FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTING A GRADES 6-12 CAREER AND LIFE SKILLS PROGRAM, AS A PART OF A COMPREHENSIVE CAREER DEVELOPMENT SYSTEM," was deferred until Monday, March 25, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2939) recommending that S.C.R. No. 50 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2939 and S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE WISHES OF THE LEGISLATURE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was deferred until Monday, March 25, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2940) recommending that S.R. No. 28 be adopted.

By unanimous consent, Stand. Com. Rep. No. 2940 and S.R. No. 28, entitled: "SENATE RESOLUTION DECLARING THE WISHES OF THE SENATE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," were recommitted to the Committee on Agriculture.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2941) recommending that H.B. No. 2493, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2493, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2942) recommending that H.B. No. 1726 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2943) recommending that H.B. No. 1970, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2944) recommending that H.B. No. 2009, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2009, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2945) recommending that H.B. No. 1969, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2946) recommending that H.B. No. 1842, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1842, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2947) recommending that H.B. No. 2056, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2056, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

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. 2948) recommending that H.B. No. 2761, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2949) recommending that H.B. No. 2117, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2117, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2950) recommending that H.B. No. 2305, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2305, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2951) recommending that H.B. No. 2306, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2306, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2952) recommending that H.B. No. 2308, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2308, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2953) recommending that H.B. No. 2310 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO VENUE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2954) recommending that H.B. No. 2311, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2311, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2955) recommending that H.B. No. 2317 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2317, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2956) recommending that H.B. No. 2318 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2318, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2957) recommending that H.B. No. 2387, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2387, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2958) recommending that H.B. No. 2427, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2427, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2959) recommending that H.B. No. 2437 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2437, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2960) recommending that H.B. No. 2438, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2438, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 25, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2961) recommending that H.B. No. 2563, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2563, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS," passed Second Reading and 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. 2962) recommending that H.B. No. 1858, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1858, H.D. 2, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2963) recommending that H.B. No. 682 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 682, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2964) recommending that H.B. No. 2232, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Nakata and Kim, for the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2965) recommending that H.B. No. 1772 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1772, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Menor, for the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2966) recommending that H.B. No. 1825, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and 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 Second Reading and was referred to the Committee on Judiciary.

Senators Buen and Menor, for the Committee on Agriculture and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2967) recommending that H.B. No. 2630, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2630, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2968) recommending that H.B. No. 2554 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2554, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 2710, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2970), recommending that S.C.R. No. 27 be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF THE PROBLEMS OF LEASES ON PUBLIC LANDS DUE TO EXPIRE," was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 2045, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2045, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 2192, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Menor, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2973) recommending that H.B. No. 2199, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2199, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 2451, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Buen, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 2595, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2595, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2976) recommending that H.B. No. 2832, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2832, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 1093 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1093, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 1823, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2979) recommending that H.B. No. 2349, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2349, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2980) recommending that H.B. No. 2509, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2509, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2981) recommending that H.B. No. 2580 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2580, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2982) recommending that S.C.R. No. 34, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2982 and S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," was deferred until Monday, March 25, 2002.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2983) recommending that S.R. No. 15, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2983 and S.R. No. 15, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," was deferred until Monday, March 25, 2002.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2984) recommending that S.C.R. No. 44, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2984 and S.C.R. No. 44, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was deferred until Monday, March 25, 2002.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2985) recommending that S.R. No. 25, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2985 and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was deferred until Monday, March 25, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2986) recommending that S.C.R. No. 78, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2986 and S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," was deferred until Monday, March 25, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2987) recommending that S.R. No. 37, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2987 and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," was deferred until Monday, March 25, 2002.

**ORDER OF THE DAY**

**RE-REFERRAL OF HOUSE BILL**

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 2720, H.D. 1	Committee on Ways and Means

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
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No. 103 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 121 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 137 Jointly to the Committee on Education, the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 138 Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 145 Committee on Education

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 2821.

Senator Kawamoto noted:

"Mr. President, the reason for this is that this is a bill from the House that they would like to have as part of their cost-cutting measure."

The Chair then granted the waiver.

#### STANDING COMMITTEE REPORTS

On motion by Senator Chun, seconded by Senator Hemmings and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that House bills pass Second Reading and be referred to committees. The Senate further authorized the adoption of standing committee reports recommending that House bills be referred to committees of last referral. In consequence thereof, and subsequent to its recessing at 12:07 o'clock p.m., the Senate took the following actions on the following bills and standing committee reports:

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2988) recommending that H.B. No. 2132, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2132, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2989) recommending that H.B. No. 2382, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2382, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2990) recommending that H.B. No. 2276, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2276, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata, Kawamoto and Kim, for the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2991) recommending that H.B. No. 2525, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2525, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2992) recommending that H.B. No. 1950, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2993) recommending that H.B. No. 2072, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2072, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2994) recommending that H.B. No. 2216, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2216, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH,

ALCOHOL, AND DRUG ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2995) recommending that H.B. No. 2638, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2638, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kim, for the Committee on Health and Human Services and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2996) recommending that H.B. No. 2639, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2639, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2997) recommending that H.B. No. 187, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 187, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Buen and Tam, for the Committee on Agriculture and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2998) recommending that H.B. No. 1976, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1976, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 2999) recommending that H.B. No. 2631 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2631, entitled: "A BILL FOR AN ACT

RELATING TO MEAT GRADING," passed Second Reading and 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. 3000) recommending that H.B. No. 683, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 683, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS PENALTIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3001) recommending that H.B. No. 1740, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1740, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tam and Kawamoto, for the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3002) recommending that H.B. No. 2351, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2351, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION," passed Second Reading and was referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3003) recommending that H.B. No. 2453, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2453, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," passed Second Reading and 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. 3004) recommending that H.B. No. 2454, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and 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. 3005) recommending that H.B. No. 1716, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1716, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Menor and Matsuura, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3006) recommending that H.B. No. 1761, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1761, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and 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. 3007) recommending that H.B. No. 1778, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1778, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3008) recommending that H.B. No. 2307, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2307, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC TRANSACTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3009) recommending that H.B. No. 2443, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2443, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3010) recommending that H.B. No. 2445, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and 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. 3011) recommending that H.B. No. 2450, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2450, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and 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. 3012) recommending that H.B. No. 2465, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2465, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and 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. 3013) recommending that H.B. No. 2466, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2466, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and 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. 3014) recommending that H.B. No. 2468, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2468, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed Second Reading and 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. 3015) recommending that H.B. No. 2473, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2473, H.D. 1, entitled: "A BILL FOR



AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the majority of the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3016) recommending that H.B. No. 2485, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2485, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," passed Second Reading and 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. 3017) recommending that H.B. No. 2655, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Menor and Matsuura, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3018) recommending that H.B. No. 2834, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2834, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3019) recommending that H.B. No. 870, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 870, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3020) recommending that H.B. No. 2212, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3021) recommending that H.B. No. 2249, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2249, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Kawamoto, for the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3022) recommending that H.B. No. 2298, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3023) recommending that H.B. No. 2455, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2455, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3024) recommending that H.B. No. 2549, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXTENSION OF PUBLIC LAND LEASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3025) recommending that H.B. No. 2659, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2659, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

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

3026) recommending that H.B. No. 2662, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2662, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Ways and Means.

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. 3027) recommending that H.B. No. 2002 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2002, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Matsuura, for the Committee on Water, Land, Energy, and Environment and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3028) recommending that H.B. No. 2764, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2764, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3029) recommending that H.B. No. 1751, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1751, H.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE SEX OFFENDER TREATMENT PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3030) recommending that H.B. No. 2207, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2207, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3031) recommending that H.B. No. 2429, H.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2429, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3032) recommending that H.B. No. 1730, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1730, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3033) recommending that H.B. No. 1731, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1731, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3034) recommending that H.B. No. 2158, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2158, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3035) recommending that H.B. No. 2224, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations

and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3036) recommending that H.B. No. 2301, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2301, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3037) recommending that H.B. No. 2478 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and 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 Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3038) recommending that H.B. No. 2479, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2479, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3039) recommending that H.B. No. 2527, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3040) recommending that H.B. No. 2840, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3041) recommending that H.B. No. 2843, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3042) recommending that H.B. No. 2844, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto, Kim and Kanno, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3043) recommending that H.B. No. 2167, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Inouye, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3044) recommending that H.B. No. 536, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Tam, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 3045) recommending that H.B. No. 2251, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2251, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3046) recommending that H.B. No. 2165, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2165, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and 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. 3047) recommending that H.B. No. 2449, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2449, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and 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. 3048) recommending that H.B. No. 2576, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2576, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata, Kawamoto and Kim, for the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3049) recommending that H.B. No. 2329 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2329, entitled: "A BILL FOR AN ACT RELATING TO MANAGED COMPETITION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3050) recommending that H.B. No. 2481, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2481, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs,

presented a joint report (Stand. Com. Rep. No. 3051) recommending that H.B. No. 2302, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2302, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3052) recommending that H.B. No. 2420, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2420, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3053) recommending that H.B. No. 2565, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2565, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3054) recommending that H.B. No. 1777, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1777, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Menor, for the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3055) recommending that H.B. No. 2836, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2836, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Menor, for the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, presented a

joint report (Stand. Com. Rep. No. 3056) recommending that H.B. No. 2837, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2837, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and 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. 3057) recommending that H.B. No. 2854, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2854, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3058) recommending that H.B. No. 1722, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Tam, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 3059) recommending that H.B. No. 2542, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2542, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3060) recommending that H.B. No. 2821, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2821, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report

(Stand. Com. Rep. No. 3061) recommending that H.B. No. 2352, H.D. 1, S.D. 1, as amended in S.D. 2, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2352, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 3062) recommending that H.B. No. 2752, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2752, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3063) recommending that H.B. No. 1901, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 1901, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3064) recommending that H.B. No. 2709, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3065) recommending that H.B. No. 2741, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2741, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3066) recommending that H.B. No. 2195, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2195, S.D. 1, entitled: "A BILL FOR

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AN ACT RELATING TO HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

**ADJOURNMENT**

At 8:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, March 25, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## THIRTY-NINTH DAY

Monday, March 25, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Captain Dwayne Petterson, Salvation Army, after which the Roll was called showing all Senators present with the exception of Senators English, Inouye and Kim who were excused.

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

Senator Tam, with the assistance of Senators Hanabusa, Menor, Chun Oakland, Chumbley and Hemmings, introduced and congratulated the 2002 Narcissus Queen Kuuleialoha Chun and her Court: First Princess Natalie Louie, Second Princess Sherri Seto, Third Princess Colette Ching, and Fourth Princess Kaipolani Chang. Accompanying the young women was Reuben Wong, President-elect of the Chinese Chamber of Commerce.

Senator Hogue, with the assistance of Senator Matsunaga, congratulated the University of Hawaii Men's Basketball Team on becoming the 2002 Western Athletic Conference Champions and making it to the 2002 NCAA Tournament and introduced the following representatives of the team: players Haim Shimonovich, Carl English and Predrag Savovic; Assistants Scott Rigot and Jackson Wheeler; Associate Coach Bob Nash; and Head Coach Riley Wallace.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

## STANDING COMMITTEE REPORTS

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3067) recommending that S.C.R. No. 36 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3067 and S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KIILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was deferred until Wednesday, March 27, 2002.

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3068) recommending that S.R. No. 16 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3068 and S.R. No. 16, entitled: "SENATE RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KIILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was deferred until Wednesday, March 27, 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. 3069) recommending that H.B. No. 2723, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2723, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 27, 2002.

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

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

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 2933 (Gov. Msg. No. 173):

Senator Kanno moved that Stand. Com. Rep. No. 2933 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Crime Victim Compensation Commission of the following:

SANDRA JOY EASTLACK, terms to expire June 30, 2002 and June 30, 2006; and

DAWN YOSHIMURA SINCLAIR, term to expire June 30, 2003,

seconded by Senator Matsuura.

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

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2934 (Gov. Msg. No. 180):

Senator Menor moved that Stand. Com. Rep. No. 2934 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of ALFRED CASTRO to the State Boxing Commission of Hawai'i, term to expire June 30, 2006, seconded by Senator Matsunaga.

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

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2935 (Gov. Msg. No. 181):

Senator Menor moved that Stand. Com. Rep. No. 2935 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of MICHAEL E. ASAM to the Credit Union Advisory Board, term to expire June 30, 2006, seconded by Senator Matsunaga.

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

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2936 (Gov. Msg. No. 182):

Senator Sakamoto moved that Stand. Com. Rep. No. 2936 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Education Commission of the States of the following:

CARL T. TAKAMURA, term to expire June 30, 2004; and

KAREN Y. AKA, PH.D., term to expire June 30, 2006,

seconded by Senator Chumbley.

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

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2937 (Gov. Msg. No. 240):

Senator Sakamoto moved that Stand. Com. Rep. No. 2937 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Board of Directors, Research Corporation of the University of Hawai'i of the following:

LYNN C. KINNEY, term to expire June 30, 2005; and

SHIGEO IWAMOTO and BRIAN T. TAMAMOTO, terms to expire June 30, 2006,

seconded by Senator Chumbley.

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

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

#### **ADOPTION OF RESOLUTIONS**

#### **MATTERS DEFERRED FROM FRIDAY, MARCH 22, 2002**

Stand. Com. Rep. No. 2938 (S.C.R. No. 54):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DESIGN AND REPORT FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTING A GRADES 6-12 CAREER AND LIFE SKILLS PROGRAM, AS A PART OF A COMPREHENSIVE CAREER DEVELOPMENT SYSTEM," was adopted.

Stand. Com. Rep. No. 2939 (S.C.R. No. 50):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE WISHES OF THE LEGISLATURE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was adopted.

Stand. Com. Rep. No. 2982 (S.C.R. No. 34, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," was adopted.

Stand. Com. Rep. No. 2983 (S.R. No. 15, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.R. No. 15, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," was adopted.

Stand. Com. Rep. No. 2984 (S.C.R. No. 44, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 44, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was adopted.

Stand. Com. Rep. No. 2985 (S.R. No. 25, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was adopted.

Stand. Com. Rep. No. 2986 (S.C.R. No. 78, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," was adopted.

Stand. Com. Rep. No. 2987 (S.R. No. 37, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE



QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," was adopted.

### THIRD READING

H.B. No. 2493, H.D. 1:

On motion by Senator Chun, seconded by Senator Kokubun and carried, H.B. No. 2493, H.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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 1726:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 1970, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 1970, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2009, H.D. 1, S.D. 1:

On motion by Senator Buen, seconded by Senator Chun and carried, H.B. No. 2009, H.D. 1, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2117, H.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2117, H.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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2305, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2305, H.D. 1, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2306, H.D. 2:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2306, H.D. 2, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2308, H.D. 2:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2308, H.D. 2, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2310:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2310, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2317:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2317, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2318:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2318, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2387, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2387, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2427, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2427, H.D. 1, S.D. 1, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2437:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2437, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2438, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2438, H.D. 1, 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, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

### RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill                      Referred to:

No. 1900, H.D. 1            Jointly to the Committee on Health and Human Services, the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing

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

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

"Mr. President, tomorrow, March 26, marks Kuhio Day, and contrary to the popular belief, Prince Kuhio, even though he had a federal building and a highway named after him, is from Kauai. He was born Prince Jonah Kuhio Kalaniana'ole and he served as the Territory of Hawaii's delegate to Congress from 1903 to 1921.

"In addition to being the delegate from Hawaii, he, along with Mr. John Wise, John Lane, and Noah Aluli formed the first Hawaiian Civic Club in 1917 to stimulate civic efforts and education within the Hawaiian community and promote Hawaiian culture – all this from a person from Kauai.

"Mr. President, it is with great honor that we consider Prince Kuhio a Prince from Kauai, but more importantly, Mr. President, he was the citizen's Prince, because as a leader of the people, he championed the Hawaiian Homes Commission Act which provided homesteads for native Hawaiians. In fact, it was the Prince's dream to save the rapidly declining Hawaiian race from extinction and his plan really was to return dwellers, native Hawaiian dwellers to the land and encourage them to be self-sufficient farmers, ranchers and homesteaders on lease parcels of reserved land.

"So Mr. President, it is for these reasons that we honor Prince Kuhio, not because he was a Prince that was born on Kauai from the royal line, but because of his hard work and dedication to the people of Hawaii to save the Hawaiian race and the Hawaiian culture. So it's a great honor, and I would like to announce and have people be aware that it is not just a holiday, it is a day to honor and to respect this great man.

"Thank you, Mr. President."

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

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

"I would like to follow-up on the wonderful words that characterize the Prince from the separate kingdom of Kauai and acknowledge all the wonderful work he did on behalf of the people of Hawaii.

"I also want to go on record with a little omission on the part of the good Senator from Kauai that the wonderful man that we're celebrating tomorrow, who did so much for the Hawaii people and the Kingdom of Hawaii and subsequently the Territory of Hawaii, was a member of the Republican Party, and for that we're very proud."

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

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

"I'd just like to note for the record, Mr. President, that Prince Kuhio Elementary School is in my district and that the Senator from Kauai is welcome to come every year to the celebration of the Prince's birthday at the school."

Senator Chun rose again and said:

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

"I'm very, very happy that the Republican Party has one person at least to honor in Hawaii."

Senator Slom rose on a point of personal privilege and stated:

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

"One of the few good bits of economic news we have recently has to do with our two local interisland air carriers.

"Despite all of the gloom and doom that we were exposed to during the proposed merger in terms that if the merger did not go through, the world as we knew it would end and it would be disaster and so forth, we're very happy to note and to acknowledge that both airlines now have indicated that they are going to be rehiring. Both airlines have indicated that they're going to be increasing their routes. Both airlines have indicated that they will be reaching out beyond Hawaii. But both airlines will still remain local Hawaiian companies.

"So, we're very happy about that and again it shows the wisdom of the position of the Senate.

"Thank you, Mr. President."

### ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 27, 2002.

## FORTIETH DAY

**Wednesday, March 27, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Edward Robinson, Central Union Church, after which the Roll was called showing all Senators present with the exception of Senator Hemmings who was excused.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

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

Senator Tam introduced the following individuals representing community non-profit organizations focusing on diverse economic assistance programs for Hawaii's people: Peter Apo, Hawaii Alliance for Arts Foundation; Dr. Tin Myaing Thein, Pacific Gateway Center; Judy Sobin, Volunteer Legal Services of Hawaii; Sarah Richards, Hawaii Theatre Center; Emma Wright, Papakolea Community Association; Adrienne Dillard, Kula No Na Po'e Hawai'i; and Tom Smythe, Department of Business, Economic Development and Tourism. Also recognized was Paige Barber of the Nanakuli Neighborhood Community Housing Service, Inc., who was not present.

Senators Chumbley, Taniguchi and Kanno then introduced and congratulated Camille Coates, Hawaii's Junior Miss 2002; Nikki-Ann Guevarra, First Runner-Up; and Remy Minami, Second Runner-Up.

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

The Senate reconvened at 12:22 o'clock p.m.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 250, advising the Senate of the withdrawal of the nomination of VIRGINIA H. GOLDSTEIN to the Board of Land and Natural Resources, under Gov. Msg. No. 234, dated March 7, 2002, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 250, the nomination listed under Gov. Msg. No. 234 was returned.

**SENATE COMMUNICATION**

Sen. Com. No. 2, notice to the Governor dated March 27, 2002, transmitting H.B. No. 2033, H.D. 3, S.D. 1; and H.B. No. 2848, S.D. 1, 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:

"March 27, 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. 2033, H.D. 3, S.D. 1  
'RELATING TO EDUCATION.'

H.B. NO. 2848, S.D. 1  
'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 Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3070) recommending that H.B. No. 1011, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1011, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3071) recommending that H.B. No. 1764 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3072) recommending that H.B. No. 2120, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2120, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3073) recommending that H.B. No. 2613 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and 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 Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3074), recommending that S.C.R. No. 9 be referred to the Committee on Judiciary

On motion by Senator English, seconded by Senator Hogue 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 referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3075), recommending that S.C.R. No. 55 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3076), recommending that S.R. No. 30 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 30, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3077) recommending that S.C.R. No. 43 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3077 and S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET," was deferred until Thursday, March 28, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3078) recommending that S.R. No. 24 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3078 and S.R. No. 24, entitled: "SENATE RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET," was deferred until Thursday, March 28, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3079) recommending that S.C.R. No. 45 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3079 and S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," was deferred until Thursday, March 28, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3080) recommending that S.R. No. 26 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3080 and S.R. No. 26, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," was deferred until Thursday, March 28, 2002.

Senators Kanno and Kawamoto, for the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3081) recommending that H.B. No. 1542, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1542, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3082) recommending that the Senate advise and consent to the nominations of WAYNE H. KIMURA and JANET K. KAWELO to the Public Utilities Commission, in accordance with Gov. Msg. No. 237.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3082 and Gov. Msg. No. 237 was deferred until Thursday, March 28, 2002.

#### ORDER OF THE DAY

#### ADOPTION OF RESOLUTIONS

**MATTERS DEFERRED FROM  
MONDAY, MARCH 25, 2002**

Stand. Com. Rep. No. 3067 (S.C.R. No. 36):

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KIILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was adopted.

Stand. Com. Rep. No. 3068 (S.R. No. 16):

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 16, entitled: "SENATE RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KIILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was adopted.

**THIRD READING**

H.B. No. 2723, H.D. 2, S.D. 1:

On motion by Senator Inouye, seconded by Senator Kim and carried, H.B. No. 2723, H.D. 2, 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, 20. Noes, 2 (Hogue, Slom). Excused, 3 (Fukunaga, Hanabusa, Hemmings).

**ADJOURNMENT**

At 12:28 o'clock p.m., on motion by Senator English, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 28, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FORTY-FIRST DAY

**Thursday, March 28, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Gerald Chinen, Well Spring Covenant, after which the Roll was called showing all Senators present with the exception of Senators Hemmings and Matsuura who were excused.

The President announced that he had read and approved the Journal of the Fortieth Day.

Senator Matsunaga introduced and congratulated the following winners of the 2002 Spark Matsunaga World Peace Poster Contest: Tanya Ferreira, grand prize winner; and Charissa Wittig, Chelsey Kaneshiro and Reyn Nishizuka, merit winners. Accompanying the winners were the following sponsors of the Peace with Aloha Calendars: Patty Jo Chong, AT&T; Bernard Ho, HMSA; Jon Yoshimura, Honolulu City Council; and Lt. Governor Mazie Hirono.

Senator Kawamoto then introduced Admiral Dennis C. Blair, Commander in Chief, U.S. Pacific Command, and his wife, Diane, and expressed the Senate's sincere appreciation to both of them for fostering successful partnerships between the military community and the State of Hawaii.

At this time, President Bunda invited Admiral Blair to the podium to address the members of the Senate.

Admiral Blair addressed the Senate as follows:

"I certainly have to thank President Bunda and Senator Kawamoto for arranging this presentation. It's been about 3½ years since you welcomed Diane and me here in Hawaii and this is, for us, our third time living here. I was here as a youngster going to Kainalu Elementary school . . . going to school barefoot. I was again here as a naval station commander and now as the CINC.

"For those of you who've lived in Hawaii all your lives, I can tell you you're truly blessed. You have a beautiful state and a population of very patriotic Americans and it's a pleasure to have shared your island.

"During these past three years, we've been through a lot of good times and we've been through some tough times together. Your university defeated both my alma maters – the Naval Academy and the Air Force Academy – at the Aloha Stadium. The Navy loss was particularly difficult, although it was a thrilling game, because I lost a bet to Senator Kawamoto at the time and I had to pay up. (Laughter.)

"I had the pleasure of being able to fire the gun and run in three Great Aloha Runs and what a wonderful event that is, with our men and women in uniform running in formation and all of the citizens of Hawaii running side-by-side. It's just a fantastic event.

"On the sadder side, there was the collision of one of our submarines, the Greenville, last year with the Ehime Maru ship. Although that was a tragic event, in the end I believe it showed the strength of our relationship with Japan on many levels, because dealing with the aftermath of that was not only the responsibility of the Armed Forces of the United States and the Navy, but the people and the government of Hawaii stepped

forward in order to reach out to Japan and do everything that we could following that event.

"I participated in three Hawaii military appreciation celebrations. I've seen a lot of them around the country and no state does it better than Hawaii – thank you very much. That wonderful medal ceremony and parade for our Medal of Honor winners . . . it was heartwarming to see Hawaii's AJAs, our other World War II veterans, receive their long denied recognition, including our own Senator Inouye.

"And then there was the 11<sup>th</sup> of September and those in Hawaii I think particularly felt that attack not only because of our legacy but because of the Hawaiians who were there in the World Trade Center and some who were in the Pentagon who had served here in Hawaii. And as Senator Kawamoto mentioned, that event really pulled us together and I think we made this state as safe as any place in the United States following that.

"And then, finally, the 60<sup>th</sup> anniversary of the Pearl Harbor attack last year . . . a tremendous celebration. Many of the veterans returning with their families and a chance for all of us to say thank you to that great generation.

"I'd also like to thank the Senate for their help in the past three Sessions, especially those of Senator Kawamoto and Senator Sakamoto. Thank you very much for your strong leadership. I believe that working together, we in the armed forces and you in the Legislature of Hawaii have been able to make this a better place not only for those of us who wear the uniform and live here for a few years, but for all members of this great State.

"I know that my successor who's been nominated, Admiral Fargo, is no stranger to you. He's been part of your State for two years. He and his wife Sarah feel about Hawaii the way Diane and I feel about it, and I'm sure we will have this same sort of strong partnership that we've had in the past.

"So as I said, it was an honor to be welcomed by you three years ago; it's an honor to say aloha again to you now. Diane and I are deeply honored that you did this. We leave the islands, but we will retain the 'aloha spirit' forever. We will be a haole couple in Virginia in the immediate future – we'll take off our shoes before we enter the house; if you listen to our stereo there'll be Braddah Iz and Pure Heart being played; we've got that Sam Choy's cookbook out on our desk; and if you come visit us, we'll be glad to set you up with a nice plate lunch. (Laughter.)

"Mahalo nui loa, my friends, thank you very much."

Senator Kanno, in recognition of Prevent Child Abuse Hawaii's 20<sup>th</sup> anniversary, introduced the following individuals: Chuck Braden, Aileen Deese, Jennifer Murphy and Stacey Christianson.

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

## HOUSE COMMUNICATION

Hse. Com. No. 320, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1970 (S.D. 1);  
 H.B. No. 2009, H.D. 1 (S.D. 1);  
 H.B. No. 2305, H.D. 1 (S.D. 1);  
 H.B. No. 2387, H.D. 1 (S.D. 1);  
 H.B. No. 2427, H.D. 1 (S.D. 1); and  
 H.B. No. 2438, H.D. 1 (S.D. 1),

was read by the Clerk and was placed on file.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3082 (Gov. Msg. No. 237):

Senator Menor moved that Stand. Com. Rep. No. 3082 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Public Utilities Commission of the following:

WAYNE H. KIMURA, terms to expire June 30, 2002, and June 30, 2008; and

JANET K. KAWELO, term to expire June 30, 2006,

seconded by Senator Matsunaga.

Senator Menor rose in favor of the nominees and said:

“Mr. President, I rise to speak in favor of Gov. Msg. No. 237.

“Mr. President, it’s a great pleasure for me to recommend to this body the confirmation of Wayne Kimura and Janet Kawelo to the positions on the Public Utilities Commission. As my colleagues are aware, both Mr. Kimura and Ms. Kawelo are exceptionally qualified individuals and are well recognized and experienced public servants in government for many years.

“Wayne Kimura has had very impressive professional experience which includes working as a budget analyst and researcher for the Senate Ways and Means Committee, program budget analyst for the former Department of Social Services and Housing, acting program budget analysis administrator for the Department of Budget and Finance, acting business services officer in the Lieutenant Governor’s Office, and as a planning and policy analyst in the Governor’s Office. More recently, Mr. Kimura served as Deputy Director of the Department of Budget and Finance and State Comptroller.

“Our other nominee, Janet Kawelo, also has a very distinguished record of government and private sector experience. For 14 years she was a research officer in the economic research division of First Hawaiian Bank. Using her expertise in economics, Ms. Kawelo helped the Senate Committee on Ways and Means draft and implement two constitutional amendments aimed at containing government spending via an expenditure ceiling. For eight years, the nominee worked as a researcher in the Lieutenant Governor’s Office then served as head researcher for the Governor. More recently, she served as Deputy Director of the Department of Land and Natural Resources.

“I would also like to add, Mr. President, that both of our nominees are currently serving as interim PUC commissioners and I have been informed that they have been doing an excellent job in those positions.

“There’s no question that the Public Utilities Commission will be facing some very complex and difficult issues in the future, but I’m confident, Mr. President, that both of our nominees will be up to the challenge of addressing these issues effectively on behalf of the people of Hawaii in that very important regulatory body.

“So, in that regard, I ask all of my colleagues to join me in supporting the confirmation of both of these gubernatorial nominees to the Public Utilities Commission.

“Thank you, Mr. President.”

Senator Slom rose in support of the nominees and said:

“Mr. President, I, too, rise on behalf of the Minority to give our support to the nominees, Mr. Kimura and Ms. Kawelo.

“I’ve known Ms. Kawelo for quite some time when we used to work across the street from each other – she at the bank that always said yes, unless you wanted a mortgage then they said no (laughter), and me at Bank of Hawaii. So I know her quite lengthy skills and diversification.

“We are very happy to support these nominees, but we will also tell you we will continue to hold your feet to the fire because we expect to see better things come from the Public Utilities Commission.

“Thank you, Mr. President.”

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

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

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM WEDNESDAY, MARCH 27, 2002

Stand. Com. Rep. No. 3077 (S.C.R. No. 43):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 43, entitled: “SENATE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET,” was adopted.

Stand. Com. Rep. No. 3078 (S.R. No. 24):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 24, entitled: “SENATE RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET,” was adopted.

Stand. Com. Rep. No. 3079 (S.C.R. No. 45):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 45, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY’S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS

TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," was adopted.

Stand. Com. Rep. No. 3080 (S.R. No. 26):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 26, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," was adopted.

#### RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 57, H.D. 2	Committee on Judiciary
No. 2065, H.D. 1	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 58	Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 154	Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing

#### ADJOURNMENT

At 12:43 o'clock p.m., on motion by Senator English, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 1, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate



## FORTY-SECOND DAY

Monday, April 1, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Major George Rodriguera, Salvation Army, after which the Roll was called showing all Senators present with the exception of Senator Hemmings who was excused.

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

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

Senator Sakamoto, with the assistance of Senators Tam, Chun and Taniguchi, congratulated Aliamanu Middle School, Holy Family Catholic Academy, Central Middle School, Waimea High School and Noelani Elementary School for being selected as Blue Ribbon Schools in Hawaii by the United States Department of Education and introduced the following representatives of each school: Patricia Park, Aliamanu Middle School; Kehau Miyamoto and Mary Beth Beale, Holy Family Catholic Academy; Penelope Tom, Central Middle School; William Arakaki, Waimea High School; and Mike Ono, Noelani Elementary School.

Senator Chun Oakland, with the assistance of Senators Ihara, Chumbley, Fukunaga, Ige and Matsunaga, introduced and congratulated the following YWCA 2002 Silver Anniversary Leader Luncheon Honorees: Sandra Au Fong; Caroline Ward Oda; Nalani Olds; Constance Lau representing American Savings Bank; and Leona Jona representing KNDI Radio.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 251 to 253) were read by the Clerk and were placed on file:

Gov. Msg. No. 251, dated March 22, 2002, transmitting the 2001 Progress Report: Implementation of the ARTS FIRST Hawaii's Arts Education Strategies Plan, prepared by the State Foundation on Culture and the Arts.

Gov. Msg. No. 252, dated March 25, 2002, transmitting the Aboveground Storage Tank Study in Campbell Industrial Park, prepared by Dixon Risk Services, Inc., for the Department of Health.

Gov. Msg. No. 253, dated March 25, 2002, transmitting a Report on the Activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response, and Use of the Environmental Response Revolving Fund, prepared by the Department of Health pursuant to Chapters 128D and 128E, HRS.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 321 to 323) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 321, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2723, H.D. 2, (S.D. 1), was placed on file.

Hse. Com. No. 322, returning S.B. No. 748, which passed Third Reading in the House of Representatives on March 28, 2002, was placed on file.

Hse. Com. No. 323, transmitting H.C.R. No. 160, which was adopted by the House of Representatives on March 28, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 160, entitled: "HOUSE 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 deferred until Tuesday, April 2, 2002.

## STANDING COMMITTEE REPORTS

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3083) recommending that H.B. No. 1768, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1768, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 3, 2002.

Senators Kawamoto, Tam and Kim, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3084) recommending that S.C.R. No. 12, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3084 and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT," was deferred until Tuesday, April 2, 2002.

At 12:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

**ORDER OF THE DAY**

**THIRD READING**

H.B. No. 1011, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 1011, H.D. 1, S.D. 1, 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, 23. Noes, none. Excused, 2 (Hemmings, Matsuura).

H.B. No. 1764:

By unanimous consent, action on H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was deferred until Tuesday, April 2, 2002.

H.B. No. 2120, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 2120, H.D. 1, 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, 23. Noes, none. Excused, 2 (Hemmings, Matsuura).

H.B. No. 2613:

On motion by Senator Kanno, seconded by Senator Chun 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1542, H.D. 1:

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, H.B. No. 1542, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

**ADJOURNMENT**

At 12:23 o'clock p.m., on motion by Senator English, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 2, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FORTY-THIRD DAY

**Tuesday, April 2, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:53 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Edgar Brillantes, St. John the Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Hemmings and Matsuura who were excused.

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

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

Senators Sakamoto and Hanabusa introduced and congratulated the following recipients of the Milken Family Foundation National Educator Awards: Herman Leong, Radford High School; and Robin Kitsu, Nanakuli High and Intermediate School. Also recognized was Georgia Goeas, Konawaena Middle School, who was not present.

Senator Tam recognized and commended the Reverend Yoko Asada for her many contributions to Hawaii as Associate Pastor of Nuuanu Congregational Church. Accompanying the honoree was the Reverend Fujita.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 324 to 332) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 324, returning S.B. No. 99, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 99, and requested a conference on the subject matter thereof.

Hse. Com. No. 325, returning S.B. No. 331, S.D. 2, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 331, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 326, returning S.B. No. 859, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 859, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 327, returning S.B. No. 2046, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2046, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 328, returning S.B. No. 2290, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2290, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 329, returning S.B. No. 2692, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

Hse. Com. No. 330, returning S.B. No. 2727, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

Hse. Com. No. 331, returning S.B. No. 2728, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

Hse. Com. No. 332, returning S.B. No. 2734, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

## STANDING COMMITTEE REPORTS

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3085) recommending that S.C.R. No. 110 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3085 and S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was deferred until Wednesday, April 3, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3086) recommending that S.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3086 and S.R. No. 60, entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was deferred until Wednesday, April 3, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3087) recommending that S.R. No. 28 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3087 and S.R. No. 28, entitled: "SENATE RESOLUTION DECLARING THE WISHES OF THE SENATE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND

THEIR COMPONENTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3088) recommending that S.C.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3088 and S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3089) recommending that S.C.R. No. 65 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3089 and S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3090) recommending that S.C.R. No. 71 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3090 and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3091) recommending that S.R. No. 33 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3091 and S.R. No. 33, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3092) recommending that S.C.R. No. 75, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3092 and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3093) recommending that S.C.R. No. 102 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3093 and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3094) recommending that S.R. No. 59 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3094 and S.R. No. 59, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was deferred until Wednesday, April 3, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3095) recommending that H.C.R. No. 88 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3095 and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3096) recommending that the Senate advise and consent to the nominations of DEAN T. AOKI, HAROLD R. DECOSTA, CHARLES W. FLEMING, DEAN M. GEORGIEV, STEPHEN G. LARACUENTE and CHRISTINA M. PILKINGTON to the Disability and Communication Access Board, in accordance with Gov. Msg. No. 230.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3096 and Gov. Msg. No. 230 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3097) recommending that the Senate advise and consent to the nominations of WINNIFRED AOKI, DONNA M. BUHRMAN, J. COURTNEY FITZSIMMONS, RANDOLPH C. HACK, FRANCINE M.L. KENYON, KEVIN KIMURA, VIRGINIA M. KLINE, ALISA MITCHENER, CHARLOTTE GEORGE SMITH, ANDRICK C. TONG and LINDA WONG to the Statewide Independent Living Council, in accordance with Gov. Msg. No. 233.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3097 and Gov. Msg. No. 233 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3098) recommending that the Senate advise and consent to the nominations of SANDRA LEE KOFEL, KATHLEEN DELAHANTY, DOROTHY (NANI) FIFE and JOANNE H. KEALOHA to the State Rehabilitation Council, in accordance with Gov. Msg. No. 238.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3098 and Gov. Msg. No. 238 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3099) recommending that the Senate advise and consent to the nomination of ROSEMARY C. ADAM-TEREM, PH.D., to the

Reproductive Rights Protection Committee, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3099 and Gov. Msg. No. 239 was deferred until Wednesday, April 3, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3100) recommending that the Senate advise and consent to the nomination of ALLAN L. PARKER to the Hoisting Machine Operators Advisory Board, in accordance with Gov. Msg. No. 232.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3100 and Gov. Msg. No. 232 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3101), recommending that S.C.R. No. 16 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3102), recommending that S.C.R. No. 69 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3103), recommending that S.C.R. No. 88, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 88, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF OPTOMETRIC THERAPY LAWS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Nakata and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3104), recommending that S.C.R. No. 103, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted 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 referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3105), recommending that S.C.R. No. 140 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 140, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE WHETHER THE STATE IS RECEIVING A PROPORTIONATE SHARE OF MEDICARE REIMBURSEMENTS," was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3106), recommending that S.C.R. No. 177 be referred to the Committee on Education.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 177, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL ACCREDITED POST-SECONDARY MEDICAL AND HEALTHCARE EDUCATION PROGRAMS IN HAWAII TO OFFER COURSES IN PALLIATIVE CARE," was referred to the Committee on Education.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3107), recommending that S.C.R. No. 178 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 178, 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 referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3108) recommending that S.R. No. 47 be adopted.

By unanimous consent, Stand. Com. Rep. No. 3108 and S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS," were recommitted to the Committee on Health and Human Services.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3109), recommending that S.C.R. No. 39, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3110), recommending that S.R. No. 19, as amended in S.D. 1, be referred to the Committee on Ways and Means.

No. 160 Committee on Tourism and Intergovernmental Affairs

**RE-REFERRAL OF  
SENATE RESOLUTION**

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was referred to the Committee on Ways and Means.

The Chair re-referred the following resolution that was offered:

Senate Resolution Referred to:

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3111), recommending that S.C.R. No. 79, as amended in S.D. 1, be referred to the Committee on Ways and Means.

No. 53 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs

**ADJOURNMENT**

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted 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 referred to the Committee on Ways and Means.

At 12:34 o'clock p.m., on motion by Senator English, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 3, 2002.

Respectfully submitted,

**ORDER OF THE DAY**

Clerk of the Senate

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM  
MONDAY, APRIL 1, 2002**

Approved:

Stand. Com. Rep. No. 3084 (S.C.R. No. 12, S.D. 1):

President of the Senate

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT," was adopted.

**THIRD READING**

**MATTER DEFERRED FROM  
MONDAY, APRIL 1, 2002**

H.B. No. 1764:

By unanimous consent, H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was recommitted to the Committee on Judiciary.

**REFERRAL OF  
HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM  
MONDAY, APRIL 1, 2002**

The President made the following committee assignment of a concurrent resolution that was received on Monday, April 1, 2002:

House Concurrent Resolution Referred to:

## FORTY-FOURTH DAY

Wednesday, April 3, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:53 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Sam Slom, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Hemmings and Matsuura who were excused.

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

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

Senator Sakamoto, on behalf of President Bunda, recognized Waialua Elementary School Second Grade Teacher Jill Hirota and congratulated her on being named the 2002 Hawaii State Teacher of the Year. Ms. Hirota was not able to be present.

Senators Chun, Nakata, Chun Oakland, Kokubun, Buen and Kanno then introduced and congratulated the following individuals who were named District Teachers of the Year: Leah Aiwohi, Chiefess Kamakaha Middle School; Lani Chang, Waiahole Elementary School; Aileen Dang, Kalakaua Middle School; Helen Kobayashi, Waiakea High School; Janet Sato, Baldwin High School; and Linda Uehara, Kapolei Middle School.

Senator Hanabusa introduced John Kahoonahano and Paige Barber representing the Nanakuli Neighborhood Housing Services, Inc., and commended them on their efforts to promote home ownership.

Senator Chumbley, on behalf of Senator Buen, Senator English, and himself, introduced Masaru "Pundy" Yokouchi and commended him for his devotion and countless contributions to the world of arts and for his tireless efforts to make the arts accessible to all of the people of Hawaii.

At 12:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 o'clock p.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 254, dated March 29, 2002, transmitting the Coastal Zone Management Annual Report for Fiscal Year Ending June 30, 2001, prepared by the Department of Business, Economic Development and Tourism, Office of Planning, pursuant to Section 205A-3, HRS, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 333 to 341) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 333, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1011, H.D. 1 (S.D. 1); and  
H.B. No. 2120, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 334, transmitting H.C.R. No. 103, H.D. 1, which was adopted by the House of Representatives on April 2, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was deferred until Thursday, April 4, 2002.

Hse. Com. No. 335, transmitting H.C.R. No. 123, which was adopted by the House of Representatives on April 2, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 123, entitled: "HOUSE 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 deferred until Thursday, April 4, 2002.

Hse. Com. No. 336, transmitting H.C.R. No. 190, which was adopted by the House of Representatives on April 2, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Thursday, April 4, 2002.

Hse. Com. No. 337, returning S.B. No. 2498, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2498, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 338, returning S.B. No. 410, S.D. 3, which passed Third Reading in the House of Representatives on April 2, 2002, was placed on file.

Hse. Com. No. 339, returning S.B. No. 2341, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 2002, was placed on file.

Hse. Com. No. 340, returning S.B. No. 2518, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 2002, was placed on file.

Hse. Com. No. 341, returning S.B. No. 2725, which passed Third Reading in the House of Representatives on April 2, 2002, was placed on file.

#### JUDICIARY COMMUNICATION

Jud. Com. No. 3, submitting for consideration and consent, the nomination of PAUL T. MURAKAMI to the Office of Judge, District Family Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

#### STANDING COMMITTEE REPORTS

Senators Chun and Matsuura, for the Committee on Hawaiian Affairs and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 3112) recommending that S.C.R. No. 15, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3112 and S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP OF REPRESENTATIVES FROM HAWAIIAN ORGANIZATIONS, THE DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE DEPARTMENT OF HEALTH TO FORM A COALITION TO PROVIDE BETTER ACCESS TO STATE VITAL STATISTICS RECORDS," was deferred until Thursday, April 4, 2002.

Senator Inouye, for the majority of the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3113) recommending that the Senate advise and consent to the nominations of MEREDITH J. CHING and CLAYTON W. DELA CRUZ to the Commission on Water Resource Management, in accordance with Gov. Msg. No. 177.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3113 and Gov. Msg. No. 177 was deferred until Thursday, April 4, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3114) recommending that the Senate advise and consent to the nominations of PRAVIN DESAI, STEVEN LEE MONTGOMERY, PH.D., and RANDALL F. SAKUMOTO to the Land Use Commission, in accordance with Gov. Msg. No. 186.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3114 and Gov. Msg. No. 186 was deferred until Thursday, April 4, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3115) recommending that H.B. No. 1842, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3115 and H.B. No. 1842, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3116) recommending that H.B. No. 2056, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3116 and H.B. No. 2056, H.D. 2, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO SOCIAL WORK," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3117) recommending that H.B. No. 2169, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3117 and H.B. No. 2169, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3118) recommending that H.B. No. 2467 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3118 and H.B. No. 2467, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3119) recommending that H.B. No. 1941 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3119 and H.B. No. 1941, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3120) recommending that H.B. No. 2514 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3120 and H.B. No. 2514, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," was deferred until Friday, April 5, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3121), recommending that S.C.R. No. 173 be referred to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 173, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was referred to the Committee on Economic Development and Technology.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3122), recommending that S.R. No. 108 be referred to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU,"



was referred to the Committee on Economic Development and Technology.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3123), recommending that S.C.R. No. 98, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A NEW DOCKET CONCERNING STANDBY CHARGES APPLICABLE TO NON-UTILITY DISTRIBUTED ENERGY RESOURCES AND CUSTOMER RETENTION DISCOUNTS OFFERED BY PUBLIC UTILITIES," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3124), recommending that S.R. No. 38, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted 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 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. 3125) recommending that H.B. No. 1713, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3126) recommending that H.B. No. 1715, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1715, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3127) recommending that H.B. No. 2315, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2315, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3128) recommending that H.B. No. 2817, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2817, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3129) recommending that H.B. No. 1864, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3129 and H.B. No. 1864, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3130) recommending that H.B. No. 2266, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3130 and H.B. No. 2266, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3131) recommending that H.B. No. 2426, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3131 and H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3132) recommending that H.B. No. 2433, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3132 and H.B. No. 2433, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3133) recommending that H.B. No. 2496, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3133 and H.B. No. 2496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3134) recommending that H.B. No. 2507, H.D. 3, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3134 and H.B. No. 2507, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3135) recommending that H.B. No. 2537, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3135 and H.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3136) recommending that H.B. No. 2550, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3136 and H.B. No. 2550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3137) recommending that H.B. No. 2832, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3137 and H.B. No. 2832, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Friday, April 5, 2002.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3096 (Gov. Msg. No. 230):

Senator Buen moved that Stand. Com. Rep. No. 3096 be received and placed on file, seconded by Senator English and carried.

Senator Buen then moved that the Senate advise and consent to the nominations of DEAN T. AOKI, HAROLD R. DECOSTA, CHARLES W. FLEMING, DEAN M. GEORGIEV, STEPHEN G. LARACUENTE and CHRISTINA M. PILKINGTON to the Disability and Communication Access Board, terms to expire June 30, 2006, seconded by Senator English.

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

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

Stand. Com. Rep. No. 3097 (Gov. Msg. No. 233):

Senator Buen moved that Stand. Com. Rep. No. 3097 be received and placed on file, seconded by Senator English and carried.

Senator Buen then moved that the Senate advise and consent to the nominations of WINNIFRED AOKI, DONNA M. BUHRMAN, J. COURTNEY FITZSIMMONS, RANDOLPH C. HACK, FRANCINE M.L. KENYON, KEVIN KIMURA, VIRGINIA M. KLINE, ALISA MITCHENER, CHARLOTTE GEORGE SMITH, ANDRICK C. TONG and LINDA WONG to the Statewide Independent Living Council, terms to expire June 30, 2005, seconded by Senator English.

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

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

Stand. Com. Rep. No. 3098 (Gov. Msg. No. 238):

Senator Buen then moved that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

SANDRA LEE KOFEL, term to expire June 30, 2004; and

KATHLEEN DELAHANTY, DOROTHY (NANI) FIFE and JOANNE H. KEALOHA, terms to expire June 30, 2005,

seconded by Senator English.

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

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

Stand. Com. Rep. No. 3099 (Gov. Msg. No. 239):

Senator Buen moved that Stand. Com. Rep. No. 3099 be received and placed on file, seconded by Senator English and carried.

Senator Buen then moved that the Senate advise and consent to the nomination of ROSEMARY C. ADAM-TEREM, PH.D., to the Reproductive Rights Protection Committee, term to expire June 30, 2006, seconded by Senator English.

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

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

Stand. Com. Rep. No. 3100 (Gov. Msg. No. 232):

Senator Kawamoto moved that Stand. Com. Rep. No. 3100 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of ALLAN L. PARKER to the Hoisting Machine Operators Advisory Board, term to expire June 30, 2006, seconded by Senator Fukunaga.

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

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

### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM TUESDAY, APRIL 2, 2002

Stand. Com. Rep. No. 3085 (S.C.R. No. 110):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was adopted.

Stand. Com. Rep. No. 3086 (S.R. No. 60):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 60, entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was adopted.

Stand. Com. Rep. No. 3087 (S.R. No. 28):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 28, entitled: "SENATE RESOLUTION DECLARING THE WISHES OF THE SENATE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was adopted.

Stand. Com. Rep. No. 3088 (S.C.R. No. 60):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS," was adopted.

Stand. Com. Rep. No. 3089 (S.C.R. No. 65):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS," was adopted.

Stand. Com. Rep. No. 3090 (S.C.R. No. 71):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was adopted.

Stand. Com. Rep. No. 3091 (S.R. No. 33):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 33, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was adopted.

Stand. Com. Rep. No. 3092 (S.C.R. No. 75, S.D. 1):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was adopted.

Stand. Com. Rep. No. 3093 (S.C.R. No. 102):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE

HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was adopted.

Stand. Com. Rep. No. 3094 (S.R. No. 59):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 59, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was adopted.

Stand. Com. Rep. No. 3095 (H.C.R. No. 88):

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS," was adopted.

**THIRD READING**

H.B. No. 1768, H.D. 1, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, H.B. No. 1768, H.D. 1, 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, 23. Noes, none. Excused, 2 (Hemmings, Matsuura).

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 30	Committee on Tourism and Intergovernmental Affairs
No. 138	Jointly to the Committee on Education, the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE RESOLUTION**

The Chair re-referred the following resolution that was offered:

Senate Resolution	Referred to:
No. 11	Committee on Tourism and Intergovernmental Affairs

**RECALL OF SENATE BILL 2961**

In accordance with Article III, Section 12, of the Hawaii State Constitution, and pursuant to Senate Rule 51, Senator Chumbley moved to recall S.B. No. 2961, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," from the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, seconded by Senator Matsuura.

Senator Hanabusa rose on a point of order as follows:

“Mr. President, I rise to a point of order.

“Mr. President, I believe that the Senate Rules are being violated in that under Rule 3 of the President, which refers to your duties, Mr. President, under subsection 15, it sets forth that you shall establish final dates for acts in the Legislature, including the final dates for Third Readings of Senate bills. In addition, Mr. President, you’re to coordinate the dates for introducing bills and you are to do this with the Speaker of the House to establish other final dates.

“Mr. President, the Third Reading for Senate bills has passed. Therefore, I believe that this is an issue that is out of order and as a point of order I believe the Senate Rules have been violated and this cannot be entertained at this time.”

Senator Chumbley rose and said:

“Mr. President, I rise on a point of order.”

Senator Hanabusa interjected:

“Mr. President, I believe you have to rule on my point first, with all due respect, and then if Senator Chumbley, the Senator from Maui, has a subsequent point, then it can be taken up.”

The President then said:

“I believe we can take that matter up at a later time.”

Senator Hanabusa inquired: “Which matter?”

The Chair answered: “Your matter.”

At 12:30 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o’clock p.m.

The President then inquired:

“Mr. Clerk, have 20 days elapsed since S.B. No. 2961 was referred to committee?”

The Clerk replied:

“Mr. President, S.B. No. 2961 was referred to the Committees on Labor and Tourism and Intergovernmental Affairs on January 31, 2002. The required number of days have elapsed since referral.”

The Chair then stated:

“The Chair will provide for limited debate to allow the movant to state the reasons for the motion to recall.”

Senator Chumbley rose and said:

“Thank you, Mr. President.

“As previously mentioned, colleagues, pursuant to Article III, Section 12, of the State Constitution – ORGANIZATION; DISCIPLINE; RULES; PROCEDURE – I want to read directly from the Constitution: ‘Twenty days after a bill has been referred to a committee in either house, the bill may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.’

“Mr. President, in the spirit of the Constitution and our Rules, I do believe that there is a requisite number of individuals that would like to have this bill recalled to the Senate Floor for debate. With that, Mr. President, I will allow for the call of the vote, please.”

Senator Chun rose and said:

“Mr. President, thank you to the maker of the motion for at least providing a copy of not only the proposed bill that they wish to recall but also the proposed amendment. The proposed amendment and the bill contain provisions which would allow employee unions to form their own VEBA trust, voluntary employee benefits association trust, and to opt out, basically, from the new joint employer/union trust funds created by Act 88 that we passed last year.

“Mr. President, as I stated when we passed Act 88, there are problems that were ongoing in the present system that Act 88 was intended to . . .

The President interjected:

“Senator Chun, are you talking to the motion of recall?”

Senator Chun replied:

“Yes, I am talking in regards to the motion for the recall, Mr. President, and I will get to the point, but first I wanted to give everybody an adequate background in terms of what we’re really doing today.

“First, going back to the Act 88, Act 88 was intended to address some very, very real concerns raised by the Auditor about the loss of millions and millions of dollars by the state health fund.”

Senator Chumbley interjected:

“Mr. President, point of inquiry.”

The Chair recognized Senator Chumbley, and Senator Chumbley continued:

“Mr. President, the issue of this measure is not before this body right now. The issue before us is the recall of this measure, and I would ask that the presiding officer call for the vote.”

Senator Chun responded:

“Mr. President, I think I’m entitled . . .”

The President interjected:

“Senator Chun, please be specific to the recall, otherwise you will be called out of order.”

Senator Chun retorted:

“I believe I will be getting to the point unless I’m very rudely interrupted again. But Mr. President, the point of this is that after weeks and weeks of debate and study about this, and public comment by everyone concerned, Act 88 was done. Now what we’re trying to do with pulling this bill from Committee is to basically ignore public input, ignore testimony, ignore facts that have been clearly mandated and basically recognized by the Legislature in other bills, and ramrod something through without public disclosure, without public debate, without public testimony.

"That, I believe, Mr. President, would violate not only the Constitution, but the spirit of our statutory laws requiring us to get public comment. All of us agree that public input is required, but what we're doing here is ignoring that and saying, just for the sake of expedience because we want to get more votes, we're going to ignore that important public policy. But be that as it may, if you want to do that, fine, Mr. President. That's okay, because you folks need to vote your own conscience.

"What really kind of concerns me is that we could have avoided all of this abuse of the right for public testimony, the right for the public to participate in this arena . . ."

Senator Ihara interjected:

"Mr. President, point of order.

"I believe that the Senator now speaking has some good points that should be addressed on the substance of the issue. The issue before us now is whether to . . . actually, the issue is to have a vote to determine whether there is the constitutionally required one-third number of Senators to exercise its right to take up the matter. And that's . . ."

Senator Chun interjected:

"Mr. President, is this a ruling of a point of order or is this a rebuttal to an argument?"

Senator Ihara responded:

"The point of order is that the speaker . . ."

Senator Chun interjected:

"If it's a point of order, he needs to be ruled on his point of order, not on an argument."

The Chair stated:

"Senator Chun, please proceed."

Senator Chun continued:

"I'm just trying to wrap-up, Mr. President, because you asked me."

The President remarked:

"Please wrap-up and we'll take the vote."

Senator Chun responded:

"Right, thank you. Mr. President, what really concerns me is this abuse of the public process, this abuse of public testimony input. It could have been easily avoided if the members of those Committees, who if you folks have the votes, could have easily voted to have the Committee Chair have a hearing on that bill. I don't know why that wasn't done. I think we need to ask ourselves, are we really making a public display to try to do what is popular at the risk of avoiding public testimony and the light that it brings to these issues?"

"For those reasons, Mr. President, I feel I cannot in good conscience vote to support the pulling of this bill. If this bill was heard in Committee, I think if we had testimony on this bill, I think I'd be open to listen to it. I'd be open to asking questions and to finding out really what the impact of what this bill is going to be doing. But without that kind of public testimony, how are we supposed to really know the impact of

this bill? In fact, one of the Senators that spoke today has in previous issues made it very clear that all Senators, when they're voting on this Floor, should know the impact of every bill that comes before them with public testimony.

"So for those reasons, I take those comments to heart and I would say I'd be very, very hard-pressed to vote to support this motion at this time.

"Thank you, Mr. President."

The motion to recall S.B. No. 2961 from the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 11. Noes, 12 (Buen, Bunda, Chun, English, Hanabusa, Kawamoto, Kim, Kokubun, Nakata, Sakamoto, Slom, Taniguchi). Excused, 2 (Hemmings, Matsuura).

The President then made the following observation:

"Members, S.B. No. 2961 has been recalled and is accordingly in possession of this body."

Senator Chumbley rose and said:

"Mr. President, I'd like to request a recess for the purpose of a Majority Caucus, please."

At 12:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:31 o'clock p.m.

Senator Nakata rose on a point of personal privilege and stated:

"Mr. President, I'm rising on a point of personal privilege.

"The action that we have just taken is something that I have to say offends me. I'm the Chair of the Labor Committee. I was never approached by any of my colleagues requesting a hearing on the VEBA bill. I was asked whether I would hold a hearing, and basically I said no. No one followed up by asking me to hold a hearing.

"We had thorough discussions of all the issues last year. The fundamental move last year was to consolidate the union health plans into one trust with the state fund. That was the basic trust of the action that we took last year. And what we are doing today may undo that. This is not a bill . . ."

Senator Ihara interjected:

"Point of order, Mr. President.

"Mr. President, I believe the Senator is raising some concerns that speak to the merits of some issues that will be raised, and if he could confine his remarks to the point of personal privilege parameters."

Senator Nakata responded:

"I believe I'm getting to that. That was the move to consolidate and I believe that this move is going in the other direction.

"I was Chair last year and I'm Chair this year. Neither myself nor the Chair of the other Committee to which this was assigned was approached about holding a hearing, and we are

now going into a process that could and will result in suspending at least many of the Rules of our body and the Rules of the House. All I want to say is that I wish that someone had had the courtesy to talk to me about this.

“Thank you.”

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

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

“Mr. President and colleagues, I want to publicly apologize to the previous speaker if he is offended by the fact that I am exercising my constitutional rights and my rights under the Senate Rules. However, I do want to say that I am genuinely sorry to the good Senator for doing so, but my constitutional rights and the rights of the body come before those of the feelings of an individual.

“So for that, Senator, I apologize to you.”

Senator Ihara then moved to suspend Senate Rule 3(15) and the first decking and first crossover deadlines of the 2002 legislative timetable for S.B. No. 2961.

The President then recognized Senator Hanabusa who rose on a point of order as follows:

“Mr. President, I rise on a point of order.

“Mr. President, my previous point of order, which was premature, was on Rule 3, subsection 15, and that was because of the fact that I believe we’re violating the final date which you, Mr. President, established along with the Speaker as to the Third Reading of the Senate bills.

“I understand, now, that there is a motion to suspend that Rule. But what is more troubling, Mr. President, is that the constitution which we have referred to so much under section 15 . . .”

Senator Ihara interjected:

“Mr. President, point of order.

“Mr. President, I believe that a motion to suspend the Rules is non-debatable. I ask that the Roll Call or the vote be taken.”

Senator Hanabusa stated:

“Mr. President, I believe a point of order overrides . . .”

The Chair interjected:

“The ruling is that the Senate Rule or suspension of the Rule is a non-debatable item, a non-debatable motion. It’s been moved and we will take the vote.”

Senator Hanabusa interjected:

“Mr. President, I call for an appeal to the body. I believe a point of order takes precedence over a motion.”

At 1:36 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:46 o’clock p.m.

The President made the following observation:

“A point of order has been made. Senator Hanabusa, will you restate your point of order.”

Senator Hanabusa responded:

“Thank you, Mr. President.

“My point of order is whether Senate Rule 3, subsection 15, has in fact been violated by this proposed second reading of the bill.

“Mr. President, that provision of Rule 3, which we all passed, is basically entrusting you with the establishment of final dates for action on legislation, including, though not limited to, the final days for introducing bills, the dates of mandatory recess pursuant to Article III, Section 10, of the Constitution, the final date for third reading of Senate bills, the final date for third reading of House bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriation Bill, and the final date for final reading of the Supplemental Appropriation Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.’

“Mr. President, that is in line with Article III, Section 15, of the Constitution, which of course says that no bill should become law unless it has passed three readings in each of the Houses on separate days. Now, Mr. President, the third reading of the Senate bills, that deadline has come and gone, and that’s the deadline that you established with the Speaker. We are on the third reading cut-off date for House bills.

“Mr. President, this action violates Rule 3, subsection 15, in that in order to move these internal procedures, as well as the dates that you have set, I believe you need the concurrence of the Speaker of the House, which we do not have before us now.”

President Bunda made the following ruling:

“The Chair rules that the motion to suspend Rule 3(15) is in order and that the suspension only applies to the internal Senate timeline table.”

Senator Hanabusa rose on appeal as follows:

“Mr. President, I appeal the decision on my point of order, which I believe that’s what you are doing, to the whole body.”

The Chair announced:

“There has been an appeal. Is there a second to the appeal?”

Senator Slom stated: “Second.”

The Chair stated:

“It’s been moved and seconded. We will vote on sustaining the ruling of the Chair.”

Senator Hanabusa asserted:

“Mr. President, that’s not what’s before us. What is before us is the appeal on my point of order which is a fully debatable issue under the Mason’s Rules, and that is what we’re entitled to, a full debate, and that is what I am exercising at this point.”

Senator Chumbley remarked:

“Mr. President, the speaker is correct. This is a debatable issue, so, go for it.”

Senator Hanabusa continued:

“Thank you, the good Senator from Maui. Thank you very much. I’m glad somebody else reads Mason’s. It’s not exactly something you want to read to sleep.

“In any event, Mr. President, fellow colleagues, what we’re talking about here is the integrity of our process. Set aside whether or not you’re for this bill, against this bill or whatever it may be. This is an issue of the integrity of our process. We come into this body governed by the Constitution, the Hawaii Revised Statutes, and this orange booklet which the good Senator from Maui, Hana, was nice enough to design because he didn’t like our other one, which sets forth our Senate Rules and we have agreed to abide by the Senate Rules.

“I believe one of our good colleagues has even referred to them as the rules of engagement, albeit that I don’t think that’s what they intended it to be, but that’s what it may actually come to be.

“What you are doing here, if you suspend these Rules or if you rule . . . I stand corrected. My appeal is from the Senate President’s ruling against the fact that I believe that this Rule is violative of the process. If you find that Senate Rule 3(15) has in fact been violated, you are going to support the preservation of this process. And colleagues, this is not just our process. There are many people who have come to rely upon all of these internal deadlines and deadlines that the public is made aware of as far as when bills will pass, when conference committees will set up, and when we will adjourn. These are all matters that the public knows and has trusted us to do.

“We have, through the process, established when hearings are going to be held, when the bills are going to pass, and people have come to expect that out of us. And what we’re doing here is ignoring that whole process.

“My good colleague from Kaimuki/Kapahulu/Ala Wai, Senator Ihara, the good Senator from Ala Wai has stood up many times, making statements about the openness of government, and we have made a very good effort to have that openness of government. Yet, in this particular situation, what we are being asked to do is suspend rules, ignore the process, ignore what we have all come to expect both Houses to act and participate as, simply because we want to get to this bill. That is not what is at issue. What is at issue is our process, and whether we are going to stand by these Rules that we have enacted.

“We entrusted the President to set those deadlines in good faith with the Speaker of the House. And he in good faith established those deadlines. And now we’re going to try to say, ‘Hey, at least erase our portion.’ The public doesn’t have a right to rely upon what we have agreed to. The House doesn’t have a right to rely upon what we agreed to because we just changed the Rules. No one wants to be in a situation when the rules can be arbitrarily changed and when they cannot rely upon a process that we have all said that we would abide by.

“That is what is at issue here, not the merits of the bill. What is at issue here is our process – the integrity of this body, the integrity of our Rules. And that is why I ask that you vote to overrule the Chair’s ruling on my point of order.

“Thank you very much.”

Senator Ihara rose and said:

“Mr. President, I rise to speak in favor of sustaining the ruling of the Chair and I have a few points.

“One is, in the Senate Rule 85, subsection 2, on page 31 of the Senate Rules, it says, ‘Any rule may be suspended for a particular purpose upon a majority vote of the members of the Senate.’ So this motion is in order.

“Secondly, the Constitution specifically provides that the legislative bodies, the House and Senate, adopt its own internal procedures and rules. And so we have the power to do that. But most importantly, I do not believe that a procedural motion should stop the consideration on the merits of a recalled bill. We are dealing with a recalled bill and the Constitution provides for that power to allow discussion and debate on the merits of the recalled bill. So I’m speaking for sustaining the ruling of the Chair.

“One of the other things that the previous speaker mentioned about public input, I understand that if this bill is considered and kept alive and passes on second reading, that the Education Chair will be having an informational meeting with public input. And I’m hoping that we have as much public input as we can prior to a final vote.

“Thank you, Mr. President.”

Senator Slom rose and said:

“Mr. President, I rise in support of the point of order and in opposition to the President’s ruling.

“Little did I know just two short hours ago when I was asked to give the prayer and I told you to do the right thing that it would cause all these problems. My classmate, Senator Kawamoto, reminded me of that. (Laughter.)

“Do we have the right to suspend the rules? Of course we do. We can do anything we want. It just takes 13 votes and we can do it. The question is, though, did we violate the Rule? And the answer has got to be yes, of course we did. We violated the spirit of the Rule. We violated the substance of the Rule.

“When we talk about rules and disenfranchisement, no one knows that better than the three members of the Minority. We have a problem all the time with our bills getting heard, with certain procedures and everything else, but we’ve been good soldiers. We have, for the support and the integrity of this body, gone along with rules once they were adopted, saying ‘Okay, that’s the way it is,’ just like if you’re in a sporting event. And now we see that we’re in the fourth quarter; it’s fourth down and 35 to go and we’re going to change the rules in terms of how many yards we need. And one must really ask the question, why. Why are we doing that? Where is the pressure coming from?

“I recall several years ago we voted to recall a bill out of committee, a bill which had been heard where ample testimony had been given in which one of the Co-Chairs did not want to move it anywhere, and this body voted to bring it out. And I thought that was a legitimate function. But I don’t see the same situation here. And the fact that we had not one, not two, but three Committees involved and nothing happened until today, makes one wonder what the real reasoning behind this is. And of course, just being part of the Minority, the emerging Majority, we don’t know because every time we come here to do business and vote, you guys run around into another door, close the door, and we don’t know what’s going on.

“But what I can tell you is this – the word is integrity. It’s integrity in the process. And so, yes, we can change the process, but there better be a good reason. You heard from the Labor Committee Chair. And it’s not just a question of feelings; it’s a question that there was ample opportunity to do this but there were no reasons given until today. And so one has to ask that question, why are we doing this and in this manner? And if in fact we do this, if we do this and we do it unilaterally, certainly we can change our internal calendar. But it has an impact not only on the rest of the Senate and everything that we’ve done or might do in the future, but also in the House across the way.

“What is to be gained by this? If we do this, I have a number of questions about the fiscal impacts and so forth. But I don’t think we should get that far because I think the overriding consideration is that we made the rules, we all agreed to abide by those rules, and unless there was an egregious trampling of those rules, unless someone lost their rights, unless there was something extraordinary that happened, then we should keep to the integrity of these rules.

“Thank you, Mr. President.”

Senator Chumbley rose and said:

“Mr. President, I rise to speak in support of the Chair’s ruling and against the appeal.

“I go back to the Constitution. The Constitution allows us to go through this process. There’s been some points raised about what is the integrity of the process? What is our individual integrity? And you make it sound as though this action today to recall this bill is something dirty. It’s not dirty. It’s a protected right under the Constitution. It is our right to be able to do this. This is the beauty of the democracy we live in and the debate that we can engage in today on this Floor.

“Doing the right thing is important. Having this debate about this issue is important, simply because we want to get to the issue, that’s exactly right. Let’s get to the issue of the debate on this bill. We don’t want to get hung up on procedural questions.

“Part XI, Rule 85, section 2 allows us to suspend our Rules. There’s nothing in our Rules that says we can’t suspend our Rules. There’s nothing in the Constitution that says we can’t suspend the Senate Rules and act upon what we feel is right.

“We want the ability to debate the issue. Let’s get to that point and stop with the procedural maneuvering.

“Thank you.”

Senator Chun rose and stated:

“Mr. President, I’d like to ask if the maker of the motion would yield to a question, because I’m kind of confused just like Senator Chumbley in terms of what we’re doing here.”

The Chair posed the question to Senator Ihara, and Senator Ihara having answered in the affirmative, Senator Chun inquired:

“I hear what the Senator from Maui has stated. My understanding, and correct me if I’m wrong, is that we have recalled the bill already. And so, if the bill is recalled, why . . .

Senator Hanabusa interjected:

“Point of order, Mr. President. I don’t mean to interrupt our good Senator from Kauai, but I believe what’s being debated is

my appeal and not the motion, so I think he is out of order at this time.” (Laughter.)

Senator Chun commented:

“I believe it’s in order not to disagree with the Honorable Vice President.” (Laughter.)

Senator Hanabusa then said:

“Thank you, Mr. President.”

Senator Chun continued:

“But anyway, we need to rule on the Honorable Senator’s . . .

The Chair inquired:

“Are you finished with your question?”

Senator Chun answered:

“No, I’m not. The question would be, Why do we need to suspend the rules under Rule 3(15) if we already have recalled the bill?”

Senator Ihara replied:

“My personal response is that I made the motion on the recommendation of the Clerk. I personally do not believe that we need to suspend the Rules because I believe that no procedural motion should impede the discussion on the merits of a recalled bill.”

Senator Chun then rose and said:

“If I may stand in support of the appeal, Mr. President.

“Now that I’ve gotten a proper answer, I’m not here to discuss the merits of the recall, the merits of the bill. What I’m saying over here is why are we engaging in these procedural arguments of suspending a rule that has nothing to do with the merits of the bill. And that’s the reason why I asked. I didn’t raise this procedural question. I didn’t raise and start this procedural fight. And so I’m confused as to why we’re starting a procedural fight if some of the supporters of the bill say let’s get to the merits. We did not start the procedural fight.

“But now that it’s started, (laughter) let me continue a bit more. Let’s assume the motion was properly made and was required as per the Clerk. Let’s assume that. The problem I have with the current appeal, or the ruling of the current appeal, is that again everybody goes back to the Constitution. Let me read what the Constitution says. Article III, Section 12, specifically says: ‘By rule of its proceedings, applicable to both houses, each house shall provide for the date by which all bills to be considered in a regular session shall be introduced.’ The applicable portion over here is ‘By rule of its proceedings, applicable to both houses.’ We’ve ignored the provision about both houses, and that’s the point being made over here – why are we suspending our own Rules which the Constitution allows and say we can act on our own when the Constitution says it has to be applicable to both Houses. So I believe the appeal has merit in terms of whether we’re violating the Constitution or not because the wording of the Constitution is very clear.

“Going further, if we want to look at the Mason’s Manual of Legislative Procedure, which our Rules say we should follow, it specifically states that no rule, even a waiver of a rule, can override the constitutional mandates. And I have not yet heard in terms of any constitutional argument or constitutional



provision or an opinion on the Constitution why we can unilaterally, unilaterally change an agreement as required by the Constitution that was reached between both the Senate and the House.

“Thank you, Mr. President.”

Senator Chumbley rose and said:

“Mr. President, I just wanted to provide a short rebuttal to the previous speaker.

“He makes reference to a . . .

Senator Chun interjected:

“Point of order, Mr. President.

“Rules state that no member shall speak more than twice. I believe he’s spoken more than twice on this matter.”

The Chair stated:

“Senator Chumbley, you may proceed.”

Senator Chumbley continued:

“Thank you, Mr. President.

“Mr. President, the section that the previous speaker spoke about, for the members’ information, was a constitutional amendment that was passed in 1984 that was adopted in the Constitution because it was an attempt to set a cutoff date for the introduction of bills in the Legislature. It had nothing to do with the issues as the previous speaker had stated. It simply had to do with establishing a cutoff date between the House and the Senate for the introduction of bills.

“Thank you, Mr. President.”

Senator Hanabusa rose and said:

“Mr. President, I believe I’m entitled to the final word on this, since I’m the movant party.

“Mr. President, We had comments that . . .”

Senator Chumbley interjected:

“Point of order, Mr. President. The speaker has spoken once already.”

The Chair having recognized Senator Hanabusa, Senator Hanabusa continued:

“I think there is something wrong with the air there, Mr. President. (Laughter.) Could you check? He’s seeing double or something.

“Mr. President, one of the previous speakers, I believe it was the good Senator representing the Ala Wai, said that we’ll have an informational meeting. Mr. President, under our timelines, what you’re talking about is some kind of an informational meeting that must be done by Friday. Today, it is after two o’clock right now, so by Friday. So we’re supposed to have this whole thing and it’s supposed to satisfy all of the requirements, the posting requirements, which I assume by making it informational we’re going to avoid the posting requirements. We’re going to do all of these things, Mr. President, and I still contend that it violates the Rule 3, subsection 15, which we entrusted you to do.

“Mr. President, this is a situation where we are talking about the integrity of this body. It is not a situation of recalling a bill after 20 days where it can still have a full hearing and it can still proceed on. This is not even going to have a hearing in the normal course, which the people have been accustomed to, to have with us. This is going to be an informational briefing so we don’t have to have somebody stand up at the end saying, ‘I would like to suspend Rule 20 because I can’t post on time.’

“And then on top of that, Mr. President, it’s not referred to Education. The original referral of this bill is LBR/TIA. Education isn’t even listed. So why would a committee that doesn’t have jurisdiction over the bill be the one that holds an informational meeting, which is then supposed to satisfy the requirements of basically keeping the public apprised of what we’re going to do.

“And Mr. President, in closing, members, I know we don’t look at this page. It’s the preamble of our Rules. We say ‘The members of the Senate do hereby reaffirm the Senate’s dedication to upholding the Constitutions of the United States and the State of Hawaii, to providing for openness and fairness in all of its proceedings, and to promoting collaboration and consultation in its committee work.’ Now Mr. President, how are we, or what we’re doing today, satisfying what we as Senators hereby affirmed in the preamble.

“Again, members, this is a question of our process, the integrity, the chairmanships, and really what this is all about is in terms of openness and what the public is entitled to know.

“Thank you, Mr. President.”

Senator Kim rose and said:

“Mr. President, point of information.

“For how long is this suspension of this Rule going to be?”

At 2:07 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:08 o’clock p.m.

Senator Ihara rose and said:

“Mr. President, I have what I think is my final comment.

“I know there’s been a number of remarks made regarding the integrity of the process. As the Senator from Kauai mentioned, our State Constitution, Article III, Section 12, empowers the Legislature to adopt its own rules. We have adopted our own rules. Rule 85(2) says that we may, by majority vote, suspend a rule. The original motion was to suspend the rule, and basically it’s for a particular bill and it is to make an exception to the legislative calendar for the constitutionally empowered and rights of a recalled bill.

“Thank you.”

Senator English rose and stated:

“Point of clarification, Mr. President.

“We have before us an appeal to the body of a ruling, so can we ask the Clerk to explain to the body so that it’s very clear what a ‘yes’ vote means and what a ‘no’ vote means.”

The Chair responded:

“Senator, a ‘yes’ vote will sustain the ruling of the Chair, and a ‘no’ vote will go against the Chair.”

Senator Chumbley rose and said:

“Point of information, Mr. President.

“I just wanted to clarify for the members that when a bill is recalled to the Floor, there is no specific committee jurisdiction of that bill any longer. It’s the property of the body, and the presiding officer can appoint someone to take this measure to an informational briefing that may not have been originally empowered as the chairperson of that particular bill. So, for example, the Labor Committee or the TIA Committee may not necessarily have to take this bill for an informational briefing. The Chair has the power to appoint because it’s in the jurisdiction of the entire body.

“Thank you.”

The President then announced:

“We will vote on sustaining the ruling of the Chair. All those in favor of sustaining the ruling of the Chair say ‘aye’ . . .”

Senator Hanabusa interjected:

“Roll Call vote, Mr. President.”

Senator Kim rose and said:

“Point of clarification, Mr. President.

“In voting on this, we’re not voting to suspend the rules, we’re just voting on the appeal?”

The Chair replied:

“We’re voting on the appeal.”

The motion to sustain the ruling of the Chair was then put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 15. Noes, 8 (Buen, Chun, English, Hanabusa, Kokubun, Nakata, Slom, Taniguchi). Excused, 2 (Hemmings, Matsuura).

The President made the following observation:

“The ruling of the Chair stands. We’ll go back to the motion that was made by Senator Ihara. We needed a second to the motion.”

Senator Chumbley stated:

“Mr. President, I second the motion.”

The motion to suspend Senate Rule 3(15) and the first decking and first crossover deadlines of the 2002 legislative timetable for S.B. No. 2961 was then put by the Chair and carried.

Senator Ige then moved that S.B. No. 2961, entitled: “A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATION TRUSTS,” pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Inouye.

Senator Chun interjected:

“Mr. President, I request a Roll Call vote.

“Point of order, Mr. President. I request a Roll Call vote on the initial motion that was made on the suspension of the rules. It very, very quickly went through and I don’t know whether or not any ‘no’ votes were recorded or how many ‘aye’ votes were recorded.”

Senator Chumbley interjected:

“Point of order, Mr. President.”

Senator Chun continued:

“That was my point of order, Mr. President.”

Senator Chumbley, having been recognized, then asserted:

“Mr. President, the vote was called for and the presiding officer indicated that that vote had passed. That vote has already been taken. The bell has been rung. You cannot recount that vote, Mr. President.”

Senator Chun responded:

“In that case, Mr. President, on a point of order, I move to reconsider.”

The Chair inquired: “Do we have a second?”

Senator Hanabusa stated: “I second the motion.”

At 2:13 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:30 o’clock p.m.

Senator Ige rose and stated:

“Mr. President, I would like to withdraw my motion.”

Senator Inouye then rose and said:

“Mr. President, I’d like to withdraw my second, as well.”

The Chair then made the following observation:

“If there are no objections from the members, we will be reconsidering the previous vote on the previous motion and that motion is to suspend Rule 3(15) and the first decking and first crossover deadlines of the 2002 legislative timetable for S.B. No. 2961.”

Senator Chun rose and said:

“Point of inquiry, Mr. President.

“If we’re suspending that, what are the new deadlines, Mr. President?”

The Chair responded:

“We are just voting on the suspension of the rule, and the deadline will be for this particular bill only up until Friday.”

Senator Ihara rose to state:

“So, for clarification, could you explain what a ‘yes’ vote means and a ‘no’ vote means.”

The Chair replied:

"A 'yes' vote will suspend Rule 3(15) and the first decking and first crossover deadlines of the timetable for said bill."

The motion to suspend Rule 3(15) and the first decking and first crossover deadlines of the timetable for S.B. No. 2961 was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 13. Noes, 10 (Buen, Chun, English, Hanabusa, Kim, Kokubun, Nakata, Sakamoto, Slom, Taniguchi). Excused, 2 (Hemmings, Matsuura).

The Chair then noted:

"The motion to suspend the Rule and first decking and first crossover deadlines has been carried."

Senator Chun rose and said:

"Mr. President, I think my earlier point of inquiry . . ."

The President interjected:

"Senator Chun, for what purpose do you rise?"

Senator Chun answered:

"On a point of inquiry. I think my earlier one was a bit premature."

"On a point of inquiry, what is the new deadline, then, for this particular bill?"

At 2:33 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.

The President then said:

"Senator Chun, your inquiry will be taken on advisement. There is no actual deadline."

Senator Ige then moved that S.B. No. 2961, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Inouye.

Senator Chun stated:

"Mr. President, on a point of inquiry, I'd like to ask if the maker of the motion would yield to a question?"

At 2:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:39 o'clock p.m.

Senator Chun rose and said:

"Mr. President, I withdraw my point of inquiry."

Senator Fukunaga then offered the following amendment (Floor Amendment No. 3) to S.B. No. 2961:

SECTION 1. Senate Bill No. 2961 is amended as follows:

1. By amending Section 1 of the bill to read as follows:

"SECTION 1. The purpose of this Act is to allow for the establishment of an employee organization sponsored trust that would provide health benefits for state and county employees of a particular bargaining unit, as well as future and existing retirees, that wish to participate in such a trust. The trust would be established as a voluntary employees' beneficiary association (VEBA) trust pursuant to section 501(c)(9) of the Internal Revenue Code of 1986, as amended. The trust would be funded by employer contributions negotiated pursuant to a collective bargaining agreement and employee contributions to be determined by the trust's board of trustees for active employees.

The Act also provides for retiree coverage for any employee who retires from the State or its various counties on or after July 1, 2003, who is a member of the employee organization which has established a VEBA trust under section 2 of this Act pursuant to an applicable collective bargaining agreement effective on or after July 1, 2003. Existing retirees who are members of an employee organization, who were previously covered by a collective bargaining agreement, will be provided a one-time election to join the employee organization sponsored VEBA trust once such a trust is established if they wish to do so. Retiree coverage provided by an employee organization's VEBA trust would be funded by employer contributions made directly to the VEBA trust by the employer.

This requirement of establishing a VEBA trust in order to be exempt from participation in the Hawaii Employer Union Trust Fund is intended to be a cost-containment measure in response to the ever increasing costs of health care throughout the State. It is also the intent of this Act to impose upon the trustees of these types of trusts the fiduciary duties required by the Employee Retirement Income Security Act of 1974, as amended."

2. By amending § -1 of section 2 of the bill by adding a definition of "retiree" to read as follows:

"Retiree" means an individual who has retired or will retire from the State of Hawaii or its various counties."

3. By amending § -2 of section 2 of the bill to read as follows:

"§ -2 **Establishment of the trust.** An employee organization must meet the following requirements if it is to establish a voluntary employees' beneficiary association trust under this chapter and be exempt from chapter 87A:

- (1) The employee organization shall establish a tax-exempt trust pursuant to section 501(c)(9) of the Internal Revenue Code of 1986, as amended, known as a Voluntary Employees' Beneficiary Association (VEBA) trust;
- (2) The trust may offer health benefits in accordance with section 501(c)(9) of the Internal Revenue Code of 1986, as amended, and related regulations;
- (3) The trust shall provide for a plan of benefits it intends to provide for its members, and a summary plan description of the benefits and rules of the plan, which will meet the standards and requirements of the Employees Retirement Income Security Act of 1974, as amended. The trust shall furnish a copy of the summary plan description and its amendments to each employee covered under the plan with a copy to the department of human resources and development for the State of Hawaii, and to the department of education, University of Hawaii and the respective human resource departments of each county as their interest may appear; and

(4) The employee organization has an applicable collective bargaining agreement with the employer.”

4. By amending § -5 of section 2 of the bill to read as follows:

“§ -5 **State and county contributions to trust; active employees.** Upon the establishment of a trust satisfying the requirements of section -2 by an employee organization, the State through the department of budget and finance and the several counties through their respective departments of finance, or the University of Hawaii shall pay to the trust a monthly contribution equal to the amount specified in the applicable public sector collective bargaining agreement from July 1, 2003, and thereafter.”

5. By amending § -6 of section 2 of the bill to read as follows:

“§ -6 **State and county contributions to trust; retired employees.** (a) Any individual who becomes a retiree on or after the establishment of an employee organization sponsored trust pursuant to section -2, and who is a member of that employee organization, shall be enrolled in that employee organization sponsored trust established pursuant to section -2 and the applicable collective bargaining agreement under which the retiree was covered at the date of retirement.

(b) Any retiree, prior to an employee organization sponsored trust being established pursuant to section -2, who is a member of that employee organization, and who was previously covered by a collective bargaining agreement, shall be given a one-time option to transfer participation from the Hawaii employer union health benefit trust to the corresponding employee organization VEBA trust once established pursuant to section -2.

(c) Upon the establishment of a trust satisfying the requirements of section -2 by an employee organization, the State, through the department of budget and finance and the several counties through their respective departments of finance, or the University of Hawaii, shall pay to the trust for each retiree who participates, a monthly contribution pursuant to the applicable collective bargaining agreement which shall not exceed the base monthly contributions or the specific contribution limits set forth in chapter 87A.”

6. By adding §§ -7 and -8 to section 2 of the bill to read as follows:

“§ -7 **Termination of the trust.** Should an employee organization or a collective bargaining agreement which establishes a trust under section -2 terminate or cease to provide health benefits, the participants in such trust shall be given the opportunity to return to the Hawaii employer union health benefits trust upon the date that health benefits cease to be provided. All participants electing to return to the Hawaii employer union health benefits trust shall be given the same rights and benefits as if the participant had first participated in the Hawaii employer union health benefits trust from the inception of that trust.

§ -8 **Violation of the chapter; enforcement.** The attorney general shall enforce any violation of this chapter in addition to any other U.S. federal agency or other state agency that has regulatory oversight over the trust established under this chapter.”

7. By amending section 3 of the bill to read as follows:

“SECTION 3. This Act shall take effect upon its approval.”

Senator Fukunaga moved that Floor Amendment No. 3 be adopted, seconded by Senator Inouye.

Senator Fukunaga rose and stated:

“Mr. President, this amendment would basically allow an employee organization-sponsored trust that provides health benefits to go forward in providing specific benefits for state and county employees of a particular bargaining unit, as well as for the future and existing retirees. What this bill does not do is propose to change any of the employer contributions for active members of the bargaining unit nor the retirees established under Act 88.

“What we would be voting on today is essentially a process which will allow for individual bargaining units to establish VEBA trusts and to allow those trusts to offer their members better or improved benefits with the same cost to the state.

“As such, I urge all members to vote in support of this measure. Thank you.”

Senator Hanabusa rose to speak in opposition to the amendment and said:

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

“Mr. President, I believe, first of all, that there are various points about S.B. No. 2961, as amended, that we as members of the Senate must really consider. First of all, as the good Senator from Kahaluu said, last year we debated at great length, with a lot of public hearing and a lot of public input, the whole concept of what is now Act 88, S.B. No. 1044.

“What is very troubling about this particular amendment is that it still makes the concept of VEBA available to each and every collective bargaining representative or labor organization. I know, members, that it has been argued to be the HSTA VEBA, and we have had members – some of them have left now – of the HSTA who have sat here. But members, this is not an HSTA bill. It does not say that this is only available to the HSTA. This is available to each and every union, if they so choose.

“Now members, what does that mean? All of us have been reading the papers. We know what is going on in terms of the present health fund. We know that there are many questions about the state’s money. We also know that we are in dire economic times.

“HGEA and UPW have refused to cooperate with the audit – refused. We don’t even know how much money they have. The teachers did, and we have a report of approximately \$13 million to \$13.6 million that they have in their reserves. Of course, their representative says that money is ‘theirs’ and not the state’s.

“Members, when we create a VEBA that we’re going to have no accountability over, none, we do not have any representatives on this trust. Remember, in the private sector and in the new state health fund, both the employer representatives as well as the union representative sit in equal number, actually having equal votes, so that both the provision of the benefits as well as the watching over the funds and how it’s spent are equally balanced. That is what is normally seen in the private sector in terms of accountability. We don’t have that here.

“In Act 88, remember we put on a retiree representative, and some of the retirees were not satisfied because, let’s face it, they

represent a sizable portion of the health benefits participant pool. Out of the 80,000, they represent 30,000 members. And they felt they should have had more, but we gave them at least one to represent their interest.

“When we do this, members, and look at Section 6, we are telling them, telling the retirees that they will be members of this trust if they retire after it is established. They are not going to have a choice. They’re going to be covered. What does that mean? The previous speaker did say that we’re not going to affect any of the amounts, but what we don’t have here for the retirees is any kind of protection for them in the future that they will have the same benefits that the state plan has.

“The state plan requires the maximum of \$924 for a retiree couple, post or pre-65 with 25 years of service when they retire and anyone who is post-65 the sum of \$684 per month. These are per month. And in addition to that, for those who are 65 and over, those who have had to contribute to Medicare because of social security to get their Medicare Part B, we refund them. I believe it is \$50 a month now. That’s the amount of refund that we provide them. There is nothing in this bill that’s going to show or protect them that they will be entitled to at least those minimum benefits.

“What we’re doing is we’re treating our retirees in a disparate manner. Those who are in the state fund will have the minimum of those benefits that I just said. Those who will have no choice but will be forced into this VEBA situation are going to be at the good graces of whoever is running the trust.

“Now, we have not been able to audit. We have not been able to tell them how they will establish their respective trust. We can’t tell them how they’re going to spend their money. We don’t even know how they spend it now, and the problem is we are going to tell our employees that they can go into this trust and we’re not going to have any protections for them.

“We even made promises. One of the major promises that we made, and that is the reason why I was such a strong proponent of Act 88, was the preservation of the retiree benefits in the future. Look around. Look at the private sector. Ask how many of them can still provide retiree benefits at no cost to the retiree and it means covering the retiree and their family. I contend that there are very few, practically non-existent. And if they are there, they’re probably struggling with how they’re going to continue to maintain those benefits. And here we are, we have come up with a system that hasn’t lasted more than a year. It’s got two years to be in the planning stage. We’ve only given it, technically, four months because they convened in January this year. We’ve only given them four months, and now we’re saying, okay, we’re going to give them the opportunity, not the teachers now. This is every single union, including UPW and HGEA who have basically poo-poo’d us when we’ve wanted to look at their books and when we’ve asked for audits. We are giving them the opportunity to do this.

“But more importantly, what about the money? We know there’s \$13.6 million. We know that there’s all this other money. What about that money?

“Members, the State Health Fund since 1995 has received \$55 million back, 55 million. We are going to refund to those employees who participated in the state health fund \$23 million. Why? Because that’s the 60/40 and we have that obligation. We passed that law that says, hey, when the refunds come in, or rebates come in, they will go back to the counties or the state general fund and to the employees who contributed. They will get back the 23 million. Are these employees who are in these trusts? Do they even know that they’ve had rebates? Do they even know whether or not they are entitled to them? They’re

probably not. That is what this is all about. We don’t even have all the information. We don’t even know how much money is out there.

“We took very bold steps to create a system last year that was fair and equitable to all, and now we’re going to undo it without even giving it the opportunity to see whether or not they can get the same benefits that they felt that they got that was better.

“And I’ve said it before and I’ll say it again, this is not a bill against teachers. This is not a position against teachers or against any other union member. We have an obligation to treat all employees alike, and that is what we’re doing. And it shouldn’t make a difference. Yes, the teachers have said constantly, ‘I like the fact that my child can be covered to 25 years of age.’ Under the proposed new State Health Fund, why can’t we say that all employees who have children up to the age of 25 and in college that they too should be covered.

“This is an equity issue. It’s a fairness issue, and it’s a leveling the playing field for everyone issue. We all understand the basic concepts that when we’re talking about health insurance and we’re talking about what is going to be provided, that yes, there is a risk pool. Yes, the retirees do cost more. But that’s why we must balance it out with the younger guys, the people who may not use the fund as much. That’s what this all comes down to, and we are pulling out of the pool, or we could be pulling out of the pool all of these various organizations.

“What should bother us the most, especially in light of federal investigations and so forth, is what are we going to tell the other taxpayers? Are we going to tell them that the \$13.6 million or \$13 million that’s out there is all the money of the union? No. If we paid for most of it, when that money comes back most of that money belongs to the state, and I’m talking about the monies that can go to the general fund and create programs. We have heard in WAM by people coming forward that \$1 million will represent a lot of projects and we’re just going to turn our backs. We’re not going to look and we’re not going to do our fiduciary obligations to the rest of the state.

“What about HGEA? What about UPW? How much money do they have? And we’re not even going to get to those fundamental questions. Instead, we’re going to say, ‘okay, set up your funds. Go ahead, set up these trust funds.’ And you hear such things like, well, with these trust funds we’ll comply with ERISA; we’ll comply with all of these various regulations.

“Mr. President, my fellow colleagues, you know, if there were ERISA compliance or if ERISA applies, we wouldn’t be here; ERISA would preempt, very simply. But we are here because it doesn’t apply. Why doesn’t it apply? Because the state is the employer and a state employer is not – not – a covered employer under ERISA or any of the federal labor laws.

“So what are we doing here? We’re not giving a system even the opportunity where we voted last year to say that they will have two years to do it. We’re not even giving them that opportunity. Instead, we’re saying, ‘Nope, all of you unions, you can now come in and you can now form the various trusts, and you have to take all the retirees.’ What about those retirees? Who’s going to represent them? What’s going to happen to them? And I know people say, ‘Well, the unions will look out for them.’ Let me tell you something, retirees are the silent, silent majority because they are not employees anymore. They are not entitled to union representation for the most part, and they have to be out there advocating for themselves. Who is going to watch them? And we are not going to do anything to

these respective funds to say that we will be watching over you. How can you say that? We haven't been able to watch over them till now. They can arrogantly look at us and say, 'We're not going to give you any information because it's not us. It's some third party entity.' So we are going to continue to create these third party entities before we even know if the structure we put in a year ago is going to work.

"For those reasons, I stand in strong opposition to this amendment to the bill."

Senator Chun then inquired:

"May I ask the maker of the motion to yield to a question, Mr. President?"

The President posed the question and Senator Fukunaga having answered in the affirmative, Senator Chun continued:

"I'm reading the amendment and there's no definition of employee organization. Is the employee organization the same as exclusive representative as defined in HRS Chapter 89?"

Senator Fukunaga answered:

"I believe that would be correct."

Senator Chun then said:

"Thank you, Mr. Chair. Thank you, Senator Fukunaga.

"Mr. President, I stand in opposition to the Senate floor amendment.

"Mr. President, I've always been firm and clear in my opposition and position on these bills and it is that my first concern is the retirees as the good Senator from Waianae stated. Any time the HSTA or other unions have come to me I've always said you've got to find a way to take care of the retirees. And up until now I've always heard them say, we'll think about it; we'll make a proposal; I'll let you know. This is the very first time that something has come in front of us at least showing a proposal by somebody, I'm not quite so sure who wrote this, that they are going to take care of the retirees. And I was in a way kind of happy that they finally came up with that, but after reviewing this proposed draft, I believe it's a false hope that they're giving me and the other retirees.

"And this is what I mean. In Section 6 (b), it specifically says, 'for those of you who are retired, you can participate in these VEBA trusts if you meet two conditions,' and only if you meet these two conditions. The first condition is you have to be a member of the employee organization as stated by the Honorable Senator. It's basically the exclusive representative as defined in HRS Chapter 89.

"The second thing they have to do is be covered by collective bargaining agreements. That sounds nice and neat. However, the practical problem of that is there is no way an existing retiree can meet these criteria. One, they can meet the second one. They can say that yes, I've been covered by a collective bargaining agreement, but they are not going to be able to say they are a member of an exclusive representative under HRS Chapter 89 because once you retired . . . and that's the way it's stated, a retiree who is a member of the employee organization. But once you're retired, Mr. President, you are not a member of that employee organization. You are retired. An exclusive representative only represents employees in regards to the HRS Chapter 89 negotiable items, and if you're not an employee, you're not a member. You can join an associate organization

later on but that is not an exclusive representative under Chapter 89.

"So automatically they're raising a flag saying yes, we'll cover you and this is the criteria, and at the same time through the back door saying, 'By the way, you don't qualify so we're never going to cover you.' I find that particularly distressing. Now, whether it was done intentionally or not, I don't know. And that's one reason why we should have had public hearings on these. These concerns could have been brought out. Testimony could have been solicited. Better minds than mine could have said, 'Hey, we could have handled it this way.' The language could have been better. But that's not before us. We are in a rush, for some reason, to put something through. Whether or not it was intended to get the retirees out and give them a false sense of hope is another story, but it's there, nonetheless.

"Let's assume we can get beyond that. Let's assume that maybe we can take care of the retirees. What have we really done for the retirees? I'm not going to reiterate the comments made by the Honorable Senator from Waianae because I would adopt them as my own, but I want to make the point very clearly that there are no assurances on any of these VEBA trusts by any union that they will put a retiree on those VEBA boards to represent them and to make sure that the plans that these VEBA boards are going to be doing will benefit and is tailored for the retirees. In other words, it can be the same situation that we're having right now where the other union funds specifically designed their plans only for the actives and say that's what you've got. And if you don't like it, go back to the state.

"So that's the second false hope that they're raising without some kind of assurances that these retirees will have a voice in these VEBA trusts. It's another false hope. That's two things that I don't feel are covered adequately by this bill in regards to protecting our retirees.

"The third point is related to the second. If you don't have a director on the VEBA board, who's going to negotiate these retirement benefits or these contributions? Because the bill specifically says that if you are a retiree and you're a member, the state's contribution is going to be based upon a negotiation between the state and the VEBA trust. If you don't have a director or a board member there, who's going to negotiate on your behalf? Who's going to be there to say, 'Yes state, I want you to pay \$100 for this plan to help the retirees.' Or, is the board going to say, 'You know, state, we're going to negotiate this under Chapter 89. I would rather have the higher salary. I'd rather take my money from salary, and you know benefits, we can lessen that. And yes, I know that by lessening benefits we're going to hurt the retirees. But that's okay, because my active members are going to get more money and that's who votes for me.' That is the concern. There is no provision in here to insure that a retiree's issues are going to be known; that someone's going to represent the retirees, and that they're going to be adequately taken care of and provided for and their concerns made.

"The fourth point is this bill does not take care of the problems that the Auditor has been bringing out in her reports and what we've heard in the press recently. There have been tremendous amounts, millions of dollars in refunds by HMSA to the employee trust funds. And those refunds have not found a way either back into the pockets of the union members themselves or have not found its way back to the persons or the entity that actually contributed to those amounts, that is the state. They're being kept.

"A bill that wants to be fair, that wants to be honest, needs to address these issues. It needs to say that hey, if we're going to

be paying this amount and we negotiate it based upon your representation that that's how much it's going to cost, fair is fair. If it didn't cost that much or if you get a rebate, then it should come back. And if you're going to be charging the members a percentage for their participation, they should get that back too. And if you're going to be charging the retirees, and there's nothing in there about them not charging retirees, if you're going to be charging the retirees, then you should pay the retirees back too. Instead, there is nothing to protect the members. There is nothing to protect the state to make sure that these refunds are not kept and used for other purposes.

"Now the only thing I've heard is from just one union, HSTA. They made a statement in the papers saying, 'Oh, we don't have any of the state money. We spent it all.' If they spent it all that means that what they have left is their members' contributions, so why haven't they given the members back their refund, the \$13 million. And if their comment in the paper was, 'Well, we gave them back additional benefits,' then let's see whether they can document that \$13 million of additional benefits were given to these members. And if so, let's see whether or not \$13 million of additional benefits was voted on and approved by the members or did the members say, 'Do what you want with the money. I don't want it back.'

"These are protections that the State must have. These are protections that I think are sorely lacking in this bill and these are protections that should be discussed and brought in front of a public hearing.

"And again in going back, I would agree with the Honorable Senator from Waianae that by bypassing these hearing provisions it just makes a mockery of what we're doing. I recall back in February of this year, February 28 of this year, when the Ways and Means Committee was having hearings on bills, bills that were substantially amended by the first committee, one of our members actually stood up and said, 'You know, we should look very carefully at passing bills that were substantially amended without another public hearing' and this was the statement. It says there are a number, and this is quoted from our actual Journal, 'there are a number of bills that were amended substantively in the first committee, and by having decision making only,' which is what we are doing today, 'and not accepting testimony, the public doesn't have a chance to comment, and actually, members don't know how the community feels about the bill that's been amended because there was no chance for testimony.'

"Those concerns were heard by Ways and Means. Those concerns were heard by the leadership and we had public testimony on those bills that were substantially amended. And now, we're going back against that. We're going back to the old ways of hiding bills, of ignoring the public, and trying to quickly in the back room correct mistakes or issues or make deals on the side. I find that particularly offensive, Mr. President, and I will vote 'no'."

Senator Chun Oakland rose to speak in favor of the amendment and said:

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

"Mr. President, I believe that S.B. No. 2961 combined with the proposed floor amendment is primarily about three things – security, flexibility, and cost saving. That is to say security in ensuring that the health insurance needs of public employees will be met, flexibility for public employees with regard to the type of health insurance coverage they want, and cost savings for public employees, public employees, and most importantly, for all taxpayers in the State.

"The bill provides employee organizations with the opportunity to be exempted from the Hawaii Employer-Union Health Benefit Trust Fund mandated under Chapter 87A, Hawaii Revised Statutes, by establishing a Voluntary Employees' Beneficiary Association, or VEBA trust to provide health benefits for its members.

"The VEBA trust must be established pursuant to a collective bargaining agreement and Section 501(c)(9) of the Internal Revenue Code, and subject to the requirements and standards of the Employee Retirement Income Security Act of 1974, as amended, otherwise known as ERISA.

"These standards are not to be taken lightly. In fact, with these added requirements and federal standards, employee organizations that establish VEBA trusts will be even more accountable to public employers and their constituencies due to the enhanced oversight by both the Internal Revenue Service and the U.S. Department of Labor. On the State level, the Attorney General is charged with the responsibility of monitoring each VEBA trust's compliance with the law.

"With regard to flexibility, currently, the HSTA's VEBA trust offers more health insurance options to its beneficiaries than the State's Public Employees Health Fund and does so at a lower cost. For example, the HSTA's VEBA trust offers a lower co-pay under its HMSA plan – 10 percent to the State's 20 percent, student health insurance coverage up to age 25, free Hepatitis B immunization, and a chiropractic benefit. HSTA's VEBA trust also provides its members with a long term disability income protection plan and long term care insurance.

"The floor amendment before us today further enhances the flexibility of the proposed VEBA trust by allowing retirees to participate in a VEBA trust established by their former employee organization. As was done for active employees, I expect the employee organizations to custom tailor health benefit plans for these members as well – plans better suited for their needs rather than a 'one size fits all' plan currently offered by the Public Employees Health Fund.

"If the Employer-Union Trust Fund is able to provide such benefits to public employees at the same cost, so be it. But I believe we should not abolish an entity that would compete with and act as a measuring stick against what the Employer-Union Trust should be able to provide to its beneficiaries.

"Finally, the issue I think that concerns all of us is cost. A single trust for all public employees and retirees would not realize any meaningful economies of scales given Hawaii's current health insurance marketplace made up primarily of 2 players – HMSA and Kaiser.

"By forcing all state employees and retirees into one pool in a market with only 2 players that essentially offer very different products (HMSA offers fee-for-service plans, while Kaiser provides HMO plans) actually weakens the State's bargaining position since the State has no alternative but to do business with HMSA and Kaiser. Smaller health insurers like HMAA do not have the resources to support such a large group, and thus, the State basically backs itself into a corner since there is really no other option but to deal with HMSA and Kaiser. The smaller pools that would result from the establishment of VEBA trusts would actually be more effective in negotiating with a wider range of health insurers since the VEBA trust would be small enough to consider smaller health insurers or opt for self insurance.

"No matter what types of health benefits options are provided to VEBA trust beneficiaries, these options will not increase the State's employer contributions since the enactment

of Chapter 87A, Hawaii Revised Statutes, has effectively switched the State from a defined benefit model of providing health benefits to a defined contribution model.

"Mr. President and colleagues, I believe that the measure before us provides us with the best possible solution to the grave situation we face – balancing ever-increasing health benefits costs against providing the health benefits public employees deserve. I will be voting 'aye' on this measure and urge my colleagues to vote as well.

"Thank you."

Senator Nakata rose to speak against the amendment and said:

"Mr. President, I rise in opposition to the amendment. The words of the Senator from Waianae and the Senator from Kauai expressed much of what I feel.

"The issue of fairness, I think, is very basic. The previous speaker talked about benefits that are available under the VEBA trust. These are items that the trustees of the new union/employer trust are looking at. They know that one size doesn't fit all. There will be more flexibility in that plan than what exists today.

"To have things like coverage for children in college to age 25 to have some form of long-term care should be available to all state employees, not just to the teachers, and I think that would be the philosophy adopted by the new trustees. There is a need for fairness, and if we split this all up again, we won't have that. There will not be equity.

"The retirees are a major concern. They cost a lot and if they are thrown in with the actives under the union trust . . . and I don't intend this to sound like aspersions on the actives, but face it, the cost of the retirees is very high – 900-something a month, within a couple of years, 10,000/11,000 a year. They don't really have membership in the union who actually speaks for them in that situation. It's a natural thing for those who are actives who have children, who have those kinds of needs, to look first to their own needs.

"Intentions are good. They do intend to help the retirees, but in the kind of crunch that's coming or upon us in health care – people living longer, new technology, new drugs – costs will inevitably rise. So the pressures will be on. Those pressures are real. So the protection for the retirees would be better in the combined trust. They have a representative. There are other members who are not active union members who represent more of a broader based interest. I believe the retirees will be better off in the new system.

"One other feature that concerns me about the proposed amendment are the teachers who move from the active roster to the retired situation. At that point they don't have a choice. They are in the VEBA trust. They may look at the state plan. The state plan may be better for them, but they don't have a choice at that point to opt out. That potentially is a problem.

"We have to look at what we're doing very carefully. I believe we did that a year ago, and in the process we're into now, I don't believe that enough care can be taken to protect all of these interests to assure equity. For that reason, I will be voting against the amendment.

"Thank you."

Senator Slom rose in opposition to the amendment and stated:

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

"Well, an awful lot has been said today, but an awful lot has not been said. And I think part of the problem is, as the previous speaker just said, we spent a year on this legislation last year. We talked about it. We had hearings. We had passions running high. It was very emotional. And then we reached a decision. And part of that decision had to do with protecting the retirees.

"Now, everybody so far today has spoken about the retirees. But let's keep it in perspective. Prior to last year, the union ignored and excluded its retirees. Why? Because, let's be candid, they cost more and you can get a better deal without them. Secondly, when the bill started moving last year the union tried to frighten and scare the retirees, and tell them that they weren't going to get any benefits, that they were going to be cut out. And now, now they're telling them, 'oh, e-komo-mai, you're welcome; we'll bring you in.' Which voice are you supposed to believe? Which voice are you supposed to trust? The unfortunate thing is that the retirees have been used and are being used as political hostages.

"This issue is not about health care, because we weren't talking about health care. Let's talk about why we only have two major health providers in this State. Why this Legislature, why this State in 1974 enacted the prepaid health care act, the monopoly act that no other state has followed, which has destroyed competition. And if we want to talk about people having health care, why don't we talk about, at any time, all of the people in the private sector that would love to have one-half of what public employees have. Well, they do have one-half because they get to pay for it, but they don't have health care of their own. And we haven't done anything for them.

"And this is not about health care. And when the proponents and sponsors of this bill get up and say it has no financial impact, they're insulting our intelligence. That's what the legislation and the debate was all about last year. It was based on the response from the Legislative Auditor's report that said if we did nothing, that by the year 2013 the bill alone just for public employees' health care cost in this State would exceed \$1 billion per year. That's why we acted last year.

"And this bill, as has been said, that became law doesn't even go into effect until next year. We haven't tried anything. But the proponents cannot come on this Floor and say this does not have financial impact or implication. They cannot because it's not true. It already has financial implications. If we reverse ourselves, what we're doing is turning our backs on the State Auditor and turning our backs on the facts and figures that show that we have a mounting problem.

"Act 88 was a way of giving that security and guarantee to retirees that we will honor our promises and we will have the money to take care of them. If we do this now, all bets are off – all bets are off – because as we saw today we can change the Rules any time we want. As we saw yesterday, we raided \$123 million in special earmarked funds. Today we raided \$50 million in hurricane relief funds. We're raising taxes; we're increasing spending; we increasing debt; and yet our best and our brightest continue to leave this State because they complain, and rightly so, we don't do anything to provide incentives for people that want to work. All we do is vote for more benefits. Well, the people that are paying those benefits are diminishing in number. We're not doing anything to encourage economic stimulation in this State. And just like the talivan cameras, this has come down to money. That's what it's all about.



"I remember a year ago, during the strike, when all of us had teachers in our offices all day long and it was a pleasure. And don't get me wrong and don't misconstrue or misunderstand, this is not about education, and there's not one person in this body, or in the body across the hall, that is anti-education or anti-teacher. But you've got to be accountable. And when the teachers came in last year with their little written scripts that had been given by the union and they asked, 'Senator, how do you stand on this? And Senator, what would you do for this? And Senator, how are you going to vote over here?'" And their last question was, 'How do you stand on the VEBA trust, Senator?' And I asked the teachers that came to me, what the impact was on them on the VEBA trust. And you know, not one of them knew because their union hadn't talked to them about it.

"This is about money, about securing money, about lack of accountability. It's also about, as has been brought up earlier, the Attorney General of this State filing two lawsuits against two other unions for lack of accountability. It's also about 43 federal indictments, about a union official. What were those indictments based upon? The mismanagement and fraud and theft of health fund monies.

"If we just give monies out here and do not require accountability and do not inquire as to where the money's going and who's going to be taking care of it, and how much it costs, then we are derelict in our duty and we have breached our duty, and every one of us should be sued. And maybe that will happen.

"But for now, for now, this process that seeks to separate the state taxpayers from its money for a purpose that is not well defined, once we create this, if that's what we're going to do, we're going to turn our backs on what we did last year, there will be no cost savings. How can there be cost savings? We're still in it for the 60 percent. The unions will still take the money and not be accountable for it, and certainly not refund any money that they can get back, although that may be harder to do because with every retiree, the cost will go up and HMSA has already indicated that their premiums are going to go up next year, maybe substantially.

"Instead of us working on health care and increasing the benefits for all of us in this community, private sector and public sector, we continue to try to take the pie and reshape the size of the slices and give it out to the people that have the political clout or make the statements 'if you do this you might get an endorsement from me.'

"Life is too short. The reason that this State is always at the bottom of the rung in every economic rating, the reason that all of our relatives and our children are suffering is because we think short-term and we think about spending up the money that we have right now or going into debt, rather than doing the things that will encourage and provide incentives for future economic growth. We've done nothing along those lines in this Session and we're doing nothing now.

"And this bill is just a symptom. How can we be saying we don't have any money and yet we're not concerned about where the money went and where the money is going to go in the future. Mr. President, I submit it is dereliction on our part.

"The other unfortunate thing is the division that this kind of legislation has brought to our community and to this body and to the body across the way. It's very interesting the people that support or oppose. They cross philosophical lines and ethnic lines and cultural lines, but again I repeat, every single one of us is supportive of our teachers and education. But there's got to be that responsibility and accountability as to where the money

goes. And now that we even know that there are clouds on where money has gone and the lack of accounting, for us to continue to do these things does not make any sense. And to do it without public input and by bypassing the processes which we all agreed to is a travesty.

"Thank you, Mr. President."

Senator Chumbley rose to support the amendment as follows:

"Mr. President, I rise to speak in support of the amendment and the main bill.

"Well, I guess it's a sad day, colleagues, and the cat must be out of the bag. The previous speaker, in all of his passion, kept referring that this is all about money. This isn't all about money. This is about another Senator's comment about fairness – fairness and being fair to teachers. You cannot take a broad-brush paint for the HSTA VEBA trust that's in place right now with the same kind of criticisms that you can brush the HGEA and the UPW health funds. That's simply unfair. Under the VEBA trust bill they were accountable. They were held responsible. There was disclosure. We knew what was going on. So let's set it straight that they are different than what was happening under the other old trust funds.

"This proposed measure does not attempt to repeal Act 88 which was put into place, which will result in some cost savings to the State and will result in further accountability. This is about giving them a chance on something that is a proven product. The VEBA trust has worked. The VEBA trust has been demonstrated to be accountable, to provide benefits to the members and the teachers, at a greater level than what we could provide under the State plan. What's wrong with that? Why is that so bad?

"Under the defined contribution concept of Act 88, the union will now bargain with the State for how much money it will get for its health fund. And if for some reason the VEBA trust would not be competitive with the employees' union trust, well then, those members in VEBA are going to go back to their union and say, 'Look, your VEBA is not working. We want to go back to employees' union trust fund.' Let the market drive those decisions. Give them a chance. It's been a proven product.

"There was some discussion about retirees, and I think all of us have a concern about the retirees and how they are going to be impacted. Under the employees' union trust, I believe there is to be one retiree as a trustee – one retiree out of how many? Yes, that retiree will have a seat at the table and can raise issues, but that retiree who is a trustee can simply get out-voted by the other members.

"Now, in this proposed VEBA plan it doesn't speak to the composition or the governance of the Trust, but I am willing to trust and I am willing to believe that if the VEBA is established and if HSTA chooses to go in that direction that they're going to appoint several retirees on their governance board. The retirees are one of their own. They're not going to discard them and throw them out. I think they've got more compassion than that. So let's be realistic. We're trying to guess what's going to happen way in advance of something taking place.

"The broad brush just doesn't work in this case. There may be some issues here that need to be debated and that will come out in an informational briefing process. But let's give it a chance.

"I want to conclude with an E-mail message that I received from a teacher in Kula and put some human face back to the debate because I think this is really the basic fairness of the issue:

'Many legislators continue to say they are acting in the best interest of the State. Regardless of their intentions, this amounts to a significant take back for teachers.

'Coming off the heels of a 19-day teachers' strike to get respect and recognition for our profession, coming off the heels of a battle after battle to get our hard fought contract implemented, coming off the heels of Act 100 denying our collective bargaining rights and the payroll lag, the decrease in retirement benefits for prospective employees to name a few of the anti-worker measures passed in Hawaii in the last few years, and facing a continuing teacher shortage, facing the hiring of Columbus teachers at a significantly higher cost, facing severe budget cuts, facing more Band-Aid legislation with little real commitment to the vast majority of the students in Hawaii's public schools – yes, we find this take-away unacceptable.'

This is about fairness. Give them a chance. If it doesn't work, the VEBA trust will fold and they'll go back to the employee union trust.

"A previous speaker said that the money that is currently in this VEBA trust is the money of the union. It is not the money of the union. It is the money of the beneficiaries. And under the VEBA trust, that money can only be used for the benefit of those beneficiaries, the members. It can't be used for union activities. It can't be used to pay the salaries of those who work at HSTA. It's for the benefits for the teachers.

"We had a long debate earlier about the suspending of the Rules and how we shouldn't be doing this. Well, before Act 88 was adopted there was a set of rules in place. There were statutes governing how the money was to be ported over to the unions under the existing union trust funds. Everybody operated under those rules. HSTA operated and they were able to negotiate a benefit package for less than what we were porting to them under the employee health system. So now, we want to change the rules on them and go back and take away their \$13.6 million. I don't think that's fair. I think that money should remain with the Trust and that money should be used to offset future cost increases or provide further reductions as the employee contribution to the health care coverage that the VEBA can offer.

"Let's be fair about this. Let's give them a chance. That's all they're asking for. Thank you."

Senator Fukunaga rose again and said:

"Mr. President, I'd like to amplify and echo the comments of the prior speaker.

"In response to some of the earlier points raised regarding the VEBA trust and its lack of accountability, a VEBA trust established pursuant to Section 501C-9 of the Internal Revenue Code is subject to numerous reporting and filing requirements which include the following: One is the filing of an independent annual audit which includes full disclosure of all transactions with parties of interest and include any prohibited transactions under the Employees Retirement Income Security Act or ERISA. It also includes IRS filing and requirements and reporting requirements. It would also require that anything filed with these federal agencies would also be filed with the State Comptroller's Office and the Department of Human Resources and Development. That means that the State agencies would

also have access to this information, which is something that has been talked about when we've said that there have been prior audits in which various health plans have not turned over information sought by state agencies.

"Finally, just to point out that the current VEBA trust that HSTA has organized has actually done a great deal to address some of the problems that retirees face. Of the 25,000 covered policies for long-term care insurance in the State of Hawaii, 12,000 of those policies have been issued by their VEBA trust to their member beneficiaries. So when we talk about whether or not this type of VEBA trust would be one that would be compassionate and care about its members, I think facts speak louder than words.

"For all of the foregoing reasons, I urge you to vote in support of the amendment."

Senator Hanabusa rose and said:

"Mr. President, I didn't mean to be rude to my colleagues, however, I had the opportunity to review S.B. No. 2961, S.D. 1, and let me begin with some very grave concerns.

"Under this law at Section 6, subsection (c) – 'a monthly contribution pursuant to the applicable collective bargaining agreement which shall not exceed the base monthly contributions or the specific contribution limits set forth in chapter 87A' – this is what is the limit for the retirees. It does not say that the retirees will get equal to. It does not say the retirees will get the same coverage as any other retiree. It says that it leaves to the active union the ability to negotiate the amounts for them.

"Now, what makes that very problematic, members, is the fact that when you look at the definition of an employee, they are not covered as an employee. They are also not covered by the employee organization because the employee organization only represents employees as an accepted principle in labor law. That is why when it comes to retiree benefits we have to be very careful. When we say in the law that it will not exceed, that's yes, saying that as a state we shouldn't be concerned. But we are concerned because that also means that in the collective bargaining process this is a money item, and it also means that retiree benefits could be less and the money could be shifted elsewhere because they don't have an obligation to the retirees. Retirees are not employees and under the law they are only entrusted, entrusted with the representation of employees.

"There have been various other statements, Mr. President, that must be answered.

"The audit that Marion Higa did in 1999, the VEBA that HSTA had did not participate in it. They say, depending on whom you talk to, that they did provide information. But Marion Higa's position is that information came three to five months after her report was published, not finished, actually bound and published. That's when she got some information and she didn't get exactly what she wanted. But it didn't make any difference because the report was done.

"When we talk about who will comprise the VEBA, they're correct. The proponents of the bill are correct. We cannot get into the governance of a union entity. But this is not even the governance of a union entity. Be aware of what we're doing. It is like Royal State in a way. We are giving monies to a separate entity that isn't even the union. The union is who owes the responsibility to the members. We are saying, you can have this separate entity. We don't even know who comprises it, what the relationship is, and neither do we have a say. But that is who we are entrusting the state's funds with.

"The bottom line here is when we negotiated, when the State negotiated their collective bargaining agreement with all unions, they agreed to basically a 60/40 division. We were going to pay 60 percent of the cost and employees pay 40. To many, that's a lot of money. But the 40 percent is what all employees pay, whether you're supposed to be in the State or any place else. The problem is or the reason why that was agreed to is because this State does provide 100 percent premium benefits to the retirees upon their retirement.

"So when the statement is that the 13.6 million is really the quote, unquote, 'beneficiaries' money,' that's not true. This 13.6 million is no different than the 55 million, which the State receives back. We put on the State, by law, the requirement to refund, as it should get refunded because this is money that was not spent for a benefit. And out of that money, 23 million will be returned to the plan participants. If any of you were in the plan at that time, you will be getting your check back. But to say that 13.6 million is just the union's fund, that is not true. And it is not the union's money and it is not their VEBA's money, and a portion of it probably is the beneficiaries' monies as they are called, but actually it is not. It's the members' money, whoever bought through that plan. It is their money and they should get it back. If they want to then transfer it to the union or their VEBA trust, that's their business, but they should get it back. This is not a moneymaking operation. This is a fiduciary obligation that we all have.

"It is unfortunate, but we must keep in mind that irrespective of which union you're talking to, this bill, as written, will empower any union to do this.

"The filings . . . 501C-9, or the Internal Revenue audits, or whether or not it's under ERISA, let me tell you something, it doesn't matter if the employer is not covered. The real people who are able to audit and who are able to keep people's feet to the fire is the Department of Labor which has the enforcement powers of ERISA, and that is the Federal Department of Labor. They do not have jurisdiction in this particular case. The only reason why they have jurisdiction in the UPW situation is because it represents private sector employers. Other than that, it does not.

"So what are these reporting requirements? How are we going to say to the taxpayers we're going to give this money to, not the union now, this separate entity. We're going to give them millions and millions of dollars and we are crossing our fingers and we're trusting that they will take care of retirees in the future. I think not. And you say, 'give it a chance.' Well you know what? Give Act 88 a chance. Why did we do that? After all of this time, why did we do that? So we give Act 88 all of three months or four months since they got sworn in. That's giving a law a chance? That's giving a law that we're trying to make it so everyone will be equally treated, that's giving that a chance?

"That's why, members, I again ask that you vote down S.B. No. 2961, S.D. 1."

Senator Sakamoto rose in support of the amendment and said:

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

"I wasn't in support of the unusual procedures to bring the matter forward, but obviously this is an important matter. I've been asked and would join with anyone else in having an informational briefing tomorrow. I don't have a time for it or place yet, but we'll work it out with your permission, Mr. President.

"My hope would be that if indeed this body feels that this measure will pass in some form, I don't believe it has to pass in this form. I think many issues have been brought up on this Floor that warrant possibly another floor amendment come Friday. And I would hope that it seems that the momentum is for something to pass. And I would hope that both sides on this Floor, as well as the other party, would use the time between now and then as if this were a conference and the last day to do something, but certainly improve the measure if indeed it looks like something will pass.

"So Mr. President, we hope we use the time going forward meaningfully to improve the measure to the best of our ability. Thank you."

At 3:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:43 o'clock p.m.

Senator Kim rose with reservations and said:

"Mr. President, I, too, did not support any of the procedural measures to get this on the Floor. However, now that it is here, I would like you to record a vote with reservations for me.

"I would like the parties to get together. I would like us to be able to amend the measure to take care of some of the concerns so that we don't feel like we're up against the wall, come Friday, and not able to make any amendments, because I think that some of the concerns raised have a lot of merit and I would hope that HSTA and other interested parties will also agree to addressing some of these concerns.

"Thank you."

Senator Chun rose again and said:

"Mr. President, I'll take them up about the offer of trust. Let's see this. Let's assume we have a hearing over here. Everybody agrees that the issues that were raised today about the retirees . . ."

Senator Chumbley interjected:

"Mr. President, is the speaker speaking for or against the measure?"

The President posed the question and Senator Chun responded:

"I'm speaking for the measure with reservations, Mr. President.

"Let me say this. Let's talk about trust. Let's look at trust. Let's have a hearing, because I've been saying let's have a hearing because all these issues have never been publicly talked about. Members of the public have never been invited to testify. Retirees have not been invited to let us know what the impact of this bill is. Fine, if there's an offer from the Honorable Chair of the Education Committee that they're going to do that and solicit public input and also try to admit and to change the defects of this bill, let's see what comes out from that process.

"I'm willing to trust you that these issues about the retirees can be addressed. I'm willing to trust you that these issues about there is no audit right now can be addressed even under VEBA because VEBA does not apply, the federal law does not apply to purely state employee organizations. Let's see if that

can be worked out. Let's see if we can work out whether or not refunds can be given back to the members and to the State rather than to be kept. Let's see whether we can actually do something to help the State and the retirees, and if we can't do that then I can say I tried to trust and will vote on a bill that I can support.

"At this point and time, yeah, let's see, let's see whether you can craft something rather than make it through the back door and slide it underneath the doorstep. Let's put it out in the open and see whether you can really, really craft something, if you're really willing to amend something, or you just want to ramrod it through without protection for the public and the retirees."

Senator Sakamoto rose and said:

"Just a brief clarification, Mr. President.

"The Senator from Kauai was looking at me. I'm holding the informational briefing. I wasn't planning to be the facilitator of the revisions, but my hope is that other people will step to the plate and do that. I appreciate the opportunity to continue to improve the measure.

"Thank you."

Senator Hogue rose in support of the amendment and said:

"Mr. President, I also rise in support of this measure. I'll vote with reservations.

"I think there are some legitimate concerns which have been raised here today, and I hope that they will be brought up in the informational meeting tomorrow about true sunshine, about what the qualifications are for 501C-9, about the financial impact regarding retirees. I think the question was raised about whether the retirees are members of the HSTA or not and what kind of impact that will have. Also, some questions regarding the auditor, as well, I think these are all legitimate questions and I hope the members of HSTA will bring forward some answers to those.

"I definitely support the teachers and I support the efforts of the HSTA in bringing this forward to the table. I think it's a very legitimate discussion and I'm glad we're having it, and I hope we get some answers before a final vote on Friday.

"Thank you, Mr. President."

Senator English rose to support the amendment with reservations and said:

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

"Mr. President, colleagues, I voted against the procedural maneuverings to get this bill here mainly because we have to protect the integrity of the body. But since we did not do that, and since it is before us, and since the door is open . . . I predict maybe some other bills will be following the exact same route and we'll be used to that and ready to suspend the rules at any given moment. But nonetheless, since it is here, I much rather prefer the amendments to the original bill. And that's why I can support this with reservations because if we're going to do this, I want it to be done right and well, and that's why I can support this with reservations.

"Thank you."

Senator Ige rose in support of the amendment and stated:

"I would just like to note my full support of the floor amendment as well as the measure before us and I'll save more detailed comments for the debate on Friday.

"Thank you."

Senator Chumbley rose and said:

"Mr. President, I have a point of inquiry as to a clarification on procedures.

"Am I correct in understanding that the first vote is going to be on the motion of the amendment that is before us. The second vote, Mr. President, would be on the vote for the main bill, S.B. No. 2961, so it will require two votes."

The President answered:

"Right. The first vote is to adopt Floor Amendment No. 3, and the second vote will be placing the amendment on the calendar for Third Reading."

Senator Chumbley then said:

"Thank you, Mr. President. I'd like to request a Roll Call vote for each action."

The motion to adopt Floor Amendment No. 3 was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 16. Noes, 6 (Buen, Hanabusa, Kokubun, Nakata, Slom, Taniguchi). Excused, 3 (Chun, Hemmings, Matsuura).

The President made the following observation:

"Floor Amendment No. 3 has been adopted. The motion on the Floor is to pass S.B. No. 2961, as amended, on Second Reading and to place it on the calendar for Third Reading."

The motion was then put by the Chair and carried, Roll Call vote having been requested, S.B. No. 2961, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 5, 2002, on the following showing of Ayes and Noes:

Ayes, 16. Noes, 6 (Buen, Hanabusa, Kokubun, Nakata, Slom, Taniguchi). Excused, 3 (Chun, Hemmings, Matsuura).

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

The Senate reconvened at 3:54 o'clock p.m.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. Nos. 137 and 138.

Senator Sakamoto noted:

"We just received the re-referral notice today."

The Chair then granted the waiver.

Senator Chumbley rose on a point of inquiry as follows:

"Mr. President, could you ask the Clerk if it's necessary to waive Senate Rule 20 for the purposes of the informational briefing as far as public notice of that briefing?"

At 3:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:58 o'clock p.m.

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. No. 30 and S.R. No. 11.

Senator Kim noted:

"Mr. President, the reason for the waiver is that I received a notice from the Clerk's Office saying that all bills needed to be decked by Thursday morning. Our Committee had planned to hear this Thursday afternoon and being that our Committees meet on Tuesday and Thursdays, Tuesday we'll probably be in Session all day and therefore we plan to hear these measures on this Thursday."

The Chair then granted the waiver.

**ADJOURNMENT**

At 4:00 o'clock p.m., on motion by Senator English, seconded by Senator Hogue and carried, the Senate adjourned until 12:00 o'clock noon, Thursday, April 4, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FORTY-FIFTH DAY

**Thursday, April 4, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:15 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

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

Senators Sakamoto, Taniguchi and Nakata, introduced and congratulated the following recipients of the Outstanding International Educator Awards: Leonard Wilson, Radford High School; Michael Ibara, Puuhale Elementary School; Suzanne Acord, Educational Laboratory School; and Margaret Almony, Ahuimanu Elementary School. Also recognized was Kelly Chung, St. Joseph High School, who was not present.

Senator Sakamoto then introduced Christina Rathyen, a teacher at Moanalua High School, and congratulated her for being selected as the recipient of the Christa McAuliffe Award.

Senator Sakamoto, on behalf of President Bunda and himself, recognized Haleiwa Elementary School for its historical and educational significance and introduced Principal Jan Yoneda and Hoyt Parker, a retired teacher. Accompanying Mr. Parker was his wife, Pat.

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:43 o'clock p.m.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 342 to 349) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 342, transmitting H.C.R. No. 30, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was deferred until Friday, April 5, 2002.

Hse. Com. No. 343, transmitting H.C.R. No. 55, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE ON THE PROGRESS OF PRESERVING AND PROTECTING THE KOHALA HISTORICAL SITES MONUMENT AND THE FEASIBILITY OF PROPERTY CONDEMNATION TO

PROTECT THESE SITES, AND TO REVIEW PRESENT ZONING LAWS," was deferred until Friday, April 5, 2002.

Hse. Com. No. 344, transmitting H.C.R. No. 66, H.D. 1, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 66, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was deferred until Friday, April 5, 2002.

Hse. Com. No. 345, transmitting H.C.R. No. 83, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO MEET WITH ALL STAKEHOLDERS AND USERS OF KEEHI LAGOON TO DEVELOP A CONCEPTUAL MASTER PLAN WITH FOCUS ON PRODUCTIVE USE OF UNUTILIZED LANDS AND REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE UNUTILIZED FAST AND SUBMERGED LANDS SUBJECT TO LEGISLATIVE DISAPPROVAL," was deferred until Friday, April 5, 2002.

Hse. Com. No. 346, transmitting H.C.R. No. 87, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 87, entitled: "HOUSE 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 5, 2002.

Hse. Com. No. 347, transmitting H.C.R. No. 147, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was deferred until Friday, April 5, 2002.

Hse. Com. No. 348, transmitting H.C.R. No. 163, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 163, entitled: "HOUSE 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 deferred until Friday, April 5, 2002.

Hse. Com. No. 349, transmitting H.C.R. No. 200, H.D. 1, which was adopted by the House of Representatives on April 3, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 200, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was deferred until Friday, April 5, 2002.

#### STANDING COMMITTEE REPORTS

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. 3138), recommending that S.C.R. No. 20, 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. 20, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES," was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3139), recommending that S.C.R. No. 96, 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. 96, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO ASSESS AND REDUCE CARBON DIOXIDE EMISSIONS," 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. 3140) recommending that S.C.R. No. 61 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3140 and S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR 'MUST-CARRY' LEGISLATION," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3141) recommending that S.R. No. 31 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3141 and S.R. No. 31, entitled: "SENATE RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR 'MUST-CARRY' LEGISLATION," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3142) recommending that S.C.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3142 and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI

REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was deferred until Friday, April 5, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3143) recommending that S.R. No. 57 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3143 and S.R. No. 57, entitled: "SENATE RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3144) recommending that S.C.R. No. 87 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3144 and S.C.R. No. 87, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was deferred until Friday, April 5, 2002.

Senators Kawamoto, Tam and Kim, for the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3145) recommending that S.R. No. 41, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3145 and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT," was deferred until Friday, April 5, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3146), recommending that S.C.R. No. 109 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. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3147), recommending that S.R. No. 58 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. 58, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was referred to the Committee on Ways and Means.

### ORDER OF THE DAY

#### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

##### MATTERS DEFERRED FROM WEDNESDAY, APRIL 3, 2002

H.C.R. No. 103, H.D. 1 (Hse. Com. No. 334):

By unanimous consent, action on H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was deferred until Friday, April 5, 2002.

H.C.R. No. 123 (Hse. Com. No. 335):

By unanimous consent, action on H.C.R. No. 123, entitled: "HOUSE 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 deferred until Friday, April 5, 2002.

H.C.R. No. 190 (Hse. Com. No. 336):

By unanimous consent, action on H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Friday, April 5, 2002.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3113 (Gov. Msg. No. 177):

Senator Inouye moved that Stand. Com. Rep. No. 3113 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye moved that the Senate advise and consent to the nominations of MEREDITH J. CHING and CLAYTON W. DELA CRUZ to the Commission on Water Resource Management, terms to expire June 30, 2005, seconded by Senator Chun Oakland.

Senator Inouye rose in support and stated:

"Mr. President, I rise in support of Gov. Msg. No. 177.

"Mr. President and colleagues, your Committee on Water, Land, Energy, and Environment would like your support for the

confirmation of Meredith J. Ching and Clayton Dela Cruz, gubernatorial nominees to the Water Resource Management Commission for terms to expire June 30, 2005.

"Meredith Ching is vice president in charge of government and community relations for Alexander and Baldwin. She is responsible for developing and implementing government relations, community relations, and public relations programs for A&B, the parent company and its subsidiaries. She's also responsible for developing and implementing strategies and programs for the optimum utilization of the corporation's natural resource assets, including its land, water and energy, in light of operating unit long-term needs and changing regulatory and social climates. In her almost 20 years with A&B, she has worked with the companies water systems and infrastructure and long-term water resource planning. Ms. Ching is active in the community. She participates as a board member on a number of community organizations including the Hawaii Nature Center, the Nature Conservancy of Hawaii, the YMCA, and the Kapiolani Health Foundation. She is a member of the board and executive committee of the Land Use Research Foundation and was president of the Foundation in the 1990-1992 fiscal year. She was also a member of the board and executive committee for the Hawaii Resort Developer's Conference for which she was secretary, treasurer, vice president, and president at different periods of time.

"Ms. Ching would bring to the water commission a wealth of experience from the private sector as well as from serving as a trustee and board member for various environmental and community organizations. Her nomination is historic in that she will be the first woman commissioner to serve in the commission's 15-year history.

"Clayton Dela Cruz is a division director of the ILWU, Local 142, a position in which he has demonstrated high principles and integrity. He has hands-on experience working in Hawaii's sugarcane fields for almost 20 years and being exposed to the work environment of water resource management. He has experience working on Kekaha Sugar's Kekaha, Kikiaola, and Kokee ditch systems. He has demonstrated his commitment to Hawaii by participating on the boards of numerous community organizations including the Kekaha Community Association, County of Kauai Liquor Commission, and the Executive Board of the Kauai United Way. He is currently a member of the Statewide Workforce Development Council and has been since 1999. Mr. Dela Cruz's long-term hands-on experiences with ditch systems and service on various boards and commissions will make him a valuable contributor to the water commission.

"After full consideration of the background, character, experience, and qualifications of each of the nominees, your Committee has found the nominees to be qualified for the positions to which they have been nominated and recommends that the Senate support the nominations.

"Thank you, Mr. President."

Senator Chun rose in support of the nominees and said:

"Mr. President, I stand in support of the nominations.

"Mr. President, I stand in support of the nomination specifically of Clayton Dela Cruz. Mr. President, all too often we look at somebody's credentials on papers – how much schooling they have, how much education they have – and we neglect the practical hands-on experience that comes with working in the fields. That's why I feel I really stand proud to support the nomination of Clayton Dela Cruz.



"The statute specifically requires us to look at somebody's experience in resource management, and there is no better experience than actually working in the field, seeing how the system works, seeing the impact of the sweat and toil of your own hands. That is why Mr. Dela Cruz's experiences in that regard will be of great, great help in regards to the decisions to be made on the water commission.

"In addition, Mr. President, I stand in support of the nomination of Meredith Ching. Meredith is the brains, I guess, because she has the education and the professional background in resource management. We've heard many, many testifiers against Ms. Ching and the testimony did not come across in terms of questioning her intelligence, the testimony did not come across as questioning her experience in resource management, nor did the testimony come across in regards to her ethics in terms of her ability to separate her job with her requirements of being a board member. What it boiled down to is they would rather have somebody else. But Mr. President, sometimes we all rather have somebody else but we're left with the statutory requirements for us to determine whether or not she has the requisite qualifications of someone with knowledge and experience in resource management. Mr. President, I find that she also has requisite experience and knowledge

"I support these nominations. Thank you, Mr. President."

Senator Chumbley rose in support of the nominees and said:

"Mr. President, I, too, rise to speak in support of both of the nominees.

"Clayton, I'm sorry, she also has the beauty in addition to the brains. (Laughter.)

"Mr. President and colleagues, I know both of these individuals and have worked with them in the past. Mr. Dela Cruz, I believe, does bring a tremendous amount of experience and knowledge to the water commission and will be viewed as an asset.

"With respect to Ms. Ching, I know there was a lot of controversy around the issue of the potential conflict of interest. Both she and I work for large companies. I can assure you, from my experience of working with her in the past, that she is a person of integrity and she is a person of character, and I believe very strongly that when there is a potential conflict that may arise, she will recuse herself from participation and she will not use her opportunity of contact to unduly influence Mr. Dela Cruz. He's a man of his own mind and he'll make his own decisions.

"So with that, Mr. President, I am quite honored to support both of these nominees for confirmation. Thank you."

Senator Nakata rose and said:

"Mr. President, it's with respect and regret that I feel impelled to speak against the confirmation of Meredith Ching to the water commission.

"The water commission was created through the efforts of many people of diverse viewpoints. It took a generation for the creation of the code and the commission. Most of the impetus for the constitutional amendment, the adoption of the legislation creating the commission and the code, much of the impetus came from the environmental community. We worked extremely hard at it.

"I am the first and last person from that community with strong ties to that community to have been on the commission.

Now, for the last few years, there has been no one from that community. I left the commission in 1995 and there has been none. Now there will be two out of the four public appointees who come from the corporate community. A matter of balance here is what I'm talking about. And what has happened now, with this appointment, is an unbalanced commission. There has been talk that there was no candidate from the environmental community. I actually know otherwise, but I am not permitted to disclose names because of a ruling from the Office of Information Practices.

"Water is one of the most important resources we have. It affects everybody in this State. So I believe that there is a need for balance. There may not be a legal requirement for it, but there is a need for it. So that is one of the bases on which I am voting against confirmation of Meredith Ching.

"The other has been alluded to in terms of conflict of interest. Before the hearing, I felt that there were conflicts. After the hearing I am more disturbed because of the magnitude of the conflicts of interest. This nominee may find herself in the position of recusing her from many, if not most, of the important issues that this commission will be facing. She is not an ordinary employee of Alexander and Baldwin. She's a corporate officer, and in particular, her role is government relations officer, vice president for government relations.

"Alexander and Baldwin owns the East Maui irrigation system, one of the biggest users and developers of water in this State. That system drains many streams in East Maui. So, issues of in-stream flow standards are important there. Issues of appurtenant water rights are important. On in-stream flow standards, I questioned former Chief Justice Richardson whether she would be able to participate in the Waiahole ditch case, which involves in-stream flow standards, and his answer was that he did not doubt her ability to handle that, and I would agree with him, but he also said that he believed that she may have to recuse herself from that. I believe that it could set a precedent whatever she does on any stream, with regard to stream flow standards in this State, will be questioned. Well, I have no doubt that the environmental community will question her participation, not that they will prevail in every case but I think that there will be a fair number of times when she will have to recuse herself from that.

"The issue of appurtenant water rights, which are guaranteed in the State Constitution, will be another major issue that will come before the commission. There have been bills in the Legislature concerning appurtenant water rights. My question to the chair of the commission, as to whether she would have to recuse herself on those issues, was interesting. He asked, 'In which arena?' Basically meaning in the legislative arena in her role as government relations officer or her role as water commissioner, and then he further said, 'well, she would have to be very careful in saying which hat she was wearing.' That is a very inherent conflict there – as a corporate officer charged to carry out or advocate the policies of the company that she works for and the commission where her role is to manage the water resources in the best interest of the State.

"I could go on, but I won't. I think this starkly illustrates the problems with this nominee. Again, respectfully and regretfully, I will be voting 'no' on this nominee. Thank you."

Senator Kim rose in support as follows:

"Mr. President, I rise in support of the confirmation of Meredith Ching.

"Mr. President, I have nothing but the highest regard and respect for Meredith. As a personal friend for many years, I can

personally attest to her character – smart, honest, ethical, dedicated, and professional – and to her ability to be fair and to make important and meaningful contributions to the affairs of this commission.

“Mr. President, while I agree that there is a need for balance, I believe that we should not single out just Meredith’s appointment for the unbalance. Meredith is an outstanding appointment to this post and I urge my colleagues to support both nominees.

“Thank you.”

Senator Kawamoto rose in favor of the nominees and said:

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

“Meredith Ching belongs to A&B corporation. God’s country feels very elated that A&B came to God’s country and made it more beautiful. So I’d like to say that they have taken control of the environment on a piece of property that was kind of left abandoned and they have really done a great job of making it an industrial park that provide opportunities of business, provide opportunities of landscaping, and provide opportunities for housing in that area.

“So we appreciate that and we appreciate her efforts and her hands-on, as far as our community is concerned. We bless the day that A&B came to God’s country.

“Thank you.”

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

“Mr. President, I rise to speak in favor of Gov. Msg. No. 177.

“I think Mr. Dela Cruz’s nomination is a good one and we all stand in unity in support of him. There was controversy regarding the nomination of Meredith Ching and I’d like to address some of the things said on the Floor today and some of the things said in Committee.

“I was one of the Committee members who rode the fence on this issue until I listened, under the leadership of the good Senator from the Big Island, to testimony. It was absolutely amazing, and one thing that had to be noticed was that the environmental community was not against Meredith Ching. In fact, the majority of the environmentalists who came and testified in front of our Committee supported her wholeheartedly. Quite honestly, there were some environmentalists that were against her, but much of their testimony was fraught with misinformation. Statements were made like – A&B is the biggest water consumer in the world. That’s absolutely ridiculous. So the facts are that the environmental community, at the worst, is split on this, but I would say at best is overwhelmingly in support of this nomination.

“There were comments made about in-stream water flow standards and the facts are that those standards are set stream by stream and oftentimes individually by each stream. Though there may be some grand formula on a larger basis, flow standards are in fact, as the research from DLNR so clearly pointed out, done so on a stream by stream basis.

“Much was made about the number of times that Ms. Ching would have to recuse herself because of the huge conflicts of interest. Research done on that showed that the East Maui

issues that concern the East Maui watershed and water use by A&B was very minimal over the course of the history in the voting records of the water commission. Therefore, the times she would have to recuse herself concerning a direct conflict of interest are minimal to none.

“Most overwhelming on this whole process was the astounding amount of testimony in favor of this woman’s character, and more importantly was the dignity in which she conducted herself and the systematic excellence in her presentation on behalf of her nomination and the people who stood up in favor of her. We’re doing a wonderful thing today by confirming her. We’re showing that we’re not doing what’s politically correct but we’re going to do what’s politically right for the people of Hawaii.

“Thank you, Mr. President.”

At 1:03 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:05 o’clock p.m.

Senator Nakata rose and said:

“Mr. President, not understanding the process very well, let me request that the Clerk split my vote – an ‘aye’ for Mr. Dela Cruz and a ‘no’ for Ms. Ching. Thank you.”

The Chair so ordered.

The motion to advise and consent to the nomination of MEREDITH J. CHING was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Kanno, Nakata). Excused, 3 (Fukunaga, Ige, Ihara).

The motion to advise and consent to the nomination of CLAYTON W. DELA CRUZ was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Ige, Ihara).

Stand. Com. Rep. No. 3114 (Gov. Msg. No. 186):

Senator Inouye moved that Stand. Com. Rep. No. 3114 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of PRAVIN DESAI, STEVEN LEE MONTGOMERY, PH.D., and RANDALL F. SAKUMOTO to the Land Use Commission, terms to expire June 30, 2006, seconded by Senator Chun Oakland.

Senator Inouye rose in support of the nominees and said:

“Mr. President, I speak in support of Gov. Msg. No. 186 and the names of Pravin Desai, Steven Lee Montgomery, Ph.D., and Randall F. Sakumoto.

“Mr. President and members, your Committee on Water, Land, Energy, and Environment would like your support for the confirmation of Pravin Desai, Steven Lee Montgomery, and Randall F. Sakumoto, gubernatorial nominees to the Land Use Commission for terms to expire June 30, 2006.

“Mr. Desai is director of architecture and interior design at CDS International. He has worked on a myriad of projects from housing to healthcare and educational facilities throughout

Hawaii, on the mainland, and in the Far East. He's also a member of the State of Hawaii Governor's construction roundtable and has been active in several professional and civic organizations including St. Francis Hospice, teaching interior architecture and the UH Manoa, and serving as vice president of the Hawaii Chapter of the American Society of Interior Designers. Mr. Desai was appointed to the commission in 1998 and has been proven to be a conscientious and dedicated active participant. His background in urban form and design adds an important dimension and contributes to the efficacy of the commission's proceedings and decision-making.

"On a side note, Mr. Desai had the honor of designing the Governor's new quarters - a 5,000 sq. ft. house which will be completed sometime after the November 2002 election.

"Steven Lee Montgomery has a strong background in biological science with a Ph.D. and a master's degree in entomology from the UH Manoa and a B.A. in biology from Grinnell College. He has extensive experience in all ecosystems in the Hawaiian Islands and has led a number of scientific expeditions to several of the Pacific Islands, including the Marquesas, Tuamotu, and Society Archipelagos. He has also done fieldwork in divergent environments around the world. Dr. Montgomery is also active in the community. He has been a research associate in entomology at the Bishop Museum since 1979; the Hawaii representative for the National Waialae Federation for the last 20 years; and a member of the board of directors and the Governor's appointee to the Natural Area Reserves System Commission from 1993 to 2000. Dr. Montgomery's dedication to caring for Hawaii's natural environment and native ecosystems will be a great asset to the Land Use Commission.

"Randall Sakumoto joined McCorrison Miller Mukai MacKinnon LLP in 1989 as a member of the firm's business and real estate department. Since joining the firm, his practice has focused primarily upon commercial, industrial, and residential real estate transactions in Hawaii. His area of expertise includes zoning and land use, acquisitions of real estate, real estate financing, operations of office retail and mixed use properties, and title insurance. Mr. Sakumoto served as a consultant to the City and County of Honolulu, Department of Planning and Permitting. He assisted in the rewriting of the land use ordinance to streamline the land use permit process. He's also a member of the Bishop Museum, Hawaii Nature Center, and Polynesian Voyaging Society. Mr. Sakumoto's high level of skill and experience in complex real estate transactions will bring an important dimension to the commission.

"After full consideration of the background, character, experience, and qualifications of each of the nominees, the Committee has found them to be qualified for the positions to which they have been nominated and recommends that the Senate support their nominations.

"Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Ige, Ihara).

At 1:11 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.

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM WEDNESDAY, APRIL 3, 2002**

Stand. Com. Rep. No. 3112 (S.C.R. No. 15, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP OF REPRESENTATIVES FROM HAWAIIAN ORGANIZATIONS, THE DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE DEPARTMENT OF HEALTH TO FORM A COALITION TO PROVIDE BETTER ACCESS TO STATE VITAL STATISTICS RECORDS," was adopted.

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was offered:

Senate  
Concurrent  
Resolution                      Referred to:

No. 67                      Committee on Hawaiian Affairs, then to the Committee on Transportation, Military Affairs, and Government Operations

**STANDING COMMITTEE REPORT**

Senator Chun, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 3148), recommending that S.C.R. No. 67 be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO MAINTAIN ITS INITIATIVE AND RESPONSIBILITY TO CLEAR KAHO'OLAWA OF UNEXPLODED ORDNANCE BEYOND THE DATE IT IS CURRENTLY SCHEDULED TO BE TURNED OVER TO THE STATE," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

S.C.R. No. 21;  
S.C.R. No. 68; and  
S.C.R. No. 133,

and the Chair granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. No. 67.

Senator Kawamoto noted:

"Mr. President, the reason for this is that the Navy requested an audience on this resolution. So Senator Chun and I agreed to do it this way."

The Chair then granted the waiver.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 870 and 2752.

Senator Taniguchi noted:

“Mr. President, we received some information recently and would like to have those bills heard.”

The Chair then granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 1700 and 2245.

Senator Menor noted:

“Mr. President, for H.B. No. 2245, the reason is because the votes apparently have shifted and changed. I think one of my colleagues has had a change of heart and would like to reconsider his vote on this measure so we’d like to put it up for vote again.

“The reason for the waiver of H.B. No. 1700 is because we need to hear a proposed S.D. 1, which would temporarily reduce the annuity forfeiture interest rate from 3 percent to 1.5 percent for contracts issued after June 30, 2002 and before July 1, 2004. We posted the hearing notice on this measure on April 3. The hearing notice indicated that the proposed S.D. 1 was and is available in my office for distribution to the public for prior review. For those reasons, we’d like to proceed with the hearing.”

The Chair then granted the waiver.

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

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

“Mr. President, I know that after yesterday it’s kind of a slow news day and I think the Governor’s got too much time on his hands because he issued a press release to all of my colleagues here and in the House in which he attacked the Republicans. I’ve actually cut to the quick, Mr. President.

“Governor Cayetano criticized Republican legislators for proffering ‘half-baked, unrealistic ideas at a time when the state is facing a significant budget crisis, and abandoning their pledge to set politics aside.’ Mr. President, I know that you know that all of our ideas are fully baked, and sometimes they’re broiled, depending on what the temperature should be and all of that. As far as being unrealistic, I think part of the problem is unrealism is in the eyes of the beholder. I will be very happy at any time to have these ideas put before the Senate for full and open discussion and a public hearing where people actually come and testify at a public hearing and talk about these things.

“But the Governor went on, and the Governor said that ‘rather than offering viable solutions, the Republicans have put forward narrow minded, unrealistic proposals devoid of merit.’ And he pointed out that one of the things was the \$4 million in uncollected fines of the library system. He said that I had made a statement yesterday that if these fines were collected that there’d be no more financial problems for the libraries. I didn’t say that. I said that we should start with collecting fines, just as we should start with collecting overpayments that were made by the state. We should start by getting payments that the state has

missed because of its ineptness – matching grants, matching monies, funds, rebates, and so forth – and that would go a long way. But what he says is ‘it doesn’t take a Wharton M.B.A. to understand that this is no solution whatsoever.’ I think the Governor’s spending too much time up in the altitude at Waialae Iki Ridge with his non-union contractor for his home and I would suggest that he look to the substance of what we’ve really said.

“We have offered viable solutions. We have offered alternatives. They have not, however, been given a reasonable or full hearing. I know that my good friends in the media usually yawn and they say, ‘oh, we’ve heard this before.’ The problem is we don’t really examine it critically and look at these options and alternatives, and there are options and alternatives for everything that we’ve done.

“So, Mr. President, besides being hurt personally, I note that this is the first year we did not challenge the House to a basketball game, which we always look forward to for the physical contact, nor did we challenge them to a softball game, which was fun also, nor golf either. So, at this time I’d like to issue a challenge to the Governor to come down here to the Senate Floor and let’s do it, Governor. Let’s do some extreme, unrealistic, half-baked issues debating.

“Thank you, Mr. President.”

Senator Hemmings also rose on a point of personal privilege and said:

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

“On a follow-up to the good Senator from Hawaii Kai’s comments regarding the esteemed Governor, he went on to beat a drum that he beat on the day of his state of the state speech about putting aside political differences and working in a bipartisan manner. Well his drum rings hallow as do his words and I will say the record will reflect that your loyal opposition, your Republicans, have worked when we can, constructively, with the Majority Party.

“We worked with you on the veto override and I think we were at the tip of the spear on presenting that as a viable alternative to the dictatorship of our legislative process by the executive branch of government since 1957. We worked closely with the Majority Party in amending a bill during the emergency session that was called the ‘King Ben Bill.’ We did open the worksheets that have been closed for years and years and years on how the budget is come to.

“So your loyal opposition has been loyal, but it has not been loyal to a political monopoly. It’s been loyal to the people that sent us here who don’t care what political label we wear. And when this Chamber has worked in those people’s interest, we have all emerged victorious. On every one of the issues I just mentioned, the people did not say, oh, it was a victory for one party or the other. It was a victory for them and therefore it was a victory for all of us.

“I want to remind the Governor, with my remarks here on the Floor, that there are three of us but we don’t represent three people. We represent the parents of the thousands of children that are going to public schools and not getting educated properly. We represent those kids that get out of the public education system that on rare occasion, but unfortunately too many, can’t read their diploma. We represent the businesses of Hawaii that are living with the incredible amount of mandates and taxation heaped on this economy by the party that has monopoly control of our state government. We represent the young people who study hard in our schools and graduate and

have to go to the mainland to seek gainful employment. We represent the thousands, if not hundreds of thousands, the people of Hawaii who had to leave the state where their heart is so that they can survive. We represent the sick who pay a tax to go to the doctor. We represent the hungry that pay a tax to eat. We represent the homeless and the poor that pay a tax to have a roof over their head.

“But most importantly, Mr. President and colleagues, we represent good government because good government is balanced like everything in life – like ying and yang, like male and female, like light and darkness. But the Governor doesn’t want this balance. His idea of bipartisanship is to listen to what they say or what he says and then we’ll all get along. Well, Mr. President and colleagues, I wasn’t sent here to get along. I was sent here to try to make a difference. And I resent – resent – the Governor continuing to beat this drum of bipartisanship when he continues to practice his political monopoly.

“Thank you, Mr. President.”

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

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

“Two quick comments before my privilege, though. If the good Senator from Manoa would like, I’ll make the motion to suspend the Rules to extend the deadline so that the Ways and Means Committee can finish its work, Mr. President.

“And second, colleagues, I promise that my action today won’t take the four hours that it did yesterday.

“Constitutional rights are important to me, Mr. President, particularly First Amendment rights and freedom of speech. In respecting those rights, I also respect the viewpoints of others. But Mr. President, sensationalized reporting belongs in the grocery store tabloid racks and not in news reports about government. This is the very example of why the public has so little trust in Legislators and why there is so much voter apathy.

“Let me give you a few examples. This is from the Hawaii Reporter; Freedom to Report Real News. That’s great. We all like real news, but how about the factual and the truthful news. This goes on to say the ‘Fight Between Three Major Senate Factions Leads to Initial Victory, Big Profit for Public Unions’ . . . big profit? I don’t think we talked about big profit yesterday . . . misinformation. ‘Yesterday will go down in history as one of the more memorable days in the state Senate.’ I doubt it. Unfortunately, the Peruvian Senator was gone. If he had been here, we might have been here another half-hour or so. So you missed one of the more memorable days, surfer.

“It goes on to say, ‘close if not as controversial as the ousting of former state attorney general Margery Bronster.’ I don’t think so. It goes on, ‘. . . overriding an agreement with the House to stay on a specific legislative timetable so that the session ends on time May 2 . . .’ Not true. What we did was suspend Rule 3(15), which is an internal deadline and has nothing to do with the timeline of May 2. ‘These moves prevented public testimony on the bill’ . . . not so. The Senator who chairs the Education Committee is in fact holding an informational briefing at four o’clock today in room 229 on this very issue. It goes on to say that we acted in ‘flippant violation of Senate rules.’ Flippant violations? That’s absurd. It’s a constitutional right that each of us have.

“This may be one of the only more accurate statements in the whole four pages here, ‘Senator Avery Chumbley, D-Maui-Kauai, who led the charge,’ not quite true, it was teamwork, ‘to

recall the bill says he has the right to do so under the Hawaii State Constitution.’ That’s one correct statement. ‘The debate was over hundreds of millions of dollars once controlled by the public unions through their own health trust fund.’ It wasn’t about hundreds of millions of dollars of debate. We have a defined contribution plan. We have Act 88. Research the facts.

“‘The unions vowed last year to get the legislation overturned this year, and lobbied legislators hard, including giving many of the lawmakers sizable campaign contributions.’ Colleagues, I went back and looked at my campaign contributions from the 1998 election period moving forward the last four years: Hawaii State Teachers Association, their last contribution to me was on May 12, 1999, \$200; Hawaii Government Employees Association, zero; UPW (United Public Workers), zero; UHPA (University of Hawaii Professional Assembly), last donation was on May 5, 2001, \$250. Well, that’s \$450 I got – not a sizable amount of money.

“It goes on to say that Senator Kalani English of Maui is considered a floater. Well, I don’t know if he’s a floater. I think he’s more of an independent than he is a floater. A floater is a dead person. It goes on to say, ‘If the union tactics do succeed in the full Senate on the final read of the bill and in the House, the Hawaii Government Employees Association and the United Public Workers Union also once again would be beneficiaries of unaccounted for taxpayers’ subsidies’ . . . not so. Act 88 is in place. This measure yesterday on the VEBA trust does nothing to repeal Act 88. Everything still is in place.

“‘The background: Hawaii state government pays 100 percent of the health benefits for employees and their dependents, and retirees and their dependents for life’ . . . wouldn’t it be so nice. ‘The union gets 60 percent of the premiums paid for these employees by the state, paid direct to the unions.’ Well, which is it? Is it 100 percent or is it 60 percent? Is it 60 percent or 100 percent? Let’s articulate it correctly. ‘. . . the United Public Workers Union and the Hawaii Government Employees Union seeks to nullify the legislation passed last year.’ Again, not true. All this does is amend Act 88.

“‘The Hawaii State Teachers Association argues that its VEBA trust is different from the other unions and has been more accountable and teachers need enhanced benefits as well as higher salaries.’ That is the single most truthful statement in the four pages.

“‘Yesterday there was 48-hour public notice given as is required and an informational briefing by a committee not originally scheduled to hear the bill, education, for Friday at 4 p.m. in conference room 229.’ Anybody that goes on Friday is going to be a day late. It’s Thursday, today, at 4:00 in room 229. It just takes a little bit of effort to research the facts, Mr. President and colleagues.

“These are the very reasons why there is so much apathy and so much mistrust for us as Legislators. I want to plea to the reporter of this tabloid-like sensationalized material to do a little bit of research, to get the facts right, and report what accurately and truly happened.

“Thank you, colleagues.”

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

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

“I’ve been called many things, Mr. President, but a floater? (Laughter.) Statesman, diplomat, perhaps. I have fun working

with all factions and all groups, and I get along well with everyone, including our loyal opposition.

“So, I agree with the previous speaker, Mr. President, that in a free society we have one protected industry, and that is the media. But the media owes it to the general public to report accurately, and this is one example of misinformation, misreporting, and perhaps actual skewing of information to have a specific outcome.

“So, on the real serious side, Mr. President, I’m glad that my colleague from Maui has brought this forward because we do see a lot of this what we’d call sensationalized journalism in Hawaii and it’s time that we start calling it.

“Thank you, Mr. President.”

#### ADJOURNMENT

At 1:35 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 5, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FORTY-SIXTH DAY

## Friday, April 5, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:53 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father Geronimo Castro, St. Anthony Church, after which the Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 255 and 256) were read by the Clerk and were placed on file:

Gov. Msg. No. 255, informing the Senate that on April 4, 2002, he signed into law Senate Bill No. 2662 as Act 2, entitled: "RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS."

Gov. Msg. No. 256, informing the Senate that on April 4, 2002, he signed into law Senate Bill No. 2788 as Act 3, entitled: "RELATING TO UNEMPLOYMENT INSURANCE APPEALS."

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 350 to 354) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 350, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1768, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 351, transmitting H.C.R. No. 29, H.D. 2, which was adopted by the House of Representatives on April 4, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 29, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE HAWAII PREPAID HEALTH CARE ACT, CHAPTER 393, HAWAII REVISED STATUTES," was deferred until Tuesday, April 9, 2002.

Hse. Com. No. 352, transmitting H.C.R. No. 53, H.D. 1, which was adopted by the House of Representatives on April 4, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 53, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF DEATH CARE PROVIDERS," was deferred until Tuesday, April 9, 2002.

Hse. Com. No. 353, transmitting H.C.R. No. 98, H.D. 1, which was adopted by the House of Representatives on April 4, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 98, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF CURRICULA FOR HAWAII PUBLIC SCHOOLS UTILIZING HAWAIIAN

FISHPONDS (LOKO I'A) AS A RESOURCE FOR TEACHING," was deferred until Tuesday, April 9, 2002.

Hse. Com. No. 354, transmitting H.C.R. No. 102, which was adopted by the House of Representatives on April 4, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 102, entitled: "HOUSE 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 Tuesday, April 9, 2002.

## STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3149), recommending that S.C.R. No. 141 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. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF FEDERAL INITIATIVES ON THE ECONOMY OF THE STATE OF HAWAII," was referred to the Committee on Ways and Means.

Senators Chun and Kawamoto, for the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3150), recommending that S.C.R. No. 113 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. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES," was referred to the Committee on Ways and Means.

Senators Chun and Kawamoto, for the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3151), recommending that S.R. No. 61 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.R. No. 61, entitled: "SENATE RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES," 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. 3152) recommending that H.B. No. 2030, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3152 and H.B. No. 2030, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3153) recommending that H.B. No. 1727, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3153 and H.B. No. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3154) recommending that H.B. No. 1746, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3154 and H.B. No. 1746, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3155) recommending that H.B. No. 2006, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3155 and H.B. No. 2006, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3156) recommending that H.B. No. 2158, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3156 and H.B. No. 2158, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3157) recommending that H.B. No. 2304, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3157 and H.B. No. 2304, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUROR PRIVACY," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3158) recommending that H.B. No. 2582, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3158 and H.B. No. 2582, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3159) recommending that H.B. No. 1749, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3159 and H.B. No. 1749, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3160) recommending that H.B. No. 1804 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3160 and H.B. No. 1804, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3161) recommending that H.B. No. 2428, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3161 and H.B. No. 2428, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGE VERIFICATION OF SEXUAL PERFORMERS," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3162) recommending that H.B. No. 2560, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3162 and H.B. No. 2560, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3163) recommending that H.B. No. 1778, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3163 and H.B. No. 1778, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3164) recommending that H.B. No. 2443, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3164 and H.B. No. 2443, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3165) recommending that H.B. No. 2473, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3165 and H.B. No. 2473, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3166) recommending that H.B. No. 2655, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3166 and H.B. No. 2655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3167) recommending that H.B. No. 1806 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3167 and H.B. No. 1806, entitled: "A BILL FOR AN ACT



RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3168) recommending that H.B. No. 1825, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3168 and H.B. No. 1825, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3169) recommending that H.B. No. 2282 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3169 and H.B. No. 2282, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3170) recommending that H.B. No. 2536, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3170 and H.B. No. 2536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3171) recommending that H.B. No. 1999, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senators Inouye and Kanno, for the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3172) recommending that H.B. No. 2552, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2552, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3173) recommending that H.B. No. 2568, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2568, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3174) recommending that H.B. No. 2788, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2788, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3175) recommending that H.B. No. 1751, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3175 and H.B. No. 1751, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE SEX OFFENDER TREATMENT PROGRAM," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3176) recommending that H.B. No. 1867, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3176 and H.B. No. 1867, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE FOR THE UNINSURED," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3177) recommending that H.B. No. 2072, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3177 and H.B. No. 2072, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3178) recommending that H.B. No. 2216, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3178 and H.B. No. 2216, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3179) recommending that H.B. No. 2459, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3179 and H.B. No. 2459, S.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3180) recommending that H.B. No. 2495, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3180 and H.B. No. 2495, S.D. 1, entitled: "A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3181) recommending that H.B. No. 2512, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3181 and H.B. No. 2512, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3182) recommending that H.B. No. 2761, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3182 and H.B. No. 2761, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3183) recommending that H.B. No. 1878, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3183 and H.B. No. 1878, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3184) recommending that H.B. No. 1942, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3184 and H.B. No. 1942, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3185) recommending that H.B. No. 2014, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3185 and H.B. No. 2014, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3186) recommending that H.B. No. 2164, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3186 and H.B. No. 2164, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3187) recommending that H.B. No. 2166, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3187 and H.B. No. 2166, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3188) recommending that H.B. No. 2235, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3188 and H.B. No. 2235, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3189) recommending that H.B. No. 2353, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3189 and H.B. No. 2353, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3190) recommending that H.B. No. 2480, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3190 and H.B. No. 2480, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3191) recommending that H.B. No. 2798, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3191 and H.B. No. 2798, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOLARSHIPS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3192) recommending that H.B. No. 2276, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3192 and H.B. No. 2276, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3193) recommending that H.B. No. 2500, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3193 and H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3194) recommending that H.B. No. 2501, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3194 and H.B. No. 2501, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE

EMPLOYEE BENEFIT PROGRAMS,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3195) recommending that H.B. No. 2599, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3195 and H.B. No. 2599, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3196) recommending that H.B. No. 2249, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3196 and H.B. No. 2249, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NORTH KOHALA,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3197) recommending that H.B. No. 2400, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3197 and H.B. No. 2400, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3198) recommending that H.B. No. 1939, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3198 and H.B. No. 1939, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL WATER DEVELOPMENT,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3199) recommending that H.B. No. 1976, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3199 and H.B. No. 1976, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3200) recommending that H.B. No. 2017, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3200 and H.B. No. 2017, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3201) recommending that H.B. No. 2172, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3201 and H.B. No. 2172, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3202) recommending that H.B. No. 2271, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3202 and H.B. No. 2271, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ABATE AGRICULTURAL THEFT,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3203) recommending that H.B. No. 2455, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3203 and H.B. No. 2455, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3204) recommending that H.B. No. 2553, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3204 and H.B. No. 2553, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3205) recommending that H.B. No. 2132, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3205 and H.B. No. 2132, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONS,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3206) recommending that H.B. No. 2311, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3206 and H.B. No. 2311, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3207) recommending that H.B. No. 2563, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3207 and H.B. No. 2563, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS,” was deferred until Tuesday, April 9, 2002.

#### ORDER OF THE DAY

#### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

#### MATTERS DEFERRED FROM THURSDAY, APRIL 4, 2002

H.C.R. No. 103, H.D. 1 (Hse. Com. No. 334):

By unanimous consent, action on H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 123 (Hse. Com. No. 335):

By unanimous consent, action on H.C.R. No. 123, entitled: "HOUSE 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 deferred until Tuesday, April 9, 2002.

H.C.R. No. 190 (Hse. Com. No. 336):

By unanimous consent, action on H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 30 (Hse. Com. No. 342):

By unanimous consent, action on H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KI ILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 55 (Hse. Com. No. 343):

By unanimous consent, action on H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE ON THE PROGRESS OF PRESERVING AND PROTECTING THE KOHALA HISTORICAL SITES MONUMENT AND THE FEASIBILITY OF PROPERTY CONDEMNATION TO PROTECT THESE SITES, AND TO REVIEW PRESENT ZONING LAWS," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 66, H.D. 1 (Hse. Com. No. 344):

By unanimous consent, action on H.C.R. No. 66, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 83 (Hse. Com. No. 345):

By unanimous consent, action on H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO MEET WITH ALL STAKEHOLDERS AND USERS OF KEEHI LAGOON TO DEVELOP A CONCEPTUAL MASTER PLAN WITH FOCUS ON PRODUCTIVE USE OF UNUTILIZED LANDS AND REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE UNUTILIZED FAST AND SUBMERGED LANDS SUBJECT TO LEGISLATIVE DISAPPROVAL," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 87 (Hse. Com. No. 346):

By unanimous consent, action on H.C.R. No. 87, entitled: "HOUSE 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 Tuesday, April 9, 2002.

H.C.R. No. 147 (Hse. Com. No. 347):

By unanimous consent, action on H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was deferred until Tuesday, April 9, 2002.

H.C.R. No. 163 (Hse. Com. No. 348):

By unanimous consent, action on H.C.R. No. 163, entitled: "HOUSE 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 deferred until Tuesday, April 9, 2002.

H.C.R. No. 200, H.D. 1 (Hse. Com. No. 349):

By unanimous consent, action on H.C.R. No. 200, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was deferred until Tuesday, April 9, 2002.

## ADOPTION OF RESOLUTIONS

### MATTERS DEFERRED FROM THURSDAY, APRIL 4, 2002

Stand. Com. Rep. No. 3140 (S.C.R. No. 61):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR 'MUST-CARRY' LEGISLATION," was adopted.

Stand. Com. Rep. No. 3141 (S.R. No. 31):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 31, entitled: "SENATE RESOLUTION

URGING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE FEDERAL CABLE ACT OF 1992 FOR 'MUST-CARRY' LEGISLATION," was adopted.

Stand. Com. Rep. No. 3142 (S.C.R. No. 108):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was adopted.

Stand. Com. Rep. No. 3143 (S.R. No. 57):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 57, entitled: "SENATE RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was adopted.

Stand. Com. Rep. No. 3144 (S.C.R. No. 87):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 87, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was adopted.

Stand. Com. Rep. No. 3145 (S.R. No. 41, 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. 41, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT," was adopted.

**THIRD READING**

Stand. Com. Rep. No. 3115 (H.B. No. 1842, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3115 and H.B. No. 1842, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3116 (H.B. No. 2056, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3116 and H.B. No. 2056, H.D. 2, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO SOCIAL WORK," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3117 (H.B. No. 2169, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3117 and H.B. No. 2169, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3118 (H.B. No. 2467):

By unanimous consent, action on Stand. Com. Rep. No. 3118 and H.B. No. 2467, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3119 (H.B. No. 1941):

By unanimous consent, action on Stand. Com. Rep. No. 3119 and H.B. No. 1941, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3120 (H.B. No. 2514):

By unanimous consent, action on Stand. Com. Rep. No. 3120 and H.B. No. 2514, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," was deferred until Tuesday, April 9, 2002.

H.B. No. 1713, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 9, 2002.

H.B. No. 1715, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1715, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 9, 2002.

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

By unanimous consent, action on H.B. No. 2315, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," was deferred until Tuesday, April 9, 2002.

H.B. No. 2817, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2817, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3129 (H.B. No. 1864, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3129 and H.B. No. 1864, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3130 (H.B. No. 2266, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3130 and H.B. No. 2266, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO ACCRETED LANDS," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3131 (H.B. No. 2426, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3131 and H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3132 (H.B. No. 2433, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3132 and H.B. No. 2433, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3133 (H.B. No. 2496, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3133 and H.B. No. 2496, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3134 (H.B. No. 2507, H.D. 3):

By unanimous consent, action on Stand. Com. Rep. No. 3134 and H.B. No. 2507, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3135 (H.B. No. 2537, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3135 and H.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3136 (H.B. No. 2550, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3136 and H.B. No. 2550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," was deferred until Tuesday, April 9, 2002.

Stand. Com. Rep. No. 3137 (H.B. No. 2832, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3137 and H.B. No. 2832, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, April 9, 2002.

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

The Senate reconvened at 12:04 o'clock p.m.

S.B. No. 2961, S.D. 1:

Senator Chumbley moved that S.B. No. 2961, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley then requested that Senate Rule 53, requiring floor amendments to be presented to the Clerk no later than 9:00 a.m. on the day of the session at which the amendment is to be offered, be waived, and the President granted the waiver.

Senator Chumbley then offered the following amendment (Floor Amendment No. 4) to S.B. No. 2961, S.D. 1:

SECTION 1. Senate Bill No. 2961, S.D. 1, is amended as follows:

1. By amending § -2 of section 2 of the bill to read as follows:

"§ -2 **Establishment of the trust.** An employee organization must meet the following requirements if it is to establish a voluntary employees' beneficiary association trust under this chapter and be exempt from chapter 87A:

- (1) The employee organization shall establish a tax-exempt trust pursuant to section 501(c)(9) of the Internal Revenue Code of 1986, as amended, known as a Voluntary Employees' Beneficiary Association (VEBA) trust;
- (2) The trust may offer health benefits in accordance with section 501(c)(9) of the Internal Revenue Code of 1986, as amended, and related regulations;
- (3) The trust shall provide for a plan of benefits it intends to provide for its members, and a summary plan description of the benefits and rules of the plan, which will meet the standards and requirements of the Employees Retirement Income Security Act of 1974, as amended. The trust shall furnish a copy of the summary plan description and its amendments to each employee covered under the plan with a copy to the department of human resources and development for the State of Hawaii, and to the department of education, University of Hawaii and the respective human resource departments of each county as their interest may appear;
- (4) The trust shall have at least one member of its governing board who is a retiree and a member of the employee organization sponsoring the trust;
- (5) The governing board of the trust shall notify its members of regularly scheduled meetings and shall determine the appropriate method by which such notice shall be made; and
- (6) The employee organization has an applicable collective bargaining agreement with the employer."

2. By amending § -6 of section 2 of the bill to read as follows:

"§ -6 **State and county contributions to trust; retired employees.** (a) Any individual who becomes a retiree on or after the establishment of an employee organization sponsored trust pursuant to section -2, and who is a member of that employee organization, shall be enrolled in that employee organization sponsored trust established pursuant to section -2 and the applicable collective bargaining agreement under which the retiree was covered at the date of retirement.

(b) Any retiree, prior to an employee organization sponsored trust being established pursuant to section -2, who is a member of that employee organization, and who was previously covered by a collective bargaining agreement, shall be given a one-time option to transfer participation from the Hawaii employer union health benefit trust to the corresponding employee organization VEBA trust once established pursuant to section -2. For the purposes of this chapter and for providing retiree benefits, a collective bargaining agreement may include provisions specifying contributions and any process by which Medicare part B reimbursements may be ported from the employer-union health benefits trust fund established pursuant to chapter 87A for reimbursements to those retirees who are covered by the VEBA trust.

(c) Upon the establishment of a trust satisfying the requirements of section -2 by an employee organization, the State, through the department of budget and finance and the several counties through their respective departments of finance, or the University of Hawaii, shall pay to the trust for

each retiree who participates, a monthly contribution pursuant to the applicable collective bargaining agreement which shall not exceed the base monthly contributions or the specific contribution limits set forth in chapter 87A.”

Senator Chumbley moved that Floor Amendment No. 4 be adopted, seconded by Senator Matsunaga.

Senator Chumbley rose to speak in favor of the motion and said:

“Mr. President and colleagues, as we had indicated and committed to in our lengthy discussion on Wednesday, in the absence of a formal public hearing we did hold an informational briefing on the proposed S.D. 1 yesterday. It was a very good discussion among many parties – Budget and Finance was there, professionals within the insurance industry, actuaries, many of the advocates for the bill. There were many concerns that were still raised about the S.D. 1 during the nearly three-hour informational briefing. As a result of some of those concerns that were raised, we are proposing today for your consideration an amendment to that S.D. 1 version, which we all feel further clarifies some of the concerns that were expressed on the Floor Wednesday during the debate and addresses some of the issues that were raised yesterday during the lengthy informational briefing.

“One of the first changes is that we are going to be making a change in the bill to require that at least one member of the governing board of the VEBA trust be a retiree and a member of the employee organization. This ensures that there will be direct representation from that retiree group and that was one of the concerns that was expressed on the Floor.

“Second, we will be requiring that the VEBA trust board notify its members of its regularly scheduled meetings. That way, all of those beneficiaries who are members of the trust will receive public notice.

“Lastly, the third change would be that we’ve added language to the bill to ensure, to make absolutely clear that the Medicare part B reimbursement will be available to the retirees, as it is identically available under the Employers Union Trust (EUT). This will apply to all retirees that are covered under the employee organization sponsor, VEBA trust.

“With that, Mr. President, we feel that we have improved this measure significantly and we’d like to acknowledge all those concerns that were raised from our colleagues. You had some absolutely legitimate points and I think we do have a much better product here.

“Thank you, Mr. President.”

Senator Hanabusa rose to speak against the amendment and stated:

“Mr. President, we haven’t had the opportunity to really review the Senate Floor Amendment, however, I will be voting in the negative on it, simply because this House has already taken a position that it will now suspend its Rules and it seems to me that at this point, what we’re doing is a futile action. And in light of the futility, I believe that it is not respectful for the teachers – to give them some sense of false hope that this bill will make it through.

“I appreciate the efforts that have been made on this matter, but there comes a point in time when if it’s not going to go forward, we should just say it’s not going to make it and let’s do it correctly with true public hearings with everyone working out all of these various issues. I’m sure if we go through this

Senate Floor Amendment 4, come next Tuesday, we’re going to have similar concerns, because once you tweak one part of the bill, you’ve got to be concerned about another part.

“For that reason, Mr. President, I will be voting ‘no.’

Senator Chun rose in opposition and said:

“Mr. President, I would like to thank the members – the Chair of the Education Committee and some of the members that participated in yesterday’s hearing. I want to make it clear that I agree that concerns were raised by the public and that all of the concerns were valid and should be addressed.

“To be totally honest, I’m a little bit disappointed that not all of the concerns were addressed in this amendment. For example, my understanding at the hearing is that it was agreed that the trust would be agreeable to have the retirees have a proportional representation on the trust board. I thought the language was going to be corresponding to the demographics of the membership. Now they’re just providing for all retirees to have one vote.

“Mr. President, we all know that the retirees will comprise a larger portion of the trust or any kind of health fund as our population grows older. The concern that I raised, and I made it very clear on that day, is that I wanted to make sure that they had an adequate voice in the new trust. My understanding is that the proponents of the bill said that’s no problem, we’ll agree to put in a provision that says they will be proportionate to the demographics. But now we just have one representative and I’m a bit concerned about that. I don’t know whether or not it was mixed up in the translation versus the writing of the bill itself, but that is a concern I wanted to make very clear. I thought I was pretty clear at the hearing and I don’t see that reflected in this amendment.

“The second thing I made very clear at the hearing was that we have to differentiate that what we’re talking about is a trust document – a trust set up by the employees. We’re not talking about a union issue – it’s not. So, basically we’re looking at state law that validates and allows trust.

“And that’s the reason why I raised the second point which is, why are we requiring that a trust member has to be a union member? That doesn’t seem to make sense because one of the unions was talking about charging membership fees. And then we started talking about whether the fee will be a dollar or two dollars or whatever. The bottom line is – we’re talking about a voluntary trust that is made up of people. We’re not talking about the union.

“I don’t know why we have to impose upon the retirees a requirement that they have to join another organization in order to have benefits in this organization. I am not going to support that kind of arrangement and I was very clear at the hearing that they should delete that requirement, period. And that wasn’t done. I’m not about to expose the retirees to having to use their hard-earned limited income to pay for another organization’s fees. It shouldn’t relate to the VEBA trust because the amount that the state will be paying should be sufficient to pay for all the costs of providing their health coverage.

“So what is this additional fee that they want to charge? It’s a union fee and that union fee doesn’t go to the VEBA trust. So what is that requirement for? That’s why I was very, very concerned, and again that wasn’t addressed. I want to make it very clear that I’m disappointed that wasn’t deleted. In fact at the hearing I heard the proponents of the bill say yes, that’s not a problem. Again, it was a very long evening and maybe it was missed in there.

"I'm also concerned about the fact that this bill does not incorporate provisions that I think even one of the other Senators was talking about – about allowing people to opt in or opt out. I wasn't quite convinced that should be allowed. It was my understanding, after leaving that hearing that such an amendment will be put in. I'm not going to speak whether it should be in because I wasn't there for the initial portion. But I think the concerns raised by that Senator at least raised an issue in my mind, but I wanted to see these things in here to at least allow the discussion to go on. But that wasn't put in.

"The Medicare part B . . . thank you for at least addressing that. I don't believe the language in here sufficiently covers it because again we're confusing a trust with the union. You're making the Medicare part B subject to whatever the union decides in their collective bargaining agreement. That wasn't what we talked about. I'm not about to hold the retirees hostage to being negotiated on something that I don't even want them to be members of. That's what I'm saying – we're confusing the union membership and union issues with a VEBA trust. It's like me telling somebody who wants to be a member of a nonprofit organization that before you join this nonprofit, you're going to have to join the union. I don't know why we're doing this.

"So again, on one hand I agree with the amendment regarding the Medicare part B payments, but I disagree with having to go to the union to make sure that they agree with the retirees. Again, why are we taking money out of the pockets of the retirees and making them go hat in hand to the unions to do that? I don't think the unions agreed to that or wanted that. I could be wrong, but I thought it was very clear that the union said yes, the state should just give the money to the retirees. So again, I'm confused as to how this language came out.

"I raised an issue early this morning. I must apologize to the Senators who worked on this. I had a nice long sleep last night after the hearing. Somewhere between 10:00 and 12:00 I got up and said, another issue that I did not mention was how to enforce this. Because what was bothering me throughout this discussion, and I think Mr. Tam when he was testifying made it very clear, is that the issues of the trust itself – how to form the trust, how to regulate the trust, how to make sure that a trust follows what we want in this bill – are subject to only state law and not federal law. But when I went through the bill in my mind at 12:00 at night, it only makes mention to the enforcement by the federal side. The federal side doesn't have any jurisdiction. In fact that was Mr. Tam's testimony.

"The federal issues don't involve the issues we are talking about here today. So by putting in this bill oversight by the federal government with no oversight by the state is an exercise in futility. So last night I was thinking we need to add a provision saying who is going to enforce the state's concerns, and there's nothing in there right now. I apologize. I should have brought that out to you earlier, but it was late in the night. But I think we need to do more work.

"Overall, what is very clear is that I think the issues are there. Everybody acknowledges that issues are good issues. How to take care of these issues will require us to take a long and hard look at this bill and we need time to do that. We need public testimony to do that. I think the HSTA retirees made a very good point in their testimony. And that was really good because they only had less than 24-hours notice to do it.

"How much more are we going to find if we allow full public participation and discussion on this? I think that's what concerns me. And that's the reason why the constitution requires three separate hearings. That's why our Rules require

they be given to committees and have them have public testimony – to allow us to read these bills, to digest these bill, to look at it and look at all the different ramifications. And without that opportunity, we're going to miss something and we're not going to address the issues, we're not going to help people the way we want, and we're going to do a grave injustice.

"Mr. President, I applaud the proponents of this bill in terms of wanting to work. The amendments are better than the original bill. I think there are other concerns that need to be addressed, and I think we need more time. If we are correct, when the first vote was taken, that there are no time limits on this, then let's not rush it. Let's have more hearings on this and talk about it more because these issues are serious issues. They're going to impact real people. They're going to impact real dollars and real families who don't have the kind of money to spend. I think we've got to take a look at it and make sure that we're not hurting them.

"So, Mr. President, I think these are the concerns. I want to make it clear that's what I was talking about yesterday. I want to make it clear that I believe it's a step in the right direction in wanting to do it, but I don't believe it has met our issues at this point in time.

"Thank you, Mr. President."

Senator Sakamoto rose in support of the amendment and said:

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

"Just for clarification, some of you have come to all or part of the informational briefings. Some of you may have watched all or part of it on your monitor. To clarify some of the points, I'll just go down chronologically on some of the amendments that were raised just to be clear on some of the comments made by Senator Chun, which are correct comments.

"One amendment was suggesting or related to how the dollars from retirees would get into this fund and that was addressed as one of the amendments. Another suggested the amendment dealt with the part B Medicaid and Senator Chun is correct in saying he thought, at the time, it seemed to be that the dollars would be reimbursed although the amendment doesn't say that. The amendment does have another provision. But it is at least addressed in the amendment as opposed to being silent.

"A suggested amendment dealt with if indeed there's decertification or dissolution of the bargaining unit, what would happen to the funds in the trust? That amendment wasn't agreed to because there are other requirements related to the trust that we couldn't, by legislation, determine how the assets of the trust would be distributed. In fact, if there's agreements to give benefits yearly, that would continue and the assets of the trust would be drawn down even if indeed there were a decertification or some change along the way.

"The proposed amendment relating to if the retirees or actives need to be members of the bargaining unit or members of the union, this issue was discussed and at the table, Senator Chun is right, upon closing we thought that changing it from having to be members of the union to being members of the bargaining unit would have helped resolve that issue. Unfortunately, according to the advisors of the plan, they're saying they couldn't do that, so that wasn't included.

"I'm somewhat concerned because there are people who for Jehovah's Witness's religious beliefs, or other people with other



beliefs, that for whatever reason are not members as actives or retirees. So that is an issue that isn't resolved.

"Another amendment relates to the notification, the filing, etc. So there are filing procedures and the amendment does relate to notification. So that part is addressed.

"Another amendment, as Senator Chun reflected at the table, at the time it seemed to be agreeable that the board of trustees would reflect the demographic constituency of the group including retirees. But I guess upon afterthought by the parties, they determined that one retiree member would address at least the retirees. I believe there is confusion over other parts of the demographics – if you then need to include single-family moms, do you then need to include men as opposed to women, do you then need to include other ethnicities. So I believe, in an afterthought, if the main focus was retirees, the solution proposed in this amendment was to include a retiree member.

"Another amendment suggested at the table was an opt out provision from the fund. In the discussion, however, that would lead to the adverse selection, which is the very thing we're trying to avoid. So that amendment was not agreed to and therefore this measure does include most of what was discussed. However, as the Senator from Kauai is right, it doesn't include all that what was agreed to at the time. But I believe it's an improvement over what we have at hand, and therefore, I believe it's worthy of support at this time, Mr. President.

"Senator Chun did mention to me, as he came out of his sleep, his idea about how this would be enforced and I did pass that word along. The answer I got back was that the bill does say the attorney general shall enforce any violation of this chapter in addition to any other U.S. federal agency or other state agencies. So there is some provision. Whether that's adequate to meet the Senator from Kauai's concern, there is a provision for the attorney general to be involved.

"Thank you, Mr. President."

Senator Hemmings rose in favor of the amendment and said:

"Mr. President, I rise to speak in favor of the amendment.

"Mr. President, I will have more detailed comments upon final deliberation and digest of this particular legislation. But I do think it's important to reflect on a principle that's been put on the Floor today by an icon in this Legislature and the current leadership of the Senate, the good Senator from the separate kingdom, and that is that he wholeheartedly supports, and I hope more Majority Party members get on the bandwagon, the principle of the right to work, and we appreciate that.

"Thank you, Mr. President."

Senator Chumbley rose to speak in support of the amendment and said:

"Mr. President, I rise to speak in support of this amendment.

"I'm glad that the Peruvian Senator is back and added his very brief comments to the measure. I'm also very happy that the good Senator from Kauai is not a sleepwalker, otherwise he would have been at my hotel room knocking on the door about wanting to make amendments to the bill in the middle of the night because he is very passionate in his efforts and beliefs.

"I just want to raise a couple of points in clarification on this bill. When we talk about trying to make sure that the retirees are properly protected, it is not the intention of any of the proponents of this bill to hold retirees hostage as was indicated

they do. We're not doing that. We want to make this work for the retirees, just like we tried in Act 88 to make the retirees protected under the EUT.

"I want to go back to the language of the specific bill just to clarify that as it's proposed, the trust shall have at least one member of its governing board who is a retiree. That is no different than the employers' union trust. I believe that the EUT says it shall have at least one member also. In addition, that's not to preclude the trust itself from reaching out and proportionately representing its membership. If the EUT and the 50-some thousand active members and, I believe, its close to 20,000 retirees has that same spirit and wants to proportionately represent those retirees, then the EUT must have more than one, as spelled out in its law.

"So, I think in good faith, that this VEBA trust and the commitments that I heard yesterday during this briefing will allow proportionate representation.

"On the specific issue of enforcement, the good Senator from Moanalua did mention that the attorney general, as written in this bill, has some enforcement. This should be good enough to satisfy the concerns of the Senator from Kauai, I don't believe this is a futile effort, and that we will end up in Conference Committee on this bill. I am committed to the good Senator that in Conference, because I am positive that the House will see the light and see the importance of moving forward with this, we can address additional enforcement concerns if he feels it's necessary.

"With respect to the debate that we had in the hearing about the opportunity to opt in or out, we listened to the concerns expressed by the budget and finance director about adverse selection. It was the consensus at the table against the wishes of the good Senator here on my left whose constituent called and said we want to be able to opt in or out. We don't want to do that. It's either you're in or you're out. That way we feel it addresses the adverse selection problem.

"With respect to the retirees participation and the potential that this could result in retirees having to put money into the union, I would call my colleagues attention to the fact that several of the public unions do have associate memberships in place right now. In fact, Mr. President, I have been an associate member of the HGEA, and I'll remind you that HGEA was the union that gave me zero contributions. I've been donating to the HGEA associate membership now for about the last six or seven years, I think, at \$6 a month. I guess that would entitle me to be able to get some car insurance benefits or other benefits that are extended to other public employees of the HGEA. I'm supporting, continuing to give them my \$6 per month because I think it's some of those benefits that they offer to their members that are important, and if I can help support that financially, then I'll continue to do so.

"In the discussion yesterday, HSTA indicated that it also was willing to and would move forward in changing its bylaws to allow for some other kind of membership that is not necessarily a union member, but a membership. For example, in the HGEA, I am not a union member, but yet, I, through my associate membership, can participate in the benefits that they have to offer. Initially, they had indicated and were willing to make this membership available to the retirees for a mere \$1. So I think that is not a financial burden that many of these retirees could not handle.

"So, for all those reasons, Mr. President, I think that we do have a product that has been approved and we are committed in Conference Committee to continue to improve this to address further concerns.

“Thank you.”

Senator Nakata rose in opposition to the amendment as follows:

“Mr. President, I’m continuing to be in opposition to the amendment and to the previous bill.

“There is one issue that has not come on the Floor today that was there the other day, and that is the issue of fairness and equality, and by splitting out one of the union trusts here, we are not meeting that equality and fairness standard, I believe.

“The non-action on the part of the House also, I believe, means that we are in a futile exercise. I do not share the optimism of the Senator from Maui and Kauai, so I will continue to vote ‘no’ on this bill.

“Thank you.”

Senator Taniguchi rose on a point of inquiry and stated:

“Mr. President, I have a point of inquiry.

“Could you let me know what would happen if we should pass this amended bill and it goes to the House. What would happen in the House? Maybe either you or the Clerk could inform me as to what the status of the bill would be.”

The President responded:

“Senator, I think the possibility is that once this goes over to the House, they may reconsider its action.”

Senator Taniguchi continued to inquire:

“Would it be referred to Committee?”

The President replied:

“I have no idea. They would have to suspend their Rules, I would imagine, to receive this particular measure.”

Senator Taniguchi then said:

“Thank you.”

Senator Slom rose in opposition to the amendment and said:

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

“It’s interesting that we keep talking about voluntary, but we’re not talking about voluntary in any way. We’re talking about compulsory membership and we’re talking about compulsory programs and so forth. As far as the semantics, I hate to correct the good Senator from Kauai, but he kept talking about the hearing yesterday. There was no hearing yesterday; there was a briefing yesterday. I did get to monitor several hours of the briefing.

“I’ve noticed, by the way, that we have not sought the input of the legislative auditor, whose report started all of this several years ago in terms of the dire financial straits that we’re in and that we would be in and that we would continue if we didn’t make a change, which we did with Act 88 last year. So, it’s interesting, since this body and the body across the hall always lauds the legislative auditor, we did not seek her counsel or advice or input because we’re trying to rush this through.

“And to the good Senator from Maui, I believe that contrary to your statement, sir, the House has already seen the light. They’ve already seen the light and they have made a decision on this.

“The issues that we talked about initially, the issues that we wrangled about last year are not addressed in either this amendment or this bill, and primarily they have to do with two renegade unions who to this moment still refuse to provide any financial information. And it’s not our money; it’s the taxpayer’s money. They continue to flout their responsibility or accountability and neither this bill nor this amendment addresses that in any way, nor does it address the \$11.6 million or several other million dollars and change that the HSTA union still has and claims as their own, nor does it address the fact, as was made clear at yesterday’s briefing, that now we’re going to be talking about not direct subsidies into a union, but direct subsidies into yet another third party entity – the VEBA trust. Once the money goes into the VEBA trust, as was testified to yesterday by all of the people including the man named Tam, not representative of our Senator here, it was represented that once the money goes into that VEBA trust, that money cannot be refunded or returned under any circumstances for overpayment, for mistake, for error, for reduction in premium, fraud. Once it’s in that trust, that money is gone.

“Now, if that is the union money, if that’s the \$6 per month that the Senator from Maui pays in and he does so voluntarily, that’s great, that’s great. But we have a fiduciary duty here because it’s the taxpayer’s money and it’s a trust. We have not answered the previous questions. We’ve not even tried to do that and we’re trying to move on, suspending rules in a willy-nilly way trying to rush this thing through.

“So, I won’t be a part of it and that’s why I’m voting ‘no.’ Thank you.”

Senator Chumbley rose in rebuttal and stated:

“Mr. President, I’d like to provide some rebuttal comments to the previous speaker.

“In speaking in support of the bill, I do want to say that if I misspoke and said it was an informational hearing, I meant to say briefing. It was a briefing, although it was conducted as if it was a hearing. We received testimony, solicited public input, and broadcast it on the Capitol TV network so that everyone could participate.

“With respect to the issue of compulsion, and compulsion in regards to the membership to be able to be a part of the VEBA, that is correct. But that’s a function of the federal law. Under the federal trust laws 501C(9), you have to be a member in order to participate in the VEBA. It doesn’t mean you have to be a union member but you have to be a member of the organization structured for the VEBA. The good Senator from Kauai is shaking his head so maybe he can provide a different viewpoint to that, but it is that required membership.

“We did seek out the input of the legislative auditor. In fact we called her after this measure was adopted, faxed a copy to the legislative auditor, asked the legislative auditor to provide us her overviews of this. She indicated that maybe they can no longer do it because their consultant who she hired to do this study is no longer under contract, but she said let me ask one of my managers in my department to see if they can review it and we’ll get back to you. Unfortunately, we received no communication back from the auditor, but we did reach out and try to seek her input.

“With regards to the issue of direct subsidies and overpayment comments, that is accurate. No VEBA trust, no federal trust can give a cash rebate to its beneficiaries. The monies that are in those trusts are for the benefit of providing those individuals, as members, healthcare benefits. They can’t be given back as a cash rebate but what can be given is possibly a premium holiday where the members don’t have to pay any premiums because of the surplus or the efficiency or the ability to create those reserves as a result of good administration and good negotiation. It can also be given back to those beneficiaries, the trust members, by the way of expanded benefits. That’s one of the things that the current VEBA does. It provides expanded benefits – long-term care. It provides for some immunization type benefits, things that can be given back which are extra to the individual members.

“So, those comments, Mr. President, help put the proper light back on this so that we can factually discuss some of the points in this bill.

“Thank you.”

Senator Chun rose again in opposition and said:

“Mr. President, I will respectfully disagree with the honorable Senator from Maui.

“What was being just talked about, and I believe I asked this question to their attorney Mr. Tam, not the Senator Tam, does the VEBA trust law require the employees to be members of the union? I believe the answer was ‘no.’ And that’s why I thought when we left the informational briefing that it wasn’t an issue anymore and that we didn’t need, because of VEBA, to require retirees to join the union and spend their hard-earned money.

“Now, we’re not talking about only one union. This bill affects every single union and we only had one union testify that yes, in their bylaws they provide for only a marginal fee for retirees. But we don’t know what the other unions are doing. We don’t know what’s in their bylaws and we’ve got to keep that in mind. We’re talking about a broad law affecting every employee organization affecting every employee. That’s what we’ve got to keep in mind. It’s not just one. That’s why I kept on bringing it back to what are the requirements of the federal law.

“We’ve got to remember VEBA is a voluntary employee benefit association. If you look at the IRS regulations, the only thing that is required is you have to be an employee. It doesn’t say under the IRS regs that you’ve got to be an employee who’s a member of the union. It says employee. I invite all the Senators here and the proponents of the bill to read that chapter in the IRS code, that’s the requirement.

“I really want to emphasize that what we’re talking about is allowing employees to voluntarily join and voluntarily participate. But what we’re doing here in regards to the retirees, who by definition in the federal law are employees, is mandating them to join the collective bargaining unit – a union, basically. We’re mandating it. Now, if the Honorable Senator from Maui wants to voluntarily join as an associate member, that’s fine and that’s his right. But what we’re doing in this bill is mandating in order for you to participate in an employee’s benefit association, which you can by federal law participate in anyway, you are mandated to also join the union. That is not the federal law and that’s only a matter, I believe by the testimony, of the actual documents of the VEBA trust form by HSTA.

“So we have to keep in mind to separate what is being done by one union versus what is being done by every union. My

understanding is that we were going to take care of this problem by (1) not requiring retirees to be a member of the union; and (2) prohibiting the union or the VEBA trust from amending their own bylaws to require it because that’s the other way to end run it.

“The bottom line, Mr. President, is I wanted to make sure, and I made it very clear, that the retiree’s interests are met, that we’re not going to hammer them for unexpected expenses and we’re not going to put additional burdens on them, and that has not been met. For what reason were these concerns not met? Because they were told that they couldn’t do it, because the union attorney or union representative said they wouldn’t do it, after they said they could. That’s what bothers me about this process, Mr. President.

“I went into this informational briefing wide open, willing to discuss all my issues, willing to lay it on the table, willing to listen to the responses, and the responses came back, ‘yes, we can do it; yes, we can do it; yes, we can do it.’ Then we get the amendment and all of a sudden . . . ‘oh, they came back after this informational briefing and said no we couldn’t, and so I didn’t put it in.’ What is this process, Mr. President? We wanted to have an open process where these issues were talked about openly, discussed openly, and I thought agreed to openly . . . then afterwards during the drafting – ‘oh, I changed my mind.’ That’s what’s bothering me about this.

“If we really want to make a good bill, let’s make a good bill. We’re talking about Conference; that’s a pie in the sky. The House has already told us that they’re not willing to consider the bill. So if we’re going to pass something, it cannot be something that we’re going to fix in Conference because they’re not going to do it in Conference. It has to be something that we are comfortable with now, where the issue has been addressed, that the language is okay, not something that ‘well, we’ll take care of it later.’ Because, Mr. President, either it’s going to be taken care of now or never, because the House has said they’re not going to consider it.

“So, before I put my name to something like this, I want something more than just ‘oh, they told me in the back door while I was drafting it that they’re going to go back on their word.’ That’s what bothers me, Mr. President. I will be voting against this.”

Senator Ige rose in support of the amendment and said:

“Mr. President, I rise in support of the floor amendment.

“I did want to state for the record that I did, in fact, receive a call back from the Auditor, subsequent to our initial questions. In my conversation with the Auditor, she basically said that the nature of most of our questions that we were asking her was really in the purview of her consultant and she didn’t feel comfortable making a formal statement or taking a formal position without the benefit of discussing it with her consultant.”

Senator Fukunaga rose and said:

“Mr. President, I’d just like to respond to the point made by the good Senator from Kauai.

“The attorney and the trust consultant that the HSTA had at the table during the informational briefing said that the requirement was because the employee organization is the sponsoring organization of the VEBA trust. In order for retirees to participate in the trust, they have to be members of the sponsoring organization because that’s what is required for the employee organization to qualify under the federal IRS

requirements. We'd be happy to ask them to provide us with the specific language on requirements that the good Senator brought up."

Senator Sakamoto rose and said:

"Mr. President, a clarification on the dollars that sit in the existing VEBA trust, the \$13.6 million . . . at the end or near the end of the informational briefing after agreeing to various points or not agreeing to various points, I asked the question, Does this in some way, by passing this measure as amended, assure, insure, guarantee that the \$13.6 million, or whatever number that sits in the VEBA trust now, becomes carry-on money to the new entity and that the teachers and all parties can say 'oh good, that's our money, don't worry'? The answer was: 'No, this is prospective. The \$13.6 million is still an issue just as the issue of the UPW, HGEA, Royal State or whoever it is.' I think those monies that are in the existing plans, be they VEBAs or otherwise, are the issue at hand and this bill in no way should affect the disposition of those dollars if in the event the state determined, the AG determines, or other parties determine that some money is owed back.

"As the Senator from Maui indicated, whether it's a premium holiday or other issues, I think the state portion or the employee portions need to be dealt with fairly and accurately.

"Thank you, Mr. President."

Senator Chun Oakland rose in support of the amendment as follows:

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

"I hadn't planned on speaking today, but I would like to respond to the Senator from Kauai's comments with regards to the concerns he raised earlier, because I had shared those concerns. I actually asked those questions even prior to the Senator coming to the briefing. We did in fact, in drafting the floor amendment, consult after the briefing with Paul Tom, who is with the Benefits Plan Consultants Organization and is basically responsible for the HSTA VEBA, and had asked every single concern and possible amendment that both the people at the briefing were open to. That's my recollection. They were open to those amendments. However, when we did speak with Paul Tom on some of those points, he said it was not possible for us to actually do a statutory change. In fact, we would be overridden by existing federal law.

"So I know that from my vantage point, having been concerned as the Senator from Kauai was on a number of issues, I was very certain that Paul Tom was aware of the amendments that we wanted to make, but in his professional involvement in this, he had indicated that it was not possible.

"So that's why those amendments are not in this floor amendment. Thank you."

Senator Ihara rose and said:

"Mr. President, I'd like to request a Roll Call vote on this motion."

The Chair so ordered.

The motion to adopt Floor Amendment No. 4 was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Buen, Chun, Hanabusa, Kokubun, Matsuura, Nakata, Slom, Taniguchi).

At 12:48 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:49 o'clock p.m.

By unanimous consent, S.B. No. 2961, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

**RE-REFERRAL OF HOUSE BILL**

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 2245, H.D. 1	Committee on Commerce, Consumer Protection and Housing

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 53	Committee on Labor
No. 111	Jointly to the Committee on Labor and the Committee on Ways and Means

**RE-REFERRAL OF SENATE RESOLUTIONS**

The Chair re-referred the following resolutions that were offered:

Senate Resolution	Referred to:
No. 47	Committee on Health and Human Services
No. 73	Committee on Tourism and Intergovernmental Affairs

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. Nos. 113 and 131.

Senator Sakamoto noted:

"Mr. President, we've heard some matters prior in our Committee and we wanted to use these vehicles to move forward other measures that we've already heard to clarify so we won't be garbled with something else."

The Chair then granted the waiver.

Senator Matsuura, Chair of the Committee on Health and Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

S.C.R. No. 7;  
S.C.R. No. 35; and

S.C.R. No. 63.

Senator Matsuura noted:

“Mr. President, we kind of lost these three and people wanted to hear them.”

The Chair granted the waiver.

#### STANDING COMMITTEE REPORTS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that House bills pass Second Reading and be placed on the calendar for Third Reading and that Senate concurrent resolutions and Senate resolutions be referred to committees. The Clerk was further authorized to receive standing committee reports recommending that House bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 12:52 o'clock p.m., the Senate took the following actions:

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3208) recommending that H.B. No. 1724, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3208 and H.B. No. 1724, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3209) recommending that H.B. No. 1730, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3209 and H.B. No. 1730, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3210) recommending that H.B. No. 1731, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3210 and H.B. No. 1731, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3211) recommending that H.B. No. 2527, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3211 and H.B. No. 2527, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3212) recommending that H.B. No. 2577, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3212 and H.B. No. 2577, H.D. 1, S.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3213) recommending that H.B. No. 2192, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3213 and H.B. No. 2192, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3214) recommending that H.B. No. 2251, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3214 and H.B. No. 2251, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TOURISM,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3215) recommending that H.B. No. 2595, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3215 and H.B. No. 2595, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3216) recommending that H.B. No. 2453, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3216 and H.B. No. 2453, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3217) recommending that H.B. No. 2454, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3217 and H.B. No. 2454, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3218) recommending that H.B. No. 1777, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3218 and H.B. No. 1777, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3219) recommending that H.B. No. 2445, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3219 and H.B. No. 2445, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3220) recommending that H.B. No. 2468, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3220 and H.B. No. 2468, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3221) recommending that H.B. No. 1761, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3221 and H.B. No. 1761, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, April 9, 2002.

Senators Menor and Kanno, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3222) recommending that H.B. No. 1723 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3222 and H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," was deferred until Tuesday, April 9, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3223) recommending that H.B. No. 2258, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3223 and H.B. No. 2258, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPY," was deferred until Tuesday, April 9, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3224) recommending that H.B. No. 2413, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2413, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3225) recommending that H.B. No. 57, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 57, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3226) recommending that H.B. No. 1012, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1012, S.D. 1, entitled: "A BILL FOR AN ACT 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," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3227) recommending that H.B. No. 2199, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3227 and H.B. No. 2199, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3228) recommending that H.B. No. 2432 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3228 and H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3229) recommending that H.B. No. 2509, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3229 and H.B. No. 2509, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3230) recommending that H.B. No. 2565, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3230 and H.B. No. 2565, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3231) recommending that H.B. No. 2580 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3231 and H.B. No. 2580, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3232) recommending that H.B. No. 2018, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3232 and H.B. No. 2018, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3233) recommending that H.B. No. 2744, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3233 and H.B. No. 2744, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3234) recommending that H.B. No. 2485, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3234 and H.B. No. 2485, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3235) recommending that H.B. No. 2834, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3235 and H.B. No. 2834, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3236) recommending that H.B. No. 2854, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3236 and H.B. No. 2854, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANCY," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3237) recommending that H.B. No. 1959, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3237 and H.B. No. 1959, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3238) recommending that H.B. No. 1969, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3238 and H.B. No. 1969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3239) recommending that H.B. No. 2163, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3239 and H.B. No. 2163, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3240) recommending that H.B. No. 2558, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3240 and H.B. No. 2558, H.D. 1, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO STUDENT LOANS FOR TEACHERS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3241) recommending that H.B. No. 2751, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3241 and H.B. No. 2751, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3242) recommending that H.B. No. 2848, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3242 and H.B. No. 2848, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT 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," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3243) recommending that H.B. No. 2449, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3243 and H.B. No. 2449, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3244) recommending that H.B. No. 1858, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3244 and H.B. No. 1858, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3245) recommending that H.B. No. 2506, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3245 and H.B. No. 2506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3246) recommending that H.B. No. 2571, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3246 and H.B. No. 2571, 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," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3247) recommending that H.B. No. 2382, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3247 and H.B. No. 2382, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3248) recommending that H.B. No. 1843, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3248 and H.B. No. 1843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3249) recommending that H.B. No. 2526, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3249 and H.B. No. 2526, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3250) recommending that H.B. No. 536, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3250 and H.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3251) recommending that H.B. No. 2045, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3251 and H.B. No. 2045, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3252) recommending that H.B. No. 2195, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3252 and H.B. No. 2195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3253) recommending that H.B. No. 1722, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3253 and H.B. No. 1722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3254) recommending that H.B. No. 2167, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3254 and H.B. No. 2167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3255) recommending that H.B. No. 2549, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3255 and H.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXTENSION OF PUBLIC LAND LEASES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3256) recommending that H.B. No. 2764, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3256 and H.B. No. 2764, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3257) recommending that H.B. No. 1821, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1821, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3258) recommending that H.B. No. 1996, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1996, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3259) recommending that H.B. No. 2720, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2720, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3260) recommending that H.B. No. 2827, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2827, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE



STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3261) recommending that H.B. No. 2440, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2440, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3262) recommending that H.B. No. 703, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3262 and H.B. No. 703, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3263) recommending that H.B. No. 1901, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3263 and H.B. No. 1901, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3264) recommending that H.B. No. 1093 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3264 and H.B. No. 1093, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3265) recommending that H.B. No. 1725, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3265 and H.B. No. 1725, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL BY MAIL," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3266) recommending that H.B. No. 2302, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3266 and H.B. No. 2302, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3267) recommending that H.B. No. 2349, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3267 and H.B. No. 2349, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3268) recommending that H.B. No. 2298, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3268 and H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3269) recommending that H.B. No. 1800, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3270) recommending that H.B. No. 1758, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1758, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senators Kanno and Taniguchi, for the Committee on Judiciary and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3271) recommending that H.B. No. 2300, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2300, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3272) recommending that H.B. No. 683, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3272 and H.B. No. 683, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS PENALTIES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3273) recommending that H.B. No. 1716, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3273 and H.B. No. 1716, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3274) recommending that H.B. No. 2207, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3274 and H.B. No. 2207, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3275) recommending that H.B. No. 2232, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3275 and H.B. No. 2232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3276) recommending that H.B. No. 2301, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3276 and H.B. No. 2301, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," was deferred until Tuesday, April 9, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3277) recommending that H.B. No. 2521, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3277 and H.B. No. 2521, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3278) recommending that H.B. No. 870, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3278 and H.B. No. 870, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3279) recommending that H.B. No. 2002, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3279 and H.B. No. 2002, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3280) recommending that H.B. No. 2176, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3280 and H.B. No. 2176, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3281) recommending that H.B. No. 2525, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3281 and H.B. No. 2525, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3282) recommending that H.B. No. 1950, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3282 and H.B. No. 1950, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3283) recommending that H.B. No. 2741, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3283 and H.B. No. 2741, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3284) recommending that H.B. No. 2381, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2381, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3285) recommending that H.B. No. 1357, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3285 and H.B. No. 1357, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3286) recommending that H.B. No. 2638, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3286 and H.B. No. 2638, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3287) recommending that H.B. No. 1823, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3287 and H.B. No. 1823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3288) recommending that H.B. No. 2840, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3288 and H.B. No. 2840, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO STATE GOVERNMENT," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3289) recommending that H.B. No. 2752, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3289 and H.B. No. 2752, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3290) recommending that H.B. No. 1684, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3290 and H.B. No. 1684, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE AND LOCAL TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3291) recommending that H.B. No. 2165, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3291 and H.B. No. 2165, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3292) recommending that H.B. No. 2420, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3292 and H.B. No. 2420, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3293) recommending that H.B. No. 2844, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3293 and H.B. No. 2844, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3294) recommending that H.B. No. 2569, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2569, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFORMITY OF THE STATE TAX LAWS TO THE UNITED STATES CONSTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3295) recommending that H.B. No. 2212, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3295 and H.B. No. 2212, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3296) recommending that H.B. No. 2843, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3296 and H.B. No. 2843, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, April 9, 2002.

Senators Menor and Matsuura, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3297) recommending that H.B. No. 2065, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2065, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senators Menor and Taniguchi, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3298) recommending that H.B. No. 2351, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3298 and H.B. No. 2351, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION," was deferred until Tuesday, April 9, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3299) recommending that H.B. No. 2618, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3299 and H.B. No. 2618, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, April 9, 2002.

Senators Menor and Kanno, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3300) recommending that H.B. No. 2642, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2642, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOME LOAN PROTECTION ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3301) recommending that H.B. No. 2245, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2245, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3302) recommending that H.B. No. 1700, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1700, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE POLICIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3303) recommending that H.B. No. 2451, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3303 and H.B. No. 2451, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3304) recommending that H.B. No. 2542, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3304 and H.B. No. 2542, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3305) recommending that H.B. No. 2821, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3305 and H.B. No. 2821, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3306) recommending that H.B. No. 2570, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL GOODS EXCISE TAX CREDIT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3307) recommending that H.B. No. 2576, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3307 and H.B. No. 2576, H.D. 1, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES," was deferred until Tuesday, April 9, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3308) recommending that H.B. No. 2654, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2654, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 9, 2002.

Senators Menor, Kawamoto and Inouye, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3309), recommending that S.C.R. No. 58, 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. 58, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT SENATE-HOUSE REVIEW COMMITTEE TO REVIEW PETROLEUM FUEL PRICE ISSUES," 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. 3310), recommending that S.C.R. No. 169, 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. 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 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. 3311), recommending that S.R. No. 105, 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. 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 referred to the Committee on Ways and Means.

Senators Menor and Matsuura, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3312), recommending that S.C.R. No. 134 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 majority of the Committees was adopted and S.C.R. No. 134, 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 ON OAHU," was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3313), recommending that S.C.R. No. 180, 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 majority of the Committee was adopted and S.C.R. No. 180, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COMPARE LEGISLATIVE PROPOSALS TO ALLOW EMPLOYEES TO USE SICK LEAVE TO CARE FOR THEIR FAMILIES AND HAWAII'S FAMILY LEAVE LAW, AS CODIFIED IN CHAPTER 398, HAWAII REVISED STATUTES," was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3314), recommending that S.R. No. 112, 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 majority of the Committee was adopted and S.R. No. 112, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COMPARE LEGISLATIVE PROPOSALS TO ALLOW EMPLOYEES TO USE SICK LEAVE TO CARE FOR THEIR FAMILIES AND HAWAII'S FAMILY LEAVE LAW, AS CODIFIED IN CHAPTER 398, HAWAII REVISED STATUTES," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3315), recommending that S.C.R. No. 142 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. 142, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," was referred to the Committee on Ways and Means.

Senators Kawamoto and Matsuura, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 3316), recommending that S.C.R. No. 121 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. 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 referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3317), recommending that S.C.R. No. 151, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 151, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3318), recommending that S.R. No. 90, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 90, S.D. 1, entitled: "SENATE RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH," was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3319), recommending that S.C.R. No. 163, 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. 163, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING RESEARCH TO DEVELOP RECOMMENDATIONS TO ENABLE CITIZENS STATEWIDE TO HAVE AUDIO AND VIDEO ACCESS OVER THE INTERNET OF LEGISLATIVE PROCEEDINGS," was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3320), recommending that S.R. No. 101, 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. 101, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING RESEARCH TO DEVELOP RECOMMENDATIONS TO ENABLE CITIZENS STATEWIDE TO HAVE AUDIO AND VIDEO ACCESS OVER THE INTERNET OF LEGISLATIVE PROCEEDINGS," was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3321), recommending that S.C.R. No. 164, 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. 164, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A LONG-TERM PLAN FOR THE LEGISLATIVE BROADCAST PROJECT," was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3322), recommending that S.R. No. 102, 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. 102, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A LONG-TERM PLAN FOR THE LEGISLATIVE BROADCAST PROJECT," 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. 3323), recommending that S.R. No. 94, 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. 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 referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3324), recommending that S.C.R. No. 46 be referred to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE DEVELOPMENT AND USE OF FOOD GARDENS AS A TEACHING TOOL IN ELEMENTARY SCHOOLS," was referred to the Committee on Education.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3325), recommending that S.R. No. 27 be referred to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 27, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE DEVELOPMENT AND USE OF FOOD GARDENS AS A TEACHING TOOL IN ELEMENTARY SCHOOLS," was referred to the Committee on Education.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3326), recommending that S.C.R. No. 48, 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. 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 referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3327),

recommending that S.C.R. No. 115 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted 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 referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3328), recommending that S.C.R. No. 148, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 148, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DESIGNATION OF NON-SMOKING AND SMOKING AREAS WITHIN THE STATE CAPITOL," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3329), recommending that S.R. No. 88, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 88, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DESIGNATION OF NON-SMOKING AND SMOKING AREAS WITHIN THE STATE CAPITOL," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3330), recommending that S.C.R. No. 94, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DIVISION OF BOATING AND OCEAN RECREATION TO ADHERE TO THE STATE AUDITOR'S RECOMMENDATIONS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3331), recommending that S.C.R. No. 112, 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. 112, S.D. 1, 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 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. 3332), recommending that S.C.R. No. 117, as amended in S.D. 1, be referred to the Committee on Water, Land, Energy, and Environment.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 117, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE THE USE OF THE OCEAN AND COASTAL AREAS,” was referred to the Committee on Water, Land, Energy, and Environment.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3333), recommending that S.R. No. 64, as amended in S.D. 1, be referred to the Committee on Water, Land, Energy, and Environment.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 64, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE THE USE OF THE OCEAN AND COASTAL AREAS,” was referred to the Committee on Water, Land, Energy, and Environment.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3334), recommending that S.C.R. No. 157, 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. 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 referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 9, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FORTY-SEVENTH DAY

Tuesday, April 9, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 10:20 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Michael Crosby, OFM, Co-Cathedral of St. Theresa Church, after which the Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 257 to 291) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 257, submitting for consideration and confirmation to the Board of Agriculture, the nominations of CARL A. CARLSON, JR., BENJAMIN K. LINDSEY and WES SAHARA, terms to expire June 30, 2006, was referred to the Committee on Agriculture.

Gov. Msg. No. 258, submitting for consideration and confirmation to the Contractors License Board, the nominations of LESLIE ISEMOTO and ALVIN T. KOBAYASHI, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 259, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nominations of: CHARLES M. FREEDMAN, terms to expire June 30, 2002, and June 30, 2006; MARY PHILPOTTS, term to expire June 30, 2005; and MONA ABADIR, term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 260, submitting for consideration and confirmation to the Defender Council, the nominations of DANA S. ISHIBASHI and PAMELA E. TAMASHIRO, terms to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 261, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nominations of BARBARA K. IDETA, CAROL H. KIKKAWA-WARD, ROBERT P. TAKUSHI and JOAN P. WHITE, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 262, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nominations of: CAROL H. IGARASHI, term to expire June 30, 2005; and SAM FAILLA and JUNE UYEHARA-ISONO, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nominations of PAUL W. CONDRY and KENNETH N. SHIIRA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 264, submitting for consideration and confirmation to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the

nominations of ROBERT Y. AKINAKA, ALFREDO G. EVANGELISTA, KEN K. HAYASHIDA and LAUREL MAU NAHME, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 265, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nominations of: KENNETH H. SANDEFUR, term to expire June 30, 2004; and RICHARD E. MEIERS, term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 266, submitting for consideration and confirmation to the Hawai'i Television and Film Advisory Board, the nominations of: BRENDA K.H. CHING, term to expire June 30, 2003; and CHRISTOPHER LEE, term to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 267, submitting for consideration and confirmation to the Board of Directors, Hawai'i Strategic Development Corporation, the nominations of: GLENN S. YAMADA, term to expire June 30, 2003; EDMUND C. ACZON, term to expire June 30, 2005; and ALLAN S. KITAGAWA, term to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 268, submitting for consideration and confirmation to the Board of Directors, Hawai'i Tourism Authority, the nominations of LAWRENCE M. JOHNSON, NADINE K. NAKAMURA, SHARON R. WEINER and STEPHEN K. YAMASHIRO, terms to expire June 30, 2006, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 269, submitting for consideration and confirmation to the Board of Directors, High Technology Development Corporation, the nominations of STACEY C.G. HEE and GAIL ANN M. HONDA, PH.D., terms to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 270, submitting for consideration and confirmation to the Board of Directors, Housing and Community Development Corporation of Hawai'i, the nominations of: STEVEN J. NISHIMURA, term to expire June 30, 2004; and AIPOPO AIPOPO JR. and WESLEY R. SEGAWA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 271, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of NOA EMMETT ALULI, M.D., term to expire June 30, 2005, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 272, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of GERALD L. DE MELLO, term to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 273, submitting for consideration and confirmation to the Board of Massage Therapy, the nominations of VICKI VON STROHEIM-SEAY, MICHELLE NAKATA TAKEMOTO and EMY M. YAMAUCHI, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.



Gov. Msg. No. 274, submitting for consideration and confirmation to the Medical Advisory Board, the nominations of SAMUEL DACANAY, M.D., DAVID A. KAKU, M.D., KEVIN K. LUI, O.D., and DAVID MAI, M.D., terms to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 275, submitting for consideration and confirmation to the Board of Medical Examiners, the nominations of: G. MARKUS POLIVKA, term to expire June 30, 2003; CULLEN T. HAYASHIDA, PH.D., term to expire June 30, 2005; and MICHAEL H. DANG, M.D., and GREGORY PARK, M.D., terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 276, submitting for consideration and confirmation to the State Board of Nursing, the nominations of STEPHEN A. KULA, PH.D., BENJAMIN MERCADO, L.P.N., MARY FRANCES ONEHA, PH.D., and BARBARA ANN TANNER, R.N., terms to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 277, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nominations of JON M. ISHIHARA, O.D., and LEE T. NAKAMURA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 278, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nominations of GEORGE FREITAS, STEVE GOODENOW and GUY H. KAULUKUKUI, PH.D., terms to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 279, submitting for consideration and confirmation to the Board of Psychology, the nominations of LESTER K.M. LEU and ALLYSON M. TANOUYE, PH.D., terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 280, submitting for consideration and confirmation to the Real Estate Commission, the nominations of LOUIS E. ABRAMS, KATHLEEN KAGAWA, PH.D., IRIS R. OKAWA and VERN M. YAMANAKA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Board of Regents, University of Hawai'i, the nominations of EVERETT R. DOWLING and MYRON A. YAMASATO, terms to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 282, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of ANA A. GAMBLE, FAYE A.T. MATSUNAGA, MONA S. TAKUMI, LENHANH P. TRAN, M.D., and MARGARET K. WADA, terms to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nomination of RICHARD F. KAHLE, JR., term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawai'i), the nomination of BERT M. WAGATSUMA, term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of SANDRA L. HOWATT, term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 286, submitting for consideration and confirmation to the Commission on Transportation, the nominations of: KAZU HAYASHIDA, term to expire June 30, 2004; HAROLD K. KAGEURA, term to expire June 30, 2005; and WILLIAM H. CROZIER III, JAMES C. PACOPAC, KIRK T. TANAKA and NORMAN K. TSUJI, terms to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 287, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of: MARSHALL LUM, term to expire June 30, 2003; and CHARLES H. DAWRS and MYRON H. NOMURA, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 288, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of DORIS M. CHING, ED.D., term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 289, dated April 3, 2002, transmitting the Department of Health's 2001 Annual Report, was placed on file.

Gov. Msg. No. 290, informing the Senate that on April 5, 2002, he signed the following bills into law:

House Bill No. 1726 as Act 4, entitled: "RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT";

House Bill No. 2117 as Act 5, entitled: "RELATING TO HAWAII PENAL CODE";

House Bill No. 2306 as Act 6, entitled: "RELATING TO JUDICIARY RECORDS";

House Bill No. 2308 as Act 7, entitled: "RELATING TO THE COURTS";

House Bill No. 2310 as Act 8, entitled: "RELATING TO VENUE";

House Bill No. 2317 as Act 9, entitled: "RELATING TO THE JURISDICTION OF THE COURTS";

House Bill No. 2318 as Act 10, entitled: "RELATING TO FORFEITURE OF BAIL OR BONDS";

House Bill No. 2437 as Act 11, entitled: "RELATING TO FOREIGN PROTECTIVE ORDERS"; and

House Bill No. 2493 as Act 12, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

was placed on file.

Gov. Msg. No. 291, informing the Senate that on April 8, 2002, he signed into law Senate Bill No. 2283 as Act 13, entitled: "RELATING TO EDUCATION," was placed on file.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 355 to 357) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 355, returning S.B. No. 2093, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 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. 2093, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 356, returning S.B. No. 2468, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 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. 2468, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 357, returning S.B. No. 2772, which passed Third Reading in the House of Representatives on April 5, 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. 2772, and requested a conference on the subject matter thereof.

#### STANDING COMMITTEE REPORTS

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 3335), recommending that S.C.R. No. 3, 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. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was referred to the Committee on Ways and Means.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 3336), recommending that S.C.R. No. 7, 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. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE TANF REAUTHORIZATION ACT OF 2001," was referred to the Committee on Ways and Means.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 3337),

recommending that S.R. No. 2, 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.R. No. 2, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3338), recommending that S.C.R. No. 150, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 150, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK,'" was referred to the Committee on Judiciary.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3339), recommending that S.R. No. 89, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK,'" was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3340), recommending that S.C.R. No. 35, 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. 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 HEALTH SYSTEMS CORPORATION (HHSCR), 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 referred to the Committee on Ways and Means.

Senators Matsuura and Menor, for the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3341), recommending that S.C.R. No. 64, 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. 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 referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3342), recommending that S.R. No. 110 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. 110, entitled: "SENATE RESOLUTION ESTABLISHING AN INTERIM WORKING GROUP TO DISSEMINATE INFORMATION REGARDING PRESCRIPTION DRUG CARD DISCOUNT PROGRAMS OFFERED BY PHARMACEUTICAL COMPANIES," was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3343), recommending that S.R. No. 68, 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. 68, S.D. 1, entitled: "SENATE RESOLUTION CONVENING AN INTERIM STUDY BY THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES TO EXPLORE WAYS TO MAXIMIZE FEDERAL FUNDING FOR HEALTH AND HUMAN SERVICES PROGRAMS," was referred to the Committee on Ways and Means.

Senators Tam and Inouye, for the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3344), recommending that S.C.R. No. 159, 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. 159, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was referred to the Committee on Ways and Means.

Senators Tam and Inouye, for the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3345), recommending that S.R. No. 97, 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.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," 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. 3346), recommending that S.R. No. 45, 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. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MENTAL DISORDERS," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3347) recommending that S.C.R. No. 37, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3347 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 deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3348) recommending that S.R. No. 17, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3348 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 deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3349) recommending that S.C.R. No. 116 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3349 and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVE NE A TASK FORCE TO EXAMINE WAYS TO CONTROL THE USE OF MOTORIZED SCOOTERS AND OTHER MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND PUBLIC AREAS," was deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3350) recommending that S.R. No. 63 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3350 and S.R. No. 63, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVE NE A TASK FORCE TO EXAMINE WAYS TO CONTROL THE USE OF MOTORIZED SCOOTERS AND OTHER MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND PUBLIC AREAS," was deferred until Thursday, April 11, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3351) recommending that S.C.R. No. 152 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3351 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 deferred until Thursday, April 11, 2002.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3352) recommending that S.R. No. 91 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3352 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 deferred until Thursday, April 11, 2002.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3353) recommending that S.C.R. No. 158 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3353 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 deferred until Thursday, April 11, 2002.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3354) recommending that S.R. No. 95 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3354 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 deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3355) recommending that S.C.R. No. 174, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3355 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 deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3356) recommending that S.R. No. 109, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3356 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 deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3357) recommending that S.C.R. No. 106 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3357 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 deferred until Thursday, April 11, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3358) recommending that S.R. No. 74 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3358 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 deferred until Thursday, April 11, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3359) recommending that S.C.R. No. 30, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3359 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 deferred until Thursday, April 11, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3360) recommending that S.R. No. 11, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3360 and S.R. No. 11, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY PLACE A HIGHER PRIORITY ON MEETINGS, CONVENTIONS, AND INCENTIVES MARKETING AS A BENEFIT TO THE LARGER ECONOMY," was deferred until Thursday, April 11, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3361) recommending that S.C.R. No. 161, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3361 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 deferred until Thursday, April 11, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3362) recommending that S.R. No. 99, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3362 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 deferred until Thursday, April 11, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3363) recommending that S.C.R. No. 101, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3363 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 deferred until Thursday, April 11, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3364) recommending that S.R. No. 54, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3364 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 deferred until Thursday, April 11, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3365) recommending that S.R. No. 50 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3365 and S.R. No. 50, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF STATE YOUTH SERVICES AND A STUDY ON CONSOLIDATING YOUTH SERVICES," was deferred until Thursday, April 11, 2002.

Senators Tam and Kim, for the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3366) recommending that S.R. No. 51, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3366 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 deferred until Thursday, April 11, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3367) recommending that S.C.R. No. 17, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3367 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 deferred until Thursday, April 11, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3368) recommending that S.C.R. No. 9 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3368 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 deferred until Thursday, April 11, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3369) recommending that the Senate advise and consent to the nominations of MARNI HERKES, RICHARD HENDERSON and THOMAS P. WHITTEMORE to the Board of Directors, Natural Energy Laboratory of Hawai'i Authority, in accordance with Gov. Msg. No. 187.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3369 and Gov. Msg. No. 187 was deferred until Thursday, April 11, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3370) recommending that the Senate advise and consent to the nominations of HOWARD Y. IKEDA, GILBERT M. KIMURA and ALVIN S. NARIMATSU to the Stadium Authority, in accordance with Gov. Msg. No. 188.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3370 and Gov. Msg. No. 188 was deferred until Thursday, April 11, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3371), recommending that S.R. No. 67 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. 67, entitled: "SENATE 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.

#### ORDER OF THE DAY

#### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

#### MATTERS DEFERRED FROM FRIDAY, APRIL 5, 2002

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, April 3, 2002; Thursday, April 4, 2002; and Friday, April 5, 2002:

House  
 Concurrent  
 Resolution            Referred to:

No. 29, H.D. 2        Committee on Labor, then to the  
 Committee on Commerce, Consumer Protection and Housing

No. 30                    Jointly to the Committee on Water, Land,  
 Energy, and Environment and the Committee on Hawaiian  
 Affairs

No. 53, H.D. 1        Committee on Health and Human  
 Services, then to the Committee on Commerce, Consumer  
 Protection and Housing

No. 55                    Jointly to the Committee on Hawaiian  
 Affairs and the Committee on Water, Land, Energy, and  
 Environment

No. 66, H.D. 1        Jointly to the Committee on Water, Land,  
 Energy, and Environment and the Committee on Economic  
 Development and Technology

No. 83                    Jointly to the Committee on Water, Land,  
 Energy, and Environment, the Committee on Transportation,  
 Military Affairs, and Government Operations and the  
 Committee on Economic Development and Technology

No. 87                    Committee on Economic Development  
 and Technology

No. 98, H.D. 1        Jointly to the Committee on Education  
 and the Committee on Hawaiian Affairs

No. 102                Jointly to the Committee on Water, Land,  
 Energy, and Environment and the Committee on Tourism and  
 Intergovernmental Affairs

No. 103, H.D. 1        Committee on Water, Land, Energy, and  
 Environment, then to the Committee on Ways and Means

No. 123                Jointly to the Committee on Health and  
 Human Services and the Committee on Tourism and  
 Intergovernmental Affairs

No. 147                Committee on Tourism and  
 Intergovernmental Affairs, then to the Committee on Judiciary

No. 163                Jointly to the Committee on  
 Transportation, Military Affairs, and Government Operations  
 and the Committee on Water, Land, Energy, and Environment

No. 190                Committee on Health and Human  
 Services

No. 200, H.D. 1        Committee on Economic Development  
 and Technology, then to the Committee on Ways and Means

**THIRD READING**

**MATTERS DEFERRED FROM  
 FRIDAY, APRIL 5, 2002**

Stand. Com. Rep. No. 3115 (H.B. No. 1842, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3115 was adopted and H.B. No. 1842, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3116 (H.B. No. 2056, H.D. 2, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3116 was adopted and H.B. No. 2056, H.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 3117 (H.B. No. 2169, H.D. 2, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3117 was adopted and H.B. No. 2169, H.D. 2, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3118 (H.B. No. 2467):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3118 was adopted and H.B. No. 2467, 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 (Matsuura).

Stand. Com. Rep. No. 3119 (H.B. No. 1941):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3119 was adopted and H.B. No. 1941, 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 (Matsuura).

Stand. Com. Rep. No. 3120 (H.B. No. 2514):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3120 was adopted and H.B. No. 2514, 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 (Matsuura).

H.B. No. 1713, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1713, H.D. 1, 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 (Matsuura).

H.B. No. 2817, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 2817, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," 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. 3129 (H.B. No. 1864, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3129 was adopted and H.B. No. 1864, H.D. 1, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3130 (H.B. No. 2266, H.D. 2):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3130 was adopted and H.B. No. 2266, H.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 3131 (H.B. No. 2426, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3131 was adopted and H.B. No. 2426, H.D. 1, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3132 (H.B. No. 2433, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3132 was adopted and H.B. No. 2433, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3133 (H.B. No. 2496, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3133 was adopted and H.B. No. 2496, H.D. 1, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3134 (H.B. No. 2507, H.D. 3):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3134 was adopted and H.B. No. 2507, H.D. 3, 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 (Matsuura).

Stand. Com. Rep. No. 3135 (H.B. No. 2537, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3135 was adopted and H.B. No. 2537, 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 (Matsuura).

Stand. Com. Rep. No. 3136 (H.B. No. 2550, H.D. 2):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3136 was adopted and H.B. No. 2550, H.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 (Matsuura).

Stand. Com. Rep. No. 3137 (H.B. No. 2832, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3137 was adopted and H.B. No. 2832, H.D. 1, 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, 24. Noes, none. Excused, 1 (Matsuura).

### THIRD READING

Stand. Com. Rep. No. 3153 (H.B. No. 1727, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3153 was adopted and H.B. No. 1727, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL," 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. 3154 (H.B. No. 1746, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3154 was adopted and H.B. No. 1746, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," 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. 3157 (H.B. No. 2304, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3157 was adopted and H.B. No. 2304, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3158 (H.B. No. 2582, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3158 was adopted and H.B. No. 2582, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3159 (H.B. No. 1749, H.D. 2, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3159 was adopted and H.B. No. 1749, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," 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. 3160 (H.B. No. 1804):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3160 was adopted and H.B. No. 1804, H.D. 1, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3161 (H.B. No. 2428, H.D. 1, S.D. 2):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3161 was adopted and H.B. No. 2428, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3162 (H.B. No. 2560, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3162 was adopted and H.B. No. 2560, H.D. 1, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3163 (H.B. No. 1778, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3163 was adopted and H.B. No. 1778, H.D. 1, S.D. 1, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 3164 (H.B. No. 2443, H.D. 2, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3164 was adopted and H.B. No. 2443, H.D. 2, S.D. 1, entitled: "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 (Matsuura).

Stand. Com. Rep. No. 3165 (H.B. No. 2473, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3165 was adopted and H.B. No. 2473, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3166 (H.B. No. 2655, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3166 was adopted and H.B. No. 2655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3167 (H.B. No. 1806):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3167 was adopted and H.B. No. 1806, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," 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. 3168 (H.B. No. 1825, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3168 was adopted and H.B. No. 1825, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 – SECURED TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3169 (H.B. No. 2282):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3169 was adopted and H.B. No. 2282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," 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. 3170 (H.B. No. 2536, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3170 was adopted and H.B. No. 2536, S.D. 1, 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, 24. Noes, none. Excused, 1 (Matsuura).

H.B. No. 1999, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 1999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2552, H.D. 1, S.D. 1:

On motion by Senator Inouye, seconded by Senator Kanno and carried, H.B. No. 2552, H.D. 1, S.D. 1, 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 (Matsuura).

H.B. No. 2568, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 2568, H.D. 1, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 3175 (H.B. No. 1751, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3175 was adopted and H.B. No. 1751, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE SEX OFFENDER TREATMENT PROGRAM," 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. 3177 (H.B. No. 2072, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3177 was adopted and H.B. No. 2072, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE," 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. 3183 (H.B. No. 1878, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3183 was adopted and H.B. No. 1878, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3184 (H.B. No. 1942, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3184 was adopted and H.B. No. 1942, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3189 (H.B. No. 2353, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3189 was adopted and H.B. No. 2353, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3190 (H.B. No. 2480, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3190 was adopted and H.B. No. 2480, H.D. 1, S.D. 2, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 3192 (H.B. No. 2276, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3192 was adopted and H.B. No. 2276, H.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 3193 (H.B. No. 2500, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3193 was adopted and H.B. No. 2500, H.D. 1, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3196 (H.B. No. 2249, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3196 was adopted and H.B. No. 2249, S.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 3198 (H.B. No. 1939, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3198 was adopted

and H.B. No. 1939, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL WATER DEVELOPMENT," 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. 3199 (H.B. No. 1976, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3199 was adopted and H.B. No. 1976, 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 (Matsuura).

Stand. Com. Rep. No. 3201 (H.B. No. 2172, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3201 was adopted and H.B. No. 2172, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3203 (H.B. No. 2455, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3203 was adopted and H.B. No. 2455, 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 (Matsuura).

Stand. Com. Rep. No. 3204 (H.B. No. 2553, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3204 was adopted and H.B. No. 2553, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3205 (H.B. No. 2132, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3205 was adopted and H.B. No. 2132, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," 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. 3206 (H.B. No. 2311, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3206 was adopted and H.B. No. 2311, H.D. 2, S.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 3207 (H.B. No. 2563, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3207 was adopted and H.B. No. 2563, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3208 (H.B. No. 1724, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3208 was adopted and H.B. No. 1724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE," 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. 3211 (H.B. No. 2527, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3211 was adopted and H.B. No. 2527, S.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3212 (H.B. No. 2577, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3212 was adopted and H.B. No. 2577, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS," 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. 3213 (H.B. No. 2192, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3213 was adopted and H.B. No. 2192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," 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. 3216 (H.B. No. 2453, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3216 was adopted and H.B. No. 2453, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," 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. 3217 (H.B. No. 2454, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3217 was adopted and H.B. No. 2454, 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 (Matsuura).

Stand. Com. Rep. No. 3227 (H.B. No. 2199, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3227 was adopted and H.B. No. 2199, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," 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. 3228 (H.B. No. 2432):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3228 was adopted and H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," 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. 3229 (H.B. No. 2509, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3229 was adopted and H.B. No. 2509, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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 (Matsuura).

Stand. Com. Rep. No. 3231 (H.B. No. 2580):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3231 was adopted and H.B. No. 2580, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 3232 (H.B. No. 2018, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3232 was adopted and H.B. No. 2018, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," 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. 3234 (H.B. No. 2485, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3234 was adopted and H.B. No. 2485, S.D. 2, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 3236 (H.B. No. 2854, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3236 was adopted and H.B. No. 2854, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTANCY," 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. 3240 (H.B. No. 2558, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3240 was adopted and H.B. No. 2558, H.D. 1, 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, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 3246 (H.B. No. 2571, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3246 was adopted and H.B. No. 2571, 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 (Matsuura).

Stand. Com. Rep. No. 3247 (H.B. No. 2382, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3247 was adopted and H.B. No. 2382, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," 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. 3249 (H.B. No. 2526, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3249 was adopted and H.B. No. 2526, 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 (Matsuura).

Stand. Com. Rep. No. 3250 (H.B. No. 536, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3250 was adopted and H.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," 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. 3251 (H.B. No. 2045, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3251 was adopted and H.B. No. 2045, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS," 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. 3252 (H.B. No. 2195, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3252 was adopted and H.B. No. 2195, 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 (Matsuura).

Stand. Com. Rep. No. 3255 (H.B. No. 2549, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3255 was adopted and H.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXTENSION OF PUBLIC LAND LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1821, H.D. 2, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 1821, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1996, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 1996, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," 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. 3265 (H.B. No. 1725, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3265 was adopted and H.B. No. 1725, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3266 (H.B. No. 2302, H.D. 2, S.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3266 was adopted and H.B. No. 2302, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES," 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. 3268 (H.B. No. 2298, H.D. 1):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3268 was adopted and H.B. No. 2298, H.D. 1, 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 (Matsuura).

H.B. No. 1758, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 1758, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," 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. 3276 (H.B. No. 2301, H.D. 2, S.D. 2):

On motion by Senator Kanno, seconded by Senator Chun and carried, Stand. Com. Rep. No. 3276 was adopted and H.B. No. 2301, H.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 3278 (H.B. No. 870, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3278 was adopted and H.B. No. 870, S.D. 1, 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 (Matsuura).

H.B. No. 2569, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 2569, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3295 (H.B. No. 2212, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3295 was adopted and H.B. No. 2212, H.D. 1, 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 (Matsuura).

Stand. Com. Rep. No. 3299 (H.B. No. 2618, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3299 was adopted and H.B. No. 2618, H.D. 1, 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, 24. Noes, none. Excused, 1 (Matsuura).

H.B. No. 1700, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1700, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE POLICIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2570, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 2570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL GOODS EXCISE TAX CREDIT," 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. 3307 (H.B. No. 2576, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3307 was adopted and H.B. No. 2576, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 10:27 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:37 o'clock a.m.

### THIRD READING

Stand. Com. Rep. No. 3197 (H.B. No. 2400, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3197 and H.B. No. 2400, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 3286 (H.B. No. 2638, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3286 and H.B. No. 2638, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Senator Hemmings rose on a point of order and said:

"Mr. President, point of order. What is the purpose of moving H.B. No. 2400, S.D. 1, to the end of the calendar?"

The Chair responded:

"It has been requested by the Majority to place it at the end of the calendar so they can at least discuss it at a later time."

Stand. Com. Rep. No. 3152 (H.B. No. 2030, H.D. 1, S.D. 2):

Senator Menor, moved that Stand. Com. Rep. No. 3152 be adopted and H.B. No. 2030, H.D. 1, S.D. 2, 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 rise to speak in support of this measure with some reservations.

"I just wanted to point out that this particular bill is kind of . . . we'll get things off to a relatively humorous start here I guess, because this is an example of how commerce sometimes can be at odds with consumer protection. As you know, the name of our committee is the Commerce, Consumer Protection and Housing Committee and this is a perfect example of how those things can fight each other.

"The towing companies first came forward because they wanted to get some extra fees. This has not happened. The Committee was well aware that towing fees had been raised in the past several years and so they alertly got that portion out of this particular bill. But in so doing, the consumer protection portion came forward in this particular bill and what ended up happening is that now towing companies will have to end up going through a bunch of hoops. They'll have to have fax machines and communications with people that they have towed. They'll have to have bankcard machines and all sorts of different things. I'm not really certain that this is in the best interest of commerce.

"So I just bring this up that we may need to change some of the regulations that we have added here so that we also help commerce while we are going about helping consumer protection.

"Thank you very much, 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. 3152 was adopted and H.B. No. 2030, H.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 3155 (H.B. No. 2006, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 3155 was adopted and H.B. No. 2006, H.D. 1, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 3156 (H.B. No. 2158, H.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3156 be adopted and H.B. No. 2158, H.D. 2, 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, I don’t believe that this is the right thing to do. Why would we want to exempt law enforcement officers from taking the CDL license test? It just doesn’t make sense, even in the spirit of trying to give them some flexibility. In fact, it could be violative of federal laws that govern law enforcement personnel.

“Keep in mind that firefighters, ambulance drivers, and other emergency personnel are obligated to take the CDL test, so why should law enforcement personnel be exempt? Therefore, I think it’s a bad policy.

“Thank you.”

Senator Kawamoto rose in support of the measure and said:

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

“Mr. President, this is an addition to the exemptions. Right now, the law already allows the exemption of CDL requirements for firefighters and active duty military. All we’re doing is adding the police.

“I urge my colleagues to vote ‘aye’ on this bill.”

Senator English rose to speak against the measure as follows:

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

“Mr. President, sometimes we like to do the right thing. We try to do the right thing, but this one is simply going a little bit too far. If we exempt police officers from taking the CDL license, it reduces their qualifications. Now, police officers are exempt from many, many of the traffic laws and are allowed to do all sorts of things.

“I’d like them to be trained. I think that should be part of their training. They should have this license. We require it of everyone else. I think it’s bad policy and I urge my colleagues to vote against this measure.

“Thank you, Mr. President.”

Senators Chun 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. 3156 was adopted and H.B. No. 2158, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chumbley, English, Hemmings).

Stand. Com. Rep. No. 3209 (H.B. No. 1730, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3209 be adopted and H.B. No. 1730, H.D. 1, S.D. 1, 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 measure.

“The purpose of this bill, folks, is to raise the driver’s education underwriter’s fee 50 percent. It raises it from \$2 to \$3 on each insured motor vehicle. And while this bill certainly is well intentioned, it’s obvious to everyone that the current legislation, the current situation, mandated a few years ago isn’t working: (1) there aren’t enough driver’s ed spaces available for all the kids that want to take driver’s ed currently; (2) if you don’t win a lottery spot in one of these classes, private driver’s ed is very expensive. I know it cost me \$425 for my daughter; (3) it’s unfair to the neighbor islands because they don’t have enough private driver’s ed programs, thus many of their young drivers get left out and have to wait; and (4) you can bet if it’s increased now, I guarantee this fee will continue to go up and up and up in future years.

“For these reasons, I encourage my colleagues to vote ‘no.’ Thank you.”

Senator Kawamoto rose in support and said:

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

“Mr. President, the underwriters, what we’re requesting them to do is pay from \$2 to \$3 for this program. Right now we have a dollar going to the judiciary system and \$2 to the Department of Education fund for the driver’s education program.

“We heard the former speaker talk about the concerns about spaces in the education program. Right now, we have \$700,000 going into the education program for this driver’s ed class. With these additional dollars, it will give them \$1.4 million for the education program. It would double the driver’s ed program in the schools and create less of a backlog.

“So, we’re trying to address the concerns about the lack of schools and lack of funding in this measure. I think, with the driver’s ed program that we have, we’re going to have less accidents, and the insurance companies are going to pay less in the long run. So this is worth a dollar.

“Thank you.”

Senator English rose in opposition to the measure and said:

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

“Taking off from where the previous speaker left off, Mr. President, one of the things that I object to strongly in this bill is that it’s passed on to the consumer. When we had hearings on this bill, the insurers said that this would help them to reduce the accidents, reduce the risk pool. So I said, if this is so, then we should have a restriction in there saying that you cannot pass this cost on to the consumers. You know it will just be tacked on to everyone’s auto insurance policies. They were not too pleased with that suggestion. In fact, it’s not in the bill. So, from a consumer protection standpoint, we’re simply increasing the cost of auto insurance by doing this.

“Now, I object also, Mr. President, to the premise behind the bill – which is that this body mandated a few years ago that all underage drivers under 18 have to go to school for driving, which is good, but we didn’t set up the infrastructure for it. We didn’t create the teachers. We didn’t create the funding mechanisms. We didn’t create all of the things that go with that. And you know who suffers the most, Mr. President, members? The students on the neighbor islands. At least on Oahu you have the economies of scale. You have the amount

of people to have private teachers. You have schools with some teachers but hardly enough here.

“Mr. President, on my island, in Maui we have such a huge backlog and we don’t have private driver’s ed teachers as well. Why? Because the Department of Education and Department of Transportation, I’m not sure which one, has not proceeded with licensing these people and allowing them to teach, the private teachers. So, this is compounding a situation.

“I urge my colleagues to vote against this measure. It raises the cost of insurance in Hawaii. It goes to a program that is good on its purpose and intent, but, to my understanding of it, hasn’t worked as was drafted. So I urge my colleagues to vote ‘no.’ Thank you.”

Senator Chun rose to speak in opposition and said:

“Mr. President, I stand in reluctant opposition to this bill. Mr. President, I do not take lightly when I vote against the Honorable Majority Leader sitting next to me.

“I do agree, Mr. President, that there is a need to expand our driver’s education program. I disagree, however, that this is the method in which it should be done.

“As we all know, when the driver’s education program was mandated by the Legislature, we all knew that there was not going to be sufficient driver’s ed programs in the public schools in order to accommodate every single student wishing to get a license. With that in mind, we set up a procedure in which private driving instructors would be licensed and allowed to provide these classes and these instructions.

“The last time this bill came through, I made an inquiry to the Department of Transportation asking how many pending applications they had in front of them for private driver’s ed instructors. I was surprised that there was a substantial backlog of private driver’s license instructors out there. However, I’m not about to blame the DOT for that because when I further inquired, one of the things that I found out was the reason for this backlog and why we don’t have a sufficient number of private instructors is that we have imposed upon those private instructors some severe insurance requirements and other kinds of bonding requirements that put a damper on their ability to actually provide those instructions.

“Mr. President, the idea really is not to have government keep on paying through these special funds to have the services provided within the schools. The proponents of this bill admit that even with this amount, we will still not be able to provide the necessary instructors to provide for the classes for all the students. We need to take a little bit broader idea of how to take care of this problem by making it easier for the private instructors to get that permit to teach the classes.

“Until we can look at that type of alternative, in combination with, maybe if we have to, raising the fees, I cannot support that idea because we did not commit to keep on growing the number of instructors in the public sectors. We can’t do that. There are not enough fees to do that right now and there will not be enough fees to do that in the future. We need to re-look at the kind of requirements we are imposing upon the private instructors in order for them to get their license.

“So Mr. President, reluctantly, I must and will continue to vote ‘no’ on this bill until we look at the overall problem of the licensing of private instructors. Thank you.”

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against H.B. No. 1730, H.D. 1, S.D. 1.

“It’s very illuminating that two Majority Party members, the good Senator from the wonderful Island of Maui and also the good Senator from the separate kingdom of Kauai, stood up and very intelligently pointed out what’s wrong with the system. And it seems to be something that’s pervasive. But what’s missing is accountability.

“What the two Senators pointed out to this body in voting ‘no’ against this bill is that there are not enough licensed instructors in the private sector. They went on very succinctly and identified the reasons why. One Senator did not want to use the word blame . . . well, let’s use the word credit. We’ll give the DOT the credit for not processing the applications in a timely enough manner. We’ll also give the DOT and ‘the system,’ which we created I might remind everyone, too many mandates and requirements that basically discourages private sector people entering into the marketplace and further exacerbates the inability of the DOT to process the licenses even though there’s a backlog of applicants.

“So what is the problem? The problem is something that we should be addressing and curing, not saying we need to, at some later date, do something. Doing something now by raising the fees on everybody is wrong and eventually it will go to \$5 and that’s as sure as I’m standing here, it can be guaranteed. Rather than pass this bill, why don’t we amend it and do something about the ability of the state, or the lack of the ability of the state, to issue private sector instructors their licenses in a timely and cost-effective way?

“For this reason, Mr. President, and others, I’ll be voting ‘no.’ Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3209 was adopted and H.B. No. 1730, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Chun, English, Hemmings, Hogue, Ige, Matsunaga, Slom).

Stand. Com. Rep. No. 3210 (H.B. No. 1731, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3210 be adopted and H.B. No. 1731, H.D. 2, S.D. 1, 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 the bill.

“Mr. President, I will be rising throughout the day on the creation of any new special funds within the State, my belief being that first of all the special funds are not so special. We have created them over the years, hundreds of them, and then when they get large enough after we grow them and put a lot of fertilizer on them then we simply raid them as we’re going to do later on today.

“So with that in mind, this is a bill that first of all the funds went to and were administered by the University of Hawaii and

the community college system. Now we would transfer it, create a new motorcycle operator's education special fund and transfer it to the Department of Transportation to their credit as the Senator from Kailua just mentioned.

"So for these and other reasons, Mr. President, I'll be voting 'no' on this bill. Thank you."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I'm speaking for the bill.

"Mr. President, before this bill, the Department of Education or the community colleges had this school. It was one school, one program. All the motorcycle riders had to go through this program to get their certification to get a lower cost on their insurance premiums. The military had to go through this course, although they had better courses in the military, safer courses, but they had to go to this one course at Leeward Community College, and one person and one system.

"This is not about special funds, this is transferring the system to DOT, which is building the program to allow for other courses to be certified as courses to be had, including the military. We had the CINC, Admiral Blair, write a letter. We had General Smith write a letter saying that they would take the liability of their courses. This idea is being provided in this bill. It's not a one monopoly type activity that goes on. This is allowing the DOT to handle the program and certify courses that can prove that they have the right kind of programs for the military safety course.

"Thank you."

Senator English rose in opposition and said:

"Mr. President, I rise in opposition.

"Mr. President, this is the same driver's education underwriter's fee we talked about previously that we just raised the amount that we're going to charge for it. Mr. President, I don't know who the better managers are – the University of Hawaii or the Department of Transportation. My guess would be maybe the University of Hawaii. If you want to talk about a monopolistic system, if you want to talk about a system that's top down, if you want to talk about a system that doesn't listen, that loves public input, let's go with the Department of Transportation. At least with the University system you have diversity.

"I cannot support moving this, Mr. President, mainly because I don't see how the Department of Transportation will make it any better.

"Now, what the good Senator from Waipahu talked about earlier can be done with the University of Hawaii. I'm so glad that the military is cooperative. They can cooperate with the university system to make this work, so I cannot support this, Mr. President.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3210 was adopted and H.B. No. 1731, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3222 (H.B. No. 1723):

On motion by Senator Menor, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 3222 was adopted and H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3230 (H.B. No. 2565, H.D. 2, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 3230 be adopted and H.B. No. 2565, H.D. 2, 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, we had this measure pass before us in a previous form as a Senate bill. I raised concerns then that don't seem to be taken care of in this proposed S.D. 1. The H.D. 2 of this measure at least dealt with licensed people who had reasonable amounts of fireworks and those using explosive materials for sporting and recreational reasons to be exempt from some of the requirements of this measure.

"For those of you who may have received letters, recently the Department of Labor issued a letter telling the certificate of fitness holders for various construction companies that it would not be renewing its certificates based on a labor shortage and that they didn't have the manpower to be able to process these certificates. Well, that problem got rectified and that's the same department that would then be overseeing this statute if it's enacted.

"What I find to be particularly offensive in this measure is on page 1, section 2, of the bill. It establishes an amendment to 353C to create a list of explosive materials. It says: 'Notwithstanding any law to the contrary, the director may approve a list defining items as explosive materials without regard to the requirements of chapter 91.' You then go to the back of the bill, section 3, lines 10 and 11, and under the definition section you find a sentence that says, 'or any item defined as an explosive material on a list approved by the director.' Well, we've just made this director of the Department of Labor the explosive boom-boom king for the State of Hawaii. They can put anything they want on this list. They can put firecrackers on the list. They can put regulated items that are already used by licensed contractors for quarry operations or construction purposes on the list.

"This measure just simply goes too far without allowing the opportunity of the public to be notified of what government is doing to them. For those reasons, I urge you to vote 'no.'"

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

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

"Mr. President, you know and I know that whenever the concern is accountability of explosives, it's a statewide issue. This bill provides for accountability of explosives, and that's what it is. It provides reporting requirements for explosives – accountability and whereabouts of explosives that they did not use.



“What the House did very conveniently was added fireworks. That’s another thing we cannot account for. We caught these people with major explosives. Our court system . . . and that’s the reason why I’m asking the court system when these people come up for district court appointees, I’m asking them to come to my office because I want to know why things like explosives, fireworks, and those kinds of things, we had passed laws to make them accountable and then they get by with a minimum sentence of a \$1,000 fine. That’s not accountable. These people are making millions of dollars on these explosives.

“Therefore, I urge my colleagues to again add some accountability on explosives. That is important! That’s the bottom line! I urge my colleagues to vote ‘aye’ on this bill.”

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

“Mr. President, I stand in support of this bill with reservations.

“Mr. President, I think the comments by the Honorable Senator from TMG are well taken. Explosives are a concern. However, I am concerned about the provision allowing the director to make such a determination without regard to Chapter 91.

“Chapter 91 is intended to inform everybody, the public, what should or should not be done, what is going to be allowable and what is not. Without such a protection, I am very, very concerned that somebody whose conduct and use of materials is allowed right now will have no notice as to the future inclusion of his activity or materials into section 353C. And if he has no notice, I do not know how we can rightfully require him or penalize him for failing to file a report which he has no understanding or notice of whether he has to file the report.

“Chapter 91 is intended to provide that link between making something unlawful and giving him notice that his activities will be covered. Without such a protection, I feel this bill will be held or could be held unconstitutional for a lack of due process.

“However, in light of the fact that they are valid concerns that must be addressed in terms of explosive materials that aren’t unreported and that nobody knows where they are and how they’re being handled, I will vote in favor of this bill to allow it to go into Conference so that these legal concerns, public concerns, can be met. If not, then I feel I will be voting against it on the final vote if it passes Conference.

“Thank you.”

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

“Mr. President, I will be voting with reservations on this bill.

“If the bill comes back in final form with an exemption to Chapter 91 then I’ll be voting ‘no.’ Thank you.”

Senator English rose with reservations and said:

“Mr. President, I’ll be voting with reservations.

“I have a major problem with ceding the authority to the department head to come up with a list without any parameters. It’s just too much power that this body would be giving up.

“So if it does come back without protections, I’ll be voting against it. Thank you.”

Senator Chun Oakland rose with reservations as follows:

“Mr. President, I feel the same way as the previous speakers and will be voting with reservations. Thank you.”

Senator Matsunaga rose with reservations and said:

“Mr. President, I’ll also be voting with reservations.

“I have concerns with whether the reports that are filed are going to be kept confidential. If not, then they actually may be more harmful to our national security efforts than helpful.

“Thank you, Mr. President.”

Senator Fukunaga rose and said:

“Please note my reservations also, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3230 was adopted and H.B. No. 2565, H.D. 2, 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, 20. Noes, 5 (Chumbley, Hemmings, Hogue, Ige, Slom).

Stand. Com. Rep. No. 3253 (H.B. No. 1722, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3253 be adopted and H.B. No. 1722, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“I note three problems. First, it appears that they tried to get everything under one broad title and so this is called ‘Relating to Transportation.’ Probably, it should have been relating to contracts or procurement so it’s probably a stretch to say the airport concessionaire contracts are relating to transportation. Second, this bill does three different things in its body and one of them, regarding certification of commercial vehicles, is completely unrelated to the others. And finally, the biggest problem is this bill would give airport concessionaire contracts a clause insulating all parties from liability for any breach caused by any act of God or any other deity, riots, etc., or ‘any other circumstance beyond the control of the breaching party.’ Now, my colleagues should know that a lot of things could be argued to be beyond the control of the breaching party. For example, is it beyond the control if they just have a bad year financially, for instance?

“While the provisions give examples of what type of events the drafters had in mind, it’s dangerous to include such broad catchall wording. So I note these changes should be made as this measure goes forward.

“Thank you.”

Senator Chumbley rose in opposition to the measure and said:

"Mr. President, I'll be speaking in opposition to this measure.

"The good Senator who spoke before me convinced me that this is not worth voting on with reservations, and I believe another colleague of mine once lectured me that if you vote with reservations you may not ever have the opportunity to vote 'no' again, so therefore . . .

"There's some real serious concerns in this measure with regard to Section 2, an amendment to HRS 102 called force majeure. The previous speaker identified some of the exemptions that we would be allowing, but colleagues, nowhere else in the statutes does the State of Hawaii allow the force majeure or the exemption from any other law, provision, or contract for acts of God. Those are issues that belong in contracts to be negotiated between the Department of Transportation and the contractee. They don't belong in statute.

"Unfortunately, that creates for me a poison pill in this bill that isn't even worth voting for 'with reservations,' although there may be some valuable things in here that would help stimulate our economy and provide some relief to the concessionaires. But unfortunately, once we go down this slippery road we're going to have force majeure for everything and everybody who does contracts with the State. So if you all want to deal with that on an ongoing basis, where everyone's asking you for force majeure, then support this bill. But this is a big mistake.

"Thank you."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I rise to speak for the bill.

"Taking the previous speaker's comments in CPC, I agree that since the force majeure portion of this bill is not in the House bill and it's in our Senate draft, we're going to go to Conference on this bill, and I gave my word that I will take that out as promised in CPC.

"But the other things that go along with it, the commercial vehicle is something that's needed by the commercial drivers, the repeal of the sunset date for the air carrier, again, we had a concern about monopoly here. This would give us a chance to ask to get some regulations in the procedures of the airline industry.

"And as far as the airport concession is concerned, what's happening now is the concessionaires out there are borrowing money to stay alive out there. These are people with 25 years of business at the airport. Because of the situation now they're dying and they need some help. What help? We have not come to a conclusion with DOT.

"This is again a bill in the making and the fact is that the House has passed another bill and we had some say in it, but we think that we need another stand from the Senate position again minus the force majeure clause in it, a position to help the concessionaires.

"Thank you."

Senator Ihara rose to speak against the measure and said:

"Mr. President, I'll be voting 'no' on this bill.

"I'm a little concerned that the House may agree to this bill and the provision of force majeure and would like to send a

message that would encourage them to disagree and take out that provision and then I may be open to vote for the bill.

"Thank you."

Senator Matsunaga rose in opposition and said:

"Mr. President, I rise in opposition.

"Mr. President, the good Senators from Maui and Kaneohe have convinced me to vote 'no.' I was originally going to vote 'with reservations' but I, too, share the concerns of the Senator from Kaneohe about the constitutionality of this measure. As we all know, Article 3, Section 14, states that 'Each law shall embrace but one subject, which shall be expressed in the title.' And Mr. President, even under the expansive ruling of the *Schwab vs. Ariyoshi* case, which is the seminal case that interprets this provision, I think that this may run afoul of our State Constitution.

"Thank you, Mr. President."

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I rise in support of this measure with reservations. I note that one man's poison is another man's table salt.

"I'm always interested when we get so many different opinions, particularly with the various factions in the Majority Party. It's very encouraging to hear where they're coming from. And I think the arguments do make a lot of sense, but I'm coming from a different direction, and it's kind of what the Transportation Chair, the Co-Majority Leader, was talking about in terms of the airport concessionaires.

"During the emergency session last year, one of the issues that we were to address was to help the airport concessionaires. And the reason we were helping them, as opposed to other businesses, is because of the events after 9/11 made it nearly impossible for people to get to their business and do business with them even though they were still liable under a contract with the State. And the State, particularly the State Department of Transportation and its administration, were very slow in trying to deal with them, help them in any way, or to take notice in cognizance of the fact that something had changed dramatically other than the revenue producing activities that the State and particularly DOT wanted. So our whole objective in that special session was to help out the concessionaires, and we did so on a very short-term basis.

"And I've watched that since January of this year the administration, both the Governor's Office and also the head of DOT, have sent conflicting reports as to whether or not they really did want to help the concessionaires because they had measures that would have changed the bid status and the procurement process would have put them at a great disadvantage, did not go out of their way to continue to try to help them, used them as economic and political pawns right up until the fact that we got this Christmas tree bill. And it is a Christmas tree bill. It's got all kinds of ornaments hanging on it.

"I would have much preferred, as the good Senator from Kaneohe said, that we would have had a simple bill that addressed the subject of extending the contracts of the airport concessionaires in terms of the negotiated reductions that we talked about. But be that as it may, this is the only vehicle at this point for continuing our word to try to help these airport

concessionaires. And for that reason, and that reason primarily, I will continue to support it.

"Now, I know that the Transportation Chair has never broken his word and I know that we can take that to the bank, if the bank is open. Maybe he closed or may have reduced hours that day. I also know that I've heard from my colleague from Maui about that slippery slope, yet my colleagues seem to go down that slope all the time and will be doing it for next five or six hours here today.

"So it is a bill that we're concerned about and if you really are concerned to the extent that you think it's a bad bill, I echo those responses, then vote 'no' now! But if you want to help those concessionaires and you realize that's the only way that we can do it and the only way that we can keep the word that we all made during our special session, then vote with strong, strong, strong reservations.

"Thank you, Mr. President."

Senator Hemmings rose with reservations and said:

"Could the Clerk please record strong, strong, strong reservations for me, Mr. President."

The Chair so ordered.

Senator Ige rose and said:

"Mr. President, I do have reservations, as well."

Senator Chun rose and said:

"Mr. President, strong, strong, strong reservations for me."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3253 was adopted and H.B. No. 1722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chumbley, Ihara, Matsunaga).

Stand. Com. Rep. No. 3254 (H.B. No. 2167, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3254 be adopted and H.B. No. 2167, H.D. 1, 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 favor of this bill.

"Colleagues, I must tell you that I am tremendously disappointed that we have continued talking about this ill managed demonstration project. Why it hasn't been stopped already in a repeal bill sent to the Governor to sign is beyond my comprehension. My constituents and your constituents have loudly complained about picture takers sitting along the highways, snooping on their driving habits.

"In the last few days we've seen the ACLU file a lawsuit even while the company that operates the project arrogantly hands out 10,000 tickets a month. The situation is so bad that even the DOT has tried to hand the whole mess off to the county police departments, and the Judiciary is considering declaring the entire law unconstitutional.

"Common sense and good public policy would dictate that the county police should enforce the speeding laws and keep our roads safe without snooping picture takers sitting hunched over in vans. In turn, the county should derive revenues from the tickets the police write in their normal, professional manner so the counties can maintain that much needed enforcement.

"However, some Legislators, mostly on the other side haven't seen the light even though it's right smack dab in their eyes. To our colleagues over in the House who believe that we should try to come up with some way, any way, to tweak this bill, I say get some common sense. You can't fix it by making the camera vans positively identify the driver. That's cost prohibitive, and probably a technical nightmare. You can't fix it by suggesting the camera van tickets won't be on your traffic abstract, won't be charged to your insurance because that's unconstitutional. And you can't hand it over to the police a few days a month like it's been proposed because, frankly, they don't want it.

"The bottom line – you can't fix it; you can't fix it; you can't fix it! We don't need to amend a bad law. We need to use some common sense and get those snoops off the highways. Let's stay strong all the way through Conference Committee until this thing gets signed by the Governor . . . repeal, repeal, repeal!

"Thank you very much, Mr. President."

Senator English rose to support the measure and stated:

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

"You know, Mr. President, I never did care for this program, and my colleagues in Maui never did care for this program, my constituents in Maui. For me, Mr. President, the fundamental flaw of it is that it was so invasive and it presupposed that we do not trust our own people.

"You know, this caused so many problems, but I've got to point out some of the good things that it did because it did do some good things. It made people aware of their driving habits. It made people aware of just how valuable privacy is in our country. It made people aware that government has the ability and the tools to take away that privacy at any moment, and in fact, has done so. This is just the tip of that iceberg. With all of our new security measures, nothing against them, but understand that the idea of privacy has changed in our country and has changed very much so in Hawaii.

"I'm glad to support this measure. I ask my colleagues to support it, and joining my colleague across the aisle over there, ask our House members to simply agree with the Senate – repeal this bill, repeal this act. Repeal, repeal, repeal! There we go. (Laughter.)

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3254 was adopted and H.B. No. 2167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 3264 (H.B. No. 1093):

Senator Kanno moved that Stand. Com. Rep. No. 3264 be adopted and H.B. No. 1093, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

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

“You know this is a real simple measure. It says the Governor shall not allow Washington Place to be used for any events intended to solicit funds, support, or votes for any candidate for elective public office. Well, Mr. President, I thought that was the law already. I thought we all understood that. I thought there had been several Ethics Commission determinations about that, and yet there have been campaigning and solicitation of funds at Washington Place.

“The Ethics Commission specifically stated that there should not be any campaigning at all at ‘what is a state facility supported by state tax dollars.’ And I think that’s a very good policy. It’s unfortunate that we have violated that policy for the last several decades. In fact, the current resident of that state supported subsidy housing, I believe, made a promise when he ran for office the first time saying that if elected he would give that Washington Place to the people of Hawaii. Well, now that he is moving out of the house he says he’s going to do that. And in fact, right outside this building and across the street we’ve seen major construction taking place and a new residence. And that brings me to my reservation, Mr. President. This bill talks about Washington Place, but does not talk about the new residence which is being built adjacent to it on the same property and by the same taxpayers as Washington Place, and that is the new governor’s residence.

“The argument was made that the present governor and former governors were able to violate the ethical and campaign very clear laws regarding campaigning because the governors also used Washington Place as their official residence. So if we use that as the determination of official residence where the new construction is taking place, I think it would be much better if when we go into Conference we suggest a very strong amendment that says that Washington Place and the governor’s official state residence, or to keep faith with the Ethics Commission, ‘any state constructed and state supported facility in this state.’

“Thank you, Mr. President.”

Senator English rose in support of the measure and said:

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

“I share the very same sentiments of my colleague from East Oahu. But Mr. President, in looking at the way that the bill is constructed and a common understanding of Washington Place, and this is a question that was asked, Washington Place is the entire compound. The yard, the structures, the fence, the gate, the whole thing is called Washington Place – not simply the building.

“So I share the same sentiments and I asked for clarification on that. I think the general public understands it that way and I think if we can all understand it that way, then it covers all the concerns. So I support the measure with that clarification.

“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. 3264 was adopted and H.B. No. 1093, entitled: “A

BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3267 (H.B. No. 2349, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3267 was adopted and H.B. No. 2349, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3287 (H.B. No. 1823, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3287 was adopted and H.B. No. 1823, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3288 (H.B. No. 2840, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3288 be adopted and H.B. No. 2840, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against H.B. No. 2840, S.D. 2.

“Mr. President, this bill is needed where you don’t have any leadership. Obviously, good leaders would know what to do. And what it really does is it establishes the ‘let’s appoint a commission to take the blame for recommending the cuts we would do ourselves if we only had the guts’ taken from a report by the ‘what to do after the election is safely over advisory commission.’ I think they gave it a slightly different title in the committee report, but that’s exactly what this bill does. It really is a way to circumvent showing some real leadership. Therefore I’ll be voting ‘no.’”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3288 was adopted and H.B. No. 2840, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE GOVERNMENT,” 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. 3292 (H.B. No. 2420, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3292 was adopted and H.B. No. 2420, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3293 (H.B. No. 2844, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3293 be adopted and H.B. No. 2844, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senators Hogue, 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. 3293 was adopted and H.B. No. 2844, H.D. 1, 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. 3296 (H.B. No. 2843, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3296 be adopted and H.B. No. 2843, 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 Slom rose to speak in support of the measure with reservations and said:

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

"The problem that I have with this bill, and it has several good features to it, particularly with the automatic ballot recount, but the problem I have is with the provision for mail ballots on special elections. I have two problems with that – one in terms of allegations of fraud during the last two elections. A lot of that fraud had to do with the way mail-in ballots or other ballots were handled and I don't see any changes or any procedures that have taken care of that. Secondly, I think the definition of 'special elections' may mean different things to different people. The indication in the media reports were that we're talking about a situation that we just had recently for the special election to fill a City Council seat in the City and County of Honolulu. But I think the bill itself may be vague and certainly broad in terms of allowing other elections to be designated as special elections.

"So I'll have reservations on this bill. Thank you."

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

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

"Mr. President and colleagues, Sections 1 and 2 of the bill, I think, deserve some further discussion and consideration. It's Sections 3 and 4 of the bill that I am very concerned about. Section 3 of the bill requires that there shall be printed on a separate ballot each individual party. This is going to result in a significant cost impact to the Office of Elections and to the taxpayers for a system that basically we really don't need. The process of multiple parties on front sides and backsides of ballots works provided that we provide to the Office of Elections adequate funds to be able to educate the public on how to use that ballot. With this process in place, there could

be thousands upon thousands or tens of thousands or hundreds of thousands of wasted ballots and wasted printing. That's not a very efficient use of public money.

"The second portion I have concerns about is Section 4. And colleagues, while I understand that we need to take some kind of action on this, telling someone that he'll be removed from a public office upon conviction does not allow that individual his appeal process under the courts and under the Constitution. So, I'm not sure how we're going to address that, colleagues. Removal upon conviction is problematic, but as the managers of this measure move forward on it, I would urge caution on Section 4 and request that you remove Section 3 from the bill.

"Thank you."

Senator English rose to support the measure and said:

"I rise in support, Mr. President.

"I share many of the concerns of the previous speaker. I can support the measure because these concerns have been brought up in Committee and as this moves forward we've tried to deal with this. Now we're getting to the end game, and when it goes to Conference I hope some of the measures that the previous speaker talked about gets fixed. I also hope that we . . . I think we have, but make it very clear, Mr. President, that special elections mean elections outside of the regular cycles, outside of the common terms, because in Maui County, Mr. President, we call the primary and general, special elections – the first special election and the second special election.

"So the unintended return of this may be that we have to do all of our elections by mail. And I know that we're working on making sure that's not the case, but this will have to be worked out and made more clear in Conference. So I'll support the measure, Mr. President.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3296 was adopted and H.B. No. 2843, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3304 (H.B. No. 2542, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3304 be adopted and H.B. No. 2542, H.D. 2, 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 this measure with reservations.

"This started out as a moorage increase bill and has turned out to be a bill, after the several amendments, to one in which the Legislature is now going to be responsible for the legislative fees rather than the Department of Land and Natural Resources. I think a lot of the testimony has shown that the problems with boating, in general, and the lack of maintenance and repair, specifically, rests with the DLNR, and this bill really does not go far enough to address those problems or to hold the department responsible.

"In addition to that, there still is lurking the Governor's proposal to commercialize, not privatize, but commercialize Ala Wai Boat Harbor. So I will support this now at this point with reservations.

"Thank you."

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

"Mr. President, I rise in favor of H.B. No. 2542, H.D. 2, S.D. 2, relating to boating.

"This bill embraces the Board of Land and Natural Resources' desire to have community grassroots public hearings, statewide, on the issue of proposed moorage fee increases before embracing any fee increases on non-commercial boats.

"Colleagues, please do not get fooled by the administration that they need the money just to repair piers and other needs of small boat harbors. They do have a special fund. The Auditor's report, four Auditor's reports basically, have indicated misuse of the special funds. We need to embrace the proper use of special funds at this time, rather than let the administration get away with it.

"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. 3304 was adopted and H.B. No. 2542, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3305 (H.B. No. 2821, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3305 was adopted and H.B. No. 2821, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1800, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1800, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Taniguchi rose to support the measure and stated:

"Mr. President, I rise to speak in favor of H.B. No. 1800, S.D. 1.

"Before I begin my comments on the executive supplemental budget, I would first like to thank the staff of the Ways and Means Committee. They have been nothing short of professional and hard working. I am proud to be associated with this intelligent, creative and enthusiastic group. I would also like to thank all the members of the Ways and Means Committee. While we may not have agreed on everything, and while some of you may vote against some of our proposals, each committee member played a role in shaping this budget. It

has been a challenging time for all of us, and I appreciate the hard work and patience exhibited by all.

"As we've said many times before, Mr. President, the terrorist attacks of September 11<sup>th</sup> have had a very profound impact on all of us in many different ways. Our State, like almost all of the states nationwide, is facing a sudden revenue shortfall of enormous proportions. Legislatures across the country are struggling to balance their budgets with proposals very similar to ours – a combination of revenue increases and spending cuts.

"I know entering September of 2001, most executive departments were probably in the last phase of preparing a budget very different from the one that was proposed to us in January. I know that to react to the new revenue projections during the last two months of the year must have been very difficult. With that said, I applaud all of the departments for doing their part in scrutinizing their current spending and coming up with the cuts that they did. I realize that for many of the departments these rounds of cuts were just one more of the many sustained over the last ten years. I also realize that because of these circumstances, the Department of Education and the University of Hawaii, for the first time in a long time, both had to offer up reductions.

"But as we also know very well, the executive budget is but one element of the State's general fund financial plan. The cuts that the departments have offered barely begin to cover the expected revenue shortfall expected over the next six years. So in addition to these deductions, the Governor has asked us to balance the financial plan with a variety of revenue increasing measures. It appears that many, if not all, of the Governor's proposals to increase revenue are not faring well.

"The reluctance to embrace his revenue proposals has ultimately left us with taking an even harder look at the executive branch's budget. Given this possibility, I did ask the departments to look at higher cuts of 3, 4 and 5 percent. I believe with any additional cuts in spending across the board, services would be severely curtailed and people would lose their jobs, something I think we should avoid right now. Moreover, given that the largest departments provide for the most crucial services to the people – education, health, and public safety – cutting them further would translate into a direct negative impact to the public. This leaves us in the quandary that faces many of our colleagues across the nation – increase revenues or cut spending, especially in the areas of education, health, human services, and public safety.

"The budget request we started with already proposed a net negative change to the budget we passed last year. In total, the Governor's supplemental request would have decreased state spending by \$35 million a year. I should point out that of that amount, the Department of Education was being cut by \$15.6 million, and the University of Hawaii by \$3.6 million.

"After much review, discussion, and argument, the budget before you reduces the executive budget by an additional \$37 million to bring the total reduction to last year's budget to \$73 million. While I have tried to leave the Department of Education intact as much as possible, and even have proposed to you a way to provide much needed additional resources in the hurricane relief bill, H.B. No. 2654, denying requests for additional funds was unavoidable, especially the University of Hawaii, the Department of Public Safety, and the Department of Health.

"Furthermore, while the Governor believes that increased funding for public construction will help boost the economy, I believe we will be fast approaching a point of diminishing

returns with another large increase in capital investment. I am certain that if we were to approve another \$900 million in CIP projects, which he had requested, we will, in effect, infuse too much capital into an industry that has a limit in its capacity and is already showing signs of strength with increased construction by the private sector.

“By keeping public funding of construction modest, I not only want to avoid creating artificially high demand, which may cause project bids to increase, I want to avoid saddling the State with too much debt at a time when we cannot be anything less than fiscally cautious.

“Therefore, colleagues, this budget proposes that we approve new GO bond funded CIPs at a level closer to the House’s proposal for a total of \$350 million. Coupled with the Judiciary CIPs found in H.B. No. 2300, our new GO-funded CIPs will total approximately \$385 million.

“In conclusion, members, I again caution you to look at our entire financial plan. This budget before you is contingent on all the other revenue measures before you today. There will be those who will argue today that we have other ways to fund this budget. While I will certainly review these proposals, I would remind all of you that we have had three months to hear these proposals and none of these eleventh-hour proposals seem to be feasible. Should we find ourselves without the option of increasing revenues in some manner, additional cuts – cuts to education, cuts to human services, cuts to all government services – will be necessary. With cuts at any higher levels than what I’ve proposed to you in this budget, complete programs will have to be eliminated, many deserving needs will go unmet, and many jobs will be lost.

“I urge you to carefully consider not just this budget, but our complete financial package, and I urge your support. Thank you.”

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

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

“I am aware of the tremendous amount of work that has gone into creation of this budget, and I must commend the Ways and Means Chair and his staff. But Mr. President, we’ve gotten a lot closer to balancing this budget without having to tap hurricane funds and I believe we can get there.

“Mr. President, cuts are not always bad. Many, many businesses, including my own, are forced to make cuts in this ailing economy and with the national crisis. Many will emerge stronger and better companies. The cuts force them to change how they do things, to look at efficiencies in improving productivity. We should do no less.

“Mr. President, if we can all picture a field . . . agriculture is something that we talk about here, and there may be crops on that field. And sometimes our bills in the past have said let’s clear another part of the field and we have money, let’s plant a new crop. And we do that and we have another field and we keep extending it.

“Mr. President, it’s sad that sometimes the crops that we’ve planted, the new crops get chosen to be the first crops not to be watered, not to be fertilized and in fact left to wilt, and the older crops, ‘oh, we should keep those.’ And many times in agriculture, in fact almost all times in agriculture, for the crops to flourish, one needs to aerate, one needs to till and turn over the soil, one doesn’t just come and throw top soil and fertilizer

on top of the ground. One needs to make the ground nourished much deeper.

“Mr. President, I believe there are ways that we should do that. We should look at federal funds that are plentiful and are they maximized? I think not. Do we know even in this body how the federal funds are used with the funds that we put forth, as well? I think there’s opportunities for synergies with new federal money – no child left behind money, federal impact aid money. There’s ways to do more with what we have, Mr. President.

“So I support the Chair in his efforts to support education, higher and lower, Mr. President, and I believe we need to continue to do more, we need to kind of aerate and till some of the soil that’s been trampled down over years and is just hard, Mr. President. We need to do better so we can invigorate from the ground up.”

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

“Mr. President, I rise to speak in favor of H.B. No. 1800, H.D. 1, S.D. 1, but with reservations.

“Mr. President, I, too, would like to thank several people involved in this process, first and foremost the Chairman of the Ways and Means Committee who’s been fair, and that’s all we can ask out of him. He has listened to the Minority pleas and ways to cut. Occasionally, but rarely, he listens to us, but he has been fair and we can ask no more of him. But nevertheless, he is wedded to an ideology that has created this problem which I will point out.

“I’d like to also thank his staff who likewise under the Chairman’s leadership have been extremely fair and extremely efficient. I think the Ways and Means Committee members and the staff are probably amongst the hardest working people in the Legislature. But likewise is the staff of the Minority who have been loyal not only to the people who employ them, we the Senators, but also to the beliefs we hold dear to our hearts. And I’d like to, in speaking to this budget, I’d like to thank that staff for the work they’ve done, oftentimes toiling in the basement in the shadow of the Majority Party, the rewards seem to be few and far between.

“I would like to respond to some of the issues brought up by the good Chairman of the Ways and Means Committee who is advocating the passage of this budget. I reserve the right in the future to vote ‘no’ against it, but I’m voting ‘with reservations’ for obvious reasons.

“This budget is wedded to a formula that has put Hawaii in the economic abyss that we’re in, and that is consistently, and I hate to sound so rhetorical, the increasing of spending every year and the increasing of taxes needed to support a very large and inefficient government. Mr. President and colleagues, it’s not my opinion. The facts speak for themselves regarding the state of Hawaii’s economy. Our problem was not created by the Big Five, not created by Ronald Reagan, not created by the Japanese economy. It was created by the policies of we the Legislators and the leaders of the State of Hawaii.

“We had a press conference several weeks ago that enunciated some of our new ideas to specifically spell out what could be done to reduce state spending in a very systematic and honest manner. Unfortunately, our pleas fell on deaf ears in the Majority Party, and with the aid of a sometimes complicit media, mainstream media, the public did not hear much about our proposals, and what was heard was somewhat distorted through the media’s interpretation of our proposals.

“We had staff look at audits over the last five years. Every one of the audits pointed out massive malfeasance, massive duplication, massive misappropriation of taxpayers’ money to the tune of \$221 million. It’s unconscionable that this amount of money has been squandered by various departments that are audited. Now, the excuse by some such as Virginia Lowell whose Library Department was audited is that ‘Well, we’ve corrected those mistakes.’ That’s not the point. The point is that this shows a pattern of abuse and malfeasance. If this was only one or two departments in the last five years that have made mistakes, so be it. But consistently . . . and time does not permit me to go through the pages that just indict department, after department, after department. And they come back to us every year and say, ‘We need more positions. We need more money. Yes, we got caught in this audit. We’ve been accused of malfeasance, but give us more money and we’ll do a better job.’ It just isn’t true.

“The excuses sometimes are lame. In a letter to the editor, Virginia Lowell said that they were audited and one of the things pointed out was they didn’t collect all their library fines, and she said they had been working hard at it and have collected 30 percent of the fines. That’s fine, but whatever happened to the other 70 percent. That’s a terrible collection rate, and the Senator from Hawaii Kai is exactly right about it.

“The second thing in this budget that is quite honestly disingenuous, and our staff did an incredible job of identifying it. I’d like to specifically thank Nani Medeiros who does all the numbers crunching in the Minority staff. We have over 5,000 vacant positions that are being funded. According to our calculations – there may have been some changes in this final draft, but in the House version of the budget – it’s over \$94 million of vacant positions. We could cut those positions; they’re vacant. No. You know what we found out and what we know to be true? That these vacant positions’ funding – and the media somehow missed this message – this is a slush fund. This is a slush fund. You can make no bones about it. This money is used for overtime and for whatever else. The department heads . . . are we holding our departments accountable or are we saying, ‘Okay, use 5,000 vacant positions that are unfilled as a slush fund so you can spend the money as you please.’ Don’t take my word for it. Look at the audits. Time and time again the audits point out abuse of overtime and other expenditures of taxpayers’ money.

“There’s a third way to collect money. We have the Quest financing – a good, noble program – taking care of the people who can’t insure themselves. But according to the Legal Aid Society, they could be contracted to the State of Hawaii for the sum of about a quarter of a million dollars to collect anywhere, and they estimate conservatively, between 30 and 60 million dollars in money the Department of Human Services failed to collect. So what do we get from the Department of Human Services rather than saying, ‘Hey, let’s talk and work something out. Maybe you guys can help out and we’ll be much more cost effective.’ What we get is a two-page scathing letter denouncing Legal Aid’s proposal from the DHS saying we’ve done a wonderful job under existing law.

“Well, that’s not exactly what Marion Higa said. Just one short year ago, she talked about a division’s review of how Medicaid claims processing is weak. ‘With a 30 percent error rate noting our sample of 50 claims, it’s difficult for us to understand why only a few errors were detected in the reviews conducted by the division. We believe that errors are likely occurring with significant frequency.’

“But who does this Legislature believe? The Legal Aid Society, the good public spirited people that work oftentimes

for very little pay in a nonprofit organization for the benefit of the poor, or do we believe the department head who’s been audited and proven to be misrepresenting the facts. She sends a letter and says, ‘Oh, we’re doing the best job we can.’

“There’s huge amounts of money that could be cut from the state budget. I’d like to challenge anybody to do the math when we have people stand up on this Floor and say that this budget is cutting spending. It’s not cutting spending. It’s cutting the growth of spending. Nevertheless, the budget is going up as it does every year. In fact, amazingly, the budget has grown at the state level three times faster than the private sector economy has. And you wonder why businesses cannot afford to stay in Hawaii.

“While the Majority Party will have you believe this general fund expenditures have been reduced, the truth is that they have increased. Not only has the supplemental budget increased over last year’s appropriated amounts, but the new funds are being raided through other measures in a total of \$177 million. And that includes moving some of the really necessary programs into the hurricane relief fund raid.

“I want to say right here, I got a call from my colleague in the House of how Machiavellian and clever they are in the House Majority. I think the good Senator from Manoa will appreciate this. They even put funding of the wastewater plant in Waimanalo, which is a huge liability for the State, in the hurricane relief bill. Someone called that blackmail or hostage taking.

“This budget increases spending, and if you add in the people that are being added in other appropriations, the number employed by the State will increase even though we have 5,000-plus vacant positions.

“Colleagues, the smoke and mirrors are clearing and the deer in the headlight is about to get run over.

“Thank you, Mr. President.”

Senator Slom rose in opposition to the measure and said:

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

“I will be voting ‘no’ and it’s very difficult to vote against the entire budget because the entire budget is voluminous. It has many very good things in it. It has some things that we need. It has some marginal things, and then some things that we don’t need. I, too, will add my support and mahalo to the Chairman, committee members and staffs of both the Majority and Minority. We know everybody worked hard. That’s not the issue.

“We did have very spirited discussion. As a matter of fact, I remarked during one Ways and Means hearing we could have charged admission and sold revenues for the seats since we charge for everything else in the State now, and maybe brought in some revenue that way. It was good that discussion took place. The only problem is, after the discussion takes place and after the arguments take place, then people go about doing the same thing that they’ve continued to do before.

“I’m getting a little weary of people talking about September 11<sup>th</sup> because our budgetary and financial problems in this State did not start, nor were they really exacerbated after September 11<sup>th</sup>. The roots of our problems go back for the last four, five administrations, and they’ve been compounded by the things that we have done in the Legislature and by things that we haven’t done in the Legislature. We talk about accountability and we pass individual and specific bills, for example, to hold



teachers accountable. Well, that's great, but we all should be accountable. And I can remember the Co-Majority Leader, last year, saying he gets frustrated sometimes, but what can we do? What can we do?

"Well, what we can do is what the good Senator from Kailua just said. We can refuse funding for organizations that don't comply. We can refuse funding for organizations that come before various committees and don't even know how their money is spent; cannot even answer questions, and kind of laugh it off because they know that in the end, in the end we'll give them more money. And why not? It's not our money. It's the taxpayers' money, and we are supposed to be the guardians and the trustees of that money. We're not very good at it, not very good at all.

"And I guess the problem that I have in supporting the budget, even with reservations . . . though it means that I'll lose my seat on the Conference Committee – something I always look forward to. I guess the reason I have a real problem is because we keep hearing about these cuts and reductions and slashes, and as the good Senator from Kailua said, we're not telling the public the truth. We're not cutting the budget. The budget is increasing. It's increasing at a slower rate, guaranteed, but it is increasing. The number of public employees is increasing. The amount of debt that our children and grandchildren will have to pay for is increasing. We're doing all that, and we're doing it with the full knowledge that there are other alternatives and there are other things that we can do.

"If I had a dollar for every time one of my colleagues said, 'Well, what would you do? How would you cut the budget?' I'd be a wealthy man. And I responded. The two Minority Senators responded at a press conference. We laid out the information. We said, 'Here are some alternatives. Here are things that we can do.' The media, some of which are sitting up in the gallery right now, they did their usual 'ho hum' because half of them don't understand economics at all. The other half are in league with the status quo, and some of them are just looking to get a position with either the state administration or in some way the state government. And some of them shrug their shoulders and say, 'That's not news. You've said that before.' Well, here's a flash for the media – excessive spending, taxes, fee increases, debt, non-accountability is not news either but you keep reporting it, and you keep telling people 'This is the only thing we can do because the only alternative is closing down the libraries, throwing women and children out into the streets. The only thing we can do is to raise taxes more, increase the budget, add more public employees.' That's not the only thing we can do. And when we adopt a budget like this, what we have done is foreclosed on serious and critical analysis of any of those other alternatives.

"When we did make serious alternatives and options for fiscal planning, some of our colleagues said, 'Well, you can't do that. We can't do that.' Why not? Why not? If we're talking about changes and we see change all around us, then why is it that only this state government doesn't change? Because what we're doing now is what we've always done before. Only, we're doing it under the shadow and the mask of September 11<sup>th</sup>. September 11<sup>th</sup> doesn't mandate that we keep spending and increasing the size and scope and regulatory authority of government. But we're not giving critical time to looking at those alternatives.

"Hey, the three of us here, we'd be very happy to have hearings and you'd say 'This is why this won't work. This is why we can't do this.' But we don't do it. We just ignore it and we go on doing our business the way we've always done it before.

"We talk about a financial plan. Colleagues, we don't have a financial plan. We've got something tacked on here and glued on there and appended over here, and it's all dependent on what we do with the hurricane bill, and the liquor tax bill, and the cigarette bill, and raiding the special funds, and doing this and doing that. That's not a financial plan. And those few of you in business, those few of you that have to reach in your own pockets and meet your own payrolls would never, never do the kinds of things that we're doing with this budgetary process because you'd be out of business. But then again, you don't have the luxury of taxing people and holding other people responsible for your errors and your mistakes.

"There comes a time when we have to stand up and say this is not right! We really need a change because if we don't, we will continue taking our single moms and families and small businesses down the road to economic destruction. That's what we're doing. That's why we continue to rate and rank number 50 every time a ranking comes out, except somebody showed me a ranking this morning, I think we're number one in the country in romance. That's good news. Unless they were talking about how Legislators romance the public into thinking that a tax increase or a fee increase is really good for them.

"We're all aware of what's happening in the private sector although a lot of us put blinders on and just look straight ahead. We've argued in these sessions for years about equity and parity for public employees, and public employees do deserve to be treated fairly, compensated fairly, to have fair benefits. But when the private sector is hemorrhaging, when businesses continue to go out of business, when we have bankruptcies, foreclosures, thousands of jobs lost and being lost, is it then fair to say that public employee jobs are more worthy than private sector jobs? What we're really saying is we do have a role for you in the private sector. No matter how hard you're hurting, we'll let you continue to support an increasing, growing and bloated state government. That's what we're telling them.

"We haven't done anything in these sessions to date to alleviate the cost of living, the standard of living, and the cost of the average man and woman in our community or small businesses. We haven't done it. And worse yet, we really spent very little time talking about it.

"So here we are faced with the budget. And the budget will pass and we'll go into Conference and some of the numbers will change back and forth, and we'll pat ourselves on the back. But we haven't changed the direction of this State and that's what we have to do. We have to provide incentives, and we have to realize that if a part of our society is hurting, if a part of our society has learned how to prioritize, as painful as it may be, and to cut back and do without and reduce, then we've got to do that too, particularly since it's not our own money. If it's our own money, we can do whatever we want to do, and be held responsible for it. But we haven't done that.

"And again, this arguing about how we have cut across the board should incense every individual who believes in programs and individuals that work hard and that are good. Why would you cut across the board for anything? And why would you always, always hold the schools, the school teachers, the libraries hostage and say, 'Gee, we really don't want to do it, but we're going to have to cut them too.' When you've got beaucoup programs in this State that aren't worth the spit that they put out at legislative hearings, you cut bad programs. You cut people that are not performing and don't give us honest answers. You listen to the State Auditor who we all pat on the back. We all unanimously reappoint her. We say what a wonderful job she's doing, and then we turn a blind eye because

we don't implement or believe that it's necessary to make the changes in the things that she says.

"You don't cut across the board. I've said this before. If we really believe in education as being number one, then you say that's it. Number one, we're going to do the things that we have to do and they're not all financial, as we've learned before. They are structural, reorganizational, systemic. You do those things first and then you move on to the next item. Is this really important? Then we move on to that. But just stop promising everybody that you're going to do everything for them because any government that's big enough to give you everything you want is big enough to take away everything you've got. And that's what we're doing in this State little, by little, by little. And all of us are still seeing people leaving this State, still seeing businesses struggling or shutting down. And we go 'ho hum' just as the media do, and we go about our business.

"It's got to stop. We have to learn how to stand up and make choices and make differences, and those choices are out there. Are they painful? Yes. Do they need to be done? Yes. Could we do them? Yes, we could, but instead we're going to pass this bloated budget and then we're going to go on and raid the hurricane fund, raid the special funds, raise the cigarette tax, raise the liquor tax, raise fees on everything else, and say at the end of the day that we've done our job. We haven't done our job. As trustees and guardians for the State's economy, we have not done it. And every time we say we're doing it for the keiki, those poor keiki, they look us in the eyes and they've got to be wondering who are we trying to fool; who are we trying to romance.

"So regrettably, Mr. President, I'll be voting 'no' on the budget. Thank you."

The motion was put by the Chair and carried, H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hogue, Slom). Excused, 1 (Kawamoto).

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

S.B. No. 2961, S.D. 2:

Senator Chumbley moved that S.B. No. 2961, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hanabusa rose in opposition to the measure and said:

"Mr. President, colleagues, I know that the majority of you are in favor of the passage if this amendment and the bill with Floor Amendment No. 4. However, I cannot support the measure for the following reasons.

"Mr. President and members, the title of this bill is 'Relating to Voluntary Employees' Beneficiary Association Trusts,' and there are fundamental flaws in this that cannot, unfortunately, be cured even in Conference. Let us begin with the major flaw. The major flaw is in the fact that under the provisions of S.B. No. 2961, S.D. 2, we will now require that the collective bargaining representative or the unions bargain on behalf of retirees. In order to bargain on behalf of retirees, these retirees must be covered under Chapter 89. Chapter 89 is the collective bargaining statute and we all know that Chapter 89 has

provision 89-19 that gives it major preemptive powers, and it is like the federal labor law. In other words, any other law that may address anything regarding the issue of collective bargaining is preempted by 89-19. The problem then becomes with the definition of the employee who is covered under the act. The employee must be someone who is employed. It does not cover a retiree.

"What is the consequence of that action? The consequence is that when you then put a retiree issue into a collective bargaining agreement, that will not become what we consider to be a mandatory subject of collective bargaining, which then means that there is absolutely no obligation to bargain on their behalf. In essence, the retirees have no say. And because of the preemptive nature of Chapter 89, it means Chapter 89 prevails over whatever S.B. No. 2961 may become in the future.

"The other problem with this whole action, members, Mr. President, is the simple fact that though this has been named and basically promoted as the teachers' bill, this is the bill for the teachers and the teacher retirees, it in fact affects every single union and every single retiree, present and future, of all unions. So, we have not heard, for example, from UPW retirees, HGEA retirees, SHOPO retirees, UHPA retirees, or anyone else. They have not been heard because we haven't had any public hearings. We say we have this informational briefing of one day. We have heard in the other arguments that we've had on this Floor that there were these meetings, that irrespective of representations that may have been made, for example, to the good Senator from Kauai, that when they met, they had to change the bill because the bill could not address, not address, what it was that the good Senator from Kauai and others were asking for because you have concerns about adverse selections, you have concerns about keeping that pool of people so that there will be numbers.

"But the main concern we should all have is as we hurry to do this, and as we push it through, what are we doing to other parts of the law? And if it becomes a law, can this bill properly protect the interest of those that we are saying we are interested in protecting? And the fundamental flaw is that you cannot address Chapter 89 within this title, and by failing to do so, you are leaving the retirees, all retirees, at the mercy of the collective bargaining process that they have no rights in. And that means they have no rights to file prohibitive practices if they believe that they are not being represented. They have even no rights, technically, to strike over it because it's not a mandatory subject of bargaining. If you strike over a non-mandatory subject of bargaining, it's an illegal strike. So you don't have the necessary protections given to a group. You are simply saying, 'Okay, you're going to be covered. Don't worry, your union will represent you.' The union has no obligation to represent them because the concept of a union and a representative is in Chapter 89, which does not cover them. That's the first thing.

"The second thing, again, it's a simple matter of accountability. Accountability because you are not giving this power to the union. You are giving it to a third entity, whatever this VEBA is. And people have said, you know, VEBA under IRC 511C(9), that, you know, it gives some kind of reporting. You've heard it constantly. Members, IRC 501C(9) is nothing more than the tax-exempt status. Like 501C(3), we all know that. That's a tax-exempt corporation. 501C(9) is the provision of the Internal Revenue Code that is exclusively reserved for labor unions. Every labor union is a 501C(9). Unity House is a 501C(9). Fraternal associations are 501C(9). ILWU's fraternal association is a 501C(9). Those are what a 501C(9) is.

"I've set one up. You know what it is? It's exactly what they're doing here. You set up your bylaws. You set up your

articles. You submit it. Give it to the Internal Revenue Code and you say give us a tax exempt-status. That's what it is. And what do you do in terms of reporting? Whatever any other 501C(9) organization does.

"You've heard comments about the ERISA that we're going to have ERISA type of safeguards. ERISA? ERISA doesn't apply, and neither will any of these organizations permit ERISA to apply to them, simply because ERISA only applies if your employer is covered under ERISA. The State of Hawaii, technically the employer, is not covered under ERISA. Separation of powers – we're a state municipal government, therefore the federal government has no jurisdiction over us. That's what we tell them, anyway. So we're not defined as an employer. Therefore, there are no ERISA-related protections.

"Many of the other arguments that have been made, we've all made them for or against the bill, but this is a fundamental flaw, especially when it affects the group that we would like to see protected – the retirees. We cannot say that if you are an employee now, which is what this bill says, that you will stay in that group and not give them the necessary protections of someone that you should bargain for and have a responsibility to bargain for, and that cannot be done in this bill. So you will be sending off a group of people and say, you will be bargained for by a union that has no legal obligation to represent you. And that is what we're doing.

"We have words in here about may include, may port the amount, may do a lot of things. But what do we do, or how can we assure these employees that have worked diligently for the State, some of them the older ones sacrificing a lot along the way. How do you protect them? Because once these VEBAs are formed, we, the State, have no jurisdiction over these entities. We don't have the right to monitor. In the private sector, when trust funds are created, ERISA-related trust funds, you will find employer representatives, usually an equal numbers sitting on these trust funds. The reason why is because they both have interests. One is a money interest and the other, of course, is the interest of insuring the benefits continue. We do not have this balance.

"I'm sure that it is an affirmative statement on the part of all of us who vote in the affirmative that we believe the unions will watch out for their employees. That's a great statement. But the question is What about the accountability to the taxpayers? What do we owe them? Do we owe them anything? Or do we just simply let this collective bargaining process go through and we simply do the money now. We don't look at the little nitty gritty of each collective bargaining agreement. We don't have line item veto rights on the collective bargaining items. We just approve the money. We leave it up to them.

"At that point we've delegated our responsibility. I am not willing to delegate my responsibility. I believe that we owe these retirees not to delegate our responsibility not only to a union that doesn't have a legal obligation to represent them, but in addition to that, an entity that really owes no one in the State a fiduciary obligation.

"For those reasons, I continue to stand in opposition to this bill.

"Thank you, Mr. President."

Senator Nakata rose to speak in opposition to the measure and said:

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

"The Senator from Waianae has laid out the reasons very clearly. In addition to that, I would like to emphasize that we are taking apart what we did last year in Act 88. We really have laid the groundwork for all of that to be taken apart back to the separate union trusts.

"I'm also reminding my colleagues that our Auditor said that this is the source of a lot of the problems that we face in terms of the money that goes into these plans. She talked of a billion dollars or more in less than ten years in the premiums that will be going for the health coverage of the state's employees and retirees. Consolidating the union funds into the employee union trust was one of the primary recommendations to address that problem. We are undoing that. There is no way that we will be able to prevent other unions from doing the same.

"I would urge my colleagues to oppose this bill. We are not providing the protection for the retirees that we may think we are. We are not providing for the equality of benefits for state employees across unions. And I think that is an important part of the whole discussion, a part of our responsibility in terms of fairness and equality to our employees.

"Thank you."

Senator Ige rose in support of the measure and said:

"Mr. President, I rise to speak in support of S.B. No. 2961, S.D. 2.

"First of all, I would like to request that the Senator from Liliha's remarks last Friday be inserted into the Journal as if they were my own. (The Chair so ordered.)

"I would just like to add a couple of brief points. I continue to be amazed that opponents of this measure insist that this proposal undermines Act 88, the health fund reform that we passed last year. The Legislative Auditor in her audit of the Health Fund had cited two major issues that needed to be addressed to insure solvency of the program. The first and foremost was cost containment, and people have referred to the billion dollar increase in the cost of the health fund and providing benefits for our employees. And she did talk a lot about adverse selection and how that contributes to the burgeoning costs.

"Neal Miyahira, the Budget Director, had acknowledged last Thursday that the most important impact of Act 88 is cost containment of health benefit programs. He also begrudgingly acknowledged the fact that this proposal before us today has 100 percent of the cost containment features of Act 88. I repeat, 100 percent of the benefits of cost containment. The cost to the taxpayer is absolutely equal to the penny. This proposal that we have before us is absolutely equal from the perspective of the taxpayer.

"I also spoke with the Legislative Auditor and she did express her concern about not being able to discuss these issues with me because she did not have the benefit of her consultant and that she didn't have anybody on her staff that was an expert in these health matters. So I sought out an expert to talk about the issues of adverse selection, the issues of size of group, the issues of efficiencies gained by having a single employee union trust versus having one or more.

"And I did actually connect and spoke with a health professional who does this for a living, a health actuary that for more than 40 years has been involved with setting health insurance premiums. And he did ask that he remain anonymous because he feared retribution if he actually spoke up against this proposal. But he basically told me this: First and foremost, this

proposal that we are voting on this afternoon eliminates adverse selection. The proposal has no problem with people being selected into and out of a program purely to get to a lower cost population of beneficiaries or higher cost population of beneficiaries.

"I talked to him about the size of group and how important is size of group. Well, this health actuary basically said, once a group gets to be 2,000 people, more or less, that the size of group is irrelevant. The cost of the premium and the premium is determined by the actual experience of that beneficiary group. The premium will be determined 100 percent by the utilization and the benefits that are provided to the beneficiaries.

"Third, he did acknowledge that, obviously, if you have more than one plan, then if you were to accumulate the administrative cost of the plans, that it would be higher. But he did say that for the most part, having one large group, or two equal groups, or three equal groups, that the average cost per member is essentially the same once the group gets to be a size of significance, 10,000 people. So clearly, the whole discussion about the administrative costs going through the roof, I think, is irrelevant.

"You know, it's funny how opponents of this measure also like to continue to point to the continuing investigation on the existing health benefits program of other union plans and all of that. I would just like to point out that this proposal before us impacts those investigations in exactly the same manner that Act 88 does. Essentially, there is no impact. We can continue to go after those programs if we truly believe that there was excess monies moved over then we can pursue that. We can pursue that in the case of the HSTA VEBA trust if we have grounds. There's nothing in this proposal that is any different than the impact that Act 88 had on our ability to do that.

"I support this measure because I do not believe that a single state-run monopoly is in the best interest of the employees or the people of the State of Hawaii. I support this proposal because it is equal to and better than Act 88 in many, many, many ways.

"And finally, I really support it because it empowers employees to take responsibility for designing and administering their own benefit plan because I truly believe that's in the best interest of all of us.

"So colleagues, I urge all of you to support this measure."

The Chair having so ordered, Senator Chun Oakland's remarks read as follows:

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

"I hadn't planned on speaking today, but I would like to respond to the Senator from Kauai's comments with regards to the concerns he raised earlier, because I had shared those concerns. I actually asked those questions even prior to the Senator coming to the briefing. We did in fact, in drafting the floor amendment, consult after the briefing with Paul Tom, who is with the Benefits Plan Consultants Organization and is basically responsible for the HSTA VEBA, and had asked every single concern and possible amendment that both the people at the briefing were open to. That's my recollection. They were open to those amendments. However, when we did speak with Paul Tom on some of those points, he said it was not possible for us to actually do a statutory change. In fact, we would be overridden by existing federal law.

"So I know that from my vantage point, having been concerned as the Senator from Kauai was on a number of

issues, I was very certain that Paul Tom was aware of the amendments that we wanted to make, but in his professional involvement in this, he had indicated that it was not possible.

"So that's why those amendments are not in this floor amendment. Thank you."

Senator Slom rose in opposition to the measure and said:

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

"How can we not believe that this action will undermine Act 88 of last year? That's the whole purpose. If there was solidarity in believing what the Legislative Auditor said and the idea of cost containment and adoption of her specific recommendation for the single statewide public employee health fund, if we turn our backs on that, then in fact we are saying that it really is not that important after all and we are undermining. It was said during the debate last year that this was a major point that was going to be fought tooth and nail, not on the cost but because of the question of compulsory unionization, the question of political endorsements, political muscle and so forth. So the battle began during the discussion last year. It continued after the bill was passed. There was an attempt to try to get the bill vetoed. They were not signed. And it's continued ever since.

"So anybody that thinks that this debate and this discussion has anything to do with health care is mistaken. It has to do with political persuasion and political muscle.

"Now, I respect the good Senator from Pearl City and particularly his individual efforts to talk to people because I raised the issue the other day of what does the Legislative Auditor think about this. And I congratulate him for going to the Legislative Auditor and for her truthful and candid response that she is not equipped herself at this time, under these circumstances, in this rushed fashion to provide us with the additional information, analysis and judgment that are needed. And, of course, that is one of the questions that some of us have asked.

"We had three months in which we could have discussed this issue. It could have been brought up in one of three committees, but it wasn't. We waited until the latter hours of this legislative session in which to do this.

"The good Senator from Pearl City also mentioned that the remarks of the Budget Director, and I must admit I watched the other day, not the public hearing because we've never had a public hearing, the informational briefing, and I did see the Budget Director ill at ease and coerced into a position to say exactly what the good Senator said that there was no cost difference. And I think that's part of the problem. Some of the people on the administrative team, so to speak, had a very difficult time in trying to express what the real reasoning is. The fact that he had a difficult time the other day, however, doesn't subtract from my questions or questions of my colleague about this, and it just goes to show that we've had some real problems in the past. We've had problems with negotiations. I certainly wouldn't want the administrative team negotiating for my business because I would have been out of business long time ago. First of all, they do a lousy job of negotiating. Secondly, after the negotiations are complete, they say, 'Oh well, I didn't have the authority to say that.' Thirdly, we'd get into a yearlong argument about whether we're talking about one year or two years and how much the money is. So, that doesn't reflect very kindly on the kind of negotiating that we have from the State Administration, but again does not deter from the issues and the questions that are brought up here.

"If this were an issue relating to health care, then we would do two things. One is we would seriously modify or overturn Hawaii's unique one in the nation, prepaid health care act adopted in 1974 with the promise that (a) it would be a 50/50 proposition between the employers and employees, and (b) every other state in the Union would follow our lead. Of course, we know no other state in the Union has followed our lead. We've gone from as high as 22 health care providers in this State down to three right now because of the monopoly aspects or oligopolistic aspects of this particular legislation, which the vast number of members of this body and the Legislature continue to support.

"So if we really were looking for health care options, not only for the public employees, but, here we go again, the private employees who we never talk about, we never talk about . . . we're talking about enriching benefits for public employees and singling out one union over another union when many, many people in the private sector and, particularly, sole proprietors, independent contractors, cannot even get accessible, affordable comprehensive group medical insurance in this State because of our inaction.

"When the good Senator from Pearl City says that he is opposed to a single statewide monopoly, then I would expect him to offer legislation to overturn the collective bargaining act which allows for a single statewide monopoly, forcing people to join a union, a compulsory union, a single union, dependent on their particular choice of work, be it a school teacher, a blue collar worker, or whatever. But we're not consistent in that either.

"And I was most interested in the good Senator from Pearl City when he said that he talked to an actuarial or an actuary who had 40 years of experience. I have no reason to doubt the gentleman or the lady's credibility. What I found most interesting was that that actuary said that he was intimidated and wanted to remain anonymous. He was fearful that he would say something, unless I'm quoting incorrectly, 'in opposition to this bill.' So my question is who is he fearful of? If this is a bill designed to talk about health care and choices and benefits, why would an actuarial or individual be fearful of retribution. Would it be from legislators? Would it be from the Budget Director? Would it be from the Legislative Auditor? Would it be from one or more union executives? I don't know. It wasn't made clear.

"But I say again, the reason we're here today at this juncture and the reason we're doing this has nothing to do with health care, nothing to do with procedure, nothing to do with the integrity of Senate Rules, but everything to do with political muscle, political endorsement. And for those reasons, I'm voting 'no' on the bill.

"Thank you, Mr. President."

Senator Ige rose and said:

"Mr. President, I just wanted to offer a point of clarification.

"The health actuary was fearful of making comments that would result in changes to Act 88, which the Governor and the leadership in the House and Senate worked so hard to keep under wraps and not allow public comments on."

Senator Slom rose and said:

"Excuse me, Mr. President. Point of information to the gentleman from Pearl City.

"So, am I right in thinking that the actuary was afraid of retribution from the Governor or what individuals? He was afraid of retribution from the Governor? Did he indicate what kind of form that retribution might take? Does he have government contracts, for example, or anything? He didn't. Okay, thank you.

"Thank you, Mr. President."

Senator Chumbley rose to support the measure and said:

"Mr. President, I rise to speak in support of the floor amendment and this measure.

"Just very briefly, a couple of short comments, colleagues. If you recall, a VEBA is a voluntary employees benefit association. And yes, it was indicated earlier that other unions may choose to do so, but they're not forced to join or create a VEBA. It's entirely up to them.

"The other point of clarification is I think we really need to get beyond the fear of this \$1 billion figure. We passed Act 88 last year. And this measure will comply with those changes, therefore we are now in a defined contribution program. We are no longer in a defined benefit program. So let's not use the fear of the auditor's report from the past.

"Finally, Mr. President, I would like to ask you to order the Clerk to invoke Rule 84, Questions to State Officers, and I'll read the rule, Mr. President: 'Any member of the Senate may ask any question of any state officer relating to the officer's respective department by reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.'

"Mr. President, I would like you to order the Clerk to write to the Budget and Finance Director and ask that officer if he was, in fact, coerced into taking the position that he did on this bill, which was, as proposed, that it would have no additional cost to the State of Hawaii.

"Thank you, Mr. President. I can expect that answer on Thursday?"

The Chair so ordered.

Senator Chun rose to speak against the measure and said:

"Mr. President, I'm not going to belabor the point. For the reasons I stated when this bill passed second reading, I will not be supporting this bill.

"Succinctly put, this bill does not form a VEBA in its real sense. It forms and gives authority to a union, a union trust fund. And more disheartening, what it does is it puts our retirees at the mercy of an organization that is not by law obligated to represent their interests. I do not question the fact that one of the trust funds has said that they will do that. However, that can easily change between whomever runs the union or not.

"When we're looking at a state law, we need to look at the overall impact. But what disheartens me especially about that issue is that after reaching an understanding in this informational briefing that it would not be any problem to include in the law that the retirees would get representational interest in the percentage of which they are in the trust, that that was so succinctly turned around by some backdoor dealings and

understandings made afterwards, out of the public eye without any benefit of finding out exactly what the reasons were to justify such a turnaround in policy.

“For those reasons, Mr. President, I will be voting ‘no.’ This is not the place to do it. We’re not here to make political deals behind closed doors.

“Thank you, Mr. President.”

Senator Chumbley rose and said:

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

The motion was put by the Chair and carried, S.B. No. 2961, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATION TRUSTS,” having been read throughout, and Roll Call vote having been requested, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Buen, Chun, Hanabusa, Kokubun, Matsuura, Nakata, Slom, Taniguchi). Excused, 1 (Kawamoto).

At 12:55 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:15 o’clock p.m.

H.B. No. 2654, H.D. 2, S.D. 1:

Senator Taniguchi rose and said:

“Mr. President, I’d like to have H.B. No. 2654, H.D. 2, S.D. 1, recommitted.”

The President stated:

“If there are not objections from the members, we will recommit said bill.”

Senator Hogue rose and said:

“Mr. President, I object.”

The President made the following observation:

“There is an objection to the recommitment. Senator Taniguchi, will you move to recommit the bill so we can vote on this measure.”

Senator Taniguchi then moved that H.B. No. 2654, H.D. 2, S.D. 1, be recommitted to the Committee on Ways and Means, seconded by Senator Hanabusa.

Senator Hogue rose and said:

“Roll Call vote, Mr. President.”

Senator Chumbley rose and said:

“Mr. President, can you clarify for the members what the vote is actually on, please.”

The Chair responded:

“The vote is actually on recommitting H.B. No. 2654, H.D. 2, S.D. 1, to the Ways and Means Committee. It has been objected to. The objection was to vote on the measure. If you vote ‘aye’ you’re voting to recommit. If you voting ‘no’ you’re

voting not to recommit and you’re voting to actually vote on the actual bill.”

Senator Taniguchi rose and said:

“Mr. President, I have some comments that I’d like inserted in the Journal on this matter.”

The Chair having so ordered, Senator Taniguchi’s remarks read as follows:

“While I have made the motion to recommit this bill, I would like to state that I have reservations on doing so. I believe that by killing this initiative at this time, the Senate will be seriously limiting its options to balance the State budget without having to take drastic and unnecessary steps such as cutting essential public education programs.

“Just for clarification and for the edification of the members and the public, I would like to briefly outline the purposes of the S.D. 1.

“First, and most likely the crux of the debate on the measure, is the transfer of roughly \$55 million from the HHRF into the general fund. On this, I would like to make several points. First, that all \$55 million was earmarked for public education programs. Second, that amount – \$55 million – has been identified as interest that has been and will be earned by the fund since its inception in 1994 up to the end of June 30, 2002.

“Generally, the Ways and Means Committee felt that funding for the following six areas were critical and warranted the use of moneys from the Fund:

1. Board of Education priorities. As we all know, the State BOE had initially approved an increase to the Department of Education budget in the amount of \$55 million. Within that amount was a request for additional funds for multi-track schools, additional English as a Second Language teachers, science equipment and many other critical needs for new and existing schools. However, subsequent to the events of September 11<sup>th</sup>, the Governor, working with the Department of Education, pared the DOE’s budget request back to a negative \$15 million. This revised budget included not only the complete elimination of most of the additional funding requests, but also reflected base budget cuts – many of which directly affect the classroom. This bill proposed to provide \$11 million to restore a portion of those BOE priorities.
2. Education budget base budget cut restoration. As mentioned above, the Governor and the DOE submitted to the Legislature a Supplemental budget request that reflected a negative \$15 million dollar adjustment to the budget approved last year. That negative request included base budget cuts to many classroom programs that would severely hamper or eliminate programs such as computer education, the summer school program, and the A+ after school program. This bill proposed to provide \$8.8 million in funds to essentially restore a portion of those cuts.
3. Education-related bills. To show strong support for the multitude of legislative bills to improve public education this bill proposed to provide \$11.7 million in funding for many new initiatives for education found in 16 Senate Bills passed previously by this body. These initiatives included the Hawaii Education Loan Program, the Preschool Open Doors program, statewide safety

resource officers and stipend increases to assistant Athletic Directors, to name a few.

4. Education-related grants-in-aid. As we all know, our public education system is greatly enhanced by the good work done by not-for-profit groups across the State. This proposed to provide \$8.8 million in grants-in-aid to such groups to either continue or initiate education-related programs outside the classroom statewide.
5. University of Hawaii funding. The UH system had initially requested for over \$6 million in additional funding in this year's Supplemental Budget. While the Committee felt it was not possible to grant their full request at this time, it did feel that \$2 million could be provide to them in this measure.
6. Debt service for DOE-related Capital Improvement Program Projects. Finally, this bill provides for \$20 million to help pay for debt service for CIP projects of the DOE.

"This measure also created the Loss Mitigation Grant Program and uses funds from the Hurricane Relief Fund to help homeowners strengthen their homes against wind damage. I believe that this not only helps our citizens as homeowners, but will also help to lower the State's exposure to catastrophic loss due to hurricanes and will possibly lower insurance premiums in the future. Again, moneys used from the Fund were to be derived from interest earned from the Fund's corpus – NOT from the corpus itself!

"Again, Mr. President, I want to reiterate while I believe it is prudent to recommit this measure at this time due to a lack of support by this body, I personally feel that not keeping this measure alive for further discussion is short-sighted. The basis for transferring amounts from the HHRF to the general fund and the programs that are identified to benefit from these funds was sound and appropriate. Given our general fund revenue shortfall, and given the needs of the State – especially in the areas of public education – I strongly believe that using these funds was prudent and responsible.

"However, despite that, Mr. President, I will reluctantly support recommitting this measure at this time."

Senator Kim rose and said:

"Mr. President, I have some remarks I would like inserted into the Journal, please."

The Chair having so ordered, Senator Kim's remarks read as follows:

"Mr. President, I rise in opposition to any proposal to use the Hawaii Hurricane Relief Fund to balance the state's operating budget.

"Governor's budget submittal was based on wholesale use of hurricane money, despite strong legislative and public reservations about touching the fund.

"Our House colleagues are likewise basing their budget on the use of significant portion of hurricane funds – to the tune of \$100 million, while the Senate is proposing the use of \$55 million. I am strongly opposed to this because I believe that we have not exhausted all alternatives available.

"For example, we could be much more aggressive in reassessing innumerable special and revolving funds and placing or returning that money to the general fund. What

about looking at eliminating some of the thousands of funded vacant positions?

"And why haven't we tapped the state's rainy day fund – that is what it is for, rainy days, which is not the purpose of the hurricane fund.

"Enabling HHRF legislation stipulates that money is to be used solely for purposes of the act. It also says that money will revert to the general fund only if the fund is dissolved, which I do not advocate.

"Additionally, the executive branch has not proposed significant cuts in spending, nor has this body exercised strong oversight on effectiveness or efficiency of government operations – meaning potential targets for budget cuts have not been identified. All departments must be held accountable – all audits should be reviewed and discussed during the session in committee – and followed up upon.

"There are other sources of money we haven't touched or examined because of the relentless push to use the hurricane fund. But there's still time to seek alternatives, and I believe there are viable alternatives.

"I'm also concerned that this 'so called' one time raid of the HHRF will set a bad precedent. What stops us from raiding more of it next year? The City did this very thing – a one-time raid of the HPower fund is now 3 years running. Need I remind all of you that this is the 20th anniversary of Hurricane Iwa and the 10th anniversary of Hurricane Iniki, and another hurricane would place a tremendous strain on our already tight state budget.

"There are not many issues that get voters to e-mail and call my office with a vengeance. The use of the hurricane fund is one of these issues. While my constituents usually trust me to exercise my judgment on the multitude of issues before us, this is one they have made very clear that they want me to heed their wishes. And, as a contributor to the HHRF I happen to agree.

"For these many sound reasons, I believe the Hawaii Hurricane Relief Fund should remain untouched, and that we aggressively seek out other means of balancing the state budget."

Senator Hogue rose and said:

"Mr. President, I also have some remarks that I would like inserted into the Journal. Thank you."

The Chair having so ordered, Senator Hogue's remarks read as follows:

"I rise to speak in opposition to this measure.

"First, colleagues, I have a problem with the title of the bill – 'Relating to Government.' There's obviously a word missing here. It should read 'Relating to Bad Government' . . . because that's what has gone on in this State with regards to the hurricane fund for the past couple of years.

"We all know that the hurricane fund was well-intended. Whether it was originally needed because of bad government oversight in the first place is now a moot point. Due to a hurricane and the loss of insurance providers, the setting up of the fund was necessary.

"But the original law stated what the monies in the fund – that is, the homeowner insurance premiums, the assessments on property and casualty policies, and the special mortgage

recording fees – should be used for. HRS, Section 431P-16(h) says, and I quote, ‘Moneys in the hurricane reserve trust fund or in trust or custodial accounts, created for the benefit of the fund’s secured parties, shall be expended by the Hawaii hurricane relief fund or its authorized designee and used solely for the purposes of this chapter.’

“The law doesn’t say that you can raid it or borrow it or any of the other ideas that have been brought forward . . . which all represent bad government policy.

“And Colleagues, our constituents know that, too. They know you can’t take their money for one purpose and use it for another. What that amounts to is an illegal tax.

“By any reasonable standard, the State has a fiduciary responsibility to look after the monies in the fund. By law, the \$220 million or so currently in the fund can revert to the general fund ‘solely upon dissolution of the Hawaii hurricane relief fund.’ As you know, borrowing or raiding is not dissolving. The rewriters of this bill apparently know this, too, so they have conveniently slipped in new language that says the monies in the hurricane reserve trust fund ‘may’ be disbursed in the ways that they deem appropriate.

“Colleagues, this isn’t appropriate. Once again, it’s bad government policy.

“There are only two redeeming policy ideas with regards to the Hawaii hurricane relief fund – either keep the money in the fund in case of another impending hurricane or give all or part of it back to the rightful owners of the monies . . . the people of the State of Hawaii who paid into it. That’s an example of good government.

“I’ll be voting ‘no’ until that happens.”

The motion was put by the Chair and carried, Roll Call vote having been requested, H.B. No. 2654, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” was recommitted to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Chun Oakland, Fukunaga, Hogue, Ige, Ihara, Inouye, Slom). Excused, 1 (Kawamoto).

At 1:20 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:27 o’clock p.m.

Senator Hogue rose and said:

“Mr. President, I just wanted to stand up and get a point of clarification from the Chair of Ways and Means.”

Senator Taniguchi having answered in the affirmative, Senator Hogue inquired:

“Point of inquiry, please. I just want to make sure that I understand totally what we did on the last bill, H.B. No. 2654, H.D. 2, S.D. 1, Relating to Government. I wanted to understand exactly what recommitment means, if in fact this will kill the hurricane fund raid or borrowing.”

Senator Taniguchi replied:

“Mr. President, I believe the motion was to recommit. Based on our timetable, unless we suspend the Rules, I believe the recommitment effectively killed the House Bill in the Senate.”

Senator Hogue responded:

“Thank you very much. I just wanted to make sure that’s exactly what we were doing and we let everybody know that’s what we were doing because I think it is bad government policy to raid or borrow from the hurricane fund, and I’m glad that the Senate has come to its senses and recommitted, killed, or whatever they’ve just done.

“Thank you.”

### THIRD READING

#### MATTERS DEFERRED FROM FRIDAY, APRIL 5, 2002

H.B. No. 1715, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 1715, H.D. 1, 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, 25. Noes, none.

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

Senator Kanno moved that H.B. No. 2315, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in opposition to the measure and said:

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

“The way I understand this bill, Mr. President, it prohibits obstruction for people going in or coming out in any way or building or facility, except that it exempts labor unions from this particular act. If I’m incorrect, I would appreciate a correction. If not, I’m voting ‘no’ on the bill.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 2315, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### THIRD READING

H.B. No. 2788, S.D. 1:

Senator Taniguchi moved that H.B. No. 2788, 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 rise in support of the bill with reservations.

“I know that there are occasions when we have to have blank amounts to move legislation along, but I think because of the importance of our state bond rating, the amount of state debt we should have at least an idea of how much we’re voting for or how much could be authorized in additional general obligation bonded debt.



“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, H.B. No. 2788, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3176 (H.B. No. 1867, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3176 be adopted and H.B. No. 1867, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Buen.

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

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

“I am concerned with providing health care to those who have suffered economic hardship resulting from the recent economic downturn, but I’m concerned that passing this bill will eventually drive Hawaii toward the practice of health care rationing for its neediest residents.

“Many states, along with Hawaii, are struggling with budget shortfalls, however, I found none that are adding populations and services to their health programs. States that have expanded state health programs during recent years are, in fact, scaling back benefits for low income groups by imposing co-pay requirements, premiums and other cost-sharing measures. While it appears programs in this bill will expand access to health care, it will in fact deny or severely limit future access for some of the poorest of our poor.

“We must tailor our health care assistance to fit our resources. We must realize these important facts: our spending on health care programs is exceeding our ability to pay. We have put as much into health care services as we can possibly generate. Tough decisions need to be made and they need to be made now. And finally, government cannot be all things to all people.

“Please join me in voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3176 was adopted and H.B. No. 1867, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE FOR THE UNINSURED,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3178 (H.B. No. 2216, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3178 be adopted and H.B. No. 2216, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“The original draft of this bill extended the sunset provision relating to the treatment of mental illness, alcohol and drug abuse. Senate Draft 1 has taken it one step further and eliminated the sunset date. Any legislation imposing mandated benefits should include a sunset provision and the mandate can be renewed after careful, periodic evaluation. No review has been undertaken with regard to the mandated benefits imposed by this bill.

“Recent academic research in the medical field has uncovered that there are many physical causes to mental problems. A study at the Georgetown Medical School in Washington, D.C. found that many symptoms currently chalked-up as psychiatric or emotional causes are actually caused by some physical problems. Whether that is correct or not is open to debate but it’s definitely worth noting.

“While observing the fast changing world of medical research, I feel I must express my concern with permanently codifying coverage for mental illness, alcohol or drug abuse. I hope the extension of the sunset date will be put back in the bill during Conference Committee.

“Thank you, Mr. President.”

Senator Slom rose in opposition and said:

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

“The good Senator from Kaneohe has given you good reasons why he has serious reservations, but my reservations are such that I’m voting ‘no’ because the liability falls squarely on the shoulders of those in the private sector who must provide prepaid health insurance.

“This is yet an additional cost which we were told we were going to study and analyze and look at to see both what the cost impact is going to be after a period of years and also what the benefits were going to be. We’ve seen neither and therefore I’m forced to vote ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3178 was adopted and H.B. No. 2216, H.D. 1, S.D. 1, 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, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 3179 (H.B. No. 2459, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3179 be adopted and H.B. No. 2459, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“This bill and the one to follow, I’ll be voting with reservations also, it is our annual making emergency appropriations for departments that can’t budget their budgets and properly have a financial scheme.

"We overuse the word emergency. We certainly want to make sure that people that deserve services get them, but we should hold the agencies accountable for taking care of the funding. So therefore, I have reservations.

"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. 3179 was adopted and H.B. No. 2459, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 3180 (H.B. No. 2495, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3180 be adopted and H.B. No. 2495, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Likewise, Mr. President, I'll be voting with reservations . . . again, an emergency appropriation, this time for the Department of Human Services. Every single year we do this.

"Aloha."

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. 3180 was adopted and H.B. No. 2495, S.D. 1, 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. 3181 (H.B. No. 2512, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3181 be adopted and H.B. No. 2512, S.D. 2, 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 the bill.

"To remain consistent, it is yet another bill that is starting a special fund. This time it is the public health nursing services special fund.

"While I certainly support our nurses and the need for more nurses, I do not support special funds and so I vote 'no.' Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3181 was adopted and H.B. No. 2512, 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. 3182 (H.B. No. 2761, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3182 be adopted and H.B. No. 2761, H.D. 1, 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 to speak against H.B. No. 2761, H.D. 1, S.D. 1.

"Mr. President, to make a long story short, this is another one of those modest bills, at the time, that will end up being a huge boondoggle and a future burden on the people of the State of Hawaii.

"What we're telling everybody now is send your kids to school. It's questionable whether or not we'll be able to educate them but we'll also take care of their teeth. This, once again, and I hearken back to a wonderful speech given by the good Senator from Waianae regarding parental responsibility, I think that, possibly, parents should be held accountable.

"Also, this bill does not seem to be very well indexed to the parent's ability to pay for the care of their own children's teeth. For these and other fiscal reasons, I will be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3182 was adopted and H.B. No. 2761, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3185 (H.B. No. 2014, H.D. 1, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 3185 and H.B. No. 2014, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 3186 (H.B. No. 2164, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3186 was adopted and H.B. No. 2164, H.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 3187 (H.B. No. 2166, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3187 be adopted and H.B. No. 2166, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator English rose in opposition to the measure and said:

“Mr. President, I rise to oppose the measure.

“Mr. President, this bill is tied to H.B. No. 2848, which is coming up. I oppose this on two grounds. The first is that it blurs the line between the separation of church and state. Allowing special purpose revenue bonds for education is the title but this allows for special purpose revenue bonds for private schools, including religious schools.

“The other issue, and perhaps the more important one for me, Mr. President, is that this leads down the road of privatization of our public schools. It opens the door for this. I think that we should keep our schools in the public sector. We shouldn’t allow for the privatization of our schools and if you look at this in combination with H.B. No. 2848, it opens the path for this.

“So I oppose this bill and ask my colleagues to vote this bill down. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3187 was adopted and H.B. No. 2166, H.D. 1, 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 (English, Nakata).

Stand. Com. Rep. No. 3188 (H.B. No. 2235, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3188 be adopted and H.B. No. 2235, H.D. 2, 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 support the bill with reservations.

“The reservations are, basically, we’re told that we don’t have enough money to take care adequately of current University of Hawaii programs and University of Hawaii facilities and here we’re establishing a Pacific Center for Ecosystems Science within the UH.

“I understand that there is a possibility of getting federal funds to help on this but it still is going to be additional cost for both operation and maintenance.

“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. 3188 was adopted and H.B. No. 2235, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3191 (H.B. No. 2798, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3191 was adopted and H.B. No. 2798, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SCHOLARSHIPS,” having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3194 (H.B. No. 2501, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3194 be adopted and H.B. No. 2501, H.D. 1, S.D. 1, 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 to speak in opposition to this bill.

“What this bill does is transfer monies from the unemployment compensation fund to workers’ compensation for public employees. Several things here . . . we passed emergency legislation last October to provide additional unemployment compensation benefits for those who had lost their jobs subsequent to 9/11. Only employers pay into unemployment compensation. No employee pays a penny into that.

“Workers’ compensation has continued to be a problem which we are not addressing in this Legislative Session. The problem is a greater problem, however, for private employers. So here what we’re doing is we are transferring money from the state unemployment comp fund to the state workers’ comp fund to take care of state employees and the people that wind up paying for this will be the private employers.

“Thank you.”

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

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

“As stated by the speaker from Hawaii Kai, yes, it takes money from the unemployment fund and I assume if you’re a state worker, you wouldn’t want to be unemployed at this time. So it makes sense for that fund to have extra dollars.

“On the other hand, it’s not clear why the workers’ comp fund should require extra dollars. And when I asked the chair of the subject matter committee this time, because this measure came before, if indeed the question was asked why do we need extra dollars in workers’ comp, the answer was in the negative.

“So Mr. President, I believe it’s our duty to understand why more dollars are needed for workers’ comp, and if indeed it’s justified, fine and well. If indeed there needs to be things to be changed to reduce or at least control the cost of workers’ comp, I believe that’s something this body needs to address but we need to know why costs rise, Mr. President.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3194 was adopted and H.B. No. 2501, H.D. 1, 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, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 3195 (H.B. No. 2599, H.D. 2, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 3195 and H.B. No. 2599, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 3200 (H.B. No. 2017, H.D. 1, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 3200 and H.B. No. 2017, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 3202 (H.B. No. 2271, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3202 be adopted and H.B. No. 2271, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against H.B. No. 2271, S.D. 2.

"Mr. President and colleagues, you want to save some money? We can save \$50,000 or whatever amount is being talked about for another ubiquitous task force. Enforce existing laws and we'll get the job done. Unfortunately, oftentimes when we have a problem, what we do rather than enforcing laws is make new laws in hopes that it will change the perpetrator's mind when they're getting away with it anyway.

"The Department of Agriculture especially is to be suspect on handling the enforcement of any laws. We do know, for instance, that we have very strong laws about importation of alien species and animals into the State of Hawaii and people are walking through the airport turnstiles with boa constrictors around their necks and they end up in our environment and no one ever gets fined.

"So Mr. President and colleagues, these laws are no better than the ability to enforce them if we want to stop agricultural theft, catch the thieves and convict them and send them to jail.

"Thank you, Mr. President."

Senator Buen rose in support of the measure and said:

"Mr. President, I rise to support the bill.

"During the interim, Mr. President, you had approved the Agriculture Committee to meet with farmers and ranchers and others who were interested in agriculture and we went throughout the state to each county. In each county we found that agriculture theft is a huge problem. We met with the prosecuting attorney, the police, the shipping industry, farmers, and the Department of Agriculture with their representative in each county.

"As a result, our findings showed that there were a lot of problems with this crime. Therefore, as a result because of these findings, your Committee introduced legislation. After hearing the bills, all the stakeholders agreed to support a bill that they believed would help the most and this is the bill. Collectively, they agreed to work together to bring down the crime and the group made a commitment to work together and ask for training and information and pamphlets to be distributed to the public.

"This is a small investment, Mr. President, for a large return to our farmers. Thank you."

Senator Slom rose in opposition as follows:

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

"Mr. President, this is a tough call because this is something that we all have supported year, after year, after year. Unfortunately, we found that this is a prime example of the impudence of the Legislature. We have had farmers beg us for years to do something about the growing problems of agricultural theft. And if this is the best that we can do, bring stakeholders together to let people study this, it's not going to help anybody; it's not going to work.

"As a matter of fact, one of the prime citrus producers in this state, a gentleman who is known worldwide from the Big Island, has announced that he's going out of business because he can't deal with this anymore or the Legislature's lack of doing anything.

"Now, when we bring the stakeholders together we might as well bring the thieves together too because everybody knows who they are. They're very prominent on the neighbor islands particularly. They show up at farmer's markets. I don't know if they're world class farmer's markets or just regular farmer's markets. The produce is identified. The livestock is identified.

"Law enforcement people say that we can't do anything about it because we've got people's privacy rights and yet we're destroying the very industry that we say that we're trying to save – agriculture.

"So the problem is that this bill and this legislation is not going to do anything. It's not going to do anything for the two businesses that have already announced they're going out of business, and I doubt that it's going to do anything in the future.

"We've got to stop passing feel-good legislation, more studies, more task forces and find out why we can't put people behind bars that steal from another's livelihood.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3202 was adopted and H.B. No. 2271, S.D. 2, 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, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Chun, Menor).

Stand. Com. Rep. No. 3214 (H.B. No. 2251, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3214 be adopted and H.B. No. 2251, H.D. 2, 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 again in opposition.

"The opposition is based on the fact that while this is a wonderful bill, crafted in the Tourism Committee, again it has another special fund. Is anybody keeping count how many new special funds we've created thus far today? It is creating a state park special fund and no one argues that (1) our state parks are

in terrible condition; and (2) tourist, as well as residents, utilize the state parks and they look forward to them.

“I think the real question has been, Why didn’t the state parks department itself do a better job of doing this in the past? To create a special fund is not going to alleviate that problem now.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3214 was adopted and H.B. No. 2251, H.D. 2, 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, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Chun).

Stand. Com. Rep. No. 3215 (H.B. No. 2595, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3215 was adopted and H.B. No. 2595, H.D. 1, S.D. 1, 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, 22. Noes, 2 (Hemmings, Hogue). Excused, 1 (Chun).

Stand. Com. Rep. No. 3218 (H.B. No. 1777, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3218 be adopted and H.B. No. 1777, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Buen rose in opposition to the measure as follows:

“Mr. President, I rise to oppose this measure.

“I voted for this bill in Committee. However, after looking over the bill, this bill’s proposed language is unnecessary and I think it’s very superfluous.

“It’s earmarking only public hearings, and contested case requirements for a possible exemption tells the rate payers and the general public that waivers of public hearings on contested case requirements are encouraged. Unless this is the Legislature’s intent, public hearings and contested case requirements should not be singled out among all of the other provisions of Chapter 269.”

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. 3218 was adopted and H.B. No. 1777, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Buen, Fukunaga, Hogue, Ige, Ihara, Slom). Excused, 1 (Chun).

Stand. Com. Rep. No. 3219 (H.B. No. 2445, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3219 was adopted and H.B. No. 2445, 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 (Chun).

Stand. Com. Rep. No. 3220 (H.B. No. 2468, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3220 be adopted and H.B. No. 2468, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“The purpose of this measure is to authorize the DCCA to hire consultants to assist in reviewing cemetery and pre-need funeral authority license applications. I’m sorry, I thought that’s what DCCA is supposed to do. Now we’re going to hire consultants to help them do their work and then we’re going to pass the charges on to the consumers.

“Bad bill, bad precedent – NO!”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3220 was adopted and H.B. No. 2468, H.D. 1, 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, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Chun).

Stand. Com. Rep. No. 3221 (H.B. No. 1761, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3221 be adopted and H.B. No. 1761, H.D. 1, 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.

“It has become very obvious, at least during the Committee hearings anyway, colleagues, that slues of people don’t like HMSA – employers, patients, doctors, state department heads. The list of testifiers in favor of this bill and against HMSA’s stranglehold on the PPO marketplace went on and on and on. Listening to the testimony, it became increasingly obvious where at least some of this antagonism originates.

“HMSA, let’s face it, is not exactly the poster child for sunshine and full disclosure. To give you just one example, we were told that HMSA in one chart had only two subsidiaries. A testifier handed us a diagram showing us what sure looked like ten subsidiaries of HMSA. HMSA later tried to explain this discrepancy by saying their own HMO isn’t a subsidiary, it’s an affiliate. So what they really meant was that HMSA had two subsidiaries and some affiliates and some other related branches that, technically speaking, weren’t quite subsidiaries. If this is their idea of sunshine, I can see why a lot of people might want to step up the wattage in the workplace.

“This bill goes way beyond that. It gives the insurance commissioner the power to dictate the exact rates HMSA and every other insurance carrier can charge, and that, in my mind,

is a terrible idea. The insurance commissioner's in-house actuary said that every single insurance commissioner starts out (and where have we heard this before) as 'deer in the headlights.' The problem is that we've had a lot of turnovers in insurance commissioners. In fact, the actuary had worked for six of them in the last 16 years and we can expect a brand new commissioner this coming January when the Republican Governor is seated.

"Do we really want a series of deer caught in the headlights political appointees who are not required to have any actuarial or underwriting background deciding what rate insurance companies . . . even those that don't disclose things well and don't have sunshine?"

"You can try to excuse the inexcusable by calling it rate oversight and hoping people think that's only quasi rate setting, or that sometimes they're just interim rates even though there's no limit on how many months or years those interim rates can last, or that the permanent rate setting is justified because the insurance commissioner thinks the rates are just too high, just too low, too unfair, or that we can excuse those rates being set by a deer in the headlights because he or she will have employees, such as actuaries, giving advice to which they may listen to.

"These are all just excuses. The bottom line on this bill is that it gives unchecked power to set exact rates to someone who could be an unqualified, inexperienced appointee with a politically motivated agenda and no fiduciary duty to protect the policyholders who will suffer the consequences of uninformed decisions.

"I'll be voting 'no.' Thank you."

Senator Hemmings rose to speak against the measure and said:

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

"What we really have to ask ourselves is, Why does the State of Hawaii have a monopoly in the health care industry? It is because of the policies that have been set forth in the past by this very body. I would hearken back to the words of the good Senator from Hawaii Kai regarding the prepaid health care act that is supposed to serve the people of Hawaii. Well, it's so bad that the State of Hawaii itself circumvents it and many businesses circumvent it. What it has done in the health care insurance industry is it's eliminated competition. Who wants to compete in an environment where you have a prepaid health care act that literally demands hemorrhaging of the fund in order to survive?

"HMSA has a monopoly because of this and other economic reasons. So what do we do? Rather than create an environment fertile for competition by eliminating the prepaid health act or amending it and creating other incentives for more people into the marketplace, we regulate the monopoly. Another monopoly we regulate so well is Hawaiian Electric, and it has resulted in us having electrical rates 75 percent above the national average.

"This bill is a bad step in the wrong direction and it does not address the underlying causes for monopolies and high costs of insurance in the State of Hawaii. Therefore, I would urge my Majority Party colleagues to start curing the disease rather than putting band-aids on the wounds.

"Thank you."

Senators Chumbley, English, Ige and Matsunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3221 was adopted and H.B. No. 1761, H.D. 1, 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, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Chun).

Stand. Com. Rep. No. 3223 (H.B. No. 2258, H.D. 2, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 3223 be adopted and H.B. No. 2258, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose in opposition to the measure and said:

"Mr. President, I once again rise to speak in opposition.

"In 1998 this esteemed body enacted Chapter 451 of the Hawaii Revised Statutes in order to license marriage and family therapists through the Department of Commerce and Consumer Affairs. Now, the Hawaii regulatory licensing reform act states that professions and vocations should be regulated only when necessary – only when necessary, colleagues – to protect the health, safety, and welfare of consumers. In assessing the need for regulation, evidence of abuses by providers of services must be given great weight and the costs and benefits of regulation must be considered.

"Well, the Office of the Auditor released a sunset evaluation report in January of this year relating to marriage and family therapy. The office found that regulation of marriage and family therapists is not warranted. There is little evidence of harm in Hawaii. Since the start of the regulatory program, DCCA has received, get this, colleagues, only one complaint against the marriage and family therapist. In fact, back in 1998 there was no empirical data to warrant regulation in the first place, simply hypotheticals. The Auditor also added that the benefits of regulation are uncertain. Consumer protections would exist without regulation. In addition, licensure fees do not support the program and anticipated cost savings and improved access to care through regulation have not materialized.

"If we are going to summarily dismiss such empirical data and continue an unnecessary and costly program, we might as well reform the entire Hawaii regulatory licensing reform act and sunset dates altogether and rely totally on the testimony of the concerned licensed professions.

"I'll be voting 'no.' Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3223 was adopted and H.B. No. 2258, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Chun, Kim).

H.B. No. 2413, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 2413, H.D. 1, 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, 23. Noes, none. Excused, 2 (Chun, Kim).

H.B. No. 57, H.D. 2:

Senator Kanno moved that H.B. No. 57, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose to speak in opposition to the measure and said:

"Mr. President, I rise in opposition.

"Related to agriculture . . . we have such a thriving agriculture industry for this product, Mr. President. The advocates of hemp research in Hawaii indicate that hemp has the potential to yield substantial economic benefits to our State. How can I agree with such potential with the viability of hemp? As a businessperson and a contractor, that potential industry can be very labor intensive. Can the labor costs in Hawaii compete with these other countries just as we have in our other labor intensive agriculture products, Mr. President?"

"China, one of the largest growers of hemp, I'm sure we can compete with them. People, resources, ability for an industry to startup . . . what is it, Mr. President? Is somebody giving us a snow job or what, Mr. President? I think you were at the hemp farm two years ago in Wahiawa, Mr. President. Certainly your community, yet we haven't heard if this is viable, Mr. President, yet we want to go another three years? I think we deserve the facts, Mr. President. It was privately funded and I know you're not going to pay for it. I don't want to pay for it. It's not clear who's going to pay for it. Extend it – who's paying and what's the agenda, Mr. President?"

"So I think we should know before we move ahead with this. It's sort of a red flag. Certainly the police department has testified against the measure because of potential drug problems. We all know we don't want to go through all of the deleterious effects of that, but I think it's the wrong signal.

"So Mr. President, I think we deserve to know more about it before we extend the time. Wahiawa, pineapple country would rather be the pineapple state. Some people are saying we're the hemp cultivation state – not yet and I hope not ever, Mr. President.

"Thank you."

Senator Hogue rose and said:

"Mr. President, point of inquiry.

"Were you or were you not at the hemp farm in question?" (Laughter.)

The President answered:

"I was present." (Laughter.)

Senator Kawamoto rose to speak against the measure and said:

"Mr. President, I had hoped that today I would have gone throughout the day without voting 'no' on one bill. (Laughter.)

"But, Mr. President, three years ago on this same bill . . ."

Senator Chumbley interjected:

"Mr. President, is the speaker speaking for or against the measure?"

Senator Kawamoto responded:

"I am speaking in strong opposition to this bill.

"Three years ago, my quote was 'a drug is a drug is a drug.' If it's an economic measure then this referral should have gone to EDT. It's not. Two years for research, three years for research . . . they want an extension for research. How long is it going to take them to research that a drug is a drug is a drug?"

"This liberalization of drugs in our State, that attitude, has cost the Big Island to turn away a helicopter and federal funds for green harvest operations. They've done indifference to the person in the other House. All her memos and all the information that has been passed out every day, still a drug is a drug is a drug.

"You cannot allow this to further be researched. They've had enough time to research, Mr. President. I request my colleagues to deep six this bill. Thank you."

Senator English rose in support of the measure and said:

"Mr. President, I rise in support of the measure. I wasn't going to speak on this but I really have to.

"Mr. President, there's a certain suit that I wear that's made out of hemp and raw silk and it's a wonderful, wonderful suit. I wear it, on occasion, to work. I'm almost afraid to wear it around Senator Kawamoto because he may try to smoke it. (Laughter.) In Hawaii . . . this is maybe for those of us in our mid-30s and under, that sort of grew up in a time when it was much more liberal here.

"Nonetheless, Mr. President, the pollen from this industrial hemp will destroy the marijuana crops. The cross-pollination will destroy the drug industry. So maybe, just maybe, this will help eradicate the marijuana problem and help to produce a good crop. It kind of bugs me, and perhaps maybe my generation, Mr. President, that the whole idea that hemp is marijuana, hemp is a drug, is erroneous. It's false. It's the same family as marijuana, but not the same.

"It produces the strongest rope in the world. The constitution is written on hemp paper. Our society used hemp up until World War II, I believe. We grew it in this country. It's a major export crop for many third-world countries that are emerging – former Soviet Republics, China, elsewhere. But let's not cross drug policy with the possibility, because the jury is still out on whether or not it's a good crop for Hawaii, but on the possibility of a good crop for Hawaii . . . a good crop to produce oil, to produce cloth, to produce paper. And the byproduct – the destruction of the drug marijuana by cross-pollination.

"So I just had to speak on this, Mr. President. I ask my colleagues to be reasonable. Understand that this may help our agricultural industry in Hawaii. Thank you."

Senator Slom rose in support of the measure and said:

"Mr. President, first of all, let me say I'm speaking in strong support of this measure.

"Let me say that I was with you and others, but to call that a farm where it is a concentration camp with barbed wire, dogs, armed guards, all because of those little plants that are about that high, I think is stretching the imagination.

"I heard the good Senator from Moanalua earlier today talking about his farm soliloquy. And he regaled us about the crops he was growing and about all of the manure that he was stepping around. (Laughter.) And I do recall that the good Senator from Moanalua just two years ago on this Senate Floor told me and told you that I was going to hell because I was supporting that industrial hemp bill, which was, I think, passed by a vote of 13 to 12. Well Senator, I can tell you I've gone to hell and in hell there was no industrial hemp. No industrial hemp has been arrested for rape, robbery, pillage, speeding, or shooting down helicopters in green harvest on the Big Island.

"I can also tell you that all the money that has gone into this project has come from private sector funding. I can tell you that the people from the University of Hawaii have been elated at the groundbreaking research they have been able to do under and despite tremendous odds against this crop. I can tell you that this is one of the few times I've been able to stand up and say, colleagues, this is the first time that Hawaii is really on the forefront of any economic innovation. We were the first state to allow this. But we've tried to cripple it from the very beginning.

"No one has asked for state funds or subsidies, no increase in taxes, no increases in fees. We have companies standing in line to buy commercially raised hemp from this state instead of buying it from communist China or from other sources. And it amazes me that people so use misinformation to try to attack this poor little plant that's growing up there in the hills and valleys of Wahiawa and in the upper regions of God's country. Yes, Senator, it is part of God's country where that hemp grows well. (Laughter.)

"But we are not allowed to let it grow. We are not allowed to let it reproduce. We're not allowed in any way to harvest it or do anything with it. So we have been the ones that have crippled this crop. Let it stand on its own and let's find out what it can really do because no one, no one, stood here and said it's going to be the panacea, or it's going to create thousands of jobs, or it's going to remake the western world as we've seen it. What we said was, give it an opportunity.

"We are not so blessed in Hawaii that we don't need to look at other private, competitive opportunities for products, services and labor. And so from that standpoint, it would be extremely shortsighted. And I wish some of this rhetoric would be used on the really bad bills, some of which we've already passed, some of which are still waiting in the wings, that cost our taxpayers money, that cost jobs in this community, that make people flee.

"Instead, let us all go up to God's country. Let us huddle around the concentration camp farm. Let us sing songs to the industrial hemp, and let it grow in peace.

"Thank you, Mr. President." (Laughter.)

Senator Sakamoto rose and said:

"Mr. President, a short response to the previous speaker . . . I guess the previous two speakers.

"I guess I misread the bill, Mr. President – Related to Agriculture. If indeed this is a sister to the other agriculture I didn't realize this plot was to experiment on how well we can

grow hemp in Hawaii conditions in the jailhouse that the previous speaker talked about because we can't really research it out in the hills of God's country and Maui and other places. So I guess I misinterpreted why the bill was here.

"But now that I understand, I think there is a viable product but it's not taxable, Mr. President. It's not legal, Mr. President. So the research is questionable. And I don't recall speaking about where the Senator from Hawaii Kai could go or where he said maybe he did go, but I pray he does go the other direction, Mr. President. I hope we all go the other direction. So, God bless him and God bless you." (Laughter.)

Senator Buen rose in opposition to the measure and stated:

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

"Three year ago I voted 'no' on the hemp bill and I will vote 'no' again today. The reasons I will vote 'no' are, first, economically the numbers do not add up. It's labor intensive to harvest the crop, thereby making the return on investment poor. We need large land masses to grow the crop and it sounds like the same speech that was given three years ago.

"In Hawaii, our valuable and limited amounts of ag lands can be used more profitably for other crops such as orchids, papayas, pineapple, corn, and so on. We don't want to fool the farmers to think that they can make a profit with hemp and have them take unnecessary financial risks.

"In Canada, farmers have lost hundreds of thousands of dollars because they have not found a sustainable market for their hemp crop. In 1999, hemp was grown in Canada using over 35,000 acres. I guess we heard that three years ago also. Well, today I think it's less than 3,000 acres.

"Second, the social problems dealing with hemp is too great. The U.S. Federal Government prohibits the unlicensed production of hemp.

"Third, Dr. West, who runs the project states in the fifth quarterly report that the mandate of Act 305 has been fulfilled. He found that hemp can be grown in Hawaii, will bear seed, and yield fiber in a short period of time, allowing multiple crops per year. If this is the case, Mr. President, then why do we want to continue the project? And who is paying for it? What is the real reason behind the project?

"I ask you to vote 'no' on this bill. Thank you."

The motion was put by the Chair and carried, H.B. No. 57, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Buen, Kawamoto, Matsuura, Nakata, Sakamoto). Excused, 1 (Chun).

H.B. No. 1012, S.D. 1:

Senator Kanno moved that H.B. No. 1012, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hemmings rose to speak against the measure and said:

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

"To make a long story short, this creates a double standard because it exempts Senators and Representatives currently in



office from having to be in the district prior to or when filing for office. This is unfair to those who may be desiring to run against an individual who likewise lives near that individual who would be forced to move also to run against that individual. So it is not equal protection under the law.

“Secondly, Mr. President, I don’t think it’s appropriate to be amending the constitution willy-nilly when what we really need in the State of Hawaii is a constitutional convention to correct some of the horrendous mistakes made in 1978.

“For this and other reasons, I am voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, H.B. No. 1012, S.D. 1, entitled: “A BILL FOR AN ACT 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,” 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, Nakata, Sakamoto).

Stand. Com. Rep. No. 3233 (H.B. No. 2744, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3233 be adopted and H.B. No. 2744, H.D. 1, 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 rise to speak against this measure.

“I see the farmer from Moanalua has left. (Laughter.) I was hoping we could discuss this because here is a beautiful companion measure. Here is a bill, under agriculture, to spend \$200,000 of the taxpayer’s money (although right now we have a blank amount but we all know it’s \$200,000) to have a study to study how we can have the feasibility of creating a world-class farmer’s market in Hawaii – \$200,000.

“Well, first of all we’ve had farmer’s markets in Hawaii for about 30 years now. The farmers know how to have the markets. They can be even more successful if we reduce or cut taxes, regulations, and mandates on them. In addition to that, it seems surprising to me that every time we do anything where we’re appropriating new money, particularly for studies, it’s always for world class. It’s not for Wahiawa class or Hawaii Kai class; it’s always world class.

“So, \$200,000 . . . if we’re looking to cut the budget, if we’re looking to save money, if we’re looking to better appropriate money, \$200,000 can get a long way to providing either textbooks or open library hours rather than having a feasibility study on how to create a world-class farmer’s market.

“Thank you.”

Senator Kim rose to speak against the measure and said:

“Mr. President, I voted with reservations on this measure in Committee. I found that the agriculture agency or group received over \$1 million from the federal government for promotional and marketing for ag. In talking with the ag Chairman, we asked the ag people what have they done with those monies? And they had no plan. They were asking the community how do they want to spend the money.

“So I’m looking at this now and if they need money to study a world-class farmer’s market, then why aren’t they using that million-plus dollars they have that they have no plan for? So at this point in time, until they can tell us what they’re going to do with that money, I’m going to be voting ‘no’ on this.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3233 was adopted and H.B. No. 2744, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE FARMERS’ MARKET,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Kim, Slom). Excused, 2 (Chun, Nakata).

Stand. Com. Rep. No. 3235 (H.B. No. 2834, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3235 be adopted and H.B. No. 2834, 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.

“This bill will establish a pharmaceutical discount program for all state residents under which the state will obtain rebates on drugs that are offered at discounted prices for the program. The state would also provide reimbursement to participating pharmacies.

“The high price of prescription drugs certainly is one of the most difficult issues facing Hawaii residents and citizens across the country. However, this bill is not only costly, it’s not the way to go.

“An identical bill is currently under intense legal challenge at the United States Supreme Court as they are now deciding whether to hear the case. In fact, this bill was written word-for-word from the State of Maine bill that is currently before the Supreme Court. The bill was passed over two years ago and hasn’t helped one Maine resident yet.

“While I am certainly intrigued by bulk-buying opportunities, this bill goes too far and could potentially hurt Hawaii residents in the long run: (1) the bill would allow Hawaii to punish drug companies through price controls for those companies that do not ‘voluntarily’ lower their prices; and (2) it controls prices at the retail level by requiring pharmacists to lower prices and await state reimbursement. Any state budget cuts and reduced reimbursement rates could drive those companies out of business. In fact, many drugstores nationwide are debating whether to stop service to Medicaid patients entirely because states are cutting the amount they pay pharmacies for filling Medicaid prescriptions. Many primary care doctors are also considering the same option.

“Finally, in a conversation with a fellow State Senator from Maine, he advised that if this bill is passed, it would be a good idea to appropriate lots and lots of cash to the attorney general to fund the lawsuits to follow. He added that 10 northeastern states are also interested in this option. However, they are doing the smart thing and waiting for the Maine case to play itself out in court.

“Let’s also do the smart thing and vote ‘no’ during this time of legal and fiscal uncertainty. Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3235 was adopted and H.B. No. 2834, 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, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Chun).

Stand. Com. Rep. No. 3237 (H.B. No. 1959, H.D. 1, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 3237 and H.B. No. 1959, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 3238 (H.B. No. 1969, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3238 be adopted and H.B. No. 1969, 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.

"Here we go again, colleagues, the same bill is back. This is the lawyer's employment act of the year 2002. This will allow the Department of Education to appoint or retain lawyers by contract, independent of the attorney general, to provide legal services, representation for the department in civil actions or acts of omissions against its officers or employees, and to provide advice and assistance. Do we really want outside lawyers advising the Department of Education how to administrate and operate the Department of Education? The board can fix the compensation of the attorneys appointed, pursuant to this act, with no limit whatsoever.

"Page 2 of the bill allows for – nothing in this Section precludes the board from requesting and securing legal services from the attorney general. They want it both ways. Actually, I think I'm going to take the bar test and be the first to apply for the lawyer's employment act of the year 2002.

"I vote 'no.' Thank you."

Senator English rose to speak against the measure as follows:

"Mr. President, just to be consistent with my votes throughout in Education and in WAM and for the reasons stated by the previous speaker, I'm going to vote 'no' on this.

"I think that if we're going to have attorneys for different departments, we should reduce the amount of attorneys in the attorney general's office and give them over to the departments. So, I urge my colleagues to vote 'no.'

"Thank you."

Senator Sakamoto rose to support the measure as follows:

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

"In response to both colleagues from Maui, well, for one of them, firstly, perhaps some of the attorneys at the attorney general's office should be sitting in the Department of Education office and working for them. Currently, the Department of Education has to submit paperwork then wait . . . and nobody likes that.

"As displayed through the Felix consent decree investigative committee, it's imperative that there's access to, or hiring quickly, people who can deal with time-sensitive issues. This measure would allow more timeliness, more flexibility for the department, and with that efficiency, hopefully the process would be more quickly able to handle a lot of cases at hand. Certainly if there are existing attorneys in the AG's office that can do this, and there certainly are some, and whether they're up there in the AG's office, that doesn't help the department when they need someone right there – just as, here, Mr. President, you walk right over there or the Minority walks right over there and you have an answer. If we had to go to the AG's office, we'd be waiting.

"So, Mr. President, we want flexibility, timeliness, more autonomy for the department to do these things. Certainly it would help for a quality school system. This bill, by no means, says everybody should have an attorney, but certainly with the issues before the department, they ought to have ready access and be ready to do what they do at their call, not at the call of layers of bureaucracy at the AG's office.

"Thank you, Mr. President."

Senator Hemmings rose to speak against the measure and said:

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

"Mr. President, colleagues, I don't have a hemp and silk suit, I happen to be a member of the poor man's party, the Republican Party, I wear cotton. But nevertheless, I have to agree with the good Senator from Maui and his fiscal responsibility. He recognizes how irresponsible this is financially to start loading up departments, especially, especially the Department of Education where a board of education leader once said that 'we spent \$1.2 billion. We're not sure how we spent it, but we're sure we spent it well.'

"The good Senator from Moanalua once said, 'you can't have it both ways.' Well, I would suggest to that good Senator, you can't pay both ways. If we're indeed going to employ attorneys in the Department of Education, then we should do a likewise similar cut in the Department of the Attorney General. We shouldn't be paying for it both ways and the good Senator from Maui was saying the fiscally responsible thing to do is not pay twice to have one job done.

"Thank you, Mr. President."

Senator Sakamoto rose again and said:

"Mr. President, just to clarify, the intention obviously is not to pay twice. So if that's an issue, certainly we don't want to pay twice."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3238 was adopted and H.B. No. 1969, 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, 17. Noes, 5 (Chumbley, English, Hemmings, Hogue, Slom). Excused, 3 (Buen, Chun, Fukunaga).

Stand. Com. Rep. No. 3239 (H.B. No. 2163, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3239 was adopted and H.B. No. 2163, S.D. 2, 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, 18. Noes, 4 (Hemmings, Hogue, Ige, Slom). Excused, 3 (Buen, Chun, Fukunaga).

Stand. Com. Rep. No. 3241 (H.B. No. 2751, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3241 be adopted and H.B. No. 2751, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

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

"There were not many heroes that came out of the Felix investigation during last year's committee meetings. But one person who clearly fit that description was the auditor for the Department of Education. He, working by himself with no staff, no help, no support, uncovered many of the discrepancies that the committee had to dig for. He also gave testimony in a forthright manner.

"The problem was that under the existing law, he was to report to the superintendent of education and that's where the information went. Unfortunately, since the superintendent of education was implicated in the misuse of funds and contracts, it never went further. It did not go to the Board of Education, did not go to the Department of Education, and certainly did not go to the Legislature or to the public or the media.

"So, I certainly support not only that auditor and that auditing position, I would also support some staff for that position, not necessarily an additional three auditors. But I think that the more serious concern is we have to make sure where that information goes and who gets to see it, and it certainly should be the Legislature, as well as other departments and the Board of Education.

"Thank you."

Senator Sakamoto rose and said:

"Mr. President, just for clarification, the bill does say that the Department of Education shall also transmit a copy of any audits performed to the Legislature, so I'm in agreement with the previous speaker that we should benefit by this auditing as well."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3241 was adopted and H.B. No. 2751, H.D. 1, S.D. 2, 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, 22. Noes, none. Excused, 3 (Buen, Chun, Taniguchi).

Stand. Com. Rep. No. 3242 (H.B. No. 2848, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3242 be adopted and H.B. No. 2848, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator English rose in opposition to the measure and said:

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

"As stated earlier, this measure combines two areas that I'm concerned with. The first is separation of church and state, really, for authorizing the use of SPRBs or special purpose revenue bonds for private schools and also for religious schools. Again, more importantly, Mr. President, this opens the doors very wide for the privatization of our public schools and I cannot support that. I ask my colleagues to consider this one very carefully.

"Thank you, Mr. President."

Senator Sakamoto rose in support of the measure as follows:

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

"As stated, this measure proposes constitutional amendments to authorize the use of special purpose revenue bonds by not-for-profit private schools, colleges, universities to finance construction and renovation of their educational facilities. These schools have been and will continue to be an integral part of the fabric of this State.

"Recently, due to the weakened economy, certainly this past decade, many have faced backlog of deferred maintenance, lack of necessary funding to meet whether it's ADA requirements, or technological upgrades.

"So colleagues, we have supported use of special purpose revenue bonds for everything from hospitals to independent private businesses. These schools serve our community at large. As a matter of fact, our private colleges currently provide the majority of public school teachers in our system. These schools deserve support.

"I do want to address some of the concerns as far as allowing special purpose revenue bonds. For one, this doesn't take away money from public schools and this measure doesn't, in any way, encourage privatization, so I'm not clear on that argument. Second, the AG's office indicated that this would be subject to constitutional scrutiny under the establishment clause in the first amendment of the U.S. Constitution. Existing rulings indicate that it's okay as long as the school is not pervasively sectarian. Therefore, with this knowledge, other states have successfully implemented special purpose revenue bonds to help their private sectarian and non-sectarian institutions.

"So colleagues, we've used these bonds to support private businesses, and certainly let us help support these private not-for-profit schools. Let the public decide by this proposed amendment if they support using it to help our private schools, colleges, and universities.

"Thank you, Mr. President."

Senators Hemmings 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. 3242 was adopted and H.B. No. 2848, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT 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,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (English, Nakata). Excused, 3 (Buen, Chun, Taniguchi).

Stand. Com. Rep. No. 3243 (H.B. No. 2449, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3243 be adopted and H.B. No. 2449, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“When this bill was passed in 1998 and became Act 168, it was hailed around the country as a model of small business legislation. Here we were in Hawaii, which has a reputation of being hostile to small business, and this Legislature managed to pass a really good bill and enact it into law. What it basically did was several things: it established a regulatory review panel; it established the Office of Small Business Defender; and it required that any new laws that had fiscal impact would also have to have an economic impact statement as to how they would impact small businesses.

“Well, what happened? After the local group of backers and supporters of this bill were recognized nationally and highlighted by the United States Business Administration and other states started copying us, we found out that the bill was not being implemented, that there were people that were dragging their feet. As a matter of fact, some of the original provisions have never been implemented. The bill and the Act were facing removal this year. That’s why there was a sunset date.

“There are many good features in this bill: the sunset date is being removed, the regulatory review and flexibility panel has been given, I think, more standing. But some of the original provisions of this bill, for example, the impact statement on how legislation would affect small business, that’s been deleted. The small business defender has been deleted. Nobody could decide where it should be placed – in the House or the Senate. The Governor said he would take it. I don’t know whether he’s going to put it in Washington Place or in his new residence but he would take it. In any event, this bill now deletes that.

“So, while it still maintains good features, I don’t want anybody to be misled. This is not the original legislation that was passed. This is not the legislation that people around the country saluted us for. Because like so many other things, we talk a good story, but when it comes to implementation and actually putting our money or our mouth where we say we believe in something, we haven’t done that, and that’s the case in this bill too.

“Thank you.”

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

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

“I want to emphasize that this bill embraces the partnership, a strong partnership, between the government and private sector. It provides the opportunity of communication for small business within government.

“Thank you.”

Senator Inouye rose with reservations and said:

“Mr. President, register a ‘W/R’ for me, please. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3243 was adopted and H.B. No. 2449, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SMALL BUSINESS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3244 (H.B. No. 1858, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3244 be adopted and H.B. No. 1858, H.D. 2, 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 measure because it earmarks monies from the tobacco settlement fund.

“Mr. President, the original intent of the tobacco settlement monies was to create education programs about the harms of tobacco products. Since the reception of these monies, the tobacco fund has been used to support the emergency budget reserve, the university revenue undertakings fund, and a whopping 12 percent towards tobacco education.

“This bill continues to misuse the fund by allocating a blank amount to before-school, after-school, and weekend programs with no mention about tobacco education. I support before- and after-school and weekend programs for our youth, but I cannot support the continuing misuse of the tobacco settlement fund.

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

Senator Chun Oakland rose to speak in support of the measure and said:

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

“This measure would actually take a percentage of the emergency budget and a reserve portion of the tobacco settlement funds. Originally when we had passed this law a few years ago, we wanted to make sure that the majority, if not all, of the monies could go to health promotion. In the negotiations there was interest in actually establishing an emergency budget reserve fund, which is 40 percent, I believe, of the total tobacco settlement monies that we get every year for the next 25 years.

“The intent was to actually put more monies in health promotion kinds of activities, and I agree with the previous speaker that this is very important for our young people. So the part of the tobacco settlement fund that we are looking at is the emergency budget reserve portion, not the healthy Hawaii initiative portion which is 25 percent, not the 10 percent for the children’s health insurance program, nor the 25 percent that was originally earmarked for tobacco prevention programs.

“So, I fully support this measure and would urge everyone to support it. Thank you.”

Senator Sakamoto rose in support of the measure as follows:

“I rise in support, Mr. President.

"For those of you who drive by the schools in your district, when do they smoke? Before school, after school, on the weekend. If they play sports, are they smoking? If they're under supervision with a before-school, after-school or weekend program, are they smoking?"

"So my hope would be that although as Senator Chun Oakland wisely pointed out how the fund was partitioned, I believe we should do all we can to support before-school, after-school or weekend programs for one, the purpose of minimizing smoking, but generally to help our youth however we can with dollars that are available.

"Thank you, Mr. President."

Senator Hemmings rose in opposition as follows:

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

"Originally, I was going to sit on the sidelines and let this debate go on and just vote 'no' but it's really important to point out the reason why we have to take care of children before school, after school, and on weekends. That's because both parents in the State of Hawaii have to work, sometimes two, sometimes three jobs per household to make ends meet. And what they have to do is pay taxes.

"Statistically, when you take the average wage-earning household of Hawaii and the amount of taxes they pay, what you can see is that one of the parents is usually working just to pay taxes so they can have someone else take care of their child. It just doesn't add up financially

"The reason why family units are breaking down and the reason why a mother or a father is not home to take care of their children before school, after school, and on the weekends is because they're working to pay taxes for these insane programs where government is not only going to take your money to poorly educate your child, they're also going to raise it and they might even do the dental care on it too.

"So, can you see the foolhardiness of this all? You see what we're doing to our society? We're creating a society where government is going to be all things to all people, and it's going to take care of our children from the time they're born . . . by the way, they'll also take care of it, according to the next bill, when we bury our elderly, from cradle to grave. It just doesn't work, because ultimately, government does not make a good parent.

"The best thing we can do to take care of our children is allow the working men and women of Hawaii enough resources so they can take care of their own children.

"Thank you very much, Mr. President."

Senator Hogue rose again in opposition and said:

"Mr. President, I just want to emphasize that it does take a parent to raise a child, not a village and not a tobacco settlement fund . . ."

Senator Chumbley interjected:

"Mr. President, is the speaker speaking for or against the measure?"

Senator Hogue replied:

"I'm once again speaking in opposition, but I just wanted to make that point. Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3244 was adopted and H.B. No. 1858, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BEFORE-SCHOOL, AFTER-SCHOOL, AND WEEKEND PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 3 (Hemmings, Hogue, Slom). Excused, 4 (Buen, Chun, Ige, Ihara).

Stand. Com. Rep. No. 3245 (H.B. No. 2506, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3245 be adopted and H.B. No. 2506, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator English rose to speak in opposition and said:

"Mr. President, well, I can't support this bill. I rise in opposition to it.

"I'll be very short. I don't think that we should tax people to be buried. It's a difficult process enough, but to add a death registration/burial tax is just beyond me. I don't think that we can, in a compassionate society, do something like that, so I cannot support this.

"Thank you."

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

"Mr. President, I rise to speak in opposition . . . that's opposition. I speak in opposition, opposition, opposition, all the way to the grave, Mr. President, where they will undoubtedly try to raise the fee on me.

"The last Senator was absolutely right. A grieving family member is already put into a very difficult position. To add a new fee on top of that is dastardly indeed, so I'll be voting 'no.'

"Thank you very much, Mr. President."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against H.B. No. 2506, H.D. 1, S.D. 1.

"There's an old cliché about death and taxes and leave it up to the Majority Party to make one and the same. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3245 was adopted and H.B. No. 2506, H.D. 1, S.D. 1, 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, 14. Noes, 7 (Chumbley, English, Fukunaga, Hemmings, Hogue, Matsunaga, Slom). Excused, 4 (Buen, Chun, Ige, Ihara).

At 4:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:02 o'clock p.m.

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

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

“Mr. President, many of you have been asking me why I went out for a 3½ hour break. I just want to let you know that I was fortunate enough to be invited to a luncheon by Admiral Blair at which time he presented me with this plaque. Basically, I want to share the plaque with you because I think all of the Senate deserves a part of this plaque because of the fact that you allowed me to handle the Military Affairs Committee and you allowed me to enter into quarantine arguments, Makua Valley arguments, many military affairs functions that we had that you allowed me to do.

“Basically, this is what it is. It says: ‘Presented to’ . . . and it should say all of the Senators, ‘by Admiral Dennis C. Blair, U.S. Navy, Commander in Chief, U.S. Pacific Command, for his strong support of the Armed Forces in Hawaii.’ So this is for all of you and you can come touch it in my office.

“Thank you very much.” (Laughter.)

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

“Mr. President, I’d like to add to the comments of the previous speaker because I think the United States military recognizes that they have a comrade-in-arms in the good Senator from God’s country.

“I think it’s important for the record to note that of all of us sitting here, there’s only two Senators who put themselves in harms way to defend this country. The Senator from Waipahu flew 251 combat missions in Vietnam and he, along with you, Mr. President, did much to defend this country. The military does not do it for pay or compensation but they do it for love of their fellow Americans, and for that we applaud you.

“Thank you.”

Stand. Com. Rep. No. 3248 (H.B. No. 1843, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3248 be adopted and H.B. No. 1843, 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’ll be voting ‘no’ on this bill.

“This bill amends Act 253, the collective bargaining act, returning bargaining unit 9, registered professional nurses, in the area that is exempted from strikes and allows the resumption of binding arbitration. Therefore, I think it weakens Act 253 and I don’t think the nurses fall in the same category as police and fire.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3248 was adopted and H.B. No. 1843, S.D. 1, 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, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Buen, Chun, Menor).

Stand. Com. Rep. No. 3256 (H.B. No. 2764, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3256 be adopted and H.B. No. 2764, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition and stated:

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

“Several years ago when we substantially raised the conveyance tax and I opposed that, the reasoning was that we needed the conveyance tax to catch up on all of the work that was being done to modernize the computer system and to streamline and facilitate the transfer of real property. Now what we’re doing is taking \$1 million out of the conveyance tax fund and providing assistance for the homeless.

“While I certainly support assistance for the homeless, it should not come out of the conveyance tax or any other tax or fund that’s been earmarked for a specific purpose.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3256 was adopted and H.B. No. 2764, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONVEYANCE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Buen, Chun).

H.B. No. 2720, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 2720, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE USE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Chun).

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

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

At this time, Senator Kim requested a waiver of Senate Rule 53, which requires that floor amendments be presented to the Clerk no later than 9:00 a.m. on the session day at which a floor amendment is to be offered, and the Chair granted the waiver.

Senator Kim then offered the following amendment (Floor Amendment No. 7) to H.B. No. 2827, H.D. 1, S.D. 1:

SECTION 1. House Bill No. 2827, H.D. 1, S.D. 1, is amended as follows:

1. By amending Section 2 of the bill to read as follows:

“SECTION 2. Chapter 37, part III, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“~~§37-~~ **General funds encumbered for more than one fiscal year.** (a) **Encumbered general funds:**

(1) Determined by the department to be the excess difference between the actual cost of a project,

contract, or purchase, and the purpose for which the funds were originally encumbered; or

- (2) Not expended within the fiscal year succeeding the fiscal year of the original encumbrance on the purpose for which the funds were originally encumbered.

shall lapse into the general fund. The department shall include in its executive budget request, a detailed listing of all moneys subject to this section and the amounts lapsed into the general fund. This section shall not apply to funds encumbered by the department of education or for court imposed mandates.

(b) For the purposes of this section, "excess difference" means the amount of funds remaining from an original encumbrance of funds after the actual cost of the project, contract, or purchase has been subtracted.

**§37- Criteria for the establishment and continuance of special funds.** Special funds shall only be established pursuant to an act of the legislature. The legislature, in establishing or reviewing a special fund to determine whether it should be continued, shall ensure that the special fund:

- (1) Serves the purpose for which it was originally established;
- (2) Reflects a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program, as opposed to serving primarily as a means to provide the program or users with an automatic means of support that is removed from the normal budget and appropriation process;
- (3) Provides an appropriate means of financing for the program or activity; and
- (4) Demonstrates the capacity to be financially self-sustaining.

**§37- Criteria for the establishment and continuance of revolving funds.** Revolving funds shall only be established pursuant to an act of the legislature. The legislature, in establishing or reviewing a revolving fund to determine whether it should be continued, shall ensure that the revolving fund:

- (1) Serves the purpose for which it was originally established;
- (2) Reflects a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program, as opposed to serving primarily as a means to provide the program or users with an automatic means of support that is removed from the normal budget and appropriation process;
- (3) Provides an appropriate means of financing for the program or activity; and
- (4) Demonstrates the capacity to be financially self-sustaining."

2. By amending Section 61 of the bill to read as follows:

"SECTION 61. This Act shall take effect on July 1, 2050."

Senator Kim moved that Floor Amendment No. 7 be adopted, seconded by Senator Inouye.

Senator Kim noted:

"Mr. President, the purpose of this floor amendment is to provide for an alternative to transferring the hurricane relief fund monies to the general fund. After much research, we have found that certain general fund monies appropriated for a variety of service contracts in previous fiscal years continue to be encumbered for a time beyond the scope of the original contracts. Moreover, some contracts are often awarded at a cost lower than the original encumbrance. In some instances, the final payment due the contractor is forfeited due to that contractor's inability to secure a tax clearance. As a result,

these prior year accounts contain cash balances that remain active because the accounts are never closed.

"These general fund accounts stretch far back to 1987. From 1987 through 2000, the total still residing in these accounts amounts to over \$20 million. There are currently over \$180 in unliquidated encumbrances in the 2001 accounts. In June, executive departments traditionally expend all remaining general funds to avoid having to lapse general fund dollars at the end of the fiscal year. Perhaps as much as 50 percent of these funds could be made available to provide fiscal relief. Many of these accounts may be wholly or partially lapsed into the general fund. Discussions with the Department of Accounting and General Services indicate that there may be sufficient monies available to replace the partial use of the Hurricane Relief Fund.

"To facilitate the use of these funds, one purpose of the floor amendment is to lapse general fund monies that are:

- (1) Determined by the Department of Budget and Finance to be the excess difference between the actual cost of a project, contract, or purchase, and the purpose for which the funds were originally encumbered; or
- (2) Not expended within the fiscal year succeeding the fiscal year of the original encumbrance on the purpose for which the funds were originally encumbered.

"The Department of Budget and Finance must include in its executive budget request, a detailed listing of all monies lapsed into the general fund. The floor amendment, however, does not apply to funds encumbered by the Department of Education or for court imposed mandates such as the Felix consent decree.

"Mr. President, the floor amendment also states that special and revolving funds shall only be established pursuant to an act of the Legislature. It establishes certain criteria to be followed in creating or reviewing a special or revolving fund as follows:

- (1) The fund must serve the purpose for which it was originally established;
- (2) It must reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program, as opposed to serving primarily as a means to provide the program or users with an automatic means of support that is removed from the normal budget and appropriation process;
- (3) Provide an appropriate means of financing for the program or activity; and
- (4) Demonstrate the capacity to be financially self-sustaining.

"Finally, the floor amendment also includes a defective effective date to encourage further discussion on this issue. Thank you."

Senator Hemmings rose to speak in favor and said:

"Mr. President, I rise to speak in favor of the amendment.

"Mr. President, there's an old adage 'where there is a will, there is a way,' and I want to laud the Majority Party. We've had much open discussion on the budget earlier today. We made a dramatic decision not to raid the hurricane relief fund in order to balance the budget. Now, miraculously, we are finding money in existing revenues to help make up the difference for the revenue shortfall.

"I would submit to my Majority Party colleagues that if we have the will to pursue cutting budgets; to listen to the Auditor on their waste and inefficiencies of agencies; to listen to the

auditor about moneys that could be found through funds that have not been adequately collected by the different departments that are always asking for more money from the taxpayers that we indeed can pursue balancing the budget without increasing taxes or fees on the taxpayers of Hawaii.

“This initiative is a breath of fresh air and I laud the Majority Party for it. Thank you, Mr. President.”

The motion to adopt Floor Amendment No. 7 was put by the Chair and carried.

By unanimous consent, H.B. No. 2827, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE STATE FINANCES,” was placed on the calendar for Third Reading on Thursday, April 11, 2002.

H.B. No. 2440, H.D. 1, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Kanno and carried, H.B. No. 2440, H.D. 1, S.D. 1, 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, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3262 (H.B. No. 703, H.D. 1, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3262 be adopted and H.B. No. 703, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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.

“Colleagues, there is a little problem on page 6, of this bill, line 1. The bill says the following about dispensing Schedule 2 or controlled substances, quote: ‘Any physician who fails to deliver a written prescription within the seventy-two hour period shall be in violation of section 329-41(a)(1).’ That means if a physician gives an oral prescription in an emergency and then through an innocent mistake or some other mitigating circumstance files a required written prescription, say, 73 or more hours later, the physician is guilty of a Class C felony.

“This penalty obviously goes way too far. This bill creates a felony without requiring proof of any criminal intent. If it isn’t fixed in Conference Committee I’ll be voting ‘no’ at that time.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3262 was adopted and H.B. No. 703, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3263 (H.B. No. 1901, H.D. 2, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 3263 be adopted and H.B. No. 1901, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hogue rose in opposition to the measure as follows:

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

“This bill, colleagues, is well intended because it tries to help the victim of a sexual assault by mandating that the alleged perpetrator take an HIV test. And that’s where the potential new law really gets into trouble.

“First, how can you justify that a person charged for a crime be treated the same as a person convicted of a crime? Isn’t our justice system based on the notion that you’re innocent until proven guilty?”

“Second, under this bill the court could order an HIV test for a person charged with sexual assault by showing probable cause on preponderance of the evidence. I’m not an attorney or judge, but how in the world are you going to decide that there is evidence of HIV transmission and therefore a blood test must be ordered.

“Third, and this is on a medical basis rather than a legal basis, there’s no point to this extra test. A blood test of the alleged perpetrator doesn’t necessarily determine anything. If the alleged perpetrator contracted HIV, say, a week or so before committing the sexual assault crime, that fact might not show up in a blood test for six months.

“Fourth, under current medical practice, any victim of sexual assault is constantly evaluated and monitored to through the six-month HIV incubation stage. Thus, this bill is essentially unnecessary.

“For these reasons, I urge all of you to vote ‘no.’ Thank you, Mr. President.”

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

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

“Let’s be honest about what this is, colleagues. This is about getting some federal money. This is not about helping the victim. If a victim has been sexually assaulted, that victim should immediately go seek help and get testing, and there’s medical remedies that that victim can immediately undertake. If we have to go through a process where an individual is charged and then the judge is going to determine if that perpetrator, in fact, should be tested for HIV, days if not weeks have gone by and it’s too late for the victim.

“So let’s be honest about what this is about. This is about getting federal money, and that’s all it is. It’s gong to do nothing to help the victim. I urge you to vote ‘no’ on this measure.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3263 was adopted and H.B. No. 1901, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Chumbley, English, Fukunaga, Hemmings, Hogue, Ige, Ihara, Inouye, Slom). Excused, 2 (Buen, Chun).

H.B. No. 2300, H.D. 2, S.D. 1:

Senator Kanno moved that H.B. No. 2300, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.



Senator Taniguchi rose and said:

“Mr. President, I have some comments I’d like inserted into the Journal in support of the bill.”

The Chair having so ordered, Senator Taniguchi’s remarks read as follows:

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

“First I would like to thank Chief Justice Moon and his administration for not only preparing a very responsible budget request, but for being responsive to all of the questions the Committee on Ways and Means and Judiciary has had over the last three months. I also would like to thank the Judiciary for providing a somewhat thankless, but very critical service to our community. In my view, the Judiciary has done an outstanding job in providing a continually improving service amid rising costs and budget cuts. In this budget request, it also made a good case for providing additional funding for a very important government function.

“However, as we all know, due to the sudden economic downturn subsequent to 9/11, the State faces a tremendous shortfall of revenue. And while we are currently debating the most prudent methods of balancing our state’s financial plan, I believe it is best that we try to not only keep the Judiciary’s budget intact, but to try and also provide them with some much needed additional funding.

“The Judiciary’s initial supplemental request was for an increase of approximately \$2.7 million in general funds for various operating expenses. After careful review, I will recommend that we approve roughly \$500,000 of that request. Again, at this time I believe that the Judiciary’s budget should remain intact as much as possible and will therefore not recommend any cuts to their base budget. With the addition of the \$500,000, their base budget will total approximately \$100 million.

“Furthermore, of the Judiciary’s initial request of \$72.8 million in GO bond funded CIP projects, this budget approves \$24.6 million dollars of that amount. This includes funding for the Children’s Justice Center at \$3.5 million and the Hilo Courthouse at \$20 million.

“As I’ve mentioned previously, I would like to caution members of both Committees that the draft of this budget is very fluid. As you know, we have many critical proposals before us that are integral to the financial plan. Cuts to this budget and the executive’s may become necessary if we do not do anything to increase our revenues.

“At this time, I would like to urge my colleagues to vote ‘aye’ on this bill.”

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

The motion was put by the Chair and carried, H.B. No. 2300, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3272 (H.B. No. 683, H.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 3272 was adopted and H.B.

No. 683, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE PARKS PENALTIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3273 (H.B. No. 1716, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 3273 was adopted and H.B. No. 1716, H.D. 1, 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, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3274 (H.B. No. 2207, H.D. 1, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3274 be adopted and H.B. No. 2207, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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.

“Colleagues, on pages 3, 4 and 5 of this bill, the bill gives civil immunity to persons reporting insurance fraud ‘except if the person has acted with malice or committed perjury.’ Now this seems okay except that the bill then gives the definition of malice and it uses this definition: ‘having actual knowledge regarding the falsity of any information being provided under this section.’ Now that doesn’t match either the average person’s perception or the common law crime’s idea of malice.

“Let’s tighten up the definition of malice in this Conference Committee bill so it means what it ought to mean – an intent to harm someone.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3274 was adopted and H.B. No. 2207, H.D. 1, S.D. 2, 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, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3275 (H.B. No. 2232, H.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 3275 be adopted and H.B. No. 2232, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Sakamoto rose in opposition to the measure and said:

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

“I understand the need to strengthen the whistleblower’s protection act and I agree that employees do need to report violations without fear of retaliation. But, if the bottom is to resolve the problem at hand and to make the working conditions better, then lengthening the statute of limitations from 90 days to two years isn’t the way we should go. As an employer, I think 90 days is too long.

"If there is a problem that exists in the workplace, it should be resolved as soon as possible. And certainly, if this statute of limitation is extended to two years, it might encourage people to wait and wait and procrastinate before taking action on the issue. Employers want to take action. I believe the people who are aware of any problem should report it immediately.

"So Mr. President, shorter time would be actually better to provide prompt notice to employers and quicker resolution."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3275 was adopted and H.B. No. 2232, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Sakamoto, Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3277 (H.B. No. 2521, H.D. 2, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3277 be adopted and H.B. No. 2521, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in opposition to the measure and said:

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

"Certainly we all want to be protected during times of medical emergencies and disease and so forth. We want to control it. But what this bill does is give a great deal of power to the Department of Health. It also provides excessive immunity for government employees. There are additional costs that would be involved in these procedures, and I don't think there is adequate public information or public knowledge for the decision making process.

"Thank you."

Senator Hemmings rose in opposition to the measure and said:

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

"If we gave a similar waiver of liability to the good doctors who serve everyday, day in and day out, on medical care who are being put out of business because of malpractice insurance, the cost of medical service in the State of Hawaii, or the nation for that matter, would go down dramatically. High cost of medical services due to liability, we recognize it by giving waivers of liability for certain government employees but we don't give it to the people on the front lines that are serving the medically needy in our country.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3277 was adopted and H.B. No. 2521, H.D. 2, S.D. 2, 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, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3279 (H.B. No. 2002, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3279 was adopted

and H.B. No. 2002, S.D. 1, 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, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3280 (H.B. No. 2176, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3280 was adopted and H.B. No. 2176, H.D. 1, S.D. 1, 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, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3281 (H.B. No. 2525, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3281 was adopted and H.B. No. 2525, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3282 (H.B. No. 1950, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3282 be adopted and H.B. No. 1950, 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.

"Mr. President, this bill establishes a Medicaid prescription drug expansion program to offer discounted prescription drugs to qualified residents whose income is below 300 percent of the federal poverty level. I support the intent of this specific bill, however, I feel that under the current language it has a Cadillac of a body with a Pinto engine.

"This bill is also patterned, almost word for word, after a State of Maine bill. The healthy Maine prescription program is the result of a Medicaid waiver that was granted in the final days of the Clinton administration. This Hawaii bill goes in the correct direction but what it omits deserves to be addressed.

"The program is very successful in Maine. During the first year of this program in Maine, they filled 700,000 more prescriptions while cutting \$15 million from its Medicaid budget, or 50 percent more than expected. These numbers were achieved by instituting a strict prior authorization process for prescriptions. Such a stipulation is imperative for this program to be effective. However, it is not in the Hawaii bill.

"The Department of Human Services will tell you that prior authorization is already practiced in our Medicaid program, however, in practice it is ineffective here and it is sorely lacking strict oversight.

"One example from Maine will prove my point. Maine spent \$8 million on the drug Prilosec in 2000. You may know it as

the 'purple pill,' at least some folks do. The generic equivalent cost the State \$7 million in 2001, but the State filled twice as many prescriptions. Additionally, Maine's program does not allow any person with full Medicaid coverage to be eligible for the program, whereas our bill provides coverage for all residents under 300 percent of the federal poverty level.

"I hope these points are strongly considered during Conference Committee. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3282 was adopted and H.B. No. 1950, 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, 1 (Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3283 (H.B. No. 2741, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3283 be adopted and H.B. No. 2741, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Tam rose to speak against the measure as follows:

"Mr. President, I stand to vote against H.B. No. 2741, H.D. 2, S.D. 2.

"This bill is relating to tobacco and cigarette tax, and I'm voting against it based on the reason of principle. My reasons are as follows:

- (1) Any form of taxation is not a good way of balancing of our state budget. This tax is regressive towards businesses which are providing Hawaii's economy with the stimulus and stability it now needs and in the future. In economics, stimulating businesses, whereby they increase their revenues, will equate to increased tax revenues for the State as well. The Legislature and the Governor should provide a concrete foundation for legislation to stabilize and stimulate our economy – such as short-term tax incentives and the positive marketing of Hawaii's unique products and services. A partnership needs to be formulated between the state government and the private business sector.
- (2) I am not convinced that our State's financial condition warrants more taxation until I see an external financial audit of the overall state of Hawaii. In the 20 years I've been here, I have continuously asked for external financial audits. We have too long depended on the word of our past and present governors and their administrations to tell us the condition of our State of Hawaii. The governors and their administrations tell us what they want to tell us and expect us to search endlessly to verify their financial information without any in depth access to the accounting books of the State of Hawaii. I want direct access to the State's books through the use of direct on-line technology. As Chairman of the Committee on Economic Development and Technology, I know the capability is available at this time. For years the administration has opposed this technology access. Thus, the question is 'What is the administration hiding from us?' On behalf of my constituents, who are the stockholders of this State, I want this direct access and an external financial audit.
- (3) For years the Governor of the State has restricted the funds for public services and public projects. Although

the Legislature and the Governor, himself, had signed the budget into law, the question is, What has happened to all the funds that have been restricted? I want accountability of these funds.

"I encourage the Governor and the future governors of the State of Hawaii to conduct informational public hearings in order to be more accountable to the taxpayers and citizens of the State of Hawaii. In fact, if I may emphasize, the former governors and present governor continuously refuse to hold informational public hearings to inform the public of what they're doing.

"For me, the issue is not whether I favor a sin tax, but whether I favor increasing taxes before gaining accountability information from this governor and future governors of the State of Hawaii. Also as a former budget analyst in the State of Hawaii government and also in the private sector, my mind focuses on accurate information. I was not elected to be a rubber stamp to this tax increase proposal by our current governor.

"For the record and for the reasons stated above, I cast my 'no' vote on this third reading of this House of Representative's bill.

"Thank you."

Senator Ihara rose and said:

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

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3283 was adopted and H.B. No. 2741, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 8 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Matsunaga, Slom, Tam). Excused, 2 (Buen, Chun).

H.B. No. 2381, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2381, H.D. 1, 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 in opposition to this bill.

"Well, we've come full circle on this liquor tax increase. First of all, the Tax Department and the administration had proposed changing the basis for taxation from gallonage to ad valorem, and then they were going to increase the tax by 100 percent. We had owners of the two small locally grown vineyards from the Island of Maui and the Big Island come and tell us that that tax would put them out of business. Then we reduced the tax to 50 percent, and then we learned that probably that would only partially cripple our industry, put people out of employment and so forth. And now we're coming back again for the third round of 'Let's make a deal,' and it's only a 25 percent increase. Of course, it's only 25 percent until we get to Conference or until the final bill comes out.

"We know that the object is clear. The object is to raise the liquor tax on the nation's highest liquor tax right now. We want to raise it on the processors, the manufacturers, the retailers, and

ultimately the consumers, because anyone who buys any adult beverages also pays the general excise tax. So this bill will hurt consumers. It will hurt those in the business and industry. It will hurt employees, and it will hurt those people that, just after a long session like this, really need to relax and have a cold one. (Laughter.)

“There’s no justification for this increase, and those of you that think you’re getting by because it’s only 25 percent, it’s only 25 percent this afternoon. It’s going to be more, you know, when we go into Conference.

“So please, colleagues, listen to our good colleague who just told us about his legislative analyst experience and about the need for looking at the state revenues and examining all this. Examine your conscience, and vote ‘no’ on this bill.

“Thank you.”

Senator Kawamoto rose in opposition also and said:

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

“Mr. President, I went ‘W/R’ in the Committee. I offer the settlements of the gasoline settlement as part of the revenue sharing of this bill. We’re talking about \$10 million. I think we can stand taking \$10 million from the settlements of the gasoline tax, therefore, I vote ‘no’ on this bill.

“Thank you.”

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

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

“Like the previous bill, I stated my various reasons and would like to add those same exact reasons as why I’m voting ‘no.’

“Thank you.”

Senator Menor rose and said:

“Could the Clerk note a vote of being in favor but with reservations.”

The Chair so ordered.

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

The motion was then put by the Chair, H.B. No. 2381, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 12 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Ihara, Inouye, Kawamoto, Kim, Matsunaga, Slom, Tam). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3285 (H.B. No. 1357, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3285 was adopted and H.B. No. 1357, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3289 (H.B. No. 2752, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3289 be adopted and H.B. No. 2752, H.D. 1, S.D. 1, 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.

“Colleagues, you may have seen a story about this problem a few nights ago on the nightly news. It seems that many former university students have failed to pay off their student loans, some even owe amounts well over \$100,000 and have been in default for years. That’s obviously bad, but this bill goes beyond attempts by a collection agency or other reasonable ways to get the money back, and offers up to Draconian solution of a mandatory suspension of one’s professional license.

“First, colleagues, professional licenses are property rights. You can’t take away a person’s property without a notice or a hearing, but this bill purports to do just that.

“Second, this bill might be in conflict with the equal protection provision of the Constitution. You can’t treat license holders in default differently than non-licensed holders in default.

“Finally, this measure doesn’t pass the common sense test. If you take away a doctor’s license or an attorney’s license or an architect’s license, we might have one less evil doctor or one less evil attorney, or one less evil architect, but how in the world are they going to be able to make income so they can pay off their student loan. There has to be a better way, and I’ll vote ‘no.’

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3289 was adopted and H.B. No. 2752, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3290 (H.B. No. 1684, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3290 was adopted and H.B. No. 1684, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE AND LOCAL TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3291 (H.B. No. 2165, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3291 be adopted and H.B. No. 2165, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I support the bill with reservations.

“I think the hearings show that there certainly is a need for Braille information educational materials but I think there was concern, particularly in the Ways and Means Committee, about the cost that was involved, whether or not we can truly force manufacturers to put their materials on CD and make it compatible for Braille.

“There was also some vagueness in the bill as to whether or not we’re talking about textbooks, all education materials, all materials for every student, whether or not we’re going to use Braille as well as translating it into Hawaiian. There were some other questions about the fines imposed.

“So I think the idea and the object of the bill certainly to make more people independent is a good one, but I think we should be very careful and explore some of the vagaries a little bit in more detail.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3291 was adopted and H.B. No. 2165, H.D. 1, 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, none. Excused, 2 (Buen, Chun).

H.B. No. 2065, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsuura and carried, H.B. No. 2065, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NURSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Chumbley, Hemmings, Hogue, Slom). Excused, 2 (Buen, Chun).

Stand. Com. Rep. No. 3298 (H.B. No. 2351, H.D. 1, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 3298 be adopted and H.B. No. 2351, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I support the bill with reservations.

“I think we’re all enthusiastic about having more public access television, particularly if we can expand the television so that particularly people in rural areas and neighbor islands have an opportunity to see instantaneously what we’re doing. We’re also working in the Internet in that direction. But there have been some questions in terms of who gets on public access television; who does the scheduling; how fair it is to opposition views. And I think there are enough questions raised that I have reservations with this bill.

“Thank you.”

Senator English rose in support of the measure as follows:

“Mr. President, I rise in support.

“Mr. President, I guess there is general misunderstanding with cable access carriers. It’s set up by federal mandate. They don’t screen for content; they don’t screen for one side or the other. In effect, if you bring in a tape that meets their standard format or their viewing format, they will air it no matter what it is, and that’s the mandate. So it isn’t a thing about sides or who controls what gets on or how it goes on.

“The issue that this bill addresses is one that government imposes. DCCA used to confirm the members’ appointment to the boards. And then they sent out an order about a year-and-a-half ago saying, ‘We don’t want to do this anymore. You guys change your bylaws so that we don’t have to confirm.’ Maui did this and others did not. And then, DCCA mysteriously said, ‘We want that authority back. So now you change your bylaws again so that we can confirm your people on your board.’ The end result is, well, you know, they’ve already changed their bylaws. They’ve already done it. They’re an independent organization. So here we are.

“Mr. President, I think that we have to be very clear that while we all want cable access TV and it is a good product and it’s something that helps democracy and helps our population, we have to be very clear that when we intervene in the governing process of these bodies and go back and forth on how they should be governed, whether or not they’re subject to sunshine laws or not, it creates havoc for them. We are obliged to give them a dedicated source of funding that comes from the cable franchise fees. That should be guaranteed to them. We should stay out of their management, their boards, and we should not make them subject to sunshine law.

“There’s still a question somewhere in here about the way it’s worded as opposed to its intent. I know the intent is to say that they are not subject to sunshine laws, but the wording may indeed keep them tied to it.

“So I hope it’s cleaned up in Committee should it go to Conference, but I urge my members to support this.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3298 was adopted and H.B. No. 2351, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ACCESS CABLE TELEVISION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Buen, Chun, Taniguchi).

H.B. No. 2642, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Kanno and carried, H.B. No. 2642, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HOME LOAN PROTECTION ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Buen, Chun, Taniguchi).

H.B. No. 2245, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 2245, H.D. 1, S.D. 1, 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 rise to speak in favor of this bill with very strong reservations.

"This bill, depending on which lawyer argues the merits or lack thereof, may violate the contracts clause of the U.S. Constitution, as well as the takings clause and the due process clause. Basically, this bill will invalidate valid contracts voluntarily entered into by both parties. This bill is also one-sided since it allows lessees to get a one-time lease rate adjustment, but does not grant that same favor to lessors. So why am I going 'W/R' despite all these problems? I keep asking myself that question.

"Well, one reason is because the leases in question have a contract provision that prohibits any downward adjustment whatsoever of lease rents. People got stuck with inflated land valuations that were brought on by the speculative real estate bubble market of the late '80s and early '90s. But even though land prices have dropped to more realistic levels because of this standard contract provision I mentioned, lessees are forced to keep paying those incredibly inflated prices forever, and ever, and ever, and it never goes down. Some of these people are losing their businesses because of this. Some of them may even lose their homes

"While the good Chair of the CPH Committee has asked for an attorney general's opinion, and I appreciate that, I hope we get this opinion before Conference Committee is over so we can once and for all decide whether this is constitutional or not.

"Thank you very much, Mr. President."

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

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

"Mr. President, I want to applaud the previous speaker because he points out all the reasons why we shouldn't pass this bill. In fact, there was a previous speaker that requested that the bill be reconsidered in Committee. It was dead. We're into CPR in CPH, so we resuscitated the bill and here it is.

"Quite simply, Mr. President, government intervention in private contracts is something we should not do lightly. And that's what this does. The way the situation is with these private landowners, Mr. President, well, you know what, they entered into a lease fully knowing what the lease said. It's like me leasing out a piece of property and having someone come back and say, 'You know, I've had all the use of it, but I really want to change the terms. I'm going to get the government to change the terms for me because I don't like the terms of the lease.' It's not fair.

"I urge my colleagues to vote this measure down. Thank you."

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

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

"Boy, I wish we lived in a perfect world or a perfect Senate, where all of the statements made by my colleagues could be reviewed and, I guess, regurgitated so that we would be very consistent in whether we want government intervention or not. My choice, of course, is not to have any government intervention. Unfortunately, we do. We have it on a number of fronts including forced compulsory lease-to-fee conversion. And we've talked today about rate regulations. We talked

about the government taking over various programs. And we talked about people that should know better, but because some of them don't, we want the government to be involved.

"Because of this and because of the fine resuscitation arguments made by my colleague from Kaneohe, I will vote to keep the bill alive with reservations because I know that in Conference Committee all of this clean-up will be done. And if we can't get one of the deputy attorney generals (I guess the latest count is down to 138) then of course maybe we can authorize the expenditure for another attorney for ourselves to solve this weighty problem.

"Thank you."

Senator Chun Oakland rose in support of the measure and said:

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

"This is a bill that will greatly help support many businesses in our State. The Japanese 'bubble' valuations in the mid-1980s established lease rents that are unjustified under current market conditions. Yet, many lease agreements have language that does not allow rent readjustments below these inflated amounts upon renegotiation. This practice has been devastating to business and residential lessees, more so since September 11 when commercial activity has suffered a downturn and people have lost their jobs.

"Commercial lessees with long-term commitments who have had to pay increased lease rents have suffered from reduced profits and, in some cases, negative cash flows. Those who have been unable to pay rent increases or pass them on to sub-lessees have had to move out, losing investments in improvements, facilities, and equipment. Unable to sell or finance their businesses, lessees have undergone mortgage foreclosures and bankruptcies.

"This measure mandates a one-time rent adjustment for leases renegotiated after January 1, 1990, that applies prospectively. This one-time adjustment serves as a significant and legitimate public purpose supported by the measure's substantial purpose section which contains legislative findings relating to Hawaii's leasehold system, the effective international investment in the 1980s in raising real property values, the difficulties faced by the buyers and sellers of real property due to these artificially high values, and the adverse impacts of unreasonable lease rents in Hawaii's economy and on its residents.

"I support this measure and urge my colleagues to support it as well. Thank you."

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

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

"Mr. President, in the past I've voted against this measure. This measure has been around for a few years. If at first you don't succeed, then skydiving is not for you.

"Mr. President, I'd like the words of the good Senator from Kaneohe inserted into the Journal as if they were my own. I, too, eagerly await the attorney general's opinion.

"Thank you."

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

Senator Chumbley rose in opposition to the measure as follows:

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

"Colleagues, this measure is more than just a private industry issue. This measure is also going to affect our state budget. We are in receipt of a letter dated April 4 from Ms. Miyashiro, from HCDCH, and if you're not aware of it, HCDCH does lease commercial property and this measure will have an effect on the revenues that are received from those properties. So in addition to the impact to the private sector, it will affect our state budget.

"I just do not believe that this rises to the level of a significant public purpose for the intrusion of government into private contracts between parties. Fair market value, FMV, is a contractual issue. It's not an issue for us to set public policy on here on this Senate Floor.

"This measure has been vetoed in the past by the Governor and will continue to be vetoed by him in the future. My prediction is that it won't even pass the Legislature. But if by chance it does, take into consideration what it's going to cost all of those lessees who, when this is litigated and it goes on for years and years, it's going to cost hundreds of thousands of dollars in fees and costs that those individuals could have used to market and promote their businesses instead of defending a law that is clearly unconstitutional.

"I urge you to vote 'no' on this measure."

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

The motion was put by the Chair and carried, H.B. No. 2245, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Chumbley, English, Ige). Excused, 3 (Buen, Chun, Taniguchi).

Stand. Com. Rep. No. 3303 (H.B. No. 2451, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3303 be adopted and H.B. No. 2451, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Ah, the last of the special funds for the day. I think I'll be voting 'no,' Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3303 was adopted and H.B. No. 2451, 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, 21. Noes, 1 (Slom). Excused, 3 (Buen, Chun, Taniguchi).

### THIRD READING

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 3197 (H.B. No. 2400, H.D. 1, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 3197 be adopted and H.B. No. 2400, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hemmings then offered the following amendment (Floor Amendment No. 5) to H.B. No. 2400, H.D. 1, S.D. 1:

SECTION 1. House Bill No. 2400, H. D. 1, S. D. 1, is amended as follows:

1. By amending §10-13.3 of section 2 of the bill to read as follows:

"[F]§ 10-13.3 [F] **Interim revenue.** Notwithstanding the definition of revenue contained in this chapter and the provisions of section 10-13.5, and notwithstanding any claimed invalidity of Act 304, Session Laws of Hawaii 1990, the income and proceeds from the pro rata portion of the public land trust under article XII, section 6 of the state constitution for expenditure by the office of Hawaiian affairs for the betterment of the conditions of native Hawaiians for ~~each of~~ fiscal year [1997-1998 and fiscal year 1998-1999 shall be \$15,100,000.]2002-2003 shall be \$ \_\_\_\_\_ provided that of the interim revenue appropriation contained in this section, no monies shall be used for the purposes of operating costs or administrative costs borne by the office of Hawaiian affairs."

2. By amending section 3 of the bill to read as follows:

"There is appropriated out of the general revenues of the State of Hawaii the sum of \$ \_\_\_\_\_, or so much thereof as may be necessary for fiscal year 2002-2003, for the betterment of the conditions of native Hawaiians as provided for in this Act, provided that of the general fund appropriation contained in this section, no monies shall be used for the purposes of operating costs or administrative costs borne by the office of Hawaiian affairs."

Senator Hemmings moved that Floor Amendment No. 5 be adopted, seconded by Senator Hogue.

Senator Hemmings rose to speak in support of the amendment as follows:

"Mr. President, I'd like to explain this amendment though I know you've discussed it in caucus and probably all made up your minds. I'd like to appeal to your common sense.

"We spent an entire day discussing the state budget, discussing holding our departments accountable, discussing the number of audits that come out and point out the fiscal irresponsibility of different departments. And though we like to think that it is separate, OHA is a state agency. OHA does use taxpayers' dollars. And I might add that the alleged beneficiaries of OHA are Hawaiians and Hawaiians pay taxes like everyone else, and therefore it is incumbent upon us to hold this agency accountable.

"We learned through an audit that close to 60 percent of recent expenditures of OHA have been on administrative costs. And that includes everything from hair dressing to other expenditures that are quite questionable, not the least of which is outside consulting which adds up to many millions of dollars. I might add one of my particular favorites is when a University Professor Jon Van Dyke comes down to the Legislature and testifies against legislation being proposed to help correct the inadequacies of OHA and it's revealed that he's not really there as a professor from the University of Hawaii Law School, but as a paid consultant for OHA. In fact, it might be found out that between him and his wife Sherry Broder, many millions of

dollars have gone from the beneficiaries' pockets in OHA to Ms. Broder and Mr. Van Dyke.

"So the conscientious thing to do is to amend this bill and say any money we do appropriate to OHA should be used for beneficiaries only, and that's exactly what this amendment does. It's nothing complicated. If they have administrative costs they can take it out of existing resources. And you can be sure if they're not using new taxpayers' dollars, they're going to be a lot more frugal on how they spend their money and possibly, just possibly, that the money we do appropriate out of the Legislature will end up going to the beneficiaries and not to aggrandizing the Office of Hawaiian Affairs and its minions.

"I hope that the Majority Party does take a second consideration to this in view of my remarks and vote this amendment into place, and when this bill goes to Conference we'll fine tune it.

"Thank you, Mr. President."

The motion to adopt Floor Amendment No. 5 was put by the Chair and failed.

Senator Hemmings rose and said:

"I will be voting with reservations, Mr. President."

At 5:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:55 o'clock p.m.

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. 3197 was adopted and H.B. No. 2400, H.D. 1, S.D. 1, 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, 22. Noes, none. Excused, 3 (Buen, Chun, Taniguchi).

Stand. Com. Rep. No. 3286 (H.B. No. 2638, H.D. 2, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 3286 be adopted and H.B. No. 2638, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue then offered the following amendment (Floor Amendment No. 6) to H.B. No. 2638, H.D. 2, S.D. 1:

SECTION 1. House Bill No. 2638, H. D. 2, S. D. 1, is amended as follows:

1. By amending section 1 of the bill to read as follows:

This Act shall be known as the Hawaii Long-Term Care Financing Act.

2. By amending section 2 of the bill to read as follows:

The Hawaii Revised Statutes, is amended by adding a new chapter to be appropriately designated and to read as follows:

#### "CHAPTER

#### HAWAII LONG-TERM CARE FINANCING ACT

§ -1 **Purpose.** This chapter provides an equitable and affordable system of long-term care. This program promotes individual choice and discretion in selecting and paying for long-term care services.

§ -2 **Definitions.** As used in this chapter:

"Commission" means the Hawaii Long-Term Care Financing Program Commission.

"Long-term care services" means a broad range of supportive services needed by individuals who are age twenty-five or older with physical or mental impairments and have lost or never acquired the ability to function independently.

§ -3 **Hawaii Long-Term Care Financing Program; Commission.** (a) There is established within the department of budget and finance for administrative purposes the Hawaii Long-Term Care Financing Program Commission. The Commission is vested with designing a public-private long-term care services program, modeled after the New York State Partnership for Long-Term Care Program. The program is a unique model designed to finance long-term care services based on the concept of a public-private partnership, which links private insurance to Medicaid.

(b) Beginning July 1, 2002, the Commission shall consist of five members, three of which are to be appointed by the governor as provided in section 26-34, one of which is to be appointed by the president of the senate, and one of which is to be appointed by the speaker of the house of representatives; provided that the terms of the Commissioners shall be four years; provided further that the initial appointments may be staggered in accordance with section 26-34(a); provided further that any vacancies in the commission shall be filled by the governor, subject to the limit on length of service imposed by section 26-34.

(c) Each member of the commission shall be a citizen of the United States and a resident of the State. Members of the commission shall hold no other public office. No person shall be appointed consecutively to more than two terms as a member of the commission.

(d) Members of the Commission shall be appointed to reflect the following interests: accounting, business, finance, long-term care services insurance, or other similar fields. The composition of the Commission shall represent a diversity of relevant experience.

(e) The chairperson of the Commission shall be elected by a majority of the members of the Commission. Commissioners shall serve without compensation but shall be reimbursed for all expenses, including travel and per diem expenses, necessary for the performance of their duties.

3. By amending section 3 of the bill to read as follows:

The Commission shall report its findings and recommendations, including proposed legislation modeled after the New York State Partnership for Long-Term Care Program, no later than twenty days prior to the convening of the regular session of 2003.

4. By amending section 4 of the bill as to read as follows:

This Act shall take effect upon its approval; provided that section 2 shall take effect on July 1, 2002.

5. By deleting section 5 of the bill.

Senator Hogue moved that Floor Amendment No. 6 be adopted, seconded by Senator Hemmings.

Senator Hogue rose in support of the amendment as follows:

"Mr. President, I rise to speak in support of this amendment. I know you've talked about it, colleagues, and I hope you'll give me a few moments here.

"Intense discussion has taken place in the past few months regarding long-term care here in Hawaii. Many in the state have been actively pursuing options for many years. Rather than study a mandated tax to pay for an untested program, I hope that you will follow me by supporting the amended bill that is before you.

"This bill establishes a five-member commission to design implementation of a long-term care program in Hawaii based on



the current New York State partnership for long-term care. The New York program was created to help citizens obtain and pay for the long-term care they may need in their later years. The partnership provides lifetime coverage for long-term care expenses by combining private insurance coverage with Medicaid benefits, while guaranteeing the lifetime protection of their personal assets. This program has been functioning for nearly nine years since 1993.

"Under the program, if I buy a qualified partnership insurance policy, consisting of three years of nursing home care or six years of home care or some combination of the two, I can apply for Hawaii Medicaid benefits and still retain all of my assets. There will be no limits to the assets I may keep and still receive extended Medicaid coverage.

"The New York program has won national awards from Rutgers University, the John F. Kennedy School of Government, and Harvard University. The Council of State Governments also awarded the program its innovations award. Indiana has such a program with 15,000 policies in effect – 85 percent of those policies are held by residents over the age of 56 in the State of Indiana.

"The New York director told us that he has received numerous requests to copy their program. Currently, six states have implemented it, two more are ready to implement it. In fact, New Yorkers have responded so positively to the program that partnership insurance now accounts for almost 20 percent of all long-term care policies in that state.

"Some say that broad private policies are unaffordable to many older residents. According to the Executive Office on Aging, more than 22,000 older adults have incomes exceeding \$30,000 a year. If this small segment purchased a partnership policy, it could save the State of Hawaii – get this, folks – over \$3.5 trillion in future long-term care costs, dollars that could be used to assist the population that unfortunately falls below the poverty level.

"There are many pieces to this complicated long-term care puzzle. One size does not fit all. Please, let's reward and encourage those who can afford to plan for their impending long-term care needs so we will have the future resources to assist those who truly need our help in the future. I hope you will please support this amendment.

"Thank you, Mr. President."

Senator Matsuura rose to speak against the amendment as follows:

"Mr. President, I'd like to speak against the amendment.

"I won't speak against the New York program. I believe it's a good program. We took a look at it last year. The problem with the amendment, I think, is we're limiting the committee that we're setting up to look at only that one, I guess to look at the New York model. The New York model is good. It addresses the gap of looking at trying to get our elderly onto Medicaid faster without the two-year look back, three-year look forward. We tried it. We took a look at it. We studied it last year. There were some problems in implementing here in Hawaii. I apologize. I forgot, really, what the reasons were for why we couldn't implement it last year.

"But the New York model is a good model. If we can implement it, I hope we can, but the problem with this amendment is that it locks our committee that will be looking at this thing that we're setting up for only that one model.

"So for those reasons, I oppose this amendment. I want to be a little bit more enthusiastic but since we lost our two main money bills, I think I lost all my appropriations bills. And this is an appropriation bill.

"Thank you."

Senator Hogue rose on rebuttal and said:

"Mr. President, can I just have a quick rebuttal there.

"The measure that's going to go forward after this essentially will be a tax based program. And this measure allows there to be a partnership between the private sector and the public sector. This bill has already been enacted in other states. It is tried and true. It works. We are going to go forward with a next measure that is going to come up with some untested idea.

"I really encourage my colleagues to support this now, a tried and true measure that works for those who get involved with long-term care.

"Thank you very much, Mr. President. And you know what I am going to do? I am going to ask for a Roll Call vote. Thank you."

The motion to adopt Floor Amendment No. 6 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following of Ayes and Noes:

Ayes, 4. Noes, 18 (Bunda, Chumbley, Chun Oakland, English, Fukunaga, Hanabusa, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Matsuura, Menor, Nakata, Sakamoto, Tam). Excused, 3 (Buen, Chun, Taniguchi).

Senator Matsuura cast his Roll Call vote "Aye, with reservations."

Senator Slom rose in opposition to the measure as follows:

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

"If there was any doubt in the minds of our colleagues and the public as to what this bill is all about, the doubt should have been removed with the vote on the floor amendment offered in good faith by the good Senator from Kaneohe.

"We're not here trying to find long-term care. We're not here trying to help the elderly. We're not here trying to help people have choices. We're here to tax them to death. That's what we want to do.

"As I've said several times before, I served for two years on a voluntary long-term advisory committee, a bipartisan committee in this Legislature whose supposed objective was to look at alternatives and options with an eye to free market, competitive choice. When all was said and done and everything was over, we found out that, in fact, the First Lady had been meeting also during the period of time, as she said on television once a week with a group of 12 who are unidentified and they came up with this latest proposal which is a recycling of the Project Hope proposal, or Family Hope proposal of more than a decade ago, but the object is still the same.

"This bill, even though it's been modified and amended, is still the same – a state tax, a one size fits all method of controlling long-term care for yet another experiment by this State Government that no one else has attempted, no one else will attempt, that will not succeed. But they will dash the hopes of those that think that they can get insurance and long-term care.

"It's really a travesty. We did it with the single statewide school district and wound up with education second to none. And those poor people in the area of none who are worse than we are. We did it in terms of a general excise tax and no one has ever followed us with a gross income general excise tax. And we did it with prepaid health care, and now most of our population can't get adequate accessible health care. And now we're going to embark on another program, a tax-based program – tax based, the largest single tax increase in Hawaii's history. And make no mistake, every one of you that are voting for this knows that's what you want to do. You are not interested in alternatives. You are not interested in competition. You are not interested in free choice. You want this state government to have control of this process, and it's really sad because we argued about VEBA and we've argued about other things in terms of financial accountability. There is no accountability here because we don't know what the plan is.

"First, we started off and it was a supposed \$10 per month, per paycheck plan. It was going to cover people from the age of 25 to 98. It was to take ten years for them to become fully vested. It was going to give them a paltry one year in benefits. And now we try to take that out so the people aren't fooled directly. They are fooled indirectly by saying we're going to have an advisory committee and a board of trustees. And whose going to appoint them? The Governor. The Governor will appoint them. We've had problems before with whom the Governor appoints, and with the lack of accountability, but we're saying in this case here where no other state has gone forward in this area, let's be the first; let's go forward; let's do it; let's raise the taxes.

"And here, the good Senator from Kaneohe has offered you a tried and true method not only in the State of New York but in other states, as well, examples that have been in effect for nine years. We could follow them. We could always modify them. But no, we're going to do something different, but it's going to be tax based with lack of choice. It is a cruel hoax and a scam on the elderly of this community, but also on the young people who stand to pay forever and ever and ever not to get benefits. What we really should be addressing are the serious problems of long-term care and trying to help each person, each family, to meet those problems in the best way that they can.

"If you support this bill today and move this along, you're not changing anything at all, except going for more taxation.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against H.B. No. 2638, S.D. 1.

"Mr. President, there were glimmers of opportunity and hope in today's Session, not the least of which was us sending back to Committee the hurricane relief fund legislation. The hope is that maybe the Majority Party is seeing that 30 years of monopolistic government, 30 years of increased taxes, 30 years of failed programs so well documented in the audits we reviewed today have proven the demise of the Hawaiian economy. The evidence is so overwhelming and it's so pathetic.

"I listened real closely to the good Senator from Kaneohe's words about his amendment and the common sense solution other states have found in addressing with public and private partnerships this problem. But I also looked at all of your eyes and listened to your voices, and I did not hear noes of conviction because we're fighting for the young, we're fighting

for the elderly, we're fighting for the needy. I did not hear strong words that reflected a belief and a principle. I heard words that were meek, noes that were mild, noes that did not have courage of conviction, because deep in your hearts you know exactly what this is about.

"This legislation is not about what you know, but it's about who you know. And it's about circling the wagons around the bankrupt political ideology of that we'll drive the private sector to the brink of extinction and then we'll set up a government monopoly to fill the gap. And that government monopoly will be just as egregious and painful on the consumers of the State of Hawaii as all monopolies are.

"So, I really ask that you examine your consciences when you vote on this bill and ask yourself, is it going to solve a problem or create a problem; is it going to help the Hawaiian economy; is it really going to take care of those elderly? It's sad, sad, sad how many people called my office during the course of the debate on this bill throughout this Legislative Session. Elderly people said, 'Senator Hemmings, you have to support this bill because I might need insurance next year or the following year. And if you don't vote for it, I won't get covered.' People have been led to believe, I think through fraudulent means including producing a brochure announcing this program before it's become a reality, that they were going to have coverage – many believing they were going to have full coverage, many believe they were going to have immediate coverage. And we know it's just not true.

"I suspect that the wagons have been circled on this bill and it will pass with flying colors. But I also know, to your credit, that we're prefaced with persuasive argument, with logic, and with a sense of fair play that you the Majority Party in the Senate can do ultimately what is just and right. We did it with the hurricane relief fund, and look what happened. Gee, all of a sudden we found \$180 million and we're going to make our ends meet and balance the budget without using the hurricane relief fund.

"I would submit to you that though you may pass this bill today, you have between now and the end of the Session to kill this poorly conceived legislation, and enact meaningful reform such as the one proposed by the Senator from Kaneohe.

"Mr. President, colleagues, I guess the easy thing for you people to do is rubber stamp a 'yes' vote on this bill, but the moral thing to do is to vote 'no' and do what's right for the people of Hawaii.

"Thank you, Mr. President."

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

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

"First of all, I want to thank my colleagues for at least considering the proposal that I tried to move forward today. I think it would have been a good idea. I wish I could have gotten a little bit better response from you all, but I appreciate that at least you gave it some consideration.

"I want to read a short excerpt from one of our legislative documents that will speak to the issue that's gone on today: 'The State of Hawaii will establish the Hawaii long-term care reform task force as a matter of compelling state interest to design a system of long-term care services for Hawaii's citizens requiring long-term care that is affordable, available and of high quality. The system would meet current and growing long-term care needs, identify and plan new services and delivery systems

and determine how to pay for these services, using both public and private funding.’

“You may think that I’m reading from the bill before us or the committee report, but I’m not. I’m reading from the Senate Concurrent Resolution 121, dated May 12, 1995, seven years ago. The State hasn’t moved one inch forward since 1995. It’s now seven years later, Care-Plus has so many holes, flawed planning, incorrect actuarial data, that every part of it had to be removed from the bill that is before us today.

“The vice chair of the recent task force wrote this in the Hawaii Medical Journal: ‘There are no quick fixes. One size will not fit all. Any program must be understandable and acceptable to the constituency and must have choices.’ The task force also added that any long-term care system should be financed primarily through private funding and secondarily through a public safety net. I say again, primarily through private funding. I just offered a viable private option for a segment of residents. It’s been proven effective and this spring a number of states are considering the same option. Obviously, that amendment was killed, and now we are planning to continue down the road of a one size fits all tax based financing system. It won’t sell, folks, and it won’t work.

“Colleagues, our tunnel vision has had us running into quicksand for nearly a decade and the bill before us today places us exactly where we were seven years ago. Please vote ‘no.’ Thank you.

Senator Tam rose in support of the measure and said:

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

“There just two points I want to point out. We’re all concerned about long-term care for people of all ages, especially our senior citizens. I want to point out that this is a very positive direction for the following reasons:

- (1) This bill is a measure in support of long-term care, not a negative proposal; and
- (2) This bill is legislation to establish a concrete, a concrete, program that is workable.

“The general public has strongly requested us to be prudent, once again, prudent, in the make-up of a realistic long-term care program. I am confident the long-term care program will be established next year.

“Many times the public asks us to be more business like. I think business like means that we’re well organized. We have a business plan. But for many types of programs we do not have business plans so we base it on the concept. Concept is good but it’s not workable many times. This bill will establish a program that is realistic and is workable.

“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. 3286 was adopted and H.B. No. 2638, H.D. 2, S.D. 1, 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, 19. Noes, 3 (Hemmings, Hogue, Slom). Excused, 3 (Buen, Chun, Taniguchi).

**RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 82	Committee on Judiciary
No. 138	Jointly to the Committee on Education, the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

**RE-REFERRAL OF  
SENATE RESOLUTION**

The Chair re-referred the following resolution that was offered:

Senate Resolution	Referred to:
No. 48	Committee on Judiciary

**STANDING COMMITTEE REPORTS**

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3372) recommending that S.C.R. No. 131, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3372 and S.C.R. No. 131, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING EXPEDITED BUDGETING, FINANCING, AND CONSTRUCTION OF NEW SCHOOL FACILITIES,” was deferred until Thursday, April 11, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3373) recommending that S.R. No. 113, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3373 and S.R. No. 113, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING EXPEDITED BUDGETING, FINANCING, AND CONSTRUCTION OF NEW SCHOOL FACILITIES,” was deferred until Thursday, April 11, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3374), recommending that S.R. No. 96, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 96, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE TIMELY PROCESSING OF EDUCATIONAL FACILITIES PROJECTS AND THE DEVELOPMENT OF NEW SCHOOL CONSTRUCTION,” was referred to the Committee on Judiciary.

Senator Ihara rose and said:

“Mr. President, I have an item under miscellaneous business.

“Mr. President, the Clerk has placed on the Senators’ desks S.R. No. 114. This resolution proposes to amend Senate Rule 23, subsection 3, to prohibit a Conference Committee procedure

that would allow a single Conference Chair to veto an action by the majority of a Conference Committee. Mr. President, pursuant to Senate Rule 85, I request that S.R. No. 114 be placed on the Order of the Day on Thursday, April 11, for consideration by the Senate.”

The Chair so ordered.

**SENATE RESOLUTION**

The following resolution (S.R. No. 114) was read by the Clerk and was deferred:

Senate Resolution

No. 114 “SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII, 2001-2002.”

Offered by: Senators Ihara, Hogue, Ige, Fukunaga, Matsunaga, Chumbley, Chun Oakland, Slom, Hemmings.

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

- S.C.R. No. 3;
- S.C.R. No. 7;
- S.C.R. No. 19;
- S.C.R. No. 35;
- S.C.R. No. 39;
- S.C.R. No. 48;
- S.C.R. No. 58;
- S.C.R. No. 64;
- S.C.R. No. 69;
- S.C.R. No. 79;
- S.C.R. No. 103;
- S.C.R. No. 109;
- S.C.R. No. 112;
- S.C.R. No. 113;
- S.C.R. No. 134;
- S.C.R. No. 157;
- S.C.R. No. 169;
- S.R. No. 2;
- S.R. No. 19;
- S.R. No. 38;
- S.R. No. 58;
- S.R. No. 94; and
- S.R. No. 105,

and the Chair granted the waiver.

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

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

“It’s been a long and, I think, productive day and though your Minority may disagree with the Majority Party on some of the initiatives, it’s been done in an open and honest manner. I want to make a personal apology to one Committee Chair and also acknowledge where there is a will, there is a way.

“In talking about the budget today, I kept bringing up the audits, saying how oftentimes we ignore the audits and we just simply grant the heads of the different departments asking for more money, more money without ever holding them accountable. But I made an omission because there is one Senator that has held an agency of government accountable, and that is the good Senator from Moanalua and Kalihi who has reduced the travel industry budget, the Hawaii Tourism

Authority budget from \$61 million to \$50 million. This is a sizable over 15 percent reduction.

“She looked at the audit. She saw that they were not being held accountable properly for the way they spent taxpayers’ money and she cut their spending. Now, if she can do it, I would suggest that the rest of us can do it, especially the Committee Chairs who are heaping good money after bad money. But I do think that she has to be singled out as a breath of fresh air in the process of holding departments accountable, and for that I laud her and I hope that the Majority Party leadership at committees can recognize her efforts and follow her leadership.

“Thank you, Mr. President.”

**ADJOURNMENT**

At 6:23 o’clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 3:00 o’clock p.m., Thursday, April 11, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## 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 50<sup>th</sup> 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 9<sup>th</sup>, 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

## FORTY-NINTH DAY

Friday, April 12, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Claudia Wong, Compassionate Counseling, Sisters of St. Joseph, after which the Roll was called showing all Senators present with the exception of Senators Buen and Sakamoto who were excused.

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

Senator Chumbley, with the assistance of Senators Inouye and English, introduced and congratulated the following 2002 Prudential Spirit of Community Award recipients: Michelle Mitchell, Lauren Quill, Emma Yuen and Carrie Yap. Accompanying the honorees were Todd Thaker, Steven Jin and Brian Nakashima of the Prudential Insurance Company.

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

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 292 to 294) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 292, advising the Senate of the withdrawal of the nomination of LESTER LEU to the Board of Psychology, under Gov. Msg. No. 279, dated April 5, 2002, was placed on file.

In compliance with Gov. Msg. No. 292, the nomination listed under Gov. Msg. No. 279 was returned.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Board of Directors, Hawai'i Tourism Authority, the nominations of: STEPHEN K. YAMASHIRO, terms to expire June 30, 2002, and June 30, 2006; and LAWRENCE M. JOHNSON, NADINE K. NAKAMURA and SHARON R. WEINER, terms to expire June 30, 2006, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 294, informing the Senate that on April 11, 2002, he signed into law Senate Bill No. 2725 as Act 14, entitled: "RELATING TO NATUROPATHY," was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 506 to 551) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 506, transmitting H.C.R. No. 16, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION

PLANS AND THE COSTS THEREOF," was deferred until Monday, April 15, 2002.

Hse. Com. No. 507, transmitting H.C.R. No. 17, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 508, transmitting H.C.R. No. 18, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 509, transmitting H.C.R. No. 19, H.D. 2, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 19, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LONG-TERM LEASE FOR THE MARINE FUEL FACILITY PREMISES AT ALA WAI SMALL BOAT HARBOR TO PROVIDE CONTINUED FUELING SERVICES TO THE BOATING PUBLIC AT THAT LOCATION," was deferred until Monday, April 15, 2002.

Hse. Com. No. 510, transmitting H.C.R. No. 21, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR MAINTENANCE OF BREAKWATER PURPOSES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 511, transmitting H.C.R. No. 26, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE FEASIBILITY OF TRANSFERRING THE OPERATION AND MANAGEMENT OF THE ALOHA STADIUM FROM THE HAWAII STADIUM AUTHORITY TO THE UNIVERSITY OF HAWAII AND THE KAPOLEI RECREATIONAL SPORTS COMPLEX TO THE UNIVERSITY OF HAWAII OR THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 512, transmitting H.C.R. No. 42, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM," was deferred until Monday, April 15, 2002.

Hse. Com. No. 513, transmitting H.C.R. No. 43, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ENTER INTO A FINANCING AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was deferred until Monday, April 15, 2002.

Hse. Com. No. 514, transmitting H.C.R. No. 47, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 47, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE SUBMERGED AND TIDAL LANDS OF THE HONOKOHAU SMALL BOAT HARBOR TO PRIVATE ENTITIES FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, AND RESEARCH PURPOSES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 515, transmitting H.C.R. No. 48, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER-STATE EDUCATIONAL, CULTURAL, AND ECONOMIC EXCHANGES BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF ILOCOS SUR OF THE REPUBLIC OF THE PHILIPPINES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 516, transmitting H.C.R. No. 56, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 56, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SOCIAL SCIENCE RESEARCH INSTITUTE OF THE UNIVERSITY OF HAWAII TO CONDUCT AN ASSESSMENT OF THE EDUCATIONAL NEEDS OF THE NORTH HAWAII REGION," was deferred until Monday, April 15, 2002.

Hse. Com. No. 517, transmitting H.C.R. No. 62, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY

SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was deferred until Monday, April 15, 2002.

Hse. Com. No. 518, transmitting H.C.R. No. 70, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 70, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE TO INITIATE A PROGRAM TO ERADICATE FRUIT FLIES IN HAWAII," was deferred until Monday, April 15, 2002.

Hse. Com. No. 519, transmitting H.C.R. No. 72, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DEVELOP AN OVERALL STRATEGY, POLICY, AND PLAN TO AWARD TOURISM PRODUCT ENRICHMENT AND DIVERSIFICATION GRANTS," was deferred until Monday, April 15, 2002.

Hse. Com. No. 520, transmitting H.C.R. No. 75, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Monday, April 15, 2002.

Hse. Com. No. 521, transmitting H.C.R. No. 82, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO'OLAWA," was deferred until Monday, April 15, 2002.

Hse. Com. No. 522, transmitting H.C.R. No. 94, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 94, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE PROMOTION OF AGRICULTURAL DEVELOPMENT AND THE PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was deferred until Monday, April 15, 2002.

Hse. Com. No. 523, transmitting H.C.R. No. 95, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY CONCERNING THE USE OF

EXISTING RAILROAD TRACKS AND PREVIOUS RIGHTS OF WAYS TO REVITALIZE RAIL AND OTHER ALTERNATIVE FORMS OF TRANSIT," was deferred until Monday, April 15, 2002.

Hse. Com. No. 524, transmitting H.C.R. No. 105, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PRINTING PRODUCTS AND SERVICES UTILIZED, CONTRACTED, AND SUBCONTRACTED BY HAWAII STATE GOVERNMENT," was deferred until Monday, April 15, 2002.

Hse. Com. No. 525, transmitting H.C.R. No. 107, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 107, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SPECIAL ASSISTANT ON CHILDREN AND FAMILIES IN THE OFFICE OF THE GOVERNOR TO CONVENE AND CO-CHAIR THE HAWAII AFTER-SCHOOL INITIATIVE," was deferred until Monday, April 15, 2002.

Hse. Com. No. 526, transmitting H.C.R. No. 112, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," was deferred until Monday, April 15, 2002.

Hse. Com. No. 527, transmitting H.C.R. No. 117, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 117, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE MOVEMENT OF CAPITAL OUT OF THE STATE," was deferred until Monday, April 15, 2002.

Hse. Com. No. 528, transmitting H.C.R. No. 118, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was deferred until Monday, April 15, 2002.

Hse. Com. No. 529, transmitting H.C.R. No. 128, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF PERMITTING CERTAIN IMMIGRANT STUDENTS WHO HAVE NOT YET ATTAINED LEGAL

PERMANENT RESIDENT STATUS TO ATTEND THE UNIVERSITY OF HAWAII AT THE RESIDENT TUITION RATE," was deferred until Monday, April 15, 2002.

Hse. Com. No. 530, transmitting H.C.R. No. 130, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Monday, April 15, 2002.

Hse. Com. No. 531, transmitting H.C.R. No. 131, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 131, entitled: "HOUSE 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 Monday, April 15, 2002.

Hse. Com. No. 532, transmitting H.C.R. No. 132, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 132, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF CONNECTIONS, VOYAGER, LANIKAI ELEMENTARY, KANU O KA AINA, WEST HAWAII EXPLORATION ACADEMY, AND WATERS OF LIFE CHARTER SCHOOLS," was deferred until Monday, April 15, 2002.

Hse. Com. No. 533, transmitting H.C.R. No. 134, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 134, H.D. 1, entitled: "HOUSE 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," was deferred until Monday, April 15, 2002.

Hse. Com. No. 534, transmitting H.C.R. No. 137, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 137, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESS'S PLAN TO ENDORSE AND OBTAIN OBSERVER STATUS FOR TAIWAN AT THE ANNUAL SUMMIT OF THE WORLD HEALTH ASSEMBLY IN MAY 2002 IN GENEVA, SWITZERLAND," was deferred until Monday, April 15, 2002.

Hse. Com. No. 535, transmitting H.C.R. No. 139, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was deferred until Monday, April 15, 2002.

Hse. Com. No. 536, transmitting H.C.R. No. 150, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was deferred until Monday, April 15, 2002.

Hse. Com. No. 537, transmitting H.C.R. No. 151, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 151, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH COUNTY GOVERNMENTS, TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF ROADS IN LIMBO," was deferred until Monday, April 15, 2002.

Hse. Com. No. 538, transmitting H.C.R. No. 155, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 155, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 539, transmitting H.C.R. No. 159, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT COMPANIES SUPPLYING ELECTRONIC DEVICES TO CONSUMERS INVESTIGATE EFFICIENCY TO REDUCE FINANCIAL AND ENVIRONMENTAL COSTS," was deferred until Monday, April 15, 2002.

Hse. Com. No. 540, transmitting H.C.R. No. 173, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 173, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES," was deferred until Monday, April 15, 2002.

Hse. Com. No. 541, transmitting H.C.R. No. 179, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 179, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO

ASSESS AND REDUCE CARBON DIOXIDE EMISSIONS," was deferred until Monday, April 15, 2002.

Hse. Com. No. 542, transmitting H.C.R. No. 181, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PLANNING COLLABORATION BETWEEN THE UNIVERSITY OF HAWAII AND THE LEGISLATURE," was deferred until Monday, April 15, 2002.

Hse. Com. No. 543, transmitting H.C.R. No. 187, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 187, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE THE OPERATIONAL EFFICIENCY AND PROGRAMMATIC EFFECTIVENESS OF THE STATE'S INTEGRATED SPECIAL EDUCATION DATABASE SYSTEM," was deferred until Monday, April 15, 2002.

Hse. Com. No. 544, transmitting H.C.R. No. 193, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 193, entitled: "HOUSE 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 deferred until Monday, April 15, 2002.

Hse. Com. No. 545, transmitting H.C.R. No. 195, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 195, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DESIGNATION OF ALL AREAS OF THE STATE CAPITOL AS A SMOKE-FREE WORKPLACE," was deferred until Monday, April 15, 2002.

Hse. Com. No. 546, transmitting H.C.R. No. 199, H.D. 1, which was adopted by the House of Representatives on April 11, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 199, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was deferred until Monday, April 15, 2002.

Hse. Com. No. 547, returning S.B. No. 2102, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 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. 2102, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 548, returning S.B. No. 2234, S.D. 2, which passed Third Reading in the House of Representatives on April 11, 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. 2234, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 549, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 536 (S.D. 1);  
H.B. No. 703, H.D. 1 (S.D. 2);  
H.B. No. 870 (S.D. 1);  
H.B. No. 1012 (S.D. 1);  
H.B. No. 1357, H.D. 1 (S.D. 2);  
H.B. No. 1684, H.D. 1 (S.D. 2);  
H.B. No. 1700, H.D. 1 (S.D. 1);  
H.B. No. 1713, H.D. 1 (S.D. 1);  
H.B. No. 1715, H.D. 1 (S.D. 1);  
H.B. No. 1716, H.D. 1 (S.D. 1);  
H.B. No. 1722 (S.D. 1);  
H.B. No. 1724 (S.D. 1);  
H.B. No. 1730, H.D. 1 (S.D. 1);  
H.B. No. 1731, H.D. 2 (S.D. 1);  
H.B. No. 1746, H.D. 1 (S.D. 1);  
H.B. No. 1749, H.D. 2 (S.D. 1);  
H.B. No. 1751, H.D. 2 (S.D. 1);  
H.B. No. 1758, H.D. 1 (S.D. 1);  
H.B. No. 1761, H.D. 1 (S.D. 2);  
H.B. No. 1777, H.D. 1 (S.D. 1);  
H.B. No. 1778, H.D. 1 (S.D. 1);  
H.B. No. 1800, H.D. 1 (S.D. 1);  
H.B. No. 1821, H.D. 2 (S.D. 1);  
H.B. No. 1823, H.D. 1 (S.D. 1);  
H.B. No. 1842, H.D. 1 (S.D. 2);  
H.B. No. 1843 (S.D. 1);  
H.B. No. 1858, H.D. 2 (S.D. 2);  
H.B. No. 1864, H.D. 1 (S.D. 1);  
H.B. No. 1867, H.D. 1 (S.D. 2);  
H.B. No. 1878, H.D. 2 (S.D. 1);  
H.B. No. 1901, H.D. 2 (S.D. 1);  
H.B. No. 1939, H.D. 2 (S.D. 2);  
H.B. No. 1942 (S.D. 1);  
H.B. No. 1950 (S.D. 2);  
H.B. No. 1969 (S.D. 1);  
H.B. No. 1976 (S.D. 1);  
H.B. No. 1996 (S.D. 1);  
H.B. No. 1999 (S.D. 1);  
H.B. No. 2002 (S.D. 1);  
H.B. No. 2006, H.D. 1 (S.D. 1);  
H.B. No. 2018, H.D. 1 (S.D. 2);  
H.B. No. 2030, H.D. 1 (S.D. 2);  
H.B. No. 2045, H.D. 1 (S.D. 2);  
H.B. No. 2056, H.D. 2 (S.D. 2);  
H.B. No. 2065, H.D. 1 (S.D. 1);  
H.B. No. 2072, H.D. 2 (S.D. 1);  
H.B. No. 2132, H.D. 1 (S.D. 2);  
H.B. No. 2163 (S.D. 2);  
H.B. No. 2164, H.D. 2 (S.D. 2);  
H.B. No. 2165, H.D. 1 (S.D. 2);  
H.B. No. 2166, H.D. 1 (S.D. 2);  
H.B. No. 2169, H.D. 2 (S.D. 1);  
H.B. No. 2172, H.D. 1 (S.D. 2);  
H.B. No. 2176, H.D. 1 (S.D. 1);  
H.B. No. 2192, H.D. 1 (S.D. 1);  
H.B. No. 2195 (S.D. 1);  
H.B. No. 2207, H.D. 1 (S.D. 2);  
H.B. No. 2212, H.D. 1 (S.D. 2);  
H.B. No. 2216, H.D. 1 (S.D. 1);  
H.B. No. 2235, H.D. 2 (S.D. 1);  
H.B. No. 2245, H.D. 1 (S.D. 1);  
H.B. No. 2249 (S.D. 2);  
H.B. No. 2251, H.D. 2 (S.D. 2);  
H.B. No. 2258, H.D. 2 (S.D. 1);  
H.B. No. 2271 (S.D. 2);  
H.B. No. 2276, H.D. 2 (S.D. 1);  
H.B. No. 2300, H.D. 2 (S.D. 1);  
H.B. No. 2301, H.D. 2 (S.D. 2);  
H.B. No. 2302, H.D. 2 (S.D. 1);  
H.B. No. 2304, H.D. 1 (S.D. 1);  
H.B. No. 2311, H.D. 2 (S.D. 2);  
H.B. No. 2315, H.D. 1 (S.D. 1);  
H.B. No. 2349, H.D. 1 (S.D. 1);  
H.B. No. 2351, H.D. 1 (S.D. 2);  
H.B. No. 2353, H.D. 2 (S.D. 1);  
H.B. No. 2382, H.D. 1 (S.D. 2);  
H.B. No. 2400, H.D. 1 (S.D. 1);  
H.B. No. 2413, H.D. 1 (S.D. 1);  
H.B. No. 2420, H.D. 1 (S.D. 2);  
H.B. No. 2426, H.D. 1 (S.D. 1);  
H.B. No. 2428, H.D. 1 (S.D. 2);  
H.B. No. 2433, H.D. 1 (S.D. 1);  
H.B. No. 2440, H.D. 1 (S.D. 1);  
H.B. No. 2443, H.D. 2 (S.D. 1);  
H.B. No. 2445 (S.D. 2);  
H.B. No. 2449, H.D. 1 (S.D. 2);  
H.B. No. 2451 (S.D. 2);  
H.B. No. 2453 (S.D. 1);  
H.B. No. 2454 (S.D. 1);  
H.B. No. 2455 (S.D. 1);  
H.B. No. 2459 (S.D. 2);  
H.B. No. 2468, H.D. 1 (S.D. 1);  
H.B. No. 2480, H.D. 1 (S.D. 2);  
H.B. No. 2485 (S.D. 2);  
H.B. No. 2495 (S.D. 1);  
H.B. No. 2500, H.D. 1 (S.D. 1);  
H.B. No. 2501, H.D. 1 (S.D. 1);  
H.B. No. 2506, H.D. 1 (S.D. 1);  
H.B. No. 2509, H.D. 1 (S.D. 1);  
H.B. No. 2512 (S.D. 2);  
H.B. No. 2521, H.D. 2 (S.D. 2);  
H.B. No. 2525, H.D. 1 (S.D. 2);  
H.B. No. 2526 (S.D. 1);  
H.B. No. 2527 (S.D. 1);  
H.B. No. 2536 (S.D. 1);  
H.B. No. 2537 (S.D. 1);  
H.B. No. 2542, H.D. 2 (S.D. 2);  
H.B. No. 2549 (S.D. 1);  
H.B. No. 2552, H.D. 1 (S.D. 1);  
H.B. No. 2553 (S.D. 1);  
H.B. No. 2558, H.D. 1 (S.D. 2);  
H.B. No. 2563, H.D. 1 (S.D. 1);  
H.B. No. 2565, H.D. 2 (S.D. 1);  
H.B. No. 2568, H.D. 1 (S.D. 1);  
H.B. No. 2569, H.D. 1 (S.D. 1);  
H.B. No. 2570, H.D. 1 (S.D. 1);  
H.B. No. 2571 (S.D. 1);  
H.B. No. 2576, H.D. 1 (S.D. 2);  
H.B. No. 2577, H.D. 1 (S.D. 1);  
H.B. No. 2582, H.D. 1 (S.D. 1);  
H.B. No. 2595, H.D. 1 (S.D. 1);  
H.B. No. 2618, H.D. 1 (S.D. 2);  
H.B. No. 2638, H.D. 2 (S.D. 1);  
H.B. No. 2642, H.D. 2 (S.D. 1);  
H.B. No. 2655, H.D. 1 (S.D. 1);  
H.B. No. 2720, H.D. 1 (S.D. 1);  
H.B. No. 2741, H.D. 2 (S.D. 2);  
H.B. No. 2744, H.D. 1 (S.D. 2);  
H.B. No. 2751, H.D. 1 (S.D. 2);

H.B. No. 2752, H.D. 1 (S.D. 1);  
 H.B. No. 2761, H.D. 1 (S.D. 1);  
 H.B. No. 2764, H.D. 1 (S.D. 2);  
 H.B. No. 2788 (S.D. 1);  
 H.B. No. 2798, H.D. 1 (S.D. 1);  
 H.B. No. 2817, H.D. 1 (S.D. 1);  
 H.B. No. 2821, H.D. 1 (S.D. 2);  
 H.B. No. 2832, H.D. 1 (S.D. 2);  
 H.B. No. 2834 (S.D. 2);  
 H.B. No. 2840 (S.D. 2);  
 H.B. No. 2843 (S.D. 2);  
 H.B. No. 2844, H.D. 1 (S.D. 2);  
 H.B. No. 2848, H.D. 1 (S.D. 2); and  
 H.B. No. 2854, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 550, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2827, H.D. 1 (S.D. 2), was placed on file.

Hse. Com. No. 551, informing the Senate that the Speaker on April 12, 2002, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1800, H.D. 1 (S.D. 1):

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

H.B. No. 2300, H.D. 2 (S.D. 1):

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

was placed on file.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3428 (Gov. Msg. No. 171):

Senator Menor moved that Stand. Com. Rep. No. 3428 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JUNE S. TAKENO to the Board of Acupuncture, term to expire June 30, 2004, seconded by Senator Matsunaga.

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

Ayes, 21. Noes, none. Excused, 4 (Buen, Sakamoto, Tam, Taniguchi).

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM THURSDAY, APRIL 11, 2002

Stand. Com. Rep. No. 3378 (S.C.R. No. 85, 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. 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 adopted.

Stand. Com. Rep. No. 3379 (S.C.R. No. 176, S.D. 1):

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

Stand. Com. Rep. No. 3380 (S.C.R. No. 132, 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. 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 adopted.

Stand. Com. Rep. No. 3381 (S.R. No. 76, 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. 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 adopted.

Stand. Com. Rep. No. 3382 (S.C.R. No. 16):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was adopted.

Stand. Com. Rep. No. 3383 (S.C.R. No. 2):

Senator English moved that Stand. Com. Rep. No. 3383 and S.C.R. No. 2 be adopted, seconded by Senator Hogue.

Senator Hemmings rose in opposition to the measure as follows:

"Mr. President, to the point of my 'no' vote, I'd like to illustrate requesting Afghanistan to run their government a certain way, including women in their provisional government, is out of our domain. Maybe these two resolutions can be directed to the fifth floor of this building where, if I think off the top of my head, we only have 3 of the 17 cabinet positions filled by women in the State of Hawaii government.

“So maybe we’d better take care of our own state before we go halfway around the world to Afghanistan.”

The motion was put by the Chair and carried, the report of the Committee was adopted 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 adopted with Senators Hemmings and Slom voting “No.”

Stand. Com. Rep. No. 3384 (S.R. No. 1):

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

Stand. Com. Rep. No. 3385 (S.C.R. No. 100, 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. 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 adopted.

Stand. Com. Rep. No. 3386 (S.R. No. 55, 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. 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 adopted.

Stand. Com. Rep. No. 3387 (S.C.R. No. 150, 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. 150, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS ‘KIDS VOTING HAWAII WEEK,’” was adopted.

Stand. Com. Rep. No. 3388 (S.R. No. 89, 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. 89, S.D. 1, entitled: “SENATE RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS ‘KIDS VOTING HAWAII WEEK,’” was adopted.

Stand. Com. Rep. No. 3389 (S.C.R. No. 151, 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. 151, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH,” was adopted.

Stand. Com. Rep. No. 3390 (S.R. No. 90, 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. 90, S.D. 1, entitled: “SENATE RESOLUTION PROCLAIMING SEPTEMBER 2002 AS VOTER EDUCATION MONTH,” was adopted.

Stand. Com. Rep. No. 3391 (S.C.R. No. 63):

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

Stand. Com. Rep. No. 3392 (S.C.R. No. 95):

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

Stand. Com. Rep. No. 3393 (S.R. No. 53):

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

Stand. Com. Rep. No. 3395 (S.C.R. No. 68, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 68, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK,” was adopted.

Stand. Com. Rep. No. 3398 (S.C.R. No. 98, 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. 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 adopted.

Stand. Com. Rep. No. 3399 (S.C.R. No. 115):

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

Stand. Com. Rep. No. 3400 (S.C.R. No. 82, 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. 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 adopted.

Stand. Com. Rep. No. 3401 (S.R. No. 48, 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. 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 adopted.

Stand. Com. Rep. No. 3402 (S.C.R. No. 3, 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. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was adopted.

Stand. Com. Rep. No. 3403 (S.C.R. No. 19, 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. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was adopted.

Stand. Com. Rep. No. 3404 (S.C.R. No. 69):

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

Stand. Com. Rep. No. 3405 (S.C.R. No. 157, 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. 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 adopted.

Stand. Com. Rep. No. 3406 (S.R. No. 94, 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. 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 adopted.

Stand. Com. Rep. No. 3407 (S.C.R. No. 7, 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. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE TANF REAUTHORIZATION ACT OF 2001," was adopted.

Stand. Com. Rep. No. 3408 (S.C.R. No. 35, 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. 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 HEALTH SYSTEMS CORPORATION (HHSCR), 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 adopted.

Stand. Com. Rep. No. 3409 (S.C.R. No. 39, 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. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was adopted.

Stand. Com. Rep. No. 3410 (S.C.R. No. 48, 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. 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 adopted.

Stand. Com. Rep. No. 3411 (S.R. No. 19, 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. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was adopted.

Stand. Com. Rep. No. 3412 (S.C.R. No. 58, S.D. 2):

Senator English moved that Stand. Com. Rep. No. 3412 and S.C.R. No. 58, S.D. 2, be adopted, seconded by Senator Hogue.

Senator Hemmings rose in opposition to the measure as follows:

"Mr. President, we spent quite a lot of money investigating oil prices and gas prices and came up with pretty much zilch. The settlement we received from oil companies is not going to pay for the attorney's fees and now we're doing a study on the same thing."

The motion was put by the Chair and carried, the report of the majority of the Committee was adopted 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 adopted with Senators Hemmings and Slom voting "No."

Stand. Com. Rep. No. 3413 (S.C.R. No. 64, 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. 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 adopted.

Stand. Com. Rep. No. 3414 (S.C.R. No. 79, 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. 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 adopted.

Stand. Com. Rep. No. 3415 (S.R. No. 38, 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. 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 adopted.

Stand. Com. Rep. No. 3416 (S.C.R. No. 103, S.D. 1):

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

Stand. Com. Rep. No. 3417 (S.C.R. No. 109):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was adopted.

Stand. Com. Rep. No. 3418 (S.R. No. 58):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 58, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES," was adopted.

Stand. Com. Rep. No. 3419 (S.C.R. No. 112, 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. 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 adopted.

Stand. Com. Rep. No. 3420 (S.C.R. No. 113):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUES," was adopted.

Stand. Com. Rep. No. 3421 (S.C.R. No. 134, 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. 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 adopted.

Stand. Com. Rep. No. 3422 (S.C.R. No. 169, 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. 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 adopted.

Stand. Com. Rep. No. 3423 (S.R. No. 105, 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. 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 adopted.

Stand. Com. Rep. No. 3424 (S.C.R. No. 107, 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. 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 adopted.

Stand. Com. Rep. No. 3425 (S.C.R. No. 137, S.D. 1):

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

Stand. Com. Rep. No. 3426 (S.C.R. No. 53, 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. 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 adopted.

#### ADOPTION OF A RESOLUTION

S.C.R. No. 121:

On motion by Senator English, seconded by Senator Hemmings and carried, 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 adopted.

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

Senator Hanabusa, for the Committee on Ways and Means, requested that the referral to the Committee on Ways and Means be waived for the following resolutions:

S.C.R. No. 127;  
S.C.R. No. 136;  
S.C.R. No. 141;  
S.C.R. No. 142; and  
S.C.R. No. 180,

and the Chair granted the waiver.

Senator Ihara inquired:

"Mr. President, who's making the request and under what basis? Could we have a recess?"

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Hanabusa noted:

"Mr. President, just to clarify, this is a request by the Committee on Ways and Means. These are concurrent resolutions that were referred to Ways and Means, and Ways and Means did not have sufficient time in order to hear these resolutions."

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

#### ADOPTION OF RESOLUTIONS

S.C.R. No. 127, S.D. 1:

Senator Hanabusa moved that S.C.R. No. 127, S.D. 1, be adopted, seconded by Senator Chun.

Senator Hogue remarked:

"Mr. President, could the Clerk record a 'no' vote. I don't think it went through the process and therefore I'll be voting 'no.' Thank you."

The motion was put by the Chair and carried, 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 adopted with Senator Hogue voting "No."

S.C.R. No. 136, S.D. 1:

Senator Hanabusa moved that S.C.R. No. 136, S.D. 1, be adopted, seconded by Senator Chun.

Senator Hogue remarked:

"Mr. President, could the Clerk record a 'no' vote. I don't think it went through the process and therefore I'll be voting 'no.' Thank you."

The motion was put by the Chair and carried, 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 adopted with Senator Hogue voting "No."

S.C.R. No. 141:

Senator Hanabusa moved that S.C.R. No. 141 be adopted, seconded by Senator Chun.

Senator Hogue remarked:

"Mr. President, could the Clerk record a 'no' vote. I don't think it went through the process and therefore I'll be voting 'no.' Thank you."

The motion was put by the Chair and carried, S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF FEDERAL INITIATIVES ON THE ECONOMY OF THE STATE OF HAWAII," was adopted with Senator Hogue voting "No."

## ADJOURNMENT

S.C.R. No. 142:

Senator Hanabusa moved that S.C.R. No. 142 be adopted, seconded by Senator Chun.

Senator Hogue remarked:

“Mr. President, could the Clerk record a ‘no’ vote. I don’t think it went through the process and therefore I’ll be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, S.C.R. No. 142, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM,” was adopted with Senators English, Hemmings, Hogue and Slom voting “No.”

S.C.R. No. 180, S.D. 1:

Senator Hanabusa moved that S.C.R. No. 180, S.D. 1, be adopted, seconded by Senator Chun.

Senator Slom rose and said:

“Mr. President, please indicate my ‘no’ vote on S.C.R. No. 180, the LRB study for sick leave which actually had started out as a resolution to audit the employees’ retirement system. Thank you.”

Senator Hogue remarked:

“Mr. President, could the Clerk record a ‘no’ vote. I don’t think it went through the process and therefore I’ll be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, S.C.R. No. 180, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COMPARE LEGISLATIVE PROPOSALS TO ALLOW EMPLOYEES TO USE SICK LEAVE TO CARE FOR THEIR FAMILIES AND HAWAII’S FAMILY LEAVE LAW, AS CODIFIED IN CHAPTER 398, HAWAII REVISED STATUTES,” was adopted with Senators Hogue and Slom voting “No.”

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

“Mr. President, I’d like to rise on a point of personal privilege.

“I’d like to point out that there was an article in today’s Advertiser called ‘Senate okays tapping into service counts.’ On the third and fourth to the last paragraphs, the article says that in the House there was an unsuccessful attempt to convince lawmakers to reverse a law approved last year to cut the costs of public employees’ health benefits. The clear implication in this statement, Mr. President, is that the bill that the House considered yesterday would have taken back the cuts that Act 88 adopted last year. In fact, as the budget and finance director has indicated, the bill that the House considered yesterday would not reduce the cost savings from Act 88.

“In addition, the article seems to imply that the bill did not cover retirees and in fact that bill would have required a union VEBA to accept retirees.

“Thank you.”

At 12:31 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., Monday, April 15, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTIETH DAY

**Monday, April 15, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable David M. Matsuura, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Chun and Kokubun who were excused.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 552 to 566) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 552, transmitting H.C.R. No. 37, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 37, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO INTRODUCE HEALTHFUL JUICES AND SNACKS ON HAWAII SCHOOL PREMISES," was referred jointly to the Committee on Education and the Committee on Health and Human Services.

Hse. Com. No. 553, transmitting H.C.R. No. 65, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO MAINTAIN ITS INITIATIVE AND RESPONSIBILITY TO CLEAR KAHO'OLAWA OF UNEXPLODED ORDNANCE BEYOND THE DATE IT IS CURRENTLY SCHEDULED TO BE TURNED OVER TO THE STATE," was referred to the Committee on Hawaiian Affairs, then to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 554, transmitting H.C.R. No. 77, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 77, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A COMPREHENSIVE OCCUPATIONAL VALIDATION STUDY OF EDUCATIONAL OFFICERS AND DEVELOP A MARKET-BASED RECRUITMENT AND RETENTION PLAN," was referred to the Committee on Education.

Hse. Com. No. 555, transmitting H.C.R. No. 81, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI

RELATIONSHIPS," was referred to the Committee on Hawaiian Affairs, then to the Committee on Judiciary.

Hse. Com. No. 556, transmitting H.C.R. No. 101, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 101, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A WORKING GROUP TO BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE EAGLE PROGRAM FOR FIREARM SAFETY," was referred to the Committee on Education, then to the Committee on Judiciary.

Hse. Com. No. 557, transmitting H.C.R. No. 106, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO FULLY FUND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was referred jointly to the Committee on Education and the Committee on Health and Human Services.

Hse. Com. No. 558, transmitting H.C.R. No. 108, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 108, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE PUBLIC UTILITIES COMMISSION," was referred to the Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 559, transmitting H.C.R. No. 121, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 121, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO MAINTAIN THE CURRENT STRUCTURE OF THE UNITED STATES PACIFIC COMMAND," was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 560, transmitting H.C.R. No. 125, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING UNITED AIRLINES TO RESUME DIRECT NONSTOP SERVICE BETWEEN CHICAGO AND HONOLULU," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs.

Hse. Com. No. 561, transmitting H.C.R. No. 148, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING SEPTEMBER 23-27, 2002 AS 'KIDS VOTING HAWAII WEEK,'" was referred to the Committee on Education, then to the Committee on Judiciary.

Hse. Com. No. 562, transmitting H.C.R. No. 171, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 171, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO RESOLVE ISSUES RELATED TO COURT-APPOINTED COUNSEL IN HAWAII," was referred to the Committee on Judiciary.

Hse. Com. No. 563, transmitting H.C.R. No. 172, H.D. 1, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 172, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE CLOSURE OF THE UNITED AIRLINES PILOT DOMICILE AND FLIGHT ATTENDANT DOMICILE IN HONOLULU, HAWAII," was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Economic Development and Technology.

Hse. Com. No. 564, transmitting H.C.R. No. 176, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORION SOCIETY FOR ITS COMMITMENT TO NATURE THROUGH COMMUNITY INVOLVEMENT, ART, AND WRITING, AND URGING STATE AGENCIES TO ENCOURAGE PARTICIPATION IN THE ORION SOCIETY'S FORGOTTEN LANGUAGE TOUR," was referred to the Committee on Education.

Hse. Com. No. 565, transmitting H.C.R. No. 194, H.D. 2, which was adopted by the House of Representatives on April 12, 2002, was placed on file.

By unanimous consent, H.C.R. No. 194, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION," was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 566, informing the Senate that the amendments proposed by the Senate H.B. No. 2167, H.D. 1, were agreed to by the House, and H.B. No. 2167, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 11, 2002, was placed on file.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM FRIDAY, APRIL 12, 2002**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, April 12, 2002:

- House Concurrent Resolution Referred to:
  - No. 16 Committee on Labor, then to the Committee on Ways and Means
  - No. 17 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
  - No. 18 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
  - No. 19, H.D. 2 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
  - No. 21 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
  - No. 26 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
  - No. 42, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
  - No. 43 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Education, then to the Committee on Ways and Means
  - No. 47, H.D. 1 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
  - No. 48 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Education
  - No. 56, H.D. 1 Committee on Education
  - No. 62 Committee on Judiciary
  - No. 70, H.D. 1 Committee on Agriculture, then to the Committee on Tourism and Intergovernmental Affairs
  - No. 72 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
  - No. 75 Committee on Commerce, Consumer Protection and Housing
  - No. 82 Committee on Hawaiian Affairs
  - No. 94, H.D. 1 Committee on Agriculture, then to the Committee on Ways and Means
  - No. 95 Committee on Transportation, Military Affairs, and Government Operations
  - No. 105 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

- No. 107, H.D. 1 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 112 Committee on Transportation, Military Affairs, and Government Operations
- No. 117, H.D. 1 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 118 Committee on Commerce, Consumer Protection and Housing
- No. 128 Committee on Education, then to the Committee on Judiciary
- No. 130 Committee on Labor, then to the Committee on Ways and Means
- No. 131 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
- No. 132, H.D. 1 Committee on Education, then to the Committee on Ways and Means
- No. 134, H.D. 1 Committee on Judiciary
- No. 137, H.D. 1 Committee on Tourism and Intergovernmental Affairs
- No. 139, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 150 Committee on Economic Development and Technology
- No. 151, H.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 155, H.D. 1 Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 159 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 173, H.D. 1 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 179, H.D. 1 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 181 Committee on Education, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 187, H.D. 1 Committee on Education, then to the Committee on Health and Human Services
- No. 193 Committee on Transportation, Military Affairs, and Government Operations
- No. 195, H.D. 1 Committee on Health and Human Services, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 199, H.D. 1 Committee on Hawaiian Affairs, then to the Committee on Economic Development and Technology

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

**SENATE CONCURRENT RESOLUTION**

The following resolution (S.C.R. No. 182) was read by the Clerk and was disposed of as follows:

Senate Concurrent Resolution

No. 182 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RETURN SENATE BILL NO. 748 TO THE SENATE TO RECONSIDER ACTION TAKEN."

Offered by: Senator Kawamoto.

On motion by Senator English, seconded by Senator Hemmings and carried, S.C.R. No. 182 was adopted.

Senator Matsuura, Chair of the Committee on Health and Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.R. No. 98, and the Chair granted the waiver.

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

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

"I wanted to make some comments for the record about the repeal of the traffic camera program. I think it's wonderful that this ill-fated program is gone off the highways. I certainly would encourage all drivers, though, to make sure that they adhere to the speed limits. I've already seen some folks driving a little bit too quickly and we certainly don't want that to happen.

"My biggest concern has to do with the settlement of the contract with ACS. We have already seen that the director of the Department of Transportation has come up with different figures that I think that he's just absolutely pulling them out of midair. In my office he told me that the settlement figure would be around \$400,000. Then he testified that it would be \$1 million when he was brought before the hearing. Then he said it was \$5 million to \$8 million dollars in the paper. What is it?

"I wouldn't want this guy negotiating for me and it grieves me to think he may be negotiating for the state. I hope that this body will do everything in its power to make sure that we have a capable negotiator negotiating for the State of Hawaii and that we don't have to pay a big settlement cost.

"So drive safely and let's settle for the right amount . . . the right amount for the State of Hawaii. Thank you very much, Mr. President."

**APPOINTMENT OF CONFEREES**

S.B. No. 23, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 23, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Kim, Taniguchi,

co-chairs; Kawamoto, Hogue as managers on the part of the Senate at such conference.

S.B. No. 99 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 99, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Kim, Nakata, co-chairs; Chumbley, Slom as managers on the part of the Senate at such conference.

S.B. No. 233, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 233, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, Matsuura, co-chairs; Kim, Slom as managers on the part of the Senate at such conference.

S.B. No. 251, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 251, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, co-chair; Fukunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 331, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 331, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Kim, Slom as managers on the part of the Senate at such conference.

S.B. No. 484, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 484, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Inouye, Taniguchi, co-chairs; Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 594, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 594, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Kawamoto, co-chairs; Fukunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 706, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 706, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kawamoto, co-chair; Chun Oakland, Ige, Inouye, Kim, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 720, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 720, S.D. 2, and the request for a conference on the subject matter thereof,

the President appointed Senators Kim, chair; Kanno, Matsuura, co-chairs; Slom as managers on the part of the Senate at such conference.

S.B. No. 859, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 859, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Fukunaga, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 940 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 940, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 941, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 941, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, Menor, Taniguchi, co-chairs; Chumbley, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 996 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 996, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Matsuura, Slom as managers on the part of the Senate at such conference.

S.B. No. 997 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 997, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Matsuura, Slom as managers on the part of the Senate at such conference.

S.B. No. 1320, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1320, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Kawamoto, Hogue as managers on the part of the Senate at such conference.

S.B. No. 1575, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1575, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga as managers on the part of the Senate at such conference.

S.B. No. 2005, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2005, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Menor, co-chair; Chun Oakland, Kim, Hemmings as managers on the part of the Senate at such conference.



S.B. No. 2007, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2007, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Buen, Kim, co-chairs; Chun Oakland, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2026, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2036, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2036, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chumbley, Ige, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2043, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2043, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Hanabusa, Kanno, co-chairs; Chun Oakland, English, Taniguchi, Slom as managers on the part of the Senate at such conference.

S.B. No. 2046, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2046, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2052 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2052, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Fukunaga, Ige, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2067, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2067, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chun Oakland, Hanabusa, Ige as managers on the part of the Senate at such conference.

S.B. No. 2068, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2068, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kawamoto, Taniguchi, co-chairs; Fukunaga, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2069, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2069, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chumbley, Chun Oakland, Hanabusa, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2075, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2075, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, co-chair; Kim, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2078, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2078, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Kawamoto, Taniguchi, co-chairs; Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 2093, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2093, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, Matsuura, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2097, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2097, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Hanabusa, Kawamoto, co-chairs; Chumbley, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2102, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2102, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kanno, Kawamoto, Taniguchi, co-chairs; Chumbley, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2106, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2106, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2111 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2111, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Taniguchi, co-chair; Chumbley, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2118, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2118, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, Kanno, co-chairs; Kawamoto as managers on the part of the Senate at such conference.

S.B. No. 2121, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2121, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, co-chair; Kawamoto, Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2127 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2127, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Taniguchi, co-chair; Ihara, Kawamoto as managers on the part of the Senate at such conference.

S.B. No. 2132, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2132, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Taniguchi, co-chair; Inouye, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2136, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2136, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, co-chair; Inouye, Kawamoto, Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2139, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2139, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Matsunaga, Sakamoto, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2149, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2149, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2179, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2179, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Inouye,

Kawamoto, Taniguchi, co-chairs; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2184, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2184, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, co-chair; Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2227, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2227, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Fukunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2228, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2228, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, Tam, co-chairs; Inouye, Slom as managers on the part of the Senate at such conference.

S.B. No. 2231, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2231, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Kanno, Kawamoto, co-chairs; Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2234, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2234, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, Taniguchi, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2242, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2242, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Inouye, Taniguchi, co-chairs; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2246, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2246, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2270, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2270, S.D. 2, and the request for a conference on the subject matter thereof,

the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chumbley, Fukunaga, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2274, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2274, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; English, Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2284, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2284, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Ige, Kawamoto, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2289, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2289, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Menor, co-chair; Kim, Slom as managers on the part of the Senate at such conference.

S.B. No. 2290, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2290, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Menor, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2302, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2302, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, Taniguchi, co-chairs; Fukunaga, Kim as managers on the part of the Senate at such conference.

S.B. No. 2306, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2306, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Inouye, Kim, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2309, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2309, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Tam, co-chairs; Fukunaga as managers on the part of the Senate at such conference.

S.B. No. 2331, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2331, S.D. 2,

and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Hanabusa, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2337, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2337, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, co-chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2350, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2350, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, co-chair; Inouye, Sakamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 2382, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2382, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Tam, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2383, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2383, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Taniguchi, co-chair; Kim, Sakamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 2416, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2416, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Fukunaga as managers on the part of the Senate at such conference.

S.B. No. 2422, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2422, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Kanno, Kim, co-chairs; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2431, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2431, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Kim, Taniguchi, co-chairs; Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2432, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2432, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2438, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2438, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Kanno, Nakata, co-chairs; Chumbley, Ihara, Taniguchi as managers on the part of the Senate at such conference.

S.B. No. 2457, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2457, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Sakamoto, co-chairs; Fukunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2468, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2468, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kawamoto, Kim, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2476, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2476, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Hanabusa, co-chair; Chun Oakland, Kokubun, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2477, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2477, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Taniguchi, co-chair; Chun Oakland, Ige, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2478 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2478, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Taniguchi, co-chair; Chun Oakland, Ige, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2488, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2488, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Hanabusa, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2490, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2490, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Menor, co-chair; Inouye, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2498, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2498, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Nakata, co-chair; Fukunaga, Kim, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2500, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2500, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2505, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2505, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Menor, co-chair; Chun Oakland, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2512, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2512, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Nakata, Taniguchi, co-chairs; Ige, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2526, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2526, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Taniguchi, co-chairs; Fukunaga, Slom as managers on the part of the Senate at such conference.

S.B. No. 2540, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2540, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Taniguchi, co-chair; Hanabusa, Kim, Slom as managers on the part of the Senate at such conference.

S.B. No. 2568, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2568, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Taniguchi, co-chairs; Fukunaga, Kim, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2613, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2613, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Inouye, Kanno, co-chairs; Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2615, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2615, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Menor, Taniguchi, co-chairs; English, Ihara, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2628, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2628, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Kanno, Kim, co-chairs; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2666, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2666, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, co-chair; Menor, Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2667 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2667, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, co-chair; Chun Oakland, Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2669 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2669, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, co-chair; Matsunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2680 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2680, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kawamoto, Taniguchi, co-chairs; Chumbley, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2682, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2682, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, Ige as managers on the part of the Senate at such conference.

S.B. No. 2698, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2698, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Slom as managers on the part of the Senate at such conference.

S.B. No. 2701, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2701, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Chumbley, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2702, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2702, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Tam, Taniguchi, co-chairs; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2708, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2708, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Tam, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2709, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2709, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, co-chair; Buen, Sakamoto, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2721, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2721, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2732, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2732, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2733, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2733, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2737 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2737, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Kim, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2750, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2750, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Hanabusa, co-chair; Chun Oakland, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2757, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2757, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Taniguchi, co-chair; Fukunaga, Ihara, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2763, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2763, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Fukunaga, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2772 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2772, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2774, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2774, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, co-chair; Chun Oakland, English, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2775 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2775, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Fukunaga, Ige as managers on the part of the Senate at such conference.

S.B. No. 2782, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2782, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Fukunaga, Ige, Taniguchi as managers on the part of the Senate at such conference.

S.B. No. 2786, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2786, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Hanabusa, co-chair; Chumbley, Ihara, Taniguchi, Slom as managers on the part of the Senate at such conference.

S.B. No. 2802, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2802, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Menor, Taniguchi, co-chairs; Chun Oakland, Matsunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2804 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2804, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, co-chair; Chun Oakland, Ihara, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2810, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2810, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Kanno, co-chairs; English, Kawamoto, Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2816, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2816, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chun Oakland, Hanabusa, Ige, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2819, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2819, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Hanabusa, Taniguchi, co-chairs; Fukunaga, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2824, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2824, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Chun Oakland, Hanabusa, Ige, Slom as managers on the part of the Senate at such conference.

S.B. No. 2831, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2831, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kawamoto, Kim, Sakamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 2867, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2867, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2883, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2883, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Menor, Taniguchi, co-chairs; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2885, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2885, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Kim, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2898, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2898, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Chun, Kanno, co-chairs; English, Ihara, Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2900 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2900, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Hanabusa, Inouye, co-chairs; Chumbley, English, Ihara, Taniguchi, Slom as managers on the part of the Senate at such conference.

S.B. No. 2904, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2904, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Matsuura, Taniguchi, co-chairs; Hanabusa, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2907, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2907, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Kawamoto, Taniguchi, co-chairs; Hanabusa, Sakamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 2926, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2926, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2931, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2931, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Taniguchi, co-chair; Chun, Hanabusa, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2934 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2934, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kim, co-chair; Fukunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2944, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2944, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Fukunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2964, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2964, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Fukunaga, Sakamoto, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2985, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2985, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Fukunaga, Ige, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3011, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3011, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Ige, Kim, Sakamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 3018, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3018, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kanno, Taniguchi, co-chairs; Ige, Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3021, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3021, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Tam, Taniguchi, co-chairs; Ige, Slom as managers on the part of the Senate at such conference.

S.B. No. 3028, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3028, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Menor, Taniguchi, co-chairs; Matsunaga, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3040, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3040, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 3041, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3041, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chumbley, Hanabusa, Ige, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3047, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3047, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Kawamoto, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3048, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3048, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kawamoto, co-chair; Kim, Sakamoto, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3053, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3053, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Fukunaga, Ige, Hogue as managers on the part of the Senate at such conference.

H.B. No. 536 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 536, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Inouye, Taniguchi, co-chairs; Kawamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 703, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 703, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 741, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 741, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Nakata, chairs; Kanno, co-chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 870 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 870, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Hanabusa, co-chair; Chun Oakland, Sakamoto as managers on the part of the Senate at such conference.

H.B. No. 1011, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1011, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Slom as managers on the part of the Senate at such conference.

H.B. No. 1012 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1012, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Ihara as managers on the part of the Senate at such conference.

H.B. No. 1357, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1357, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Chun Oakland, Fukunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1684, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1684, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Kim, Slom as managers on the part of the Senate at such conference.

H.B. No. 1700, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1700, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Chumbley, Slom as managers on the part of the Senate at such conference.

H.B. No. 1713, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1713, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kim, Slom as managers on the part of the Senate at such conference.

H.B. No. 1715, H.D. 1 (S.D. 1):



In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1715, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kim, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1716, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1716, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 1722 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1722, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Menor, Taniguchi, co-chairs; Fukunaga, Kim, Sakamoto, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1724 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1724, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Hanabusa, Inouye, Slom as managers on the part of the Senate at such conference.

H.B. No. 1730, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1730, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Hanabusa, Ige, Sakamoto as managers on the part of the Senate at such conference.

H.B. No. 1731, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1731, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Matsunaga, Sakamoto, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1746, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1746, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 1749, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1749, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1751, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1751, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, Taniguchi, co-chairs; Hanabusa, Ihara, Slom as managers on the part of the Senate at such conference.

H.B. No. 1758, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1758, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; English, Fukunaga, Slom as managers on the part of the Senate at such conference.

H.B. No. 1768, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1768, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kim, co-chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1778, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1778, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Tam, Slom as managers on the part of the Senate at such conference.

H.B. No. 1800, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1800, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kawamoto, Kim, Kokubun, Sakamoto, Tam, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1821, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1821, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Hanabusa, Kim, Slom as managers on the part of the Senate at such conference.

H.B. No. 1842, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1842, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Menor, co-chair; English as managers on the part of the Senate at such conference.

H.B. No. 1843 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1843, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Taniguchi, co-chair; Hanabusa, Ihara, Sakamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1858, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1858, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Sakamoto, co-chairs; Chun Oakland, Fukunaga, Taniguchi as managers on the part of the Senate at such conference.

H.B. No. 1864, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1864, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Slom as managers on the part of the Senate at such conference.

H.B. No. 1867, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1867, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Taniguchi, co-chairs; Chun Oakland, Fukunaga as managers on the part of the Senate at such conference.

H.B. No. 1878, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1878, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chun Oakland, Ige, Kawamoto, Matsunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1901, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1901, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair on the part of the Senate at such conference.

H.B. No. 1939, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1939, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Inouye, co-chair; Chun, Kawamoto, Kim, Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1942 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1942, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chumbley, Hanabusa, Inouye, Kawamoto, Kim, Menor as managers on the part of the Senate at such conference.

H.B. No. 1950 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1950, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Menor, Taniguchi, co-chairs; Buen, Fukunaga, Ige, Kim, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1969 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1969, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kanno, Taniguchi, co-chairs; Chumbley as managers on the part of the Senate at such conference.

H.B. No. 1970 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1970, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1976 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1976, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Sakamoto, Taniguchi, co-chairs; Inouye, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1996 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1996, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 1999 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1999, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2002 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2002, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Hanabusa, Kim, co-chairs; Chun Oakland, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2006, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2006, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Inouye, Kanno, co-chairs; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2009, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2009, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2018, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2018, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Inouye, co-chair; Ihara, Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2030, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2030, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Menor, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2045, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2045, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, co-chair; Chun, English, Inouye, Slom as managers on the part of the Senate at such conference.

H.B. No. 2056, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2056, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Menor, co-chair; Kim, Nakata, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2065, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2065, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, co-chair; Kim as managers on the part of the Senate at such conference.

H.B. No. 2072, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2072, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Menor, co-chairs; Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2120, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2120, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Fukunaga, Slom as managers on the part of the Senate at such conference.

H.B. No. 2132, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2132, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Fukunaga, Ihara, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2163 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2163, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Nakata, Taniguchi, co-chairs; Hanabusa, Inouye, Matsunaga as managers on the part of the Senate at such conference.

H.B. No. 2164, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2164, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chun Oakland, Ige, Matsunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2165, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2165, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Nakata, Taniguchi, co-chairs; Chumbley, Hanabusa, Ige, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2166, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2166, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kanno, Kawamoto, Taniguchi, co-chairs; Chumbley, Inouye, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2169, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2169, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Menor, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2172, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2172, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Inouye, Sakamoto, co-chairs; Hanabusa, Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2176, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2176, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, co-chair; Inouye, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2192, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2192, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, co-chair; English, Hanabusa, Slom as managers on the part of the Senate at such conference.

H.B. No. 2195 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2195, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, co-chair; Hanabusa, Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2207, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2207, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, Menor, co-chairs; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2216, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2216, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Menor, co-chairs; Kim, Taniguchi as managers on the part of the Senate at such conference.

H.B. No. 2235, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2235, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chumbley, English, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2245, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2245, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Chun Oakland, Kim, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2249 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2249, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Hanabusa, Inouye, co-chairs; Chun Oakland, English, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2251, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2251, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, Tam, Taniguchi, co-chairs on the part of the Senate at such conference.

H.B. No. 2258, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2258, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Menor, co-chair on the part of the Senate at such conference.

H.B. No. 2271 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2271, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Hanabusa, Taniguchi, co-chairs; Kokubun as managers on the part of the Senate at such conference.

H.B. No. 2276, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2276, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, Taniguchi, co-chairs; Kanno, Kawamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2300, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2300, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Taniguchi, co-chair; Ihara, Matsuura, Slom as managers on the part of the Senate at such conference.

H.B. No. 2301, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2301, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Kanno, Kim, co-chairs; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2302, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2302, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Kanno, Kim, co-chairs; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2304, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2304, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2305, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2305, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Fukunaga, Slom as managers on the part of the Senate at such conference.

H.B. No. 2311, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2311, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Ihara, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2315, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2315, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Fukunaga as managers on the part of the Senate at such conference.

H.B. No. 2349, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2349, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2351, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2351, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Kawamoto, Menor, Taniguchi, co-chairs; Slom as managers on the part of the Senate at such conference.

H.B. No. 2353, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2353, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hanabusa, Ige, Matsunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2382, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2382, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Hanabusa, Ihara, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2387, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2387, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Matsuura, Slom as managers on the part of the Senate at such conference.

H.B. No. 2400, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2400, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun, chair; Hanabusa, co-chair; Chun Oakland, Kokubun, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2413, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2413, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Tam, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2420, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2420, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kim, Taniguchi, co-chairs; Sakamoto, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2426, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2426, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2427, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2427, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Matsuura, Slom as managers on the part of the Senate at such conference.

H.B. No. 2428, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2428, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2433, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2433, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2438, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2438, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Ihara, Slom as managers on the part of the Senate at such conference.

H.B. No. 2440, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2440, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2443, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2443, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2445 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2445, and the

request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Hanabusa, Kim, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2449, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2449, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Taniguchi, co-chair; Hanabusa, Matsunaga, Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2451 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2451, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, co-chair; Buen, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2453 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2453, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Taniguchi, co-chair; Hanabusa, Ige, Slom as managers on the part of the Senate at such conference.

H.B. No. 2454 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2454, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Taniguchi, co-chair; Buen, Hanabusa, Slom as managers on the part of the Senate at such conference.

H.B. No. 2455 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2455, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, co-chair; Chun Oakland as managers on the part of the Senate at such conference.

H.B. No. 2459 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2459, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland as managers on the part of the Senate at such conference.

H.B. No. 2468, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2468, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Hanabusa as managers on the part of the Senate at such conference.

H.B. No. 2480, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2480, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hanabusa, Kokubun, Matsunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2485 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2485, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Kawamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2495 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2495, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2500, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2500, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, Hanabusa, co-chairs; Chumbley, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2501, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2501, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, Hanabusa, co-chairs; Ihara, Kanno, Taniguchi as managers on the part of the Senate at such conference.

H.B. No. 2506, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2506, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2509, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2509, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, co-chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2512 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2512, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Chun Oakland, Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2521, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2521, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Kanno, co-chair on the part of the Senate at such conference.

H.B. No. 2525, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2525, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, chair; Hanabusa, Kawamoto, Kim, co-chairs; Sakamoto as managers on the part of the Senate at such conference.

H.B. No. 2526 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2526, and the request for a conference on the subject matter thereof, the President appointed Senators Nakata, Hanabusa, co-chairs; Ihara, Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2527 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2527, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Nakata, Taniguchi, co-chairs; Fukunaga, Hanabusa, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2536 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2536, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Kanno, co-chairs; Chun Oakland, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2537 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2537, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Chun Oakland, Inouye, Kanno, co-chairs; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2542, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2542, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Tam, Taniguchi, co-chairs; Fukunaga, Hanabusa, Matsunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2549 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2549, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, Kanno, co-chairs; Chun Oakland, Kawamoto, Matsunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2552, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2552, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Kanno, co-chairs; English, Kawamoto, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2553 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2553, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Chun Oakland, Ihara as managers on the part of the Senate at such conference.

H.B. No. 2558, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2558, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chun Oakland, Hanabusa, Ige, Matsunaga as managers on the part of the Senate at such conference.

H.B. No. 2563, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2563, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Fukunaga, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2565, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2565, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, co-chair; Fukunaga, Kim as managers on the part of the Senate at such conference.

H.B. No. 2568, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2568, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2569, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2569, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2570, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2570, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kim, Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2571 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2571, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, co-chair; Chun Oakland, Fukunaga, Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2576, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2576, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, chair; Inouye, Taniguchi, co-chairs; Ige, Matsunaga as managers on the part of the Senate at such conference.

H.B. No. 2577, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2577, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Inouye, Taniguchi, co-chairs; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2582, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2582, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Taniguchi, co-chairs; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2595, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2595, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, Kawamoto, chairs; Buen, Taniguchi, co-chairs; English, Slom as managers on the part of the Senate at such conference.

H.B. No. 2618, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2618, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Menor, co-chair; Fukunaga, Matsunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2638, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2638, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Hanabusa, Menor, Taniguchi, co-chairs; Chun Oakland, Fukunaga as managers on the part of the Senate at such conference.

H.B. No. 2642, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2642, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2655, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2655, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2720, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2720, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Ige, Kawamoto, Kim, Slom as managers on the part of the Senate at such conference.

H.B. No. 2723, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2723, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Kim, co-chairs; Chun Oakland, Kawamoto, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2741, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2741, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Taniguchi, co-chair; Chun Oakland, Ige as managers on the part of the Senate at such conference.

H.B. No. 2744, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2744, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Taniguchi, co-chair; Inouye as managers on the part of the Senate at such conference.

H.B. No. 2751, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2751, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Hanabusa, co-chair; Chumbley, Matsunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2752, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2752, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Chun Oakland, Kawamoto as managers on the part of the Senate at such conference.

H.B. No. 2761, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2761, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; Inouye, Sakamoto, Taniguchi, co-chairs; Chun, Fukunaga, Hanabusa, Slom as managers on the part of the Senate at such conference.

H.B. No. 2764, H.D. 1 (S.D. 2):



In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2764, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, Matsuura, co-chairs; Chun Oakland, Ige as managers on the part of the Senate at such conference.

H.B. No. 2788 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2788, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Chun Oakland, Inouye, Kawamoto, Kim, Sakamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2798, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2798, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hanabusa, Ige, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2817, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2817, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Ihara, Slom as managers on the part of the Senate at such conference.

H.B. No. 2821, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2821, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Hanabusa, Ihara, Nakata, Hemmings as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2827, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Chun Oakland, Ige, Inouye, Kim, Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2840 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2840, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Hanabusa as managers on the part of the Senate at such conference.

H.B. No. 2843 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2843, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Kim, Taniguchi, co-chairs; Fukunaga, Ihara, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2844, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2844, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Kim, Taniguchi, co-chairs; Ihara, Sakamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2848, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2848, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Kanno, Taniguchi, co-chairs; Kawamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2854, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2854, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kim, Hogue as managers on the part of the Senate at such conference.

#### ADJOURNMENT

At 12:02 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., Wednesday, April 17, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTY-FIRST DAY

**Wednesday, April 17, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:11 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Hiroyashi Oeda, Jodo Mission Church, after which the Roll was called showing all Senators present with the exception of Senators Kim, Menor and Tam who were excused.

The President announced that he had read and approved the Journal of the Fiftieth Day.

Senator Nakata recognized Kahuku High School's show choir, Vocal Motion, and introduced Elizabeth Kammerer, choir director; and student leaders, Shari Gill and James Kammerer.

At this time, Vocal Motion performed a short presentation for the members of the Senate.

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o'clock p.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 295 to 345) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 295, informing the Senate that on April 12, 2002, he signed the following bills into law:

House Bill No. 1542 as Act 15, entitled: "RELATING TO VOTER REGISTRATION";

House Bill No. 2613 as Act 16, entitled: "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";

Senate Bill No. 2341 as Act 17, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

Senate Bill No. 2518 as Act 18, entitled: "RELATING TO MEASUREMENT STANDARDS";

Senate Bill No. 2692 as Act 19, entitled: "RELATING TO MEDICAL SUPPORT FOR CHILDREN";

Senate Bill No. 2727 as Act 20, entitled: "RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT";

Senate Bill No. 2728 as Act 21, entitled: "RELATING TO ESCROW DEPOSITORIES"; and

Senate Bill No. 2734 as Act 22, entitled: "RELATING TO COMMERCIAL EMPLOYMENT AGENCIES,"

was placed on file.

Gov. Msg. No. 296, dated April 5, 2002, transmitting the Employees' Retirement System Pension Benefit Study, pursuant to S.C.R. No. 159 (2001), was placed on file.

Gov. Msg. No. 297, dated April 12, 2002, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Months of January and February 2002, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001, was placed on file.

Gov. Msg. No. 298, submitting for consideration and confirmation to the State Board of Public Accountancy, the nominations of GORDON D. CIANO and BRIAN M. IWATA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 299, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of JACQUELINE K. MURAI, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 300, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nominations of: EDITH C. PASCUA, term to expire June 30, 2005; and ANTHONY D. CASTBERG, MANUEL M. KULOLOIO and ANN M. SAKAGUCHI, terms to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nominations of JOHN ISOBE and LORRAINE M. MENDOZA, terms to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 302, submitting for consideration and confirmation to the Correctional Industries Advisory Committee, the nominations of: KAREN H. IWAMOTO and HELEN Y. RAUER, terms to expire June 30, 2003; CARL R. ANDERSON and BERTHA S.J. NAHOPII, terms to expire June 30, 2004; and MICHAEL A. HAMA, ERWIN HUDELIST and JACK L. TINER, terms to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 303, submitting for consideration and confirmation to the Board of Trustees, Deferred Compensation Plan, the nomination of RONALD N. HIRANO, term to expire June 30, 2004, was referred to the Committee on Labor.

Gov. Msg. No. 304, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of: KAREN ING HU, D.D.S., term to expire June 30, 2004; and DAVID R. BREESE, D.D.S., GAYLE CHANG, DENNIS N. ISHIMOTO, D.D.S., and STUART C. LAU, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 305, submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nominations of: JEAN L. JOHNSON, DR.P.H., terms to expire June 30, 2002, and June 30, 2006; PAUL S. VARGAS JR., term to expire June 30, 2003; and MARK D. CONLEY, JEAN KIYABU, THOMAS G. NELSON, KIYOKO N. NITZ, PH.D., and DAVID A. WOLL,

terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nominations of: KARLEEN K. YOSHIOKA, term to expire June 30, 2005; and DAVID WILLIAM MAY, GAIL T. TOMINAGA, M.D., and THOMAS A. VEATCH, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 307, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nominations of JAMES S. KOMETANI and GARY I. KONDO, D.D.S., terms to expire June 30, 2006, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 308, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, the nominations of PATIENCE N. BACON, KIYOSHI IKEDA, PH.D., NAOMI CLARKE LOSCH, LAURIE J. LUCKING, PH.D., and VIRGINIA D. MURISON, AIA, terms to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 309, submitting for consideration and confirmation to the Hawai'i School-to-Work Executive Council, the nominations of: WILLIAM T. HONJIYO, term to expire June 30, 2004; and W. ROY JOHNSON and KATHLEEN KA'ULANI M. DE SILVA, terms to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 310, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nominations of: ANNETTE MASUTANI, VAUGHN K. TOKASHIKI and ROBERT WITT, terms to expire June 30, 2003; SHARON T. NAKAGAWA, CATHERINE H. PAYNE, CHERYL M. SHINTANI and TWYLLA-DAWN STEER, terms to expire June 30, 2004; and CHARLENE H. MIYASHIRO and FAIRFAX A. REILLY, terms to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 311, submitting for consideration and confirmation to the Board of Directors, Hawai'i Tourism Authority, the nomination of LORRIE LEE STONE, term to expire June 30, 2006, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 312, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nominations of: CRYSTAL K. ROSE, term to expire June 30, 2003; and QUENTIN K. KAWANANAKOA, term to expire June 30, 2006, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 313, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of STEPHEN G. CHONG, WAYNE S. HIGAKI, ROBERT T. OGAWA and ROSE ANN POYZER, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 314, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of JENNIFER DIESMAN and DARYL-JEAN WONG, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 315, submitting for consideration and confirmation to the West Oahu Subarea Health Planning

Council, the nominations of MARTHA O. AQUINO, JOANNE H. KEALOHA and LAURIE A.B. OISHI, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 316, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: CHRISTOPHER J. LUTZ, terms to expire June 30, 2002, and June 30, 2006; and GREIG E. GASPAR, term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Hawai'i County Subarea Health Planning Council, the nomination of JAMIE CAMEROS, term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of CORY N. DOBASHI, SUSAN GUCWA-BUCASAS, AIDA PASCUAL and ROY K. SASAKI, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 319, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of AGNES M. GROFF, JOSEPH K. KAMAKA III, M.D., WILLIAM F. STATON, KATHLEEN L. STREET and SARAJEAN A. TOKUNAGA, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 320, submitting for consideration and confirmation to the State Highway Safety Council, the nominations of MITCHELL ROTH, DAVID SANDLER and CLAIRE M. SASAKI-LUNDGREN, terms to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 321, submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, the nomination of ROGER A. HARRIS, term to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 322, submitting for consideration and confirmation to the Island Burial Council, Islands of Kauai and Niihau, the nominations of GRACE H. KAMAI, TOM H. SHIGEMOTO and CATHERINE K. HAM YOUNG, terms to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 323, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of: WILLIAM FRAMPTON, term to expire June 30, 2004; CLIFFORD J. NAEOLE and WILLIAM WAIOHU JR., terms to expire June 30, 2005; and CHARLS K. MAXWELL, SR., term to expire June 30, 2006, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 324, submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, the nominations of LOUELLA O.W. ALBINO, NANETTE LEHUA NAPOLEON and PHILIP SOLATORIO, terms to expire June 30, 2006, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 325, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nominations of: JACE L. MCQUIVEY, term to expire June 30,

2005; and A. VAN HORN DIAMOND, THEODORA KEHAULANI KRUSE, GWENDOLYN Y. PIKAKE PELEKAI, LURLINE NAONE SALVADOR and LYNETTE PUALANI TIFFANY, terms to expire June 30, 2006, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 326, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nomination of CAROL AULANI APOLIONA, term to expire June 30, 2005, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 327, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: PATRICIA KAINOA HODSON, term to expire June 30, 2004; KILAKILA KAMAU, term to expire June 30, 2005; and SHELLY R. COBB, ROSE MAY ENOS-KU and MARION M. JOY, terms to expire June 30, 2006, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 328, submitting for consideration and confirmation to the State Council on Mental Health, the nominations of: ALAN BUFFENSTEIN, M.D., term to expire June 30, 2004; and LINDA COCHRAN, term to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 329, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nominations of ROY I. INOUE and ROY T. OZAKI, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 330, submitting for consideration and confirmation to the Board of Examiners in Naturopathy, the nominations of SHEREE A. KON-HERRERA and JASON Y. UCHIDA, N.D., terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 331, submitting for consideration and confirmation to the Board of Pharmacy, the nominations of ELWIN D.H. GOO, PHARM.D., and DENNIS IWAMURA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 332, submitting for consideration and confirmation to the State Post-Secondary Education Commission, the nomination of KRISTOPHER T. KAUPALOLO, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 333, submitting for consideration and confirmation to the Procurement Policy Board, the nomination of GORDON K.T. ING, term to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 334, submitting for consideration and confirmation to the Board of Psychology, the nomination of THOMAS F. JACKSON, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 335, submitting for consideration and confirmation to the Radiologic Technology Board, the nominations of ADLEEN ICHINOSE and LES UYEDA, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 336, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nomination of LISA KEALA CARTER, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 337, submitting for consideration and confirmation to the Board of Registration, Island of Hawai'i, the nomination of BEVERLY JEAN WITHINGTON, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 338, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of MARK NAKAGOSHI, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 339, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of PEGGY ROBERTSON, term to expire June 20, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 340, submitting for consideration and confirmation to the Rental Housing Trust Fund Advisory Commission, the nominations of STEPHEN K. KAWAHARA and BETTY LOU LARSON, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 341, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nomination of MARIA LOWDER, term to expire June 30, 2005, was referred to the Committee on Ways and Means.

Gov. Msg. No. 342, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nominations of: LYLE J. MATSUNAGA, term to expire May 30, 2005; and LLOYD Y. GINOZA, term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 343, submitting for consideration and confirmation to the State Commission on the Status of Women, the nominations of VALLI KANUHA, PH.D., MARGARET K. MASUNAGA and MARY JO SWEENEY, terms to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 344, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nominations of: ALAN S. ITO, term to expire June 30, 2005; and EDWARD M. BOUGHTON, WAYNE H. KISHIDA and M. WINONA CABRAL WHITMAN, terms to expire June 30, 2006, was referred to the Committee on Labor.

Gov. Msg. No. 345, submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, the nominations of: GEORGE R. ELLIS, term to expire June 30, 2004; MANU BOYD, term to expire June 30, 2005; and MILLICENT M.Y.H. KIM, term to expire June 30, 2006, was referred to the Committee on Education.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 567 to 580) were read by the Clerk and were placed on file:

Hse. Com. No. 567, informing the Senate that the Speaker on April 15, 2002, appointed conferees on the part of the House for

the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 23, S.D. 2 (H.D. 2):

Representatives Saiki, Nakasone, co-chairs; Rath.

S.B. No. 99 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Marumoto.

S.B. No. 233, S.D. 2 (H.D. 2):

Representatives Arakaki, Hiraki, B. Oshiro, co-chairs; Chang, Marumoto, Stonebraker.

S.B. No. 251, S.D. 2 (H.D. 1):

Representatives Hiraki, Magaoay, co-chairs; Meyer.

S.B. No. 484, S.D. 1 (H.D. 2):

Representatives Morita, Takamine, co-chairs; Leong.

S.B. No. 720, S.D. 2 (H.D. 2):

Representatives Arakaki, Hamakawa, Kawakami, co-chairs; Yonamine, Moses, Stonebraker.

S.B. No. 940 (H.D. 2):

Representatives Hiraki, Hamakawa, Takamine, co-chairs; Chang, Pendleton, Whalen.

S.B. No. 996 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.

S.B. No. 997 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.

S.B. No. 1320, S.D. 2 (H.D. 1):

Representatives Hiraki, B. Oshiro, co-chairs; Pendleton.

S.B. No. 1575, S.D. 2 (H.D. 2):

Representatives Souki, Hamakawa, co-chairs; Pendleton.

S.B. No. 2005, S.D. 1 (H.D. 1):

Representatives Morita, chair; Hale, Thielen.

S.B. No. 2007, S.D. 2 (H.D. 2):

Representatives Kanoho, Abinsay, Takamine, co-chairs; Case, Jaffe, Gomes.

S.B. No. 2026, S.D. 1 (H.D. 1):

Representatives Kahikina, Arakaki, Kawakami, co-chairs; Stonebraker.

S.B. No. 2036, S.D. 1 (H.D. 2):

Representatives Ito, Takamine, co-chairs.

S.B. No. 2043, S.D. 1 (H.D. 1):

Representatives B. Oshiro, Espero, co-chairs; Gomes.

S.B. No. 2046, S.D. 1 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.

S.B. No. 2052 (H.D. 1):

Representatives Arakaki, Kawakami, co-chairs; Moses.

S.B. No. 2067, S.D. 2 (H.D. 1):

Representatives Takumi, Saiki, co-chairs; Stonebraker.

S.B. No. 2068, S.D. 2 (H.D. 2):

Representatives Ito, Suzuki, co-chairs; Moses.

S.B. No. 2069, S.D. 2 (H.D. 1):

Representatives Ito, Suzuki, co-chairs; Bukoski.

S.B. No. 2075, S.D. 2 (H.D. 1):

Representatives Arakaki, Kahikina, Hiraki, Nakasone, co-chairs; Jaffe, Whalen.

S.B. No. 2078, S.D. 1 (H.D. 1):

Representatives Saiki, Nakasone, co-chairs; Rath.

S.B. No. 2093, S.D. 1 (H.D. 1):

Representatives Hiraki, B. Oshiro, co-chairs; Whalen.

S.B. No. 2097, S.D. 2 (H.D. 2):

Representatives Ito, Takamine, co-chairs; Ontai.

S.B. No. 2102, S.D. 1 (H.D. 2):

Representatives Ito, Suzuki, co-chairs; Ontai.

S.B. No. 2111 (H.D. 1):

Representatives Saiki, Nakasone, co-chairs; Rath.

S.B. No. 2112, S.D. 1 (H.D. 1):

Representatives Saiki, Nakasone, co-chairs; Rath.

S.B. No. 2121, S.D. 1 (H.D. 2):

Representatives Abinsay, Cabreros, co-chairs; Gomes.

S.B. No. 2127 (H.D. 1):

Representatives Saiki, Nakasone, co-chairs; Moses.

S.B. No. 2132, S.D. 1 (H.D. 2):

Representatives Abinsay, Cabreros, co-chairs; Davis.

S.B. No. 2136, S.D. 1 (H.D. 2):

Representatives Abinsay, Cabreros, co-chairs; Gomes.

S.B. No. 2139, S.D. 1 (H.D. 1):

Representatives Arakaki, Kawakami, co-chairs; Auwae.

S.B. No. 2184, S.D. 1 (H.D. 1):

Representatives Abinsay, Cabreros, co-chairs; Davis.  
S.B. No. 2227, S.D. 1 (H.D. 1):

Representatives Arakaki, Kawakami, co-chairs; Leong.  
S.B. No. 2228, S.D. 1 (H.D. 2):

Representatives Abinsay, Cabreros, co-chairs; Moses.  
S.B. No. 2231, S.D. 1 (H.D. 1):

Representatives Kanoho, Hamakawa, co-chairs; Bukoski  
S.B. No. 2234, S.D. 2 (H.D. 2):

Representatives Arakaki, Kahikina, Hamakawa, Saiki, co-chairs; Djou, Meyer.  
S.B. No. 2242, S.D. 1 (H.D. 1):

Representatives Kanoho, Abinsay, Cabreros, co-chairs; Hale, Leong, Whalen.  
S.B. No. 2246, S.D. 1 (H.D. 1):

Representatives Garcia, Espero, co-chairs; Rath.  
S.B. No. 2270, S.D. 2 (H.D. 2):

Representatives Ito, Suzuki, co-chairs; Ontai.  
S.B. No. 2284, S.D. 2 (H.D. 1):

Representatives Ito, Suzuki, co-chairs; Halford.  
S.B. No. 2289, S.D. 1 (H.D. 2):

Representatives Hiraki, chair; Chang, Meyer.  
S.B. No. 2290, S.D. 1 (H.D. 1):

Representatives Hiraki, chair; Chang, Whalen.  
S.B. No. 2302, S.D. 2 (H.D. 2):

Representatives Arakaki, Takamine, co-chairs.  
S.B. No. 2306, S.D. 2 (H.D. 2):

Representatives Souki, Espero, co-chairs; Pendleton.  
S.B. No. 2331, S.D. 2 (H.D. 2):

Representatives Chang, Suzuki, co-chairs; Marumoto.  
S.B. No. 2336, S.D. 1 (H.D. 2):

Representatives Souki, Hamakawa, co-chairs; Pendleton.  
S.B. No. 2337, S.D. 2 (H.D. 2):

Representatives Souki, Hamakawa, co-chairs; Gomes.  
S.B. No. 2350, S.D. 2 (H.D. 2):

Representatives Chang, Suzuki, co-chairs; Marumoto.  
S.B. No. 2382, S.D. 2 (H.D. 1):

Representatives Chang, Suzuki, co-chairs; Moses.  
S.B. No. 2422, S.D. 2 (H.D. 2):

Representatives Souki, Espero, co-chairs; Pendleton  
S.B. No. 2438, S.D. 2 (H.D. 1):

Representatives Hamakawa, Espero, co-chairs; Thielen.  
S.B. No. 2457, S.D. 1 (H.D. 1):

Representatives Takumi, Magaoay, co-chairs; Halford.  
S.B. No. 2468, S.D. 1 (H.D. 1):

Representatives Hiraki, chair; Chang, Bukoski.  
S.B. No. 2476, S.D. 2 (H.D. 2):

Representatives Hamakawa, Takamine, co-chairs; Auwae.  
S.B. No. 2477, S.D. 2 (H.D. 2):

Representatives Hamakawa, Takamine, co-chairs; Auwae.  
S.B. No. 2488, S.D. 1 (H.D. 2):

Representatives Souki, Espero, co-chairs; Pendleton.  
S.B. No. 2490, S.D. 2 (H.D. 1):

Representatives Abinsay, Hiraki, co-chairs; Meyer.  
S.B. No. 2500, S.D. 2 (H.D. 1):

Representatives Arakaki, Kawakami, co-chairs; Moses.  
S.B. No. 2526, S.D. 2 (H.D. 1):

Representatives Takamine, chair; Kawakami, Djou.  
S.B. No. 2540, S.D. 2 (H.D. 1):

Representatives Ahu Isa, Magaoay, co-chairs; Davis.  
S.B. No. 2568, S.D. 2 (H.D. 1):

Representatives Kahikina, Kawakami, co-chairs; Leong.  
S.B. No. 2613, S.D. 2 (H.D. 1):

Representatives Kanoho, Ahu Isa, co-chairs; Bukoski.  
S.B. No. 2615, S.D. 2 (H.D. 2):

Representatives Morita, Takamine, co-chairs; Jaffe.  
S.B. No. 2628, S.D. 2 (H.D. 2):

Representatives Souki, Hamakawa, co-chairs; Pendleton.  
S.B. No. 2666, S.D. 2 (H.D. 1):

Representatives Abinsay, Cabreros, co-chairs; Gomes.  
S.B. No. 2667 (H.D. 1):

Representatives Kanoho, Nakasone, co-chairs; Djou.  
S.B. No. 2669 (H.D. 1):

- Representatives Morita, Yonamine, co-chairs; Bukoski.  
S.B. No. 2680 (H.D. 1):  
Representatives Ito, Suzuki, co-chairs; Ontai.  
S.B. No. 2682, S.D. 1 (H.D. 2):  
Representatives Hamakawa, Takamine, co-chairs; Marumoto.  
S.B. No. 2698, S.D. 2 (H.D. 1):  
Representatives B. Oshiro, chair; Hamakawa, Thielen.  
S.B. No. 2701, S.D. 1 (H.D. 1):  
Representatives Kanoho, B. Oshiro, co-chairs; Meyer.  
S.B. No. 2702, S.D. 2 (H.D. 2):  
Representatives Kanoho, Nakasone, co-chairs; Moses.  
S.B. No. 2708, S.D. 1 (H.D. 1):  
Representatives Kahikina, Kawakami, co-chairs; Auwae.  
S.B. No. 2709, S.D. 2 (H.D. 2):  
Representatives Chang, Suzuki, co-chairs; Marumoto.  
S.B. No. 2715, S.D. 1 (H.D. 1):  
Representatives Saiki, Nakasone, co-chairs; Rath.  
S.B. No. 2721, S.D. 1 (H.D. 1):  
Representatives Arakaki, Kawakami, co-chairs; Stonebraker.  
S.B. No. 2724, S.D. 2 (H.D. 1):  
Representatives Hiraki, Nakasone, co-chairs; Meyer.  
S.B. No. 2732, S.D. 1 (H.D. 1):  
Representatives Hiraki, B. Oshiro, Nakasone, co-chairs; Chang, Jaffe, Whalen.  
S.B. No. 2733, S.D. 2 (H.D. 1):  
Representatives Hiraki, Nakasone, co-chairs; Meyer.  
S.B. No. 2737 (H.D. 1):  
Representatives Hamakawa, Hiraki, Magaoay, co-chairs; B. Oshiro, Davis, Thielen  
S.B. No. 2750, S.D. 1 (H.D. 2):  
Representatives Hamakawa, Saiki, co-chairs; Rath.  
S.B. No. 2757, S.D. 2 (H.D. 2):  
Representatives Saiki, Nakasone, co-chairs; Moses.  
S.B. No. 2763, S.D. 2 (H.D. 2):  
Representatives Arakaki, Kawakami, co-chairs; Stonebraker.  
S.B. No. 2772 (H.D. 1):  
Representatives Arakaki, chair; Kahikina, Stonebraker.  
S.B. No. 2774, S.D. 2 (H.D. 2):  
Representatives Morita, Yonamine, co-chairs; Jaffe.  
S.B. No. 2775 (H.D. 1):  
Representatives Nakasone, chair; Saiki, Djou.  
S.B. No. 2782, S.D. 1 (H.D. 1):  
Representatives Arakaki, Kawakami, co-chairs; Stonebraker.  
S.B. No. 2784, S.D. 1 (H.D. 1):  
Representatives Saiki, Nakasone, co-chairs; Pendleton.  
S.B. No. 2802, S.D. 2 (H.D. 2):  
Representatives Kanoho, Morita, Magaoay, co-chairs; Jaffe.  
S.B. No. 2804 (H.D. 1):  
Representatives Kanoho, Nakasone, co-chairs; Meyer.  
S.B. No. 2817, S.D. 2 (H.D. 1):  
Representatives Hamakawa, Magaoay, co-chairs; Davis.  
S.B. No. 2819, S.D. 2 (H.D. 1):  
Representatives Garcia, Saiki, Espero, co-chairs; Pendleton.  
S.B. No. 2824, S.D. 2 (H.D. 1):  
Representatives Takamine, chair; Espero, Djou.  
S.B. No. 2831, S.D. 1 (H.D. 1):  
Representatives Ahu Isa, Takamine, co-chairs; Marumoto.  
S.B. No. 2867, S.D. 1 (H.D. 1):  
Representatives Kahikina, Kawakami, co-chairs; Stonebraker.  
S.B. No. 2883, S.D. 1 (H.D. 1):  
Representatives Hiraki, Nakasone, co-chairs; Whalen.  
S.B. No. 2885, S.D. 2 (H.D. 1):  
Representatives Hiraki, Nakasone, co-chairs; Whalen.  
S.B. No. 2900 (H.D. 1):  
Representatives Morita, Kanoho, Magaoay, co-chairs; Hale, Bukoski, Thielen.  
S.B. No. 2904, S.D. 1 (H.D. 1):  
Representatives Arakaki, Espero, co-chairs; Auwae.  
S.B. No. 2926, S.D. 1 (H.D. 2):  
Representatives Ito, Suzuki, co-chairs; Ontai.  
S.B. No. 2931, S.D. 2 (H.D. 2):  
Representatives Abinsay, Takamine, co-chairs; Gomes.

S.B. No. 2934 (H.D. 2): Representatives Kanoho, Hamakawa, co-chairs; Jaffe.	H.B. No. 870 (S.D. 1): Representatives Kanoho, Nakasone, co-chairs; Meyer.
S.B. No. 2964, S.D. 2 (H.D. 2): Representatives Saiki, Takumi, Espero, co-chairs; Rath.	H.B. No. 1011, H.D. 1 (S.D. 1): Representatives Hamakawa, chair; B. Oshiro, Gomes.
S.B. No. 2985, S.D. 2 (H.D. 2): Representatives Arakaki, Kahikina, Takamine, co-chairs; Yonamine, Djou, Stonebraker.	H.B. No. 1012 (S.D. 1): Representatives Suzuki, Hamakawa, Espero, co-chairs; Cabrerros, Halford, Rath.
S.B. No. 3018, S.D. 1 (H.D. 1): Representatives Ito, Suzuki, co-chairs; Ontai.	H.B. No. 1357, H.D. 1 (S.D. 2): Representatives Arakaki, Kawakami, co-chairs; Stonebraker.
S.B. No. 3021, S.D. 2 (H.D. 1): Representatives Ahu Isa, Magaoay, co-chairs; Djou.	H.B. No. 1684, H.D. 1 (S.D. 2): Representatives Hiraki, Nakasone, co-chairs; Whalen.
S.B. No. 3028, S.D. 1 (H.D. 2): Representatives Souki, Hiraki, Espero, co-chairs; Chang, Marumoto, Meyer.	H.B. No. 1700, H.D. 1 (S.D. 1): Representatives Hiraki, chair; Chang, Whalen.
S.B. No. 3040, S.D. 2 (H.D. 2): Representatives Hiraki, B. Oshiro, co-chairs; Whalen.	H.B. No. 1713, H.D. 1 (S.D. 1): Representatives Hiraki, chair; Chang, Meyer.
S.B. No. 3041, S.D. 1 (H.D. 1): Representatives Ito, Suzuki, co-chairs; Ontai.	H.B. No. 1715, H.D. 1 (S.D. 1): Representatives Hiraki, chair; Chang, Meyer.
S.B. No. 3048, S.D. 2 (H.D. 1): Representatives Takamine, chair; Nakasone, Moses	H.B. No. 1716, H.D. 1 (S.D. 1): Representatives Hiraki, chair; Chang, Meyer.
S.B. No. 3049, S.D. 2 (H.D. 2): Representatives Souki, Espero, co-chairs; Pendleton.	H.B. No. 1722 (S.D. 1): Representatives Souki, Hiraki, Takamine, co-chairs; Espero, Pendleton, Rath.
S.B. No. 3053, S.D. 2 (H.D. 1): Representatives Arakaki, Kawakami, co-chairs; Leong.	H.B. No. 1724 (S.D. 1): Representatives Souki, Espero, co-chairs; Pendleton.
S.B. No. 3060, S.D. 1 (H.D. 1): Representatives Souki, Espero, co-chairs; Djou.	H.B. No. 1730, H.D. 1 (S.D. 1): Representatives Souki, Ito, Espero, co-chairs; Garcia, Bukoski, Ontai.
S.B. No. 3063, S.D. 2 (H.D. 2): Representatives Morita, Saiki, co-chairs; Thielen.	H.B. No. 1731, H.D. 2 (S.D. 1): Representatives Souki, Takumi, Espero, co-chairs; Garcia, Bukoski, Ontai.
Hse. Com. No. 568, informing the Senate that the Speaker on April 15, 2002, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:	H.B. No. 1749, H.D. 2 (S.D. 1): Representatives Arakaki, Kahikina, Hamakawa, co-chairs; B. Oshiro, Auwae, Gomes.
H.B. No. 536 (S.D. 1): Representatives Kanoho, Nakasone, co-chairs; Bukoski.	H.B. No. 1751, H.D. 2 (S.D. 1): Representatives Garcia, Nakasone, co-chairs; Pendleton.
H.B. No. 703, H.D. 1 (S.D. 2): Representatives Hamakawa, chair; B. Oshiro, Thielen.	H.B. No. 1758, H.D. 1 (S.D. 1): Representatives B. Oshiro, chair; Hamakawa, Auwae.
H.B. No. 741, H.D. 1 (S.D. 1): Representatives B. Oshiro, chair; Hamakawa, Gomes.	H.B. No. 1761, H.D. 1 (S.D. 2):



Representatives Hiraki, Arakaki, Takamine, co-chairs; Saiki, Auwae, Whalen.

H.B. No. 1777, H.D. 1 (S.D. 1):

Representatives Hiraki, Nakasone, co-chairs; Meyer.

H.B. No. 1778, H.D. 1 (S.D. 1):

Representatives Hiraki, Nakasone, co-chairs; Meyer.

H.B. No. 1821, H.D. 2 (S.D. 1):

Representatives Suzuki, Yonamine, co-chairs; Halford.

H.B. No. 1823, H.D. 1 (S.D. 1):

Representatives Nakasone, chair; Suzuki, Davis.

H.B. No. 1842, H.D. 1 (S.D. 2):

Representatives Arakaki, Hiraki, co-chairs; Meyer.

H.B. No. 1843 (S.D. 1):

Representatives Saiki, Nakasone, co-chairs; Davis.

H.B. No. 1858, H.D. 2 (S.D. 2):

Representatives Arakaki, Kahikina, Kawakami, co-chairs; Yonamine, Auwae, Leong.

H.B. No. 1864, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Gomes.

H.B. No. 1867, H.D. 1 (S.D. 2):

Representatives Kahikina, Arakaki, Kawakami, co-chairs; Yonamine, Leong, Rath.

H.B. No. 1878, H.D. 2 (S.D. 1):

Representatives Ito, Suzuki, co-chairs; Ontai.

H.B. No. 1901, H.D. 2 (S.D. 1):

Representatives Arakaki, B. Oshiro, co-chairs; Marumoto.

H.B. No. 1939, H.D. 2 (S.D. 2):

Representatives Kanoho, Abinsay, Nakasone, co-chairs; Hale, Davis, Gomes.

H.B. No. 1942 (S.D. 1):

Representatives Chang, Suzuki, co-chairs; Halford.

H.B. No. 1950 (S.D. 2):

Representatives Kahikina, Kawakami, co-chairs; Leong.

H.B. No. 1976 (S.D. 1):

Representatives Abinsay, Cabrerros, co-chairs; Gomes.

H.B. No. 1996 (S.D. 1):

Representatives Nakasone, chair; Suzuki.

H.B. No. 1999 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Auwae

H.B. No. 2002 (S.D. 1):

Representatives Kanoho, Nakasone, co-chairs; Djou.

H.B. No. 2006, H.D. 1 (S.D. 1):

Representatives Morita, B. Oshiro, Yonamine, co-chairs; Cabrerros, Bukoski, Thielen.

H.B. No. 2018, H.D. 1 (S.D. 2):

Representatives Kanoho, Abinsay, Nakasone, co-chairs; Hale, Gomes, Moses.

H.B. No. 2030, H.D. 1 (S.D. 2):

Representatives Souki, Hamakawa, co-chairs; Auwae.

H.B. No. 2045, H.D. 1 (S.D. 2):

Representatives Morita, Yonamine, co-chairs; Bukoski.

H.B. No. 2065, H.D. 1 (S.D. 1):

Representatives Arakaki, Hiraki, co-chairs; Stonebraker.

H.B. No. 2072, H.D. 2 (S.D. 1):

Representatives Kahikina, Kawakami, co-chairs; Rath.

H.B. No. 2120, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen.

H.B. No. 2132, H.D. 1 (S.D. 2):

Representatives Garcia, Nakasone, co-chairs; Moses.

H.B. No. 2163 (S.D. 2):

Representatives Ito, Saiki, Suzuki, co-chairs; Schatz, Halford, Ontai.

H.B. No. 2164, H.D. 2 (S.D. 2):

Representatives Takumi, Saiki, co-chairs; Ontai.

H.B. No. 2165, H.D. 1 (S.D. 2):

Representatives Ito, Saiki, Suzuki, co-chairs; Schatz, Davis, Ontai.

H.B. No. 2166, H.D. 1 (S.D. 2):

Representatives Ito, Takumi, Hamakawa, Suzuki, co-chairs; Davis, Ontai.

H.B. No. 2172, H.D. 1 (S.D. 2):

Representatives Abinsay, Takumi, Cabrerros, co-chairs; Ito, Davis, Gomes.

H.B. No. 2176, H.D. 1 (S.D. 1):

Representatives Abinsay, Cabrerros, co-chairs; Gomes.

H.B. No. 2192, H.D. 1 (S.D. 1):

Representatives Chang, Suzuki, co-chairs; Marumoto.  
H.B. No. 2195 (S.D. 1):

Representatives Chang, Saiki, Suzuki, co-chairs; Nakasone, Marumoto.  
H.B. No. 2207, H.D. 1 (S.D. 2):

Representatives Hiraki, B. Oshiro, co-chairs; Meyer.  
H.B. No. 2212, H.D. 1 (S.D. 2):

Representatives Morita, B. Oshiro, Yonamine, co-chairs; Cabrerros, Auwae, Jaffe.  
H.B. No. 2216, H.D. 1 (S.D. 1):

Representatives Hiraki, Arakaki, Kawakami, co-chairs; Saiki, Moses, Rath.  
H.B. No. 2235, H.D. 2 (S.D. 1):

Representatives Takumi, Ito, co-chairs; Ontai.  
H.B. No. 2245, H.D. 1 (S.D. 1):

Representatives Hiraki, Yonamine, co-chairs; Marumoto.  
H.B. No. 2249 (S.D. 2):

Representatives Kanoho, Nakasone, co-chairs; Rath.  
H.B. No. 2251, H.D. 2 (S.D. 2):

Representatives Chang, Suzuki, co-chairs; Marumoto.  
H.B. No. 2258, H.D. 2 (S.D. 1):

Representatives Arakaki, Hiraki, co-chairs; Stonebraker.  
H.B. No. 2271 (S.D. 2):

Representatives Abinsay, Cabrerros, co-chairs; Moses.  
H.B. No. 2276, H.D. 2 (S.D. 1):

Representatives Saiki, Nakasone, co-chairs; Rath.  
H.B. No. 2301, H.D. 2 (S.D. 2):

Representatives Souki, Hamakawa, co-chairs; Pendleton.  
H.B. No. 2302, H.D. 2 (S.D. 1):

Representatives Souki, Hamakawa, co-chairs; Moses.  
H.B. No. 2304, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen.  
H.B. No. 2305, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen.  
H.B. No. 2311, H.D. 2 (S.D. 2):

Representatives Hamakawa, Nakasone, co-chairs; Davis.  
H.B. No. 2315, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.  
H.B. No. 2349, H.D. 1 (S.D. 1):

Representatives Souki, Hamakawa, co-chairs; Rath.  
H.B. No. 2351, H.D. 1 (S.D. 2):

Representatives Hiraki, chair; Chang, Jaffe.  
H.B. No. 2353, H.D. 2 (S.D. 1):

Representatives Ito, Suzuki, co-chairs; Ontai.  
H.B. No. 2382, H.D. 1 (S.D. 2):

Representatives Garcia, chair; Souki, Moses.  
H.B. No. 2387, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.  
H.B. No. 2400, H.D. 1 (S.D. 1):

Representatives Hamakawa, Takamine, co-chairs; Auwae.  
H.B. No. 2413, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Chang, Meyer.  
H.B. No. 2420, H.D. 1 (S.D. 2):

Representatives Nakasone, chair; Suzuki, Davis.  
H.B. No. 2426, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.  
H.B. No. 2427, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.  
H.B. No. 2428, H.D. 1 (S.D. 2):

Representatives Hamakawa, chair; B. Oshiro, Auwae.  
H.B. No. 2433, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen.  
H.B. No. 2438, H.D. 1 (S.D. 1):

Representatives Hamakawa, Hiraki, co-chairs; Gomes.  
H.B. No. 2440, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen.  
H.B. No. 2443, H.D. 2 (S.D. 1):

Representatives Kanoho, B. Oshiro, co-chairs; Meyer.  
H.B. No. 2445 (S.D. 2):

Representatives Kahikina, Kawakami, co-chairs; Stonebraker.  
H.B. No. 2449, H.D. 1 (S.D. 2):

Representatives Ahu Isa, Magaoay, co-chairs; Ontai.  
H.B. No. 2451 (S.D. 2):

Representatives Chang, Suzuki, co-chairs; Marumoto.

H.B. No. 2453 (S.D. 1):

Representatives Ahu Isa, Magaoay, co-chairs; Moses.

H.B. No. 2454 (S.D. 1):

Representatives Ahu Isa, Magaoay, co-chairs; Moses.

H.B. No. 2455 (S.D. 1):

Representatives Morita, Yonamine, co-chairs; Bukoski.

H.B. No. 2459 (S.D. 2):

Representatives Takamine, chair; Kawakami, Leong.

H.B. No. 2468, H.D. 1 (S.D. 1):

Representatives Hiraki, Yonamine, co-chairs; Moses.

H.B. No. 2480, H.D. 1 (S.D. 2):

Representatives Ito, Suzuki, co-chairs; Bukoski.

H.B. No. 2485 (S.D. 2):

Representatives Hiraki, Takamine, co-chairs; Moses.

H.B. No. 2495 (S.D. 1):

Representatives Kahikina, Kawakami, co-chairs; Stonebraker.

H.B. No. 2500, H.D. 1 (S.D. 1):

Representatives Saiki, Nakasone, co-chairs; Rath

H.B. No. 2501, H.D. 1 (S.D. 1):

Representatives Takamine, chair; Kawakami, Leong.

H.B. No. 2506, H.D. 1 (S.D. 1):

Representatives Arakaki, Kawakami, co-chairs; Stonebraker.

H.B. No. 2509, H.D. 1 (S.D. 1):

Representatives Souki, Hamakawa, co-chairs; Moses.

H.B. No. 2521, H.D. 2 (S.D. 2):

Representatives Arakaki, B. Oshiro, Kawakami, co-chairs; Kahikina, Stonebraker, Thielen.

H.B. No. 2525, H.D. 1 (S.D. 2):

Representatives Saiki, Nakasone, co-chairs; Leong.

H.B. No. 2526 (S.D. 1):

Representatives Saiki, Hiraki, Nakasone, co-chairs; Cabrerros, Leong, Pendleton.

H.B. No. 2527 (S.D. 1):

Representatives Saiki, Nakasone, co-chairs; Pendleton.

H.B. No. 2536 (S.D. 1):

Representatives Kanoho, Nakasone, co-chairs; Bukoski.

H.B. No. 2537 (S.D. 1):

Representatives Kanoho, chair; Hale, Thielen.

H.B. No. 2542, H.D. 2 (S.D. 2):

Representatives Kanoho, Nakasone, co-chairs; Leong.

H.B. No. 2549 (S.D. 1):

Representatives Kanoho, Nakasone, co-chairs; Bukoski.

H.B. No. 2552, H.D. 1 (S.D. 1):

Representatives Kanoho, Morita, Nakasone, co-chairs; Schatz, Meyer.

H.B. No. 2553 (S.D. 1):

Representatives Kanoho, Nakasone, co-chairs; Leong.

H.B. No. 2558, H.D. 1 (S.D. 2):

Representatives Takumi, Ito, Saiki, co-chairs; Espero, Ontai, Rath.

H.B. No. 2563, H.D. 1 (S.D. 1):

Representatives Garcia, Hamakawa, Takamine, co-chairs; Suzuki, Djou, Pendleton.

H.B. No. 2565, H.D. 2 (S.D. 1):

Representatives Garcia, Hamakawa, Takamine, co-chairs; Suzuki, Djou, Pendleton.

H.B. No. 2568, H.D. 1 (S.D. 1):

Representatives Suzuki, chair; Nakasone, Djou.

H.B. No. 2569, H.D. 1 (S.D. 1):

Representatives Suzuki, chair; Nakasone, Djou.

H.B. No. 2570, H.D. 1 (S.D. 1):

Representatives Ahu Isa, Magaoay, co-chairs; Marumoto.

H.B. No. 2571 (S.D. 1):

Representatives Ahu Isa, Magaoay, co-chairs; Leong.

H.B. No. 2576, H.D. 1 (S.D. 2):

Representatives Ahu Isa, Magaoay, co-chairs; Marumoto.

H.B. No. 2577, H.D. 1 (S.D. 1):

Representatives Souki, Kanoho, Espero, co-chairs; Garcia, Bukoski, Djou.

H.B. No. 2582, H.D. 1 (S.D. 1):

Representatives Souki, Hamakawa, co-chairs; Pendleton.

H.B. No. 2595, H.D. 1 (S.D. 1):

Representatives Chang, Abinsay, Suzuki, co-chairs; Cabrerros, Halford.

- H.B. No. 2618, H.D. 1 (S.D. 2):  
Representatives Hiraki, Yonamine, co-chairs; Djou.
- H.B. No. 2655, H.D. 1 (S.D. 1):  
Representatives Hiraki, B. Oshiro, co-chairs; Whalen.
- H.B. No. 2720, H.D. 1 (S.D. 1):  
Representatives Suzuki, chair; Nakasone, Leong.
- H.B. No. 2741, H.D. 2 (S.D. 2):  
Representatives Arakaki, Kawakami, co-chairs; Leong.
- H.B. No. 2744, H.D. 1 (S.D. 2):  
Representatives Abinsay, Cabreros, co-chairs; Halford.
- H.B. No. 2751, H.D. 1 (S.D. 2):  
Representatives Ito, Suzuki, co-chairs; Ontai.
- H.B. No. 2752, H.D. 1 (S.D. 1):  
Representatives Takumi, Saiki, co-chairs; Ontai.
- H.B. No. 2761, H.D. 1 (S.D. 1):  
Representatives Arakaki, Kawakami, co-chairs; Moses.
- H.B. No. 2764, H.D. 1 (S.D. 2):  
Representatives Kahikina, Kawakami, co-chairs; Davis.
- H.B. No. 2788, (S.D. 1):  
Representatives Takamine, chair; Nakasone, Djou.
- H.B. No. 2798, H.D. 1 (S.D. 1):  
Representatives Takumi, Saiki, co-chairs; Ontai.
- H.B. No. 2817, H.D. 1 (S.D. 1):  
Representatives B. Oshiro, chair; Hamakawa, Gomes.
- H.B. No. 2821, H.D. 1 (S.D. 2):  
Representatives Takamine, chair; Kawakami, Djou.
- H.B. No. 2832, H.D. 1 (S.D. 2):  
Representatives Hiraki, chair; Chang, Meyer.
- H.B. No. 2834 (S.D. 2):  
Representatives Takumi, Arakaki, Kawakami, co-chairs; Saiki, Marumoto, Stonebraker.
- H.B. No. 2840 (S.D. 2):  
Representatives Saiki, chair; Kawakami, Djou.
- H.B. No. 2843 (S.D. 2):  
Representatives Hamakawa, Saiki, co-chairs; Marumoto.
- H.B. No. 2844, H.D. 1 (S.D. 2):  
Representatives Hamakawa, chair; B. Oshiro, Marumoto.
- H.B. No. 2848, H.D. 1 (S.D. 2):  
Representatives Ito, Takumi, Hamakawa, Suzuki, co-chairs; Davis, Ontai.
- H.B. No. 2854, H.D. 1 (S.D. 1):  
Representatives Hiraki, chair; Chang, Whalen.
- Hse. Com. No. 569, informing the Senate that the Speaker on April 15, 2002, reiterated the appointment of Representatives Takamine, chair; Cabreros, Espero, Kawakami, Magaoay, Nakasone, Saiki, Suzuki, Yonamine, Davis, Leong, Moses as managers on the part of the House for the consideration of amendments proposed by the Senate to H.B. No. 1800, H.D. 1 (S.D. 1).
- Hse. Com. No. 570, informing the Senate that the Speaker on April 15, 2002, made the following changes to the conferees on the following bills:
- S.B. No. 2026, S.D. 1 (H.D. 1):  
Appointed Representative McDermott as an additional manager.
- S.B. No. 2802, S.D. 2 (H.D. 2):  
Appointed Representative Meyer as an additional manager.
- Hse. Com. No. 571, informing the Senate that the Speaker on April 15, 2002, made the following changes to the conferees on the following bills:
- H.B. No. 2552, H.D. 1 (S.D. 1):  
Appointed Representative Djou as an additional manager.
- S.B. No. 2139, S.D. 1 (H.D. 1):  
Discharged Representative Arakaki as first co-chair.  
Appointed Representative Kahikina as first co-chair.
- S.B. No. 2500, S.D. 2 (H.D. 1):  
Discharged Representative Arakaki as first co-chair.  
Appointed Representative Kahikina as first co-chair.
- Hse. Com. No. 572, informing the Senate that the Speaker on April 15, 2002, appointed Representatives Kahikina, Arakaki, Hiraki, co-chairs; Chang, Auwae, Marumoto as managers on the part of the House for the consideration of amendments proposed by the House to S.B. No. 2498, S.D. 2 (H.D. 1).
- Hse. Com. No. 573, informing the Senate that the Speaker on April 15, 2002, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:
- S.B. No. 594, S.D. 1 (H.D. 2):  
Representatives Arakaki, Hamakawa, Kawakami, co-chairs; Yonamine, Leong, McDermott.
- S.B. No. 941, S.D. 2 (H.D. 1):  
Representatives Saiki, chair; Nakasone, Rath.

S.B. No. 2106, S.D. 2 (H.D. 1):

Representatives Arakaki, Hiraki, co-chairs; Stonebraker.

S.B. No. 2118, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Saiki.

S.B. No. 2149, S.D. 1 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.

S.B. No. 2180, S.D. 2 (H.D. 1):

Representatives Saiki, Hamakawa, Hiraki, co-chairs; Auwae, Moses.

S.B. No. 2274, S.D. 1 (H.D. 1):

Representatives Yonamine, chair; Cabrerros, Leong.

S.B. No. 2309, S.D. 1 (H.D. 2):

Representatives Kanoho, Hamakawa, co-chairs; Espero, B. Oshiro, Bukoski, Marumoto.

S.B. No. 2383, S.D. 2 (H.D. 2):

Representatives Ahu Isa, Takamine, co-chairs; Espero, Magaoay, Davis, Leong.

S.B. No. 2416, S.D. 2 (H.D. 2):

Representatives Arakaki, Kawakami, co-chairs; Kahikina, Yonamine, Leong, McDermott.

S.B. No. 2431, S.D. 2 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Marumoto.

S.B. No. 2432, S.D. 1 (H.D. 1):

Representatives Yonamine, chair; Cabrerros, Auwae.

S.B. No. 2505, S.D. 1 (H.D. 2):

Representatives Morita, Hiraki, Magaoay, co-chairs; Schatz, Bukoski, Rath.

S.B. No. 2512, S.D. 2 (H.D. 2):

Representatives Ito, Saiki, Suzuki, co-chairs; Schatz, Bukoski, Ontai.

S.B. No. 2786, S.D. 1 (H.D. 1):

Representatives Saiki, chair; Nakasone, Djou.

S.B. No. 2810, S.D. 2 (H.D. 2):

Representatives Kanoho, Morita, Nakasone, co-chairs; Schatz, Djou, Meyer.

S.B. No. 2816, S.D. 2 (H.D. 1):

Representatives Takumi, Ito, Saiki, co-chairs; Espero, Ontai, Rath.

S.B. No. 2898, S.D. 2 (H.D. 2):

Representatives Morita, B. Oshiro, co-chairs; Bukoski.

S.B. No. 2907, S.D. 2 (H.D. 2):

Representatives Ahu Isa, Takamine, co-chairs; Magaoay, Suzuki, Djou, Leong.

S.B. No. 2944, S.D. 1 (H.D. 1):

Representatives Arakaki, Kahikina, Kawakami, co-chairs; Yonamine, McDermott, Stonebraker.

S.B. No. 3011, S.D. 2 (H.D. 2):

Representatives Suzuki, Yonamine, co-chairs; Halford.

Hse. Com. No. 574, informing the Senate that the Speaker on April 15, 2002, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1969 (S.D. 1):

Representatives Ito, Suzuki, co-chairs; Halford.

H.B. No. 2512 (S.D. 2):

Representatives Arakaki, Kahikina, Kawakami, co-chairs; Yonamine, Djou, Leong.

H.B. No. 2638, H.D. 2 (S.D. 1):

Representatives Arakaki, Kahikina, Kawakami, co-chairs; Yonamine, Auwae, McDermott.

H.B. No. 2642, H.D. 2 (S.D. 1):

Representatives Kahikina, Hiraki, Hamakawa, co-chairs; B. Oshiro, Marumoto, Whalen.

H.B. No. 2723, H.D. 2 (S.D. 1):

Representatives Morita, B. Oshiro, Yonamine, co-chairs; Cabrerros, Auwae, Djou.

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

Representatives Takamine, chair; Kawakami, Djou.

Hse. Com. No. 575, informing the Senate that the Speaker on April 16, 2002, made the following changes to the conferees on the following bills:

H.B. No. 703, H.D. 1 (S.D. 2):

Appointed Representative Takamine as co-chair and Representative Leong as an additional manager.

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

Discharged Representative Kawakami as a manager.  
Appointed Representative Magaoay as a manager.

H.B. No. 2848, H.D. 1 (S.D. 2):

Discharged Representative Ontai as a manager.  
Appointed Representative Bukoski as a manager.

Hse. Com. No. 576, informing the Senate that the Speaker on April 16, 2002, made the following changes to the conferees on the following bills:

S.B. No. 2102, S.D. 1 (H.D. 2):

Appointed Representative Hamakawa as second co-chair and Representatives Saiki, Bukoski as additional managers.

S.B. No. 3018, S.D. 1 (H.D. 1):

Appointed Representative Hamakawa as second co-chair and Representatives Saiki, Bukoski as additional managers.

Hse. Com. No. 577, informing the Senate that the Speaker on April 16, 2002, made the following changes to the conferees on the following bills:

H.B. No. 2235, H.D. 2 (S.D. 1):

Appointed Representative Suzuki as third co-chair and Representatives Abinsay, Halford as additional managers.

H.B. No. 2351, H.D. 1 (S.D. 2):

Discharged Representative Chang as a manager.  
Appointed Representative Nakasone as second co-chair.

Hse. Com. No. 578, informing the Senate that the Speaker on April 16, 2002, made the following change to the conferees on the following bill:

S.B. No. 2964, S.D. 2 (H.D. 2):

Discharged Representative Saiki as first co-chair.

Hse. Com. No. 579, informing the Senate that the Speaker on April 16, 2002, appointed Representatives Takamine, chair; Kawakami, Leong as managers on the part of the House for the consideration of amendments proposed by the House to S.B. No. 706, S.D. 1 (H.D. 1).

Hse. Com. No. 580, informing the Senate that the Speaker on April 17, 2002, made the following changes to the conferees on the following bill:

H.B. No. 2235, H.D. 2 (S.D. 1):

Discharged Representative Ito as second co-chair and Representatives Abinsay, Halford as managers.

#### STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3429) recommending that H.C.R. No. 28, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3429 and H.C.R. No. 28, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES," was deferred until Thursday, April 18, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3430) recommending that H.B. No. 2307, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3430 and H.B. No. 2307, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC TRANSACTIONS," was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3431) recommending that the Senate consent to the nomination of HILARY B. GANGNES to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3431 and Jud. Com. No. 2 was deferred until Thursday, April 18, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3432) recommending that the Senate consent to the nomination of PAUL T. MURAKAMI to the office of Judge, District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 3.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3432 and Jud. Com. No. 3 was deferred until Thursday, April 18, 2002.

#### ORDER OF THE DAY

##### RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

House Concurrent Resolution	Referred to:
No. 19, H.D. 2	Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 43	Committee on Education, then to the Committee on Ways and Means
No. 65	Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations
No. 72	Committee on Tourism and Intergovernmental Affairs
No. 108, H.D. 1	Committee on Commerce, Consumer Protection and Housing
No. 131	Committee on Commerce, Consumer Protection and Housing
No. 159	Committee on Commerce, Consumer Protection and Housing

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. No. 47.

Senator Inouye noted:

"Mr. President, H.C.R. No. 47 authorizes the board of land and natural resources to lease submerged and tidal lands of the Honokohau Small Boat Harbor to private entities for commercial, recreational, educational, and research purposes."

The Chair then granted the waiver.

Senator Buen, Chair of the Committee on Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. Nos. 70 and 94.

Senator Buen noted:

“Mr. President, we missed the 72-hour notice requirement by a few hours.”

The Chair then granted the waiver.

Senator Ige, Vice Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

H.C.R. No. 96;  
H.C.R. No. 117;  
H.C.R. No. 150;  
H.C.R. No. 155;  
H.C.R. No. 200; and  
S.R. No. 108,

and the Chair granted the waiver.

Senator Matsunaga, for the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. Nos. 131 and 159, and the Chair granted the waiver.

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

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

“Now that we’re enmeshed in the final stages of the budget, there were several rumors around the Capitol around a week or so ago about offers being made and checks being proffered to help us balance the budget. Everybody said that they didn’t know anything about those checks, and then a couple of days later there were specific checks in the amount of, I believe, \$150 million and \$200 million that were discussed. I always look to the Governor for, you know, answers in fiscal matters and he said he didn’t know anything about those checks. And then last night, I understand there was a proposal made for a \$300 million check in the area of gambling and again the Governor said he didn’t know anything about it.

“So I’m just wondering if this \$300 million check does in fact exist, is that going to be referred to Ways and Means? Is it part of the Conference Committee? Or where will that check wind up?”

The Chair replied:

“It will probably wind up with the Republicans.” (Laughter.)

Senator Slom continued:

“The Republicans . . . good. We’ll look forward to that. (Laughter.) Thank you, Mr. President.”

#### APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 2179, S.D. 2 (H.D. 1):

The President discharged Senator Kawamoto as a manager and Senator Menor as chair and appointed Senator Chun Oakland as a manager, Senator Kawamoto as chair, and Senator

Menor as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2179, S.D. 2.

S.B. No. 2270, S.D. 2 (H.D. 2):

The President discharged Senator Fukunaga as a manager and appointed Senator Ige as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2270, S.D. 2.

S.B. No. 2306, S.D. 2 (H.D. 2):

The President discharged Senators Inouye and Kim as managers and appointed Senator Kim as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2306, S.D. 2.

S.B. No. 2383, S.D. 2 (H.D. 2):

The President appointed Senators Hanabusa and Ihara as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2383, S.D. 2.

S.B. No. 2478 (H.D. 1):

The President discharged Senator Hemmings as a manager and appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2478.

S.B. No. 2802, S.D. 2 (H.D. 2):

The President discharged Senator Hemmings as a manager and appointed Senator Slom as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2802, S.D. 2.

H.B. No. 1156, H.D. 2 (S.D. 1):

The President appointed Senator Chun Oakland as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1156, H.D. 2.

H.B. No. 1730, H.D. 1 (S.D. 1):

The President discharged Senator Ige as a manager and appointed Senator English as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1730, H.D. 1.

H.B. No. 2300, H.D. 2 (S.D. 1):

The President discharged Senator Kanno as chair, Senator Taniguchi as a co-chair and Senators Ihara and Matsuura as managers and appointed Senator Taniguchi as chair and Senators Buen, Chun, Chun Oakland, English, Hanabusa, Ige, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tam and Hemmings as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2300, H.D. 2.

H.B. No. 2506, H.D. 1 (S.D. 1):

The President discharged Senator Slom as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2506, H.D. 1.

H.B. No. 2542, H.D. 2 (S.D. 2):

The President discharged Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2542, H.D. 2.

**ADJOURNMENT**

At 12:32 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 18, 2002.

H.B. No. 2553 (S.D. 1):

The President appointed Senators Hanabusa and Hemmings as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2553.

Respectfully submitted,

Clerk of the Senate

H.B. No. 2576, H.D. 1 (S.D. 2):

The President discharged Senator Inouye as co-chair and appointed Senator Slom as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2576, H.D. 1.

Approved:

President of the Senate

H.B. No. 2741, H.D. 2 (S.D. 2):

The President discharged Senator Ige as a manager and appointed Senators Hanabusa and Sakamoto as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2741, H.D. 2.

H.B. No. 2764, H.D. 1 (S.D. 2):

The President discharged Senator Hanabusa as co-chair and appointed her as a manager; and appointed Senator Taniguchi as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2764, H.D. 1.

H.B. No. 2788 (S.D. 1):

The President discharged Senator Hogue as a manager and appointed Senators Buen, Hanabusa, Chun, English, Ige, Kokubun, Tam, Hemmings and Slom as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2788.

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

The President discharged Senator Slom as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2827, H.D. 1.

H.B. No. 2843 (S.D. 2):

The President appointed Senator Hanabusa as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2843.

H.B. No. 2844, H.D. 1 (S.D. 2):

The President appointed Senator Hanabusa as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2844, H.D. 1.



## FIFTY-SECOND DAY

**Thursday, April 18, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Chun who was excused.

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

Senator Sakamoto, with the assistance of Senators Menor, Tam and Matsunaga, introduced and commended the following recipients of the 2001 Presidential Awards for Excellence in Mathematics and Science: Phyllis Nakama-Kawamoto, Mililani Mauka Elementary School; Wesley Yuu, Mililani Middle School; Geraldine Kajitani, Nuuanu Elementary School; and Joan Rohrbach, Sacred Hearts Academy.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 o'clock p.m.

The Chair made the following announcement:

"If there are no objections from the members, we will be suspending Senate Rule 36 (2) that requires the Governor to submit nominations to the Senate by the 51<sup>st</sup> day of the Session."

Senator Slom rose on a point of information as follows:

"Mr. President, point of information. Why are we suspending that Rule and why didn't the Governor get his nominations to us in a timely manner?"

The Chair responded:

"Times are tight and the Governor has yet to submit some of these nominations, so we need to at least accommodate him so that we can receive it."

Senator Slom then said:

"But Mr. President, that's the Governor's responsibility and the Governor has had 51 days. We started in January. If he had people that he wanted to nominate so that we could do due diligence and have proper hearings and everything else, he should have done that.

"Can we take a vote on that suspension of the Rule?"

The President answered: "Yes."

Senator Slom then said:

"I'd like a Roll Call vote, please. Thank you."

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

The Senate reconvened at 12:26 o'clock p.m.

Senator Slom rose and said:

"Mr. President, upon further review of the facts as they occurred yesterday, I'm going to withdraw my motion for a challenge and for a Roll Call vote with the understanding that there is some question of interpretation in the Rule as to the 51<sup>st</sup> day.

"It is our understanding now that there were two governor's messages and I believe that they were also reissued from previous messages. They were received on the 51<sup>st</sup> day by the President who then transmitted them to the Senate Clerk.

"I think that we need to tighten up the Rules so that we understand whether or not we're talking about the body of the Senate during its Session on the 51<sup>st</sup> day; that's one thing. So we would urge our colleagues' support of either a Rule change or Rule interpretation so it's very clear.

"The second thing is that we will withdraw this with the understanding that the Governor is not going to make any more nominations at this time, that the time has passed and we will not suspend the Rules.

"So with that, Mr. President, I will withdraw my objection.

"Thank you."

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 346 to 350) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 346, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of: WILLIAM FRAMPTON, term to expire June 30, 2004; CLIFFORD J. NAEOLE and WILLIAM WAIOHU JR., terms to expire June 30, 2005; and CHARLES K. MAXWELL, SR., term to expire June 30, 2006, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 347, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of PEGGY ROBERTSON, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 348, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nominations of: LYLE J. MATSUNAGA, term to expire June 30, 2005; and LLOYD Y. GINOZA, term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 349, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of JAMES H. HATTAWAY, D.C., term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 350, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of KATHRYN RICE ILGEN, D.V.M., and GARY Y. MURAI, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 581 to 585) were read by the Clerk and were placed on file:

Hse. Com. No. 581, returning S.C.R. No. 65, which was adopted by the House of Representatives on April 17, 2002.

Hse. Com. No. 582, returning S.C.R. No. 108, which was adopted by the House of Representatives on April 17, 2002.

Hse. Com. No. 583, informing the Senate that the Speaker on April 17, 2002, appointed Representatives Hamakawa, Takamine, co-chairs, Davis as managers on the part of the House for the consideration of amendments proposed by the House to S.B. No. 2478, (H.D. 1).

Hse. Com. No. 584, informing the Senate that the Speaker on April 17, 2002, made the following changes to the conferees on the following bills:

H.B. No. 1800, H.D. 1 (S.D. 1):

Discharged Representative Suzuki as a manager.

H.B. No. 2834 (S.D. 2):

Discharged Representative Takumi as first co-chair.  
Appointed Representative Hiraki as first co-chair.

Hse. Com. No. 585, informing the Senate that the Speaker on April 17, 2002, made the following change to the conferees on the following bill:

S.B. No. 2302, S.D. 2 (H.D. 2):

Appointed Representative Hiraki as second co-chair.

**STANDING COMMITTEE REPORTS**

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3433) recommending that S.R. No. 73, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3433 and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DELAY ANY CONTRACT EXTENSIONS OR NEW CONTRACT AWARDS UNTIL THE SUCCESSORS TO THE CURRENT BOARD MEMBERS HAVE BEEN APPOINTED," was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3434) recommending that the Senate advise and consent to the nomination of RICHARD TURBIN to the Civil Rights Commission, in accordance with Gov. Msg. No. 229.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3434 and Gov. Msg. No. 229 was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3435) recommending that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 241.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3435 and Gov. Msg. No. 241 was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3436) recommending that the Senate advise and consent to the nominations of DANA S. ISHIBASHI and PAMELA E. TAMASHIRO to the Defender Council, in accordance with Gov. Msg. No. 260.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3436 and Gov. Msg. No. 260 was deferred until Friday, April 19, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3437) recommending that the Senate advise and consent to the nomination of TRACY K. CHANG to the Board of Trustees, Hawai'i Public Employees Health Fund, in accordance with Gov. Msg. No. 185.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3437 and Gov. Msg. No. 185 was deferred until Friday, April 19, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3438) recommending that the Senate advise and consent to the nominations of MARY ALICE EVANS, MICHAEL T. FITZGERALD and AARON S. FUJIOKA to the Hawai'i Performance Partnerships Board, in accordance with Gov. Msg. No. 184.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3438 and Gov. Msg. No. 184 was deferred until Friday, April 19, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3439) recommending that the Senate advise and consent to the nomination of WAYNE K. KATAYAMA to the Board of Directors, Agribusiness Development Corporation, in accordance with Gov. Msg. No. 172.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3439 and Gov. Msg. No. 172 was deferred until Friday, April 19, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3440) recommending that the Senate advise and consent to the nominations of BARBARA K. IDETA, CAROL H. KIKKAWA-WARD, ROBERT P. TAKUSHI and JOAN P. WHITE to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 261.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3440 and Gov. Msg. No. 261 was deferred until Friday, April 19, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3441) recommending that the Senate advise and consent to the nominations of KENNETH H. SANDEFUR and RICHARD E. MEIERS to the Board of Directors of the Hawai'i Health Systems Corporation, in accordance with Gov. Msg. No. 265.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3441 and Gov. Msg. No. 265 was deferred until Friday, April 19, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3442),

recommending that H.C.R. No. 12 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 H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3443), recommending that H.C.R. No. 53, H.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 53, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF DEATH CARE PROVIDERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3431 (Jud. Com. No. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3431 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kanno then moved that the Senate consent to the nomination of HILARY B. GANGNES as Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Fukunaga.

Senator Kanno rose in support of the nominee and said:

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

"Mr. President, your Committee received testimony in support of the nominee from the Hawaii State Bar Association, Administrative Judge of the District Court of the First Circuit, Office of the Public Defender, and four individuals.

"The nominee is currently a partner in the law firm of Bronster Crabtree & Hoshibata. She has been a per diem judge for the District Court of the First Circuit since 1997. She has received numerous professional honors and awards, including being named the Consumer Lawyer of the Year in 1997.

"The Hawaii State Bar Association subjected the nominee to rigorous review and evaluation before rating the nominee as 'highly qualified' for the position. That rating is the highest endorsement given by the Hawaii State Bar Association for judicial appointment recommendations. The review includes a thorough evaluation of the nominee based on a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for Judicial Office. The guideline's criteria include integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

"Mr. President, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position

to which nominated and recommends that the Senate consent to the nomination."

Senator Kawamoto rose to speak in favor of the nominee with reservations as follows:

"Mr. President, I rise to vote in favor of the nominee with reservations.

"Mr. President, I'll be voting with reservations for all the judges that are being appointed at this time until such time I feel as though they are taking into consideration the plight of the community and the seriousness of different things that we need to look into to make our community a better place to live in and the need for judges to see what's the intent of legislation to improve the lifestyle in our community before they make their judgment. For example, the Felix/Waihee case. For example, the traffic cams when they said because the police didn't give tickets less than 10 miles over the speed limit they threw out some tickets. And fireworks . . . when we passed the law that says that if you have more than 30 pounds of aerial fireworks in your possession, you'll be charged with a class C felony, five years in jail, \$10,000 fine, they turn around and give a judgment that's only a \$1,000 fine.

"Mr. President, with these kinds of judgments, we are never going to cure the ills of the community if we pass laws to deter these activities and our judiciary system doesn't follow through, our work would be for naught. Therefore, Mr. President, I'll be voting with reservations on all judiciary appointees from now on until such time as I feel that they're doing their job and support the intent of legislation.

"Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Chun, Matsuura, Tam).

At this time, Senator Kanno introduced Judge Gangnes to the members of the Senate.

Stand. Com. Rep. No. 3432 (Jud. Com. No. 3):

Senator Kanno moved that Stand. Com. Rep. No. 3432 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kanno then moved that the Senate consent to the nomination of PAUL T. MURAKAMI as Judge of the District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Fukunaga.

Senator Kanno rose in support of the nominee and said:

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

"Mr. President, your Committee received testimony in support of the nominee from the Hawaii State Bar Association, Chief Court Administrator of the First Judicial Circuit, Hawaii State Public Defender, and five individuals.

"The nominee is currently a per diem judge for the Family Court. Testimony indicated that his judicial temperament and relationship with the staff are excellent. He has handled all types of cases and maintained courtroom decorum. There has not been a single complaint about the nominee in his work as a per diem judge.

“The nominee is licensed to practice law in Hawaii, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. He has been a Grand Jury Council for the First Circuit, and serves on the Medical Claims Conciliation Panel and National Council of Juvenile and Family Court Judges.

“The Hawaii State Bar Association also rated this nominee as ‘highly qualified’ for the position.

“Mr. President, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the nomination.”

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

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

Ayes, 22. Noes, none. Excused, 3 (Chun, Matsuura, Tam).

At this time, Senator Kanno introduced Judge Murakami to the members of the Senate.

At 12:36 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:41 o’clock p.m.

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM WEDNESDAY, APRIL 17, 2002**

Stand. Com. Rep. No. 3429 (H.C.R. No. 28, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 28, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES,” was adopted.

**RE-REFERRAL OF GOVERNOR’S MESSAGES**

The Chair re-referred the following governor’s messages that were submitted:

Governor’s Message	Referred to:
No. 308	Committee on Hawaiian Affairs
No. 321	Committee on Hawaiian Affairs
No. 322	Committee on Hawaiian Affairs
No. 326	Committee on Economic Development and Technology

**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The Chair re-referred the following House concurrent resolutions that were received:

House Concurrent Resolution	Referred to:
No. 16	Committee on Labor
No. 17	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology
No. 18	Committee on Water, Land, Energy, and Environment
No. 21	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 42, H.D. 1	Committee on Transportation, Military Affairs, and Government Operations
No. 47, H.D. 1	Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology
No. 105	Committee on Ways and Means
No. 130	Committee on Labor
No. 139, H.D. 1	Committee on Labor
No. 195, H.D. 1	Committee on Health and Human Services

At 12:42 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:43 o’clock p.m.

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. Nos. 17 and 47.

Senator Inouye noted:

“Mr. President, H.C.R. No. 17 authorizes the lease of easement covering portion of submerged lands at Maunaloa, Oahu, Hawaii, for maintenance of the Hawaii Kai Marina entrance channel purposes. H.C.R. No. 47, H.D. 1, authorizes the board of land and natural resources to lease submerged and tidal lands of the Honokohau Small Boat Harbor to private entities for commercial, recreational, educational, and research purposes on the Island of Hawaii.”

The Chair then granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

- H.C.R. No. 18;
- H.C.R. No. 21;
- H.C.R. No. 42;
- H.C.R. No. 121;
- H.C.R. No. 163, and
- H.C.R. No. 193.

Senator Kawamoto noted:

"Mr. President, these were requested and we want to honor the member's requests."

The Chair then granted the waiver.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. No. 101, and the Chair granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. Nos. 75 and 118.

Senator Menor noted:

"The reason for the waiver is because these resos were just recently referred to my Committee."

The Chair then granted the waiver.

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

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

"Mr. President, colleagues, I think there's a very healthy ideological debate going on in the Senate, and it's in the Senate Leadership, I understand. It regards the choices, the choices we make collectively as the legislative branch of this great government.

"Last year we made a choice to do something for the first time since 1957. We chose not to let the Governor, the executive branch of government, have dictatorial powers over the will of the people, as expressed through the legislative process, and we boldly overrode a veto.

"It may be time to be bold once again. We're looking at a \$300 million deficit that is a huge economic abyss that the State is in right now. Some say it's because of 9/11, others say it might be caused by excessive spending over the last 10 or 15 years. That debate can be answered at some other time. Nevertheless, we're facing the problem.

"There are two trains of thought of how to solve this problem. One is the formula that got us where we are. I love the euphemisms that come out of this body – one of them is 'revenue enhancers' . . . let's look at revenue enhancers. The short version of that is taxes, or let's raid hurricane funds and turn that into a tax; let's raise fees; let's raid special funds. And, of course, the other alternative that I know you, Mr. President, are looking at and some of your colleagues in the Majority Caucus are looking at is some genuine honest budget cuts.

"I want to tell you that we've done a lot of work in the Minority with the information that we have available to us, which is oftentimes scarce. We think it's a good and noble cause to find ways for this government to become more efficient and cost-effective in spending money. We further think that there is enough evidence that in the budget there is money that could be cut, thus preempting the need to come up with \$300 million worth of, quote unquote, 'revenue enhancers.'

"One of the things we did was go to the personnel department and get a printout of the vacant positions. We made that information public, which should be very insulting to the Majority Party not only this Session but in the Sessions maybe

for the last 10, 15, or 20 years. Year in and year out, we have been told in long testimony that has almost turned into a drama, that in order to serve the people of Hawaii, in order to accomplish these great goals that we put forth on behalf of our people, that we need more positions and we need more money. And yet, as of just recently, we've identified 5,000 empty positions.

"We've also been told, as excuses which has been verified by members of the Ways and Means Committee, that department heads tell us 'well, we need that money for other things, most especially overtime.' Coincidentally, Marion Higa identified that overtime exploitation is one of the major abuses in state government. We've also had evidence, via well-intentioned employees, that oftentimes overtime abuses are to take care of friends. Another mechanism used to take care of friends and get them a job at the state trough is temporary hires.

"This is an official state document. Over 5,000, quote unquote, 'vacant positions.' Many of them are zeroed out with no authorization, according to this document. It does recommend or refer to \$94 million of spending.

"Are we going to abdicate our responsibility once again and let the executive branch of government tell us, what amounts to falsehoods, about why they need the money and, more importantly, how they're spending it? Are we going to hold them accountable? I say it's about time we hold the executive branch accountable. I say we can cut this money and ask them to come back next year, if we're lucky enough to be re-elected, and explain to us how they made up the shortfall.

"There's something much more sinister in this that we've also uncovered. There are 1,087 vacant educational assistant positions in the DOE as of 2/13/02. The dates of the vacancies range from June 1998 to January 2002. Most of the vacancies are listed as occurring in 2002 and 2001. Some, if not all, of these positions may be receiving funding. In fact, there are millions of dollars of authorized funding in it.

"Coincidentally, this State is under a Felix consent decree. And we've told a federal judge that we have filled those positions. We've told a federal judge we're in compliance. Well, the positions are filled on paper maybe, but according to this, they're not filled in the classroom.

"Now, the good Senator from Waianae conducted hearings, and unfortunately, the same federal judge preempted her ability of investigating where some of this money is hemorrhaging in the Felix consent decree.

"What we can see is that the executive branch of government may be in contempt and may be misrepresenting the facts not only to this Legislature, but to a federal judge. And what we can see by looking behind these numbers and hearing the excuses from the executive branch of government is, at best, deception . . . deception that has led us to spending a lot of money and not getting anything done and, more importantly, not being held accountable.

"Now, we can rubber stamp it, and we can look at revenue enhancers, and we can look at raising more money to throw at this problem, or we can draw the line. And I sense, Mr. President, that you and, up until recently, the majority of your caucus is ready to hold the executive branch of government accountable. And I applaud you for this. But if we're really going to do what's best for the economy and the future of this State, we have to get under control this bureaucracy. This fourth branch of government bureaucracy that has led us to near bankruptcy, has led us to the point that the private sector is collapsing under the weight of trying to support a government

that spends money with no accountability, a government that when it runs out of money goes back to the workers of Hawaii and asks them to give more, disguising it with clever names such as revenue enhancers or borrowing or hurricane relief funds.

"It's difficult to make these arguments and these points in Ways and Means and in the Conference Committees, simply because of the forum and the intensity of Conference Committees combined. It's pretty well scripted and rehearsed. And that's why I so much appreciate the openness and the candidness of this forum of the Senate Floor. I applaud, for the first time in a long time, that this Senate is taking a look at the alternative to revenue enhancers and holding the executive branch of government accountable.

"I'm hoping, under your leadership and those like-minded members of the Majority Caucus, that we can continue down this road of financial responsibility and accountability. Our citizens deserve nothing less.

"Thank you, Mr. President."

Senator Sakamoto rose in response as follows:

"Mr. President, a short response to some of the comments made by our good Senator from Waimanalo.

"I believe all of us here want our education system to be second to none. Unfortunately, some of the issues related to whether it's vacant educational assistant positions or others, are a reality. Our educational company, the DOE, is a big company, and people, for whatever reasons, move on to other jobs or are not qualified. And that company does have vacancies. When they do have a vacancy, unfortunately, it sometimes requires a temporary employee, emergency hire. And in my mind, I don't see those as favoritism positions, but positions to help educate the children that are sitting there needing people to supervise them and help them.

"The department is aware of some of the concerns raised. Myself and others are pressing them to do a better job, and I'm sure they will. I don't feel we are in any way jeopardizing or pulling the wool over anybody's eyes related to the consent decree. In my opinion, we've marched a long way and we are going in the right direction. My hope is that we will reach an agreement with the court and continue to march in the same direction. In no way is your Education Chair, or anybody I see here, wavering from that commitment."

#### ADJOURNMENT

At 12:58 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 19, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTY-THIRD DAY

Friday, April 19, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:55 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Francis Regis, OSF, St. Francis Convent and Schools, after which the Roll was called showing all Senators present.

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

Senator Kawamoto congratulated and introduced the following recipients of the Waipahu Business Association's Annual Pride in Waipahu Awards: Beverly Sandobal, Helen Barcelona and Rose Pamatigan. Accompanying the honorees was Annette Yamaguchi, chair of the Pride in Waipahu Awards Banquet. Other recipients who were not able to attend were Maisel Caliva, Ed Kubo and Edmar Ramos.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 351 to 353) were read by the Clerk and were placed on file:

Gov. Msg. No. 351, informing the Senate that on April 18, 2002, he signed into law Senate Bill No. 410 as Act 23, entitled: "RELATING TO TRANSPORTATION."

Gov. Msg. No. 352, dated April 18, 2002, transmitting his statement of objections to Senate Bill No. 748 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 17, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 748

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 748, entitled 'A Bill for an Act Relating to Motorcycle Operator Education.'

The purpose of this bill is to amend section 286-108.4, Hawaii Revised Statutes, to provide that military motorcycle operator education programs in Hawaii that (1) meet Motorcycle Safety Foundation standards and (2) are certified by the military installation commander, shall be deemed approved and certified by the director of transportation.

Section 15 of Article III of the State Constitution provides in part as follows:

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the

same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

This bill carried over from the regular session of 2001 but did not pass at least one reading in its originating house during the regular session of 2002. Therefore, this bill did not meet the requirements of Section 15 of Article III of the State Constitution that apply to carried-over bills and cannot validly become law.

Furthermore, the bill may result in undesirable inconsistencies with current State Department of Transportation (DOT) efforts in this area. The DOT recently adopted administrative rules that establish a fair, equitable, and consistent procedure for program certification. This bill would undermine the intent of these rules by treating the military differently.

For the foregoing reasons, I am returning Senate Bill No. 748 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 353, dated April 18, 2002, transmitting his statement of objections to House Bill No. 2467 which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 17, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2467

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2467, entitled 'A Bill for an Act Relating to Naturopathy.'

The purposes of this bill are to: (1) repeal outdated language regarding application procedures for the naturopathy examination and (2) modify the accrediting standards for approved naturopathic schools in order to eliminate adverse consequences on applicants for a naturopathy license.

However, this bill is identical to Senate Bill No. 2725, which was also passed during the regular session of 2002. Senate Bill No. 2725 was approved on April 11, 2002, as Act 14, Session Laws of Hawaii 2002. Consequently, there is no need to also approve this bill.

For the foregoing reason, I am returning House Bill No. 2467 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 586 to 592) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 586, informing the Senate that the Speaker on April 18, 2002, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 331, S.D. 2 (H.D. 2):

Representatives Kahikina, Hamakawa, co-chairs; Auwae.

S.B. No. 859, S.D. 1 (H.D. 2):

Representatives Garcia, Hamakawa, co-chairs; Auwae.

S.B. No. 2179, S.D. 2 (H.D. 1):

Representatives Morita, Hiraki, Takamine, co-chairs; Schatz, Rath, Whalen.

S.B. No. 3047, S.D. 1 (H.D. 1):

Representatives Arakaki, Kahikina, Kawakami, co-chairs; Cabrerros, McDermott, Stonebraker,

was placed on file.

Hse. Com. No. 587, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 1768, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 1768, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 18, 2002, was placed on file.

Hse. Com. No. 588, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to the following House bills and the amendments proposed by the Senate were agreed to by the House and said bills passed Final Reading in the House of Representatives on April 18, 2002:

H.B. No. 1970, S.D. 1; and  
 H.B. No. 2009, H.D. 1, S.D. 1,

was placed on file.

Hse. Com. No. 589, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to the following House bills and the amendments proposed by the Senate were agreed to by the House and said bills passed Final Reading in the House of Representatives on April 18, 2002:

H.B. No. 1746, H.D. 1, S.D. 1;  
 H.B. No. 2056, H.D. 2, S.D. 2; and  
 H.B. No. 2169, H.D. 2, S.D. 1,

was placed on file.

Hse. Com. No. 590, informing the Senate that the Speaker on April 18, 2002, made the following changes to the conferees on the following bill:

S.B. No. 2069, S.D. 2 (H.D. 1):

Discharged Representative Ito as first co-chair.  
 Appointed Representative Takumi as first co-chair,

was placed on file.

Hse. Com. No. 591, returning S.C.R. No. 75, S.D. 1, which was adopted by the House of Representatives on April 18, 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.C.R. No. 75, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 592, returning S.C.R. No. 50, which was adopted by the House of Representatives on April 18, 2002, was placed on file.

### SENATE COMMUNICATION

Sen. Com. No. 4, notice to the Governor dated April 18, 2002, transmitting S.B. No. 996, H.D. 1, C.D. 1, which proposes 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 18, 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 bill(s), a copy of which is attached hereto:

S.B. 996, HD 1, CD1  
 'PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION.'

Respectfully,

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

### CONFERENCE COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2848, H.D. 1, presented a report (Conf. Com. Rep. No. 1-02) recommending that H.B. No. 2848, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1-02 and H.B. No. 2848, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT 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," was deferred for a period of 48 hours.

By unanimous consent, action on Conf. Com. Rep. No. 1-02 and H.B. No. 2848, H.D. 1, S.D. 2, C.D. 1, was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1012, presented a report (Conf. Com. Rep. No. 2-02) recommending that H.B. No. 1012, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-02 and H.B. No. 1012, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT 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," was deferred for a period of 48 hours.

By unanimous consent, action on Conf. Com. Rep. No. 2-02 and H.B. No. 1012, S.D. 1, C.D. 1, was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 996, presented a report (Conf. Com. Rep. No. 51-02) recommending that S.B. No. 996, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51-02 and S.B. No. 996, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION," was deferred for a period of 48 hours.

By unanimous consent, action on Conf. Com. Rep. No. 51-02 and S.B. No. 996, H.D. 1, C.D. 1, was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 997, presented a report (Conf. Com. Rep. No. 52-02) recommending that S.B. No. 997, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-02 and S.B. No. 997, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," was deferred for a period of 48 hours.

By unanimous consent, action on Conf. Com. Rep. No. 52-02 and S.B. No. 997, H.D. 1, C.D. 1, was deferred until Tuesday, April 30, 2002.

#### STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3444) recommending that the Senate advise and consent to the nominations of CHARLES M. FREEDMAN, MARY PHILPOTTS and MONA ABADIR to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 259.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3444 and Gov. Msg. No. 259 was deferred until Monday, April 22, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3445) recommending that the Senate advise and consent to the nominations of EVERETT R. DOWLING and MYRON A. YAMASATO to the Board of Regents, University of Hawai'i, in accordance with Gov. Msg. No. 281.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3445 and Gov. Msg. No. 281 was deferred until Monday, April 22, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3446) recommending that the Senate advise and consent to the nomination of DORIS M. CHING, ED.D., to the Western Interstate Commission for Higher Education (WICHE), in accordance with Gov. Msg. No. 288.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3446 and Gov. Msg. No. 288 was deferred until Monday, April 22, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3447) recommending that the Senate advise and consent to the nominations of SAMUEL DACANAY, M.D., DAVID A. KAKU, M.D., KEVIN K. LUI, O.D., and DAVID MAI, M.D., to the Medical Advisory Board, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3447 and Gov. Msg. No. 274 was deferred until Monday, April 22, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3448) recommending that the Senate advise and consent to the nominations of KAZU HAYASHIDA, HAROLD K. KAGEURA, WILLIAM H. CROZIER III, JAMES C. PACOPAC, KIRK T. TANAKA and NORMAN K. TSUJI to the Commission on Transportation, in accordance with Gov. Msg. No. 286.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3448 and Gov. Msg. No. 286 was deferred until Monday, April 22, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3449) recommending that H.C.R. No. 34 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3449 and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' TO FULL UNITED STATES VETERANS' STATUS AND BENEFITS," was deferred until Monday, April 22, 2002.

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

3450), recommending that H.C.R. No. 103, H.D. 1, 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 H.C.R. No. 103, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, DEPARTMENT OF AGRICULTURE, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3451), recommending that H.C.R. No. 94, H.D. 1, 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 H.C.R. No. 94, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE PROMOTION OF AGRICULTURAL DEVELOPMENT AND THE PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3434 (Gov. Msg. No. 229):

Senator Kanno moved that Stand. Com. Rep. No. 3434 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of RICHARD TURBIN to the Civil Rights Commission, term to expire June 30, 2004, seconded by Senator Matsuura.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3435 (Gov. Msg. No. 241):

Senator Kanno moved that Stand. Com. Rep. No. 3435 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, term to expire June 30, 2006, seconded by Senator Matsuura.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3436 (Gov. Msg. No. 260):

Senator Kanno moved that Stand. Com. Rep. No. 3436 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations of DANA S. ISHIBASHI and PAMELA E. TAMASHIRO to the Defender Council, terms to expire June 30, 2006, seconded by Senator Matsuura.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3437 (Gov. Msg. No. 185):

Senator Nakata moved that Stand. Com. Rep. No. 3437 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of TRACY K. CHANG to the Board of Trustees, Hawai'i Public Employees Health Fund, term to expire June 30, 2004, seconded by Senator Ihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3438 (Gov. Msg. No. 184):

Senator Nakata moved that Stand. Com. Rep. No. 3438 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nominations to the Hawai'i Performance Partnerships Board of the following:

MARY ALICE EVANS, term to expire December 2, 2002;

MICHAEL T. FITZGERALD, term to expire June 30, 2004; and

AARON S. FUJIOKA, term to expire October 15, 2005,

seconded by Senator Ihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3439 (Gov. Msg. No. 172):

Senator Buen moved that Stand. Com. Rep. No. 3439 be received and placed on file, seconded by Senator Chun and carried.

Senator Buen then moved that the Senate advise and consent to the nomination of WAYNE K. KATAYAMA to the Board of Directors, Agribusiness Development Corporation, term to expire June 30, 2005, seconded by Senator Chun.

Senator Buen rose and said:

"Mr. President, I have some comments I'd like inserted into the Journal on Mr. Wayne Katayama."

The Chair having so ordered, Senator Buen's remarks read as follows:

"Members of the Senate, I stand before you today to urge you to vote favorably on the nomination of Wayne K. Katayama to the Agribusiness Development Corporation Board of Directors.

"Agriculture, the base of all modern society, is particularly sensitive in Hawaii right now as we strive to transition from a large plantation-style of agriculture to a smaller, diversified crop system. Wayne has the agricultural and business experience necessary to be successful at this endeavor, as well as a commitment to Hawaii that is unwavering. Over the course of his career, he has been an accountant, senior financial analyst, vice-president, and president for agricultural-related businesses. He has demonstrated his skills and commitment by serving in numerous board memberships, including the Hawaii Tropical Fruit Growers, The College of Tropical Agriculture and Human Resources, and the Kauai Rural Development Project, to name a few.

"As President of Kilauea Agronomics for the past nine years, he has a comprehensive knowledge of the unique problems and strengths of Hawaii's present agriculture industry, as well as the vision necessary to lead Hawaii into the future.

"A liaison between organized business and the farming community, Wayne has proven his desire to improve agricultural business and the community by his over 30 years of professional experience and service.

"He has also served on the Board of Directors for the Kauai Visitors Bureau and is presently a member of the Hawaii Hotel Association. His experience and close connection with the tourist industry is of special value, as the intrinsic link between tourism and agriculture can only be expected to strengthen in the future.

"Wayne is supported in his nomination by Dean Hashimoto of CTAHR, Alfredo Lee of the Agribusiness Development Corporation, James Nakatani of the Department of Agriculture, and Stephanie Whalen of the Hawaii Agricultural Research Center, to name a few.

"Wayne is eminently qualified for this position, and has the leadership, experience and character that will make his an invaluable member of the Board of Directors for the Agribusiness Development Corporation. It is for these reasons that I urge you to vote favorably for the nomination of Wayne Katayama."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3440 (Gov. Msg. No. 261):

Senator Matsuura moved that Stand. Com. Rep. No. 3440 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of BARBARA K. IDETA, CAROL

H. KIKKAWA-WARD, ROBERT P. TAKUSHI and JOAN P. WHITE to the Policy Advisory Board for Elder Affairs, terms to expire June 30, 2006, seconded by Senator Buen.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3441 (Gov. Msg. No. 265):

Senator Matsuura moved that Stand. Com. Rep. No. 3441 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawaii Health Systems Corporation of the following:

KENNETH H. SANDEFUR, term to expire June 30, 2004; and

RICHARD E. MEIERS, term to expire June 30, 2006,

seconded by Senator Buen.

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

Ayes, 25. Noes, none.

#### ADOPTION OF RESOLUTION

#### MATTER DEFERRED FROM THURSDAY, APRIL 18, 2002

Stand. Com. Rep. No. 3433 (S.R. No. 73, 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. 73, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DELAY ANY CONTRACT EXTENSIONS OR NEW CONTRACT AWARDS UNTIL THE SUCCESSORS TO THE CURRENT BOARD MEMBERS HAVE BEEN APPOINTED," was adopted.

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

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

#### THIRD READING

Stand. Com. Rep. No. 3430 (H.B. No. 2307, H.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 3430 was adopted and H.B. No. 2307, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

House  
Concurrent  
Resolution            Referred to:

No. 70, H.D. 1            Committee on Agriculture

No. 121, H.D. 1            Committee on Transportation, Military  
Affairs, and Government Operations

No. 123                    Committee on Health and Human  
Services

No. 179, H.D. 1            Committee on Water, Land, Energy, and  
Environment, then jointly to the Committee on Commerce,  
Consumer Protection and Housing and the Committee on Ways  
and Means

Senator Taniguchi, Chair of the Committee on Ways and Means, requested that the referral of H.C.R. Nos. 94 and 103 to the Committee on Ways and Means be waived.

Senator Taniguchi noted:

“Mr. President, these resolutions were on today’s Order of the Day for referral to the Committee on Ways and Means and in order to meet Monday’s concurrent resolution crossback deadline, your Committee would like to waive this referral. Thank you.”

The Chair then granted the waiver.

By unanimous consent, action on H.C.R. Nos. 94 and 103 was deferred until Monday, April 22, 2002.

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

At 12:25 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o’clock p.m.

Senator Chun Oakland extended happy birthday wishes to Senator Ihara on behalf of the Senate.

**APPOINTMENT AND DISCHARGE  
OF CONFEREES**

S.B. No. 2498, S.D. 2 (H.D. 1):

The President appointed Senator Menor as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2498, S.D. 2.

S.B. No. 2724, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2724, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 3049, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3049, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi,

co-chair; Hanabusa, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3060, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3060, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Fukunaga, Hanabusa, Tam, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3063, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3063, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Kanno, Taniguchi, co-chairs; English, Hanabusa, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1761, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1761, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Matsuura, Taniguchi, co-chairs; Fukunaga, Matsunaga as managers on the part of the Senate at such conference.

H.B. No. 1777, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1777, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1823, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1823, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Hanabusa, Kokubun, Sakamoto, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2212, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2212, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Inouye, Hanabusa, co-chairs; English, Kawamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2832, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2832, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Menor, co-chair; English, Slom as managers on the part of the Senate at such conference.

H.B. No. 2834 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2834, and the request for a conference on the subject matter thereof, the

President appointed Senators Menor, chair; Matsuura, Taniguchi, co-chairs; Chun Oakland, Fukunaga, Matsunaga as managers on the part of the Senate at such conference.

**ADJOURNMENT**

At 12:27 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., Monday, April 22, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTY-FOURTH DAY

Monday, April 22, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Nakata, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 593 to 598) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 593, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 28, were agreed to by the House and H.C.R. No. 28, S.D. 1, was finally adopted in the House of Representatives on April 19, 2002, was placed on file.

Hse. Com. No. 594, returning S.C.R. No. 142, which was adopted by the House of Representatives on April 19, 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.C.R. No. 142, and requested a conference on the subject matter thereof.

Hse. Com. No. 595, returning S.C.R. No. 44, S.D. 1, which was adopted by the House of Representatives on April 19, 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.C.R. No. 44, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 596, returning S.C.R. No. 36, which was adopted by the House of Representatives on April 19, 2002, was placed on file.

Hse. Com. No. 597, returning S.C.R. No. 68, S.D. 1, which was adopted by the House of Representatives on April 19, 2002, was placed on file.

Hse. Com. No. 598, returning S.C.R. No. 95, which was adopted by the House of Representatives on April 19, 2002, was placed on file.

## CONFERENCE COMMITTEE REPORT

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2382, H.D. 1, presented a report (Conf. Com. Rep. No. 3-02) recommending that H.B. No. 2382, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-02 and H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3452) recommending that the Senate advise and consent to the nominations of LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3452 and Gov. Msg. No. 258 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3453) recommending that the Senate advise and consent to the nominations of CAROL H. IGARASHI, SAM FAILLA and JUNE UYEHARA-ISONO to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 262.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3453 and Gov. Msg. No. 262 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3454) recommending that the Senate advise and consent to the nominations of PAUL W. CONDRY and KENNETH N. SHIIRA to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 263.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3454 and Gov. Msg. No. 263 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3455) recommending that the Senate advise and consent to the nominations of ROBERT Y. AKINAKA, ALFREDO G. EVANGELISTA, KEN K. HAYASHIDA and LAUREL MAU NAHME to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3455 and Gov. Msg. No. 264 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3456) recommending that the Senate advise and consent to the nominations of STEVEN J. NISHIMURA, AIPOPO AIPOPO JR. and WESLEY R. SEGAWA to the Board of Directors, Housing and Community Development Corporation of Hawai'i, in accordance with Gov. Msg. No. 270.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3456 and Gov. Msg. No. 270 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3457) recommending that the Senate advise and consent to the nominations of VICKI VON STROHEIM-SEAY, MICHELLE NAKATA TAKEMOTO and EMY M.

YAMAUCHI to the Board of Massage Therapy, in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3457 and Gov. Msg. No. 273 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3458) recommending that the Senate advise and consent to the nominations of G. MARKUS POLIVKA, CULLEN T. HAYASHIDA, PH.D., MICHAEL H. DANG, M.D., and GREGORY PARK, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 275.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3458 and Gov. Msg. No. 275 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3459) recommending that the Senate advise and consent to the nominations of STEPHEN A. KULA, PH.D., BENJAMIN MERCADO, L.P.N., MARY FRANCES ONEHA, PH.D., and BARBARA ANN TANNER, R.N., to the State Board of Nursing, in accordance with Gov. Msg. No. 276.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3459 and Gov. Msg. No. 276 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3460) recommending that the Senate advise and consent to the nominations of JON M. ISHIHARA, O.D., and LEE T. NAKAMURA to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 277.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3460 and Gov. Msg. No. 277 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3461) recommending that the Senate advise and consent to the nominations of GEORGE FREITAS, STEVE GOODENOW and GUY H. KAULUKUKUI, PH.D., to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3461 and Gov. Msg. No. 278 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3462) recommending that the Senate advise and consent to the nomination of ALLYSON M. TANOUYE, PH.D., to the Board of Psychology, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3462 and Gov. Msg. No. 279 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3463) recommending that the Senate advise and consent to the nominations of LOUIS E. ABRAMS, KATHLEEN KAGAWA, PH.D., IRIS R. OKAWA and VERN M. YAMANAKA to the Real Estate Commission, in accordance with Gov. Msg. No. 280.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3463 and Gov. Msg. No. 280 was deferred until Tuesday, April 23, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3464) recommending that the Senate advise and consent to the nominations of MARSHALL LUM, CHARLES H. DAWRS and MYRON H. NOMURA to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 287.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3464 and Gov. Msg. No. 287 was deferred until Tuesday, April 23, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3465) recommending that H.C.R. No. 11, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 11, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF HEALTH'S DENTAL HEALTH DIVISION," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3466) recommending that H.C.R. No. 190 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3466 and H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Tuesday, April 23, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3467) recommending that H.C.R. No. 150 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3467 and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was deferred until Tuesday, April 23, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3468) recommending that S.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3468 and S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was deferred until Tuesday, April 23, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3469) recommending that H.C.R. No. 70, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3469 and H.C.R. No. 70, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE UNITED

STATES DEPARTMENT OF AGRICULTURE TO INITIATE A PROGRAM TO ERADICATE FRUIT FLIES IN HAWAII," was deferred until Tuesday, April 23, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3470) recommending that H.C.R. No. 42, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3470 and H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM," was deferred until Tuesday, April 23, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3471) recommending that H.C.R. No. 121, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3471 and H.C.R. No. 121, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO MAINTAIN THE CURRENT STRUCTURE OF THE UNITED STATES PACIFIC COMMAND," was deferred until Tuesday, April 23, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3472) recommending that H.C.R. No. 56, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3472 and H.C.R. No. 56, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SOCIAL SCIENCE RESEARCH INSTITUTE OF THE UNIVERSITY OF HAWAII TO CONDUCT AN ASSESSMENT OF THE EDUCATIONAL NEEDS OF THE NORTH HAWAII REGION," was deferred until Tuesday, April 23, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3473), recommending that H.C.R. No. 43 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 H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ENTER INTO A FINANCING AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," 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. 3474), recommending that H.C.R. No. 117, H.D. 1, 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 H.C.R. No. 117, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A STATEWIDE ECONOMIC DEVELOPMENT TASK FORCE TO DEVELOP AND ADMINISTER AN ECONOMIC DEVELOPMENT PLAN FOR THE STATE," 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.

3475), recommending that H.C.R. No. 155, H.D. 1, 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 H.C.R. No. 155, H.D. 1, S.D. 1, entitled: "HOUSE 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. 3476), recommending that H.C.R. No. 200, H.D. 1, 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 H.C.R. No. 200, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3477), recommending that H.C.R. No. 187, H.D. 1, be referred to the Committee on Health and Human Services.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 187, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE THE OPERATIONAL EFFICIENCY AND PROGRAMMATIC EFFECTIVENESS OF THE STATE'S INTEGRATED SPECIAL EDUCATION DATABASE SYSTEM," was referred to the Committee on Health and Human Services.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 3478), recommending that H.C.R. No. 128 be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF PERMITTING CERTAIN IMMIGRANT STUDENTS WHO HAVE NOT YET ATTAINED LEGAL PERMANENT RESIDENT STATUS TO ATTEND THE UNIVERSITY OF HAWAII AT THE RESIDENT TUITION RATE," was referred to the Committee on Judiciary.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3479), recommending that H.C.R. No. 101, H.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 101, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A WORKING GROUP TO BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE



EAGLE PROGRAM FOR FIREARM SAFETY," was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3480) recommending that H.C.R. No. 75 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3480 and H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3481) recommending that H.C.R. No. 118 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3481 and H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3482) recommending that H.C.R. No. 131 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3482 and H.C.R. No. 131, entitled: "HOUSE 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 Tuesday, April 23, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3483), recommending that H.C.R. No. 81, H.D. 1, be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was referred to the Committee on Judiciary.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3484), recommending that H.C.R. No. 199, H.D. 1, be referred to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 199, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU,"

was referred to the Committee on Economic Development and Technology.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3485 and H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," was deferred until Wednesday, April 24, 2002.

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. 3486) recommending that H.C.R. No. 17, as amended in S.D. 1, be adopted.

By unanimous consent, Stand. Com. Rep. No. 3486 and H.C.R. No. 17, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES," were recommitted jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3444 (Gov. Msg. No. 259):

Senator Sakamoto moved that Stand. Com. Rep. No. 3444 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

CHARLES M. FREEDMAN, terms to expire June 30, 2002, and June 30, 2006;

MARY PHILPOTTS, term to expire June 30, 2005; and

MONA ABADIR, term to expire June 30, 2006,

seconded by Senator Chumbley.

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

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

Stand. Com. Rep. No. 3445 (Gov. Msg. No. 281):

Senator Sakamoto moved that Stand. Com. Rep. No. 3445 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations of EVERETT R. DOWLING and MYRON A. YAMASATO to the Board of Regents, University of Hawai'i, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

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

Stand. Com. Rep. No. 3446 (Gov. Msg. No. 288):

Senator Sakamoto moved that Stand. Com. Rep. No. 3446 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of DORIS M. CHING, ED.D., to the Western Interstate Commission for Higher Education (WICHE), term to expire June 30, 2006, seconded by Senator Chumbley.

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

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

Stand. Com. Rep. No. 3447 (Gov. Msg. No. 274):

Senator Kawamoto moved that Stand. Com. Rep. No. 3447 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of SAMUEL DACANAY, M.D., DAVID A. KAKU, M.D., KEVIN K. LUI, O.D., and DAVID MAI, M.D., to the Medical Advisory Board, terms to expire June 30, 2006, seconded by Senator Fukunaga.

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

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

Stand. Com. Rep. No. 3448 (Gov. Msg. No. 286):

Senator Kawamoto moved that Stand. Com. Rep. No. 3448 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto moved that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

KAZU HAYASHIDA, term to expire June 30, 2004;

HAROLD K. KAGEURA, term to expire June 30, 2005; and

WILLIAM H. CROZIER III, JAMES C. PACOPAC, KIRK T. TANAKA and NORMAN K. TSUJI, terms to expire June 30, 2006,

seconded by Senator Fukunaga.

Senator Hemmings rose to speak in opposition to one of the nominees and said:

"Mr. President, I rise to speak against one of the nominees.

"Oftentimes we're asked by the executive branch of government to rubber-stamp budgets and committee heads come in and ask us to rubber-stamp their proposals. I guess the least painful thing to do is comply. But I think oftentimes in doing so we overlook our greater responsibility and I regretfully

have to stand up and speak against the nomination of Kazu Hayashida.

"There's substance to this opposition. A formal complaint filed against Mr. Hayashida alleged that he was awarded non-bid contracts to companies that either employed or were owned by members of his family which is a violation of the state ethics laws. Also contained in the complaint was a charge that Hayashida's financial interest disclosure forms filed with the commission were incomplete.

"In November of 2001, the state ethics commission issued an informal advisory opinion dismissing some of the charges, sustaining others, and ultimately concluding that no further proceedings were warranted. To his credit, Commission Chair Ronald Yoshida wrote a dissenting opinion because he believed that there is sufficient evidence that Hayashida clearly violated provisions of the state ethics code in a serious manner and that his case warranted a formal contested case hearing. The commissioner concluded that Hayashida probably violated state ethics laws by awarding two non-bid contracts to Belt-Collins, a civil engineering company that employed Hayashida's wife as administrative assistant, and for failing to list his wife's stock ownership in a company and directorship of two of the company's subsidiaries in his financial disclosure report.

"The first contract for \$202,000 was for the state masterplan environmental study for an airport on the Big Island. The second was for a \$300,000 designed highway landscape management system.

"The commission found that Hayashida did not violate state ethics laws but by awarding non-bid contracts owned by his son and another company that employs his stepson because neither was a dependent child. Another point of note is that after these allegations were made public, the AG rescinded a \$1.8 million contract to Kai Hawaii for bridge improvements at the Honolulu International Airport, a company owned by Hayashida's son, because it is presented on appearance of conflict of interest.

"Mr. President and colleagues, as I said, I guess the least painful thing to do and the easiest thing to do is just go along with continued business as usual, but I don't think we can afford to do that and I will be voting 'no.'

"Thank you."

Senator Kawamoto rose in support of the nominees and said:

"Mr. President, your Committee on Transportation, Military Affairs and Government Operations, to which was referred this governor's message, submitted and studied the consideration of the nominations of Kazu Hayashida, Harold Kageura, James Pacopac, William Crozier, Kirk Tanaka, and Norman Tsuji. Upon review of the statements and testimony submitted on behalf of these nominees, you Committee finds them each to be the nominees that have necessary character, experience, and qualifications to serve the Commission on Transportation.

"Your Committee noted that Mr. Crozier and Mr. Tsuji currently serve on the commission. All testimony was in support, non-negative, and therefore, Mr. President, I urge all my colleagues to vote 'aye' on these nominees.

"Thank you."

The motion to advise and consent to the nomination of KAZU HAYASHIDA was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Ige).

The motion to advise and consent to the nominations of HAROLD K. KAGEURA, WILLIAM H. CROZIER III, JAMES C. PACOPAC, KIRK T. TANAKA and NORMAN K. TSUJI was put by the Chair and carried on the following showing of Ayes and Noes:

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

**ADOPTION OF RESOLUTIONS**

**MATTERS DEFERRED FROM FRIDAY, APRIL 19, 2002**

Stand. Com. Rep. No. 3449 (H.C.R. No. 34):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' TO FULL UNITED STATES VETERANS' STATUS AND BENEFITS," was adopted.

H.C.R. No. 94, H.D. 1, S.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 94, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE PROMOTION OF AGRICULTURAL DEVELOPMENT AND THE PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was adopted.

H.C.R. No. 103, H.D. 1, S.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 103, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, DEPARTMENT OF AGRICULTURE, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was adopted.

**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The Chair re-referred the following House concurrent resolution that was received:

House  
Concurrent  
Resolution                      Referred to:

No. 53, H.D. 1                      Committee on Health and Human Services

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 2052 (H.D. 1):

Senator Matsuura moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2052, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2052, on the following showing of Ayes and Noes:

Ayes, 3 (Matsuura, Taniguchi, Fukunaga). Noes, none. Excused, 2 (Ige, Hogue).

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.B. No. 2052, seconded by Senator Taniguchi.

Senator Matsuura noted:

"Mr. President, S.B. No. 2052 is relating to special purpose revenue bonds. The House just adds a repeal prohibition on the issuance of new SPRBs for health care facilities after June 30, 2003."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2052, and S.B. No. 2052, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2817, S.D. 2 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2817, S.D. 2, seconded by Senator Taniguchi and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2817, S.D. 2, seconded by Senator Taniguchi.

Senator Kawamoto noted:

"Mr. President, the purpose of this bill is to repeal administration rules that are either null and void or are unnecessary and the House made changes that was the intent of this bill. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2817, S.D. 2, and S.B. No. 2817, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY

ADMINISTRATIVE RULES," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.B. No. 2180, S.D. 2 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2180, S.D. 2, seconded by Senator Menor and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 2180, S.D. 2, seconded by Senator Menor.

Senator Nakata noted:

"Mr. President, the purpose of this bill is to prohibit discrimination in employment due to an individual's genetic information. It prohibits requiring genetic testing or use of genetic information as a prerequisite for certain types of insurance. The House amendments were clarifying amendments.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2180, S.D. 2, and S.B. No. 2180, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

#### JUDICIARY COMMUNICATION

Jud. Com. No. 4, submitting for consideration and consent, the nomination of CLARENCE A. PACARRO to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary.

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

The Senate reconvened at 12:13 o'clock p.m.

#### APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 1575, S.D. 2 (H.D. 2):

The President appointed Senator Buen as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1575, S.D. 2.

S.B. No. 2757, S.D. 2 (H.D. 2):

The President discharged Senator Fukunaga as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2757, S.D. 2.

S.B. No. 2819, S.D. 2 (H.D. 1):

The President discharged Senator Taniguchi as a co-chair and appointed him as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2819, S.D. 2.

H.B. No. 870 (S.D. 1):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 870.

H.B. No. 1842, H.D. 1 (S.D. 2):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1842, H.D. 1.

H.B. No. 1901, H.D. 2 (S.D. 1):

The President appointed Senator Chun as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1901, H.D. 2.

H.B. No. 1942 (S.D. 1):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1942.

H.B. No. 2132, H.D. 1 (S.D. 2):

The President discharged Senator Taniguchi as a manager and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2132, H.D. 1.

H.B. No. 2216, H.D. 1 (S.D. 1):

The President appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2216, H.D. 1.

H.B. No. 2311, H.D. 2 (S.D. 2):

The President discharged Senator Taniguchi as a manager and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2311, H.D. 2.

H.B. No. 2455 (S.D. 1):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2455.

H.B. No. 2459 (S.D. 2):

The President appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2459.

H.B. No. 2521, H.D. 2 (S.D. 2):

The President appointed Senator English as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2521, H.D. 2.

H.B. No. 2558, H.D. 1 (S.D. 2):

The President appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2558, H.D. 1.

H.B. No. 2563, H.D. 1 (S.D. 1):

The President discharged Senator Taniguchi as a manager and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2563, H.D. 1.

**ADJOURNMENT**

At 12:14 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., Tuesday, April 23, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTY-FIFTH DAY

**Tuesday, April 23, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend William O'Connell, Chaminade University of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Chun, English and Menor who were excused.

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

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 354, dated April 26, 2002, transmitting the 2000-2001 Annual Report of the State Foundation on Culture and the Arts, pursuant to Section 9-3, HRS, was read by the Clerk and was placed on file.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 599 to 621) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 599, informing the Senate that the Speaker on April 22, 2002, made the following changes to the conferees on the following bill:

H.B. No. 1800, H.D. 1 (S.D. 1):

Appointed Representatives Suzuki, Gomes, Meyer as additional managers,

was placed on file.

Hse. Com. No. 600, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2387, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2387, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 601, returning S.C.R. No. 15, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 602, returning S.C.R. No. 35, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 35, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 603, returning S.C.R. No. 43, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 43, and requested a conference on the subject matter thereof.

Hse. Com. No. 604, returning S.C.R. No. 48, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 605, returning S.C.R. No. 63, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 63, and requested a conference on the subject matter thereof.

Hse. Com. No. 606, returning S.C.R. No. 69, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 69, and requested a conference on the subject matter thereof.

Hse. Com. No. 607, returning S.C.R. No. 82, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 82, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 608, returning S.C.R. No. 100, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 100, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 609, returning S.C.R. No. 102, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 102, and requested a conference on the subject matter thereof.

Hse. Com. No. 610, returning S.C.R. No. 169, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 169, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 611, returning S.C.R. No. 19, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 612, returning S.C.R. No. 39, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 613, returning S.C.R. No. 98, S.D. 2, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 614, returning S.C.R. No. 101, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 615, returning S.C.R. No. 103, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 616, returning S.C.R. No. 109, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 617, returning S.C.R. No. 110, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 618, returning S.C.R. No. 113, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 619, returning S.C.R. No. 127, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 620, returning S.C.R. No. 136, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 621, returning S.C.R. No. 161, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

#### CONFERENCE COMMITTEE REPORT

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2732, S.D. 1, presented a report (Conf. Com. Rep. No. 53-02) recommending that S.B. No. 2732, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-02 and S.B. No. 2732, SD 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senators Inouye and Kawamoto, for the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3487) recommending that H.C.R. No. 21 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3487 and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR

MAINTENANCE OF BREAKWATER PURPOSES," was deferred until Thursday, April 25, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3488) recommending that the Senate advise and consent to the nominations of ANA A. GAMBLE, FAYE A.T. MATSUNAGA, MONA S. TAKUMI, LENHANH P. TRAN, M.D., and MARGARET K. WADA to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 282.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3488 and Gov. Msg. No. 282 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3489) recommending that the Senate advise and consent to the nomination of CHARLES P. M. K. BURROWS, ED.D., to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 176.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3489 and Gov. Msg. No. 176 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3490) recommending that the Senate advise and consent to the nominations of FAITH CAPLAN, MELISSA DUMARAN and GAIL L.G. KAAIALII, PH.D., to the Environmental Council, in accordance with Gov. Msg. No. 183.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3490 and Gov. Msg. No. 183 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3491) recommending that the Senate advise and consent to the nominations of TOBY MARTYN and TIMOTHY E. JOHNS to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3491 and Gov. Msg. No. 234 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3492) recommending that the Senate advise and consent to the nomination of JAMES D. JACOBI, PH.D., to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 235.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3492 and Gov. Msg. No. 235 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3493) recommending that the Senate advise and consent to the nomination of IAN KAGIMOTO to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 242.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3493 and Gov. Msg. No. 242 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3494) recommending that the Senate advise and consent to the nomination of NOA EMMETT ALULI, M.D., to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 271.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3494 and Gov. Msg. No. 271 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3495) recommending that the Senate advise and consent to the nomination of GERALD L. DE MELLO to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3495 and Gov. Msg. No. 272 was deferred until Wednesday, April 24, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3496) recommending that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3496 and Gov. Msg. No. 303 was deferred until Wednesday, April 24, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3497) recommending that the Senate advise and consent to the nominations of BRENDA K.H. CHING and CHRISTOPHER LEE to the Hawai'i Television and Film Advisory Board, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3497 and Gov. Msg. No. 266 was deferred until Wednesday, April 24, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3498) recommending that the Senate advise and consent to the nominations of GLENN S. YAMADA, EDMUND C. ACZON and ALLAN S. KITAGAWA to the Board of Directors, Hawai'i Strategic Development Corporation, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3498 and Gov. Msg. No. 267 was deferred until Wednesday, April 24, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3499) recommending that the Senate advise and consent to the nominations of STACEY C.G. HEE and GAIL ANN M. HONDA, PH.D., to the Board of Directors, High Technology Development Corporation, in accordance with Gov. Msg. No. 269.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3499 and Gov. Msg. No. 269 was deferred until Wednesday, April 24, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3500) recommending that H.C.R. No. 130 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3500 and H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Wednesday, April 24, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3501) recommending that H.C.R. No. 139, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3501 and H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3502) recommending that H.C.R. No. 62 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3502 and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3503) recommending that H.C.R. No. 81, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3503 and H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3504) recommending that H.C.R. No. 171, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3504 and H.C.R. No. 171, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO RESOLVE ISSUES RELATED TO COURT-APPOINTED COUNSEL IN HAWAII," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3505) recommending that S.R. No. 96, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3505 and S.R. No. 96, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE TIMELY PROCESSING OF EDUCATIONAL FACILITIES PROJECTS AND THE DEVELOPMENT OF NEW SCHOOL CONSTRUCTION," was deferred until Wednesday, April 24, 2002.



**ORDER OF THE DAY****ADVISE AND CONSENT**

Stand. Com. Rep. No. 3452 (Gov. Msg. No. 258):

Senator Matsunaga moved that Stand. Com. Rep. No. 3452 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3453 (Gov. Msg. No. 262):

Senator Matsunaga moved that Stand. Com. Rep. No. 3453 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

CAROL H. IGARASHI, term to expire June 30, 2005; and

SAM FAILLA and JUNE UYEHARA-ISONO, terms to expire June 30, 2006,

seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3454 (Gov. Msg. No. 263):

Senator Matsunaga moved that Stand. Com. Rep. No. 3454 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of PAUL W. CONDRY and KENNETH N. SHIIRA to the Elevator Mechanics Licensing Board, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3455 (Gov. Msg. No. 264):

Senator Matsunaga moved that Stand. Com. Rep. No. 3455 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of ROBERT Y. AKINAKA, ALFREDO G. EVANGELISTA, KEN K. HAYASHIDA and

LAUREL MAU NAHME to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3456 (Gov. Msg. No. 270):

Senator Matsunaga moved that Stand. Com. Rep. No. 3456 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations to the Board of Directors, Housing and Community Development Corporation of Hawai'i of the following:

STEVEN J. NISHIMURA, term to expire June 30, 2004; and

AIPOPO AIPOPO JR. and WESLEY R. SEGAWA, terms to expire June 30, 2006,

seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3457 (Gov. Msg. No. 273):

Senator Matsunaga moved that Stand. Com. Rep. No. 3457 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of VICKI VON STROHEIM-SEAY, MICHELLE NAKATA TAKEMOTO and EMY M. YAMAUCHI to the Board of Massage Therapy, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3458 (Gov. Msg. No. 275):

Senator Matsunaga moved that Stand. Com. Rep. No. 3458 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations to the Board of Medical Examiners of the following:

G. MARKUS POLIVKA, term to expire June 30, 2003;

CULLEN T. HAYASHIDA, PH.D., term to expire June 30, 2005; and

MICHAEL H. DANG, M.D., and GREGORY PARK, M.D., terms to expire June 30, 2006,

seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3459 (Gov. Msg. No. 276):

Senator Matsunaga moved that Stand. Com. Rep. No. 3459 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of STEPHEN A. KULA, PH.D., BENJAMIN MERCADO, L.P.N., MARY FRANCES ONEHA, PH.D., and BARBARA ANN TANNER, R.N., to the State Board of Nursing, terms to expire June 30, 2005, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3460 (Gov. Msg. No. 277):

Senator Matsunaga moved that Stand. Com. Rep. No. 3460 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of JON M. ISHIHARA, O.D., and LEE T. NAKAMURA to the Board of Examiners in Optometry, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3461 (Gov. Msg. No. 278):

Senator Matsunaga moved that Stand. Com. Rep. No. 3461 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of GEORGE FREITAS, STEVE GOODENOW and GUY H. KAULUKUKUI, PH.D., to the Board of Private Detectives and Guards, terms to expire June 30, 2004, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3462 (Gov. Msg. No. 279):

Senator Matsunaga moved that Stand. Com. Rep. No. 3462 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nomination of ALLYSON M. TANOUYE, PH.D., to the Board of Psychology, term to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3463 (Gov. Msg. No. 280):

Senator Matsunaga moved that Stand. Com. Rep. No. 3463 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of LOUIS E. ABRAMS, KATHLEEN KAGAWA, PH.D., IRIS R. OKAWA and VERN M. YAMANAKA to the Real Estate Commission, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3464 (Gov. Msg. No. 287):

Senator Matsuura moved that Stand. Com. Rep. No. 3464 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

MARSHALL LUM, term to expire June 30, 2003; and

CHARLES H. DAWRS and MYRON H. NOMURA, terms to expire June 30, 2006,

seconded by Senator Buen.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

## ADOPTION OF RESOLUTIONS

### MATTERS DEFERRED FROM MONDAY, APRIL 22, 2002

Stand. Com. Rep. No. 3466 (H.C.R. No. 190):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was adopted.

Stand. Com. Rep. No. 3467 (H.C.R. No. 150):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was adopted.

Stand. Com. Rep. No. 3468 (S.R. No. 108):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was adopted.

Stand. Com. Rep. No. 3469 (H.C.R. No. 70, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 70, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE TO INITIATE A PROGRAM TO ERADICATE FRUIT FLIES IN HAWAII," was adopted.

Stand. Com. Rep. No. 3470 (H.C.R. No. 42, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM," was adopted.

Stand. Com. Rep. No. 3471 (H.C.R. No. 121, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 121, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO MAINTAIN THE CURRENT STRUCTURE OF THE UNITED STATES PACIFIC COMMAND," was adopted.

Stand. Com. Rep. No. 3472 (H.C.R. No. 56, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 56, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SOCIAL SCIENCE RESEARCH INSTITUTE OF THE UNIVERSITY OF HAWAII TO CONDUCT AN ASSESSMENT OF THE EDUCATIONAL NEEDS OF THE NORTH HAWAII REGION," was adopted.

Stand. Com. Rep. No. 3480 (H.C.R. No. 75):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was adopted.

Stand. Com. Rep. No. 3481 (H.C.R. No. 118):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT

CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was adopted.

Stand. Com. Rep. No. 3482 (H.C.R. No. 131):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 131, entitled: "HOUSE 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 adopted.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2782, S.D. 1 (H.D. 1):

Senator Matsuura moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2782, S.D. 1, seconded by Senator Hanabusa and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2782, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Matsuura, Hanabusa, Fukunaga). Noes, none. Excused, 2 (Ige, Taniguchi).

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.B. No. 2782, S.D. 1, seconded by Senator Hanabusa.

Senator Matsuura noted:

"Mr. President and fellow colleagues, this bill is relating to hospital licensure. It was an admin bill and basically the House had a clean bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2782, S.D. 1, and S.B. No. 2782, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.C.R. No. 75, S.D. 1 (H.D. 1):

Senator Matsuura moved that the Senate reconsider its action taken on April 19, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, seconded by Senator Buen and carried.

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, seconded by Senator Buen.

Senator Matsuura noted:

"Mr. President and fellow colleagues, this Senate concurrent resolution's amendment was to request the Office of Planning to convene a food security task force and develop an action plan to enhance food security in Hawaii. This is a good resolution."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, and S.C.R. No. 75, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII," was placed on the calendar for Final Adoption on Wednesday, April 24, 2002.

S.B. No. 2242, S.D. 1 (H.D. 1):

Senator Buen moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2242, S.D. 1, seconded by Senator Inouye and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2242, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Buen, Inouye, Hemmings). Noes, none. Excused, 1 (Taniguchi).

Senator Buen moved that the Senate agree to the amendments proposed by the House to S.B. No. 2242, S.D. 1, seconded by Senator Inouye.

Senator Buen noted:

"Mr. President, there were some amendments that we needed to look at. This was the reason why this is up for reconsideration."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2242, S.D. 1, and S.B. No. 2242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

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

The Senate reconvened at 11:56 o'clock a.m.

S.B. No. 2289, S.D. 1 (H.D. 2):

Senator Tam moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2289, S.D. 1, seconded by Senator Kawamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2289, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Tam, Menor, Slom). Noes, none. Excused, 1 (Kim).

Senator Tam moved that the Senate agree to the amendments proposed by the House to S.B. No. 2289, S.D. 1, seconded by Senator Kawamoto.

Senator Tam noted:

"Mr. President, the purpose of this bill is to update and increase the flexibility of the condominium property regimes law by allowing the board of directors of an association of apartment owners to install or authorize the installation of television signal distribution and telecommunications equipment on project common areas.

"The House amended section 2 to read: 'This Act does not affect the rights and duties that mature, penalties that were incurred, and proceedings that were begun before its effective date. This Act does not affect the rights and duties arising from contracts.'"

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2289, S.D. 1, and S.B. No. 2289, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

H.C.R. No. 200, H.D. 1, S.D. 1:

Senator Tam moved that the Senate reconsider its actions taken on April 22, 2002, in adopting Stand. Com. Rep. No. 3476 and referring H.C.R. No. 200, H.D. 1, S.D. 1, to the Committee on Ways and Means, seconded by Senator Kawamoto.

Senator Tam noted:

"Mr. President, H.C.R. No. 200, H.D. 1, was reported from your Committee on Economic Development and Technology and referred to the Committee on Ways and Means. Your Committee would like to reconsider its previous action in passing the measure without any amendments."

The motion was put by the Chair and carried.

Senator Tam then moved that Stand. Com. Rep. No. 3476 be received and placed on file, seconded by Senator Kawamoto and carried.

By unanimous consent, H.C.R. No. 200, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was recommitted to the Committee on Economic Development and Technology.

S.B. No. 2422, S.D. 2 (H.D. 2):

Senator Kawamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2422, S.D. 2, seconded by Senator Kim and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2422, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Kawamoto, Fukunaga, Kanno, Hemmings). Noes, none. Excused, 1 (Kim).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2422, S.D. 2, seconded by Senator Kim.

Senator Kawamoto noted:

“Mr. President, the purpose of this bill was to increase the time period between mandatory safety inspections from 6 months to 1 year for certain vehicles that require such an inspection. The House removed school busses and trolleys operated by persons subject to Chapter 271, HRS, from the 1 year inspection requirement.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2422, S.D. 2, and S.B. No. 2422, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

S.B. No. 1320, S.D. 2 (H.D. 1):

Senator Matsunaga moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 1320, S.D. 2, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1320, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Kanno, Hogue). Noes, none. Excused, 1 (Kawamoto).

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1320, S.D. 2, seconded by Senator Matsuura.

Senator Matsunaga noted:

“Mr. President, S.B. No. 1320 amends the antitrust and unfair competition law to allow any person to bring a lawsuit for enforcement.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1320, S.D. 2, and S.B. No. 1320, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANTITRUST,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.B. No. 2721, S.D. 1 (H.D. 1):

Senator Matsunaga moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2721, S.D. 1, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2721, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Matsunaga, Hogue). Noes, none.

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 2721, S.D. 1, seconded by Senator Matsuura.

Senator Matsunaga noted:

“Mr. President, S.B. No. 2721 allows the insurance division to continue to protect Hawaii’s consumers from insolvent dental insurers by extending the drop-dead date of Act 132.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2721, S.D. 1, and S.B. No. 2721, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.B. No. 2772 (H.D. 1):

Senator Matsunaga moved that the Senate reconsider its action taken on April 9, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2772, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2772, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Matsunaga, Hogue). Noes, none.

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 2772, seconded by Senator Matsuura.

Senator Matsunaga noted:

“Mr. President, S.B. No. 2772, relating to tattoo artists (not the artist that draws the guy from Fantasy Island), allows the director of health to revoke, suspend, or deny the renewal of license of any person licensed as a tattoo artist.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2772, and S.B. No. 2772, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TATTOO ARTISTS,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for Jud. Com. No. 4.

Senator Kanno noted:

“Mr. President, it was a late arriving judicial appointment of Clarence Pacarro to the district court.”

The Chair then granted the waiver.

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

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

“We’re struggling in this State with horrendous fiscal problems, many think brought on to us by our own doing and appropriations in prior years, not just 9/11.

“I am asking the Senate to please stand its ground on behalf of the taxpayers of this State, especially regarding the hurricane relief fund. Communications have been sent to a number of us in the Senate from the Governor’s Office requesting that we raid the fund to help pay for his malfeasance.

“Pretty explicit words, but on the 21<sup>st</sup> of September, a piece was published that I wrote in the newspaper. I talked about the Governor reducing the state workforce, revamping civil laws to better deploy civil service workers, cutting nonessential government programs and improving purchase of service programs because they’re so much more cost-effective in delivering goods and services to this State of Hawaii, the people that pay for them.

“And what did the Governor do? He ignored all of this and he sent a budget for the second biennium that increased spending over the previous biennium, according to our research, by \$430 million. And that’s in the face of a \$300 million deficit. It’s time we stop playing ball with the executive branch of government because they’re digging a big hole and what they want us to do is help dig it deeper. It’s time we draw the line.

“Your loyal opposition showed you opportunity to cut huge amounts of money the executive branch of government has misrepresented that they need. I don’t have to go over them again. We’ve already talked about the vacant positions that are being used as a slush fund.

“This Governor and this administration has failed to be accountable and most especially has misrepresented the fiscal needs of this State and the manner in which they run the budget to this Legislature. I say, Mr. President, it’s time we talk serious about doing some serious cutting, rather than juggling the funds.

“The tax and spend formula that this government has been wedded to has compounded the problems of 9/11. And for the Governor to throw a fiscal bomb in the legislative court in the wake of 9/11, and tell us to handle it in the wake of his irresponsibility, is unconscionable.

“I’m asking my colleagues, especially in deliberations tonight and the next several nights, to look at sending the executive branch of government a real strong message and cut the funding, leave the hurricane insurance fund in place and also leave the special funds in place, and balance the budget a novel way – cut spending.

“It seems that some, in the political process unfortunately most, didn’t do well in the DOE because the only thing they learned was how to add and not subtract. Well, it’s time that we in the Senate start teaching them.

“Thank you, Mr. President.”

At 12:08 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o’clock p.m.

#### ADJOURNMENT

At 12:10 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, April 24, 2002.

## FIFTY-SIXTH DAY

**Wednesday, April 24, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:54 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Matt Matsunaga, 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 Fifty-Fifth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 622 to 627) were read by the Clerk and were placed on file:

Hse. Com. No. 622, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 11 (S.D. 1);  
H.C.R. No. 94, H.D. 1 (S.D. 1); and  
H.C.R. No. 103, H.D. 1 (S.D. 1).

Hse. Com. No. 623, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2445, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2445, S.D. 2, passed Final Reading in the House of Representatives on April 23, 2002.

Hse. Com. No. 624, returning S.C.R. No. 34, S.D. 1, which was adopted by the House of Representatives on April 23, 2002.

Hse. Com. No. 625, returning S.C.R. No. 79, S.D. 1, which was adopted by the House of Representatives on April 23, 2002.

Hse. Com. No. 626, returning S.C.R. No. 121, which was adopted by the House of Representatives on April 23, 2002.

Hse. Com. No. 627, informing the Senate that the Speaker on April 24, 2002, made the following changes to the conferees on the following bill:

S.B. No. 2179, S.D. 2 (H.D. 1):

Discharged Representative Takamine as third co-chair.  
Appointed Representative Saiki as third co-chair.

## CONFERENCE COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2527, presented a report (Conf. Com. Rep. No. 4-02) recommending that H.B. No. 2527, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-02 and H.B. No. 2527, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 99, presented a report (Conf. Com. Rep. No. 54-02) recommending that S.B. No. 99, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-02 and S.B. No. 99, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2964, S.D. 2, presented a report (Conf. Com. Rep. No. 55-02) recommending that S.B. No. 2964, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-02 and S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3053, S.D. 2, presented a report (Conf. Com. Rep. No. 56-02) recommending that S.B. No. 3053, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-02 and S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3040, S.D. 2, presented a report (Conf. Com. Rep. No. 57-02) recommending that S.B. No. 3040, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-02 and S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3506) recommending that H.C.R. No. 163 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3506 and H.C.R. No. 163, entitled: "HOUSE 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 deferred until Thursday, April 25, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a

report (Stand. Com. Rep. No. 3507) recommending that the Senate advise and consent to the nominations of MITCHELL ROTH, DAVID SANDLER and CLAIRE M. SASAKI-LUNDGREN to the State Highway Safety Council, in accordance with Gov. Msg. No. 320.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3507 and Gov. Msg. No. 320 was deferred until Thursday, April 25, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nomination of GORDON K.T. ING to the Procurement Policy Board, in accordance with Gov. Msg. No. 333.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. No. 333 was deferred until Thursday, April 25, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of NADINE K. NAKAMURA to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 293.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 293 was deferred until Thursday, April 25, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3510) recommending that H.C.R. No. 137, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3510 and H.C.R. No. 137, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESS'S PLAN TO ENDORSE AND OBTAIN OBSERVER STATUS FOR TAIWAN AT THE ANNUAL SUMMIT OF THE WORLD HEALTH ASSEMBLY IN MAY 2002 IN GENEVA, SWITZERLAND," was deferred until Thursday, April 25, 2002.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

## ORDER OF THE DAY

### FINAL READING

Conf. Com. Rep. No. 3-02 (H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 3-02 and H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred until Tuesday, April 30, 2002.

S.B. No. 2180, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 2180, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," was deferred until Tuesday, April 30, 2002.

S.B. No. 2817, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 2817, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," was deferred until Tuesday, April 30, 2002.

S.B. No. 1320, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1320, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," was deferred until Tuesday, April 30, 2002.

S.B. No. 2242, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," was deferred until Tuesday, April 30, 2002.

S.B. No. 2289, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 2289, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 30, 2002.

S.B. No. 2422, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 2422, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," was deferred until Tuesday, April 30, 2002.

S.B. No. 2721, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2721, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," was deferred until Tuesday, April 30, 2002.

S.B. No. 2772, H.D. 1:

By unanimous consent, action on S.B. No. 2772, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," was deferred until Tuesday, April 30, 2002.

S.B. No. 2782, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2782, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," was deferred until Tuesday, April 30, 2002.

### ADVISE AND CONSENT

Stand. Com. Rep. No. 3488 (Gov. Msg. No. 282):

Senator Matsunaga moved that Stand. Com. Rep. No. 3488 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of ANA A. GAMBLE, FAYE A.T. MATSUNAGA, MONA S. TAKUMI, LENHANH P. TRAN, M.D., and MARGARET K. WADA to the Board of Speech Pathology and Audiology, terms to expire June 30, 2005, seconded by Senator Chumbley.

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



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

Stand. Com. Rep. No. 3489 (Gov. Msg. No. 176):

Senator Inouye moved that Stand. Com. Rep. No. 3489 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of CHARLES P. M. K. BURROWS, ED.D., to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2004, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3490 (Gov. Msg. No. 183):

Senator Inouye moved that Stand. Com. Rep. No. 3490 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of FAITH CAPLAN, MELISSA DUMARAN and GAIL L.G. KAAIALII, PH.D., to the Environmental Council, terms to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3491 (Gov. Msg. No. 234):

Senator Inouye moved that Stand. Com. Rep. No. 3491 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Board of Land and Natural Resources of the following:

TOBY MARTYN, term to expire June 30, 2005; and

TIMOTHY E. JOHNS, term to expire June 30, 2006,

seconded by Senator Chun Oakland.

Senator Inouye rose to speak in support of one of the nominees as follows:

"Mr. President, I speak in favor of Gov. Msg. No. 234 with regards to the appointment of Timothy Johns. Mr. President, your Committee on Water, Land, Energy, and Environment has seven GMs to deal with today and not that I'm preferencing one over the other, but we do have one appointee who is here with us and I'd like to speak on behalf of Gov. Msg. No. 234 in the name of Timothy E. Johns.

"He is the Chief Operating Officer for the Estate of Samuel Mills Damon, and previously served as the Chairperson of the Department of Land and Natural Resources and Deputy Director of the Commission on Water Resource Management. He is up for a reappointment term to expire June 30, 2006.

"In addition to several management positions with AMFAC/JMB Hawaii, Inc., he has also lectured in business law

and was Director of Protection with The Nature Conservancy of Hawaii. As we all know him, Mr. Johns holds law and masters degrees from the University of Southern California and is active in a number of legal professional organizations.

"He is currently a member of the Board of Land and Natural Resources, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and Proposed National Marine Sanctuary Advisory Council, a recipient of Hawaii Audubon Society President's Award in 2000, and a Pacific Century Fellow. He is still active in his community organizations and he has been an outstanding member of the present board and deserves consideration for an extended term.

"I urge all my colleagues to support Gov. Msg. No. 234 in the name of Timothy Johns. Thank you, Mr. President."

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

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

Stand. Com. Rep. No. 3492 (Gov. Msg. No. 235):

Senator Inouye moved that Stand. Com. Rep. No. 3492 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of JAMES D. JACOBI, PH.D., to the Natural Area Reserves System Commission, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3493 (Gov. Msg. No. 242):

Senator Inouye moved that Stand. Com. Rep. No. 3493 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of IAN KAGIMOTO to the Board of Certification of Public Water System Operators, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3494 (Gov. Msg. No. 271):

Senator Inouye moved that Stand. Com. Rep. No. 3494 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of NOA EMMETT ALULI, M.D., to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2005, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3495 (Gov. Msg. No. 272):

Senator Inouye moved that Stand. Com. Rep. No. 3495 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of GERALD L. DE MELLO to the Board of Land and Natural Resources, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3496 (Gov. Msg. No. 303):

Senator Nakata moved that Stand. Com. Rep. No. 3496 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 2004, seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 3497 (Gov. Msg. No. 266):

Senator Tam moved that Stand. Com. Rep. No. 3497 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 Hawai'i Television and Film Advisory Board of the following:

BRENDA K.H. CHING, term to expire June 30, 2003; and

CHRISTOPHER LEE, 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 (Menor).

Stand. Com. Rep. No. 3498 (Gov. Msg. No. 267):

Senator Tam moved that Stand. Com. Rep. No. 3498 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, Hawai'i Strategic Development Corporation of the following:

GLENN S. YAMADA, term to expire June 30, 2003;

EDMUND C. ACZON, term to expire June 30, 2005; and

ALLAN S. KITAGAWA, term to expire June 30, 2006,

seconded by Senator Ige.

Senator Tam rose to speak in favor of one of the nominees as follows:

"Mr. President and fellow colleagues, I wish to speak in favor of Gov. Msg. No. 267.

"We have one of the nominees here, Glenn Yamada. Let me give you some background about him. First of all, he's a University of Hawaii, Manoa, graduate. He has been in the finance industry for over 18 years. He's currently assistant vice president and branch manager of American Savings Bank at the Pearlridge branch.

"In addition to his strong work ethics, Mr. Yamada recognizes the importance of giving back to the community as shown in his active role with the Honolulu Japanese Chamber of Commerce and the Mililani Missionary Church.

"I ask my colleagues to support this nominee."

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

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

Stand. Com. Rep. No. 3499 (Gov. Msg. No. 269):

Senator Tam moved that Stand. Com. Rep. No. 3499 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 STACEY C.G. HEE and GAIL ANN M. HONDA, PH.D. to the Board of Directors, High Technology Development Corporation, terms to expire June 30, 2006, seconded by Senator Ige.

Senator Tam rose to speak in support of one of the nominees as follows:

"Mr. President, I wish to speak in favor of Gov. Msg. No. 269.

"In Gov. Msg. No. 269 we have with us the nominee Gail Ann Honda. She is a Punahou graduate. Mrs. Honda earned a Ph.D. with a distinction in Japanese economic history from the University of Chicago.

"She is currently president and CEO of Global Optima, Inc., and author of publication entitled, The Essential Guide to Internet Business Technology. She brings to HTDC her knowledge and her expertise in the commercial high technology industry.

"I ask my colleagues to support this nominee."

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

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

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

#### ADOPTION OF RESOLUTION

**MATTER DEFERRED FROM  
MONDAY, APRIL 22, 2002**

Stand. Com. Rep. No. 3485 (H.C.R. No. 18):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," was adopted.

**ADOPTION OF RESOLUTIONS**

**MATTERS DEFERRED FROM TUESDAY, APRIL 23, 2002**

Stand. Com. Rep. No. 3500 (H.C.R. No. 130):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM," was adopted.

Stand. Com. Rep. No. 3501 (H.C.R. No. 139, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3501 and H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was deferred until Tuesday, April 30, 2002.

Stand. Com. Rep. No. 3502 (H.C.R. No. 62):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was adopted.

Stand. Com. Rep. No. 3503 (H.C.R. No. 81, H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was adopted.

Stand. Com. Rep. No. 3504 (H.C.R. No. 171, H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 171, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO RESOLVE ISSUES RELATED TO COURT-APPOINTED COUNSEL IN HAWAII," was adopted.

Stand. Com. Rep. No. 3505 (S.R. No. 96, 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. 96, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE TIMELY PROCESSING OF EDUCATIONAL FACILITIES PROJECTS AND THE DEVELOPMENT OF NEW SCHOOL CONSTRUCTION," was adopted.

**FINAL ADOPTION**

S.C.R. No. 75, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, and S.C.R. No. 75, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII," was Finally Adopted.

**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The Chair re-referred the following House concurrent resolution that was received:

House Concurrent Resolution	Referred to:
No. 200, H.D. 1, S.D. 1	Committee on Economic Development and Technology

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 2680 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2680, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2680, on the following showing of Ayes and Noes:

Ayes, 3 (Sakamoto, Kawamoto, Taniguchi). Noes, none. Excused, 2 (Chumbley, Hogue).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2680, seconded by Senator Taniguchi.

Senator Sakamoto noted:

"Mr. President, S.B. No. 2680, H.D. 1, related to school facilities, was taking away the qualified products list and allowing generic products to be used for construction."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2680, and S.B. No. 2680, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 3041, S.D. 1 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 3041, S.D. 1, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3041, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Taniguchi, Hanabusa, Ige). Noes, none. Excused, 2 (Chumbley, Hogue).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 3041, S.D. 1, seconded by Senator Taniguchi.

Senator Sakamoto noted:

“Mr. President, S.B. No. 3041, relating to the Department of Education storeroom revolving fund, would repeal the storeroom revolving fund on December 31, 2002, with the balance going to the general fund.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3041, S.D. 1, and S.B. No. 3041, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

Senator Kim rose on a point of information as follows:

“Mr. President, point of information.

“Mr. President, is there a reason why none of these bills or numbers are listed on our Order of the Day or some kind of list that we can follow?”

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

The President made the following observation:

“In answer to Senator Kim’s concerns, in the future we will distribute the list of reconsiderations to all the members.”

S.B. No. 2231, S.D. 1 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2231, S.D. 1, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2231, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 5 (Chun, Kanno, Kawamoto, Kokubun, Hemmings). Noes, none.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.B. No. 2231, S.D. 1, seconded by Senator Kanno.

Senator Chun noted:

“Mr. President, S.B. No. 2231 deals with the Kahoolawe Island Reserve. It is a bill designed to allow some kind of protection for the State of Hawaii once the federal government turns over complete access to the island. It deals with the need to post warning signs for unexploded ordinances to anybody visiting the island in the future.

“The amendments made by the House to that bill basically puts the responsibility of the design of the signs and placements with the Kahoolawe Island Reserve Commission. The Senate version had it with the DLNR.

“Also, the House took out the reporting requirements for the status of the signs that needed to be reported to the Legislature.

“We believe that those amendments are reasonable and would recommend that the Senate adopt those amendments made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2231, S.D. 1, and S.B. No. 2231, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KAHO’OLAWA ISLAND RESERVE,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2750, S.D. 1 (H.D. 2):

Senator Chun moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2750, S.D. 1, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2750, S.D. 1, on the following showing of Ayes and Noes:

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

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.B. No. 2750, S.D. 1, seconded by Senator Kanno.

Senator Chun noted:

“Mr. President, S.B. No. 2750 deals with the Native Hawaiian rehabilitation fund and it allows the DHHL, who controls the fund, to spend the money not only on Native Hawaiians but further defines that as Native Hawaiian families and Hawaiian homestead communities.

“The Senate version added a little phrase after that to include all other Native Hawaiian organizations. The House thought it was too broad of a provision and I believe it will be more prudent to limit it only, at this point in time, to Native Hawaiian families and Hawaiian homestead communities.

“I would recommend that we accept the amendments made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No.

2750, S.D. 1, and S.B. No. 2750, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2336, S.D. 1 (H.D. 2):

Senator Kawamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2336, S.D. 1, seconded by Senator Kanno and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2336, S.D. 1, seconded by Senator Kanno.

Senator Kawamoto noted:

"Mr. President, the House made some changes. Basically, the bill used to call for 16- and 17-year-olds curfew driving and it's now only for 16-year-olds. They changed the hours from 11:00 to 12:00 and 12:00 to 4:00. It's still a good bill. It's still an education bill.

"Mr. President, I urge all my colleagues to vote 'aye' on this bill."

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

"Mr. President, I'm going to urge my colleagues to vote 'no' on this bill, please.

"The amendments just sort of lessened it a little bit but it's still is offensive to drivers once we've given them the authority to drive.

"Thank you."

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

The President then said:

"Any further discussion? If not, all those in favor say 'aye,' opposed, 'no.'"

Several Senators replied: "No!"

Senator Chumbley rose on a point of order and said:

"Mr. President, point of order. Was there a second to that previous motion?"

"I don't believe so, Mr. President."

The President responded:

"Yes, it was Senator Kanno. Could we have a Roll Call, please."

Senator Inouye then rose and said:

"Mr. President, a point of personal privilege.

"May I have the Senator from Waipahu repeat his disagreements or agreement to the bill, please, or the subject of the matter we're discussing again, please."

At 12:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:38 o'clock p.m.

The President made the following observation:

"Senators, we did take the vote and it seemed like the Minority had a very loud voice and it was quite indistinguishable, so I'd like to remind the members that we're going to be taking a Roll Call vote.

"The actual motion is to agree to the amendments made by the House to S.B. No. 2336. We are not voting on the merits or demerits of this particular bill.

"Mr. Clerk, please call the Roll."

The motion was put by the Chair and carried, Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 2336, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Buen, Chumbley, English, Hemmings, Hogue, Slom).

Senators Chun, Matsunaga and Nakata cast their Roll Call votes "Aye, with reservations."

By unanimous consent, S.B. No. 2336, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2667 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2667, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2667, on the following showing of Ayes and Noes:

Ayes, 5 (Inouye, Taniguchi, Chun Oakland, Kokubun, Hemmings). Noes, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2667, seconded by Senator Taniguchi.

Senator Inouye noted:

"Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2667 relates to public lands and this eliminates the 'urban' as a requirement that limits the board of land and natural resources to leasing public lands for historic preservation and restoration projects.

"And, Mr. President, I do have my Conference Committee record of votes if any one of my members want to see that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2667, and S.B. No. 2667, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2669 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2669, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2669, on the following showing of Ayes and Noes:

Ayes, 3 (Inouye, Taniguchi, Hemmings). Noes, none. Excused, 1 (Matsunaga).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2669, seconded by Senator Taniguchi.

Senator Inouye noted:

“Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2669, H.D. 1, relates to the issuance of special purpose revenue bonds to assist projects on the Islands of Maui and Hawaii.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2669, and S.B. No. 2669, H.D. 1, 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,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2774, S.D. 2 (H.D. 2):

Senator Inouye moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2774, S.D. 2, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2774, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 5 (Inouye, Taniguchi, Chun Oakland, English, Hemmings). Noes, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2774, S.D. 2, seconded by Senator Taniguchi.

Senator Inouye noted:

“Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2774, S.D. 2, H.D. 2, relates to environmental program financing and it expands the categories of parties eligible for loans from the drinking water treatment revolving fund and the water pollution control revolving fund programs.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2774, S.D. 2, and S.B. No. 2774, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2804 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2804, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2804, on the following showing of Ayes and Noes:

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

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2804, seconded by Senator Taniguchi.

Senator Inouye noted:

“Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2804, H.D. 1, relates to subleasing of public lands and this allows BLNR to waive requirements to obtain consent for subleases under public land leases.

“Again, Mr. President, I do have the record of votes of the Conference Committee.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2804, and S.B. No. 2804, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2093, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 9, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2093, S.D. 1, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2093, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Kanno, Matsuura). Noes, none. Excused, 1 (Hogue).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2093, S.D. 1, seconded by Senator Matsuura.

Senator Menor noted:

“Mr. President, with respect to S.B. No. 2093, S.D. 1, H.D. 1, this is the bill that would reduce health insurance costs by establishing penalties for acts or omissions related to fraudulent health insurance claims.

“With respect to this bill, the House made several amendments, including amending references to the motor vehicle insurance fraud law and adds new sections to the health insurance laws that limit civil liability for the disclosure of information used to investigate and prosecute fraud.

"Your Chairs are recommending the adoption of this House draft as being reasonable."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2093, S.D. 1, and S.B. No. 2093, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2106, S.D. 2 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2106, S.D. 2, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2106, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Matsuura). Noes, none. Excused, 1 (Hogue).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2106, S.D. 2, seconded by Senator Matsuura.

Senator Menor noted:

"Mr. President, S.B. No. 2106, S.D. 2, H.D. 1, is a bill relating to marriage and family therapists. It would remove the sunset date of the marriage and family therapist statute and authorizes reciprocity agreements to recognize licenses of marriage and family therapists from other states, provided that the state's license requirements are as stringent as Hawaii's current requirements.

"Your Chairs are recommending the adoption of this House draft as being reasonable."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2106, S.D. 2, and S.B. No. 2106, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. No. 200, and the Chair granted the waiver.

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

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

"Mr. President, I'm responding to the announcement from the good Senator from Waipahu regarding S.B. No. 2179, S.D. 2, H.D. 2. This is an unprecedented Conference Committee hearing in that we're asking people to testify and submit copies of testimony on a bill that was never heard in the Legislature.

"This is in direct violation of our own Conference Committee Rules which states in Rule No. 1: 'The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a bill or resolution.' This bill that we're addressing has to do with

energy efficiency in state facilities. The title fits but the substance doesn't, and the differences certainly don't. Subparagraph a says: 'With the exception of the Executive Budget and the Judiciary Budget, a Conference Committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject matter.' Item b: 'To assure the integrity of individual bills, the merging of two or more distinct but related bills into one encompassing bill shall not be allowed.' I think the rules are pretty clear on this, Mr. President.

"This is a last minute, desperate attempt on the part of the Governor and, I might add, his loyal frogs to try to have us jump out of the pit that this State is in. I might add, personally, that I sat in the original hearing when the attorney general spoke on this bill.

"This bill is loony tunes. Under his formula of computing the price of gas, currently we could be charged up to \$1.64 a gallon. I happened to buy a tank of gas the other evening for \$1.58 a gallon. The proposal doesn't even work besides being in clear violation of our Senate Rules. I might add that it also might be in violation of the integrity of the constitution regarding the clause of subject matter of legislation we pass.

"There's a rhetorical question I'd like to ask. Is it the purpose of this bill to protect consumers, which it clearly will not do? Or is the purpose to send a message out to the consumers, many of whom also happen to be voters, that look at what we're doing - we're really going to bat for you and we're protecting you from these evil gas companies.

"Well, I asked the attorney general this and I might ask my colleagues, the gas prices right now that we're indexing the prices to here in Hawaii are less than some of the gas prices we're allegedly indexing it to on the west coast. But if we're really interested in really protecting consumers, maybe we should have the attorney general conduct one of his famous expensive, no-results investigations into the price of Wheaties, because Wheaties are 40 percent higher in Safeway in Hawaii than they are in Safeway in California. Or maybe we ought to investigate the PUC and Hawaiian Electric. Electric rates are 75 percent higher.

"My point is, Mr. President, that this bill is a last minute attempt to try to fool the people of Hawaii again that we're doing something about a problem that no longer exists to the extent that the attorney general and the Governor says it does. If we really want to protect consumers, we really should be looking at the issues that drive up the cost of everything we consume, including gasoline.

"This hearing this afternoon, in my estimation, is a clear violation of the Rules I just read and it certainly is a violation of the spirit of the constitution. I would hope the Senate would maintain the integrity of this body by not allowing this process to proceed.

"Thank you, Mr. President."

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

"Mr. President, I rise on a point of personal privilege to respond to some of the comments made by the Senator from the Windward side.

"First of all, I have several responses and I respond as a Senator who has been pushing for the hearings that have been conducted thus far on the attorney general's gasoline price cap proposal.

“First of all, from a procedural standpoint, I don’t think that the informational briefing that we held on the measure earlier this week, together with the public hearing that we’re going to be conducting on the attorney general’s proposal tonight, violates Senate procedures and rules to the extent that, first of all, if you look at the substance of S.B. No. 2179, H.D. 1, that’s currently in Conference, the subject matter of that bill, the contents of that bill relates specifically to gasoline price caps. So in that regard, I think that the issues raised in the attorney general’s proposal fit within that subject matter and definitely should be considered by Conferees.

“But most importantly, Mr. President, I don’t think that as Legislators that we should be raising the excuses of rules and procedures to try to avoid what I think is a very important responsibility on our part, which is to address a significant issue that the public is really very concerned about, which is the fact that they are paying gasoline prices that have been excessively high for a long time now. And they’re paying those high gasoline prices because we’ve had a lack of competition. We’ve had a situation where it strongly appears that the oil companies have been earning excessive profits at the expense of consumers.

“So I think the consumers are entitled to a public hearing on a serious proposal that contains provisions that could provide them with the kind of meaningful and immediate relief that they need from gas prices now, instead of somewhere down the line in the future.

“So, given the importance of this issue, I would hope that my colleagues will not stifle the kind of public discussion and debate that we need on this important issue because it’s an important consumer issue and the consumers of the State of Hawaii would be extremely disappointed if we were to block the ability of this body, of your Conferees, to conduct a full and extensive public hearing tonight on a measure that could provide them with the relief that they want and so desperately need in the future.

“So in that regard, I look forward to conducting the public hearing together with my Senate Co-Chairs, Senator Kawamoto and Senator Inouye, this evening. Thank you.”

Senator Hemmings rose again on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege in rebuttal to the previous comments.

“I don’t want to belabor this, but I think it’s quite obvious what the rebuttal is. Number one, procedurally, this hearing does not resolve the differences between the two positions of the House and the Senate on bills, and is in clear violation of the Rules as I so enunciated.

“Concerning prices, this bill, once again, is ludicrous because of the limits it’s putting on prices are higher than what we’re currently paying.

“And the third point of rebuttal is that we have had extensive hearings on this issue throughout this legislative session, including another bill that would have capped the prices where the monopoly is – at the refinery level. The good Senator who is proposing this solution this afternoon failed to allow that legislation to proceed through the process.

“We have also, at the public’s expense, conducted massive public investigation into it through the attorney general’s office, who’s proposing this ludicrous legislation that does not cap

prices under the existing market prices, and spent many millions of dollars in time investigating this and came up with a settlement that barely pays the lawyer’s fees. So I stand on the position that I took in pointing out to the Senate what is being done here. I’m hoping the good Senators will do what’s fair and appropriate for the consumers and not use them in a political foil to try to gain popularity on an issue that should have been resolved a long time ago and this Legislature failed to do so.

“Thank you, Mr. President.”

Senator Kawamoto rose on a point of personal privilege and stated:

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

“As the lead Chair, I made the announcement of this meeting. I did check with our attorney, Mr. Wada, and the Clerk, Mr. Kawaguchi, on the legality of this hearing and they said it was all right and therefore we posted the hearing notice. So, those checks were made, Mr. President, and this was discussed also in the Caucus with little objections as far as the hearing is concerned.”

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

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

“I wanted to make it clear that the good Senator from Kailua is not speaking for those of us who live out of the City and County of Honolulu. I want to make it very clear that we pay excessive prices and have paid excessive prices for some time. For example, in Maui we pay upwards of \$1.89 to \$2.00 a gallon. You cannot buy gas at the price that he referred to anywhere outside of Oahu.

“So, for those of us who have been paying excessive prices for some time and feel, quite frankly, like we’re getting raped, we want this hearing. I think it’s a good idea and I’ll be there to participate.

“Thank you.”

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

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

“Well, it looks like we’re having the public hearing right now. Isn’t that interesting?”

“As far as the Rules, this will be the Session that everybody will remember as the Session where we trampled on Rules. I guess it’s a take off from the old Russian saying that ‘rules, like pie crust, are meant to be broken,’ because that’s what we’ve done this entire Session.

“I find it amusing when we have some of our colleagues worrying about aspects of the high costs that our consumers have to pay, because in one breath they’re worried about that for one specific price or industry, in another, they’re very gleefully raising taxes, fees, and costs of doing business while at the same time going through 56 days and not doing a damn thing to help this economy, the business climate, or small businesses within this State.

“My point about this is that I sat through on the CPH Committee for four years. There were hearings at all times. We’ve had all these investigations. We have all of this



information. I didn't know when the attorney general got elected to the Senate. I must have been absent that day so that he is providing us with legislation and with information. I also don't know when S.B. No. 2179 was ever referred to the good Senator's Committee, the good Senator that heads up the Committee on Commerce, Consumer Protection and Housing.

"We have a number of firsts. I don't remember a Conference Committee where we've invited public testimony. I know that we've had the public that have begged and pleaded with us to allow their words to be heard at Conference Committees but we said, 'No, that's the rules. You don't do that at Conference Committees. At Conference Committees you look at the bills that have been properly referred to Committees, properly have been the subject of public hearings, properly debated, and then you reach a decision without addition of new material.' So everything that we're doing here flies in the face of this.

"With all due respect, we certainly sympathize with the members of neighbor island communities not only for their gasoline prices, but also for their Wheaties prices and for everything else. But this bill and this late procedure are not going to do anything to alleviate that and our colleagues have to know that. What this does do, however, is divert further attention from the business that we have not conducted during these 56 days and from resolving the budget, which is still unresolved, and now we're talking about possibly having to extend this Session. So we should have our priorities and we should be doing the kinds of things that we're supposed to be doing in the order in which we're supposed to do them.

"I don't know that we are trying to block any discussion. Certainly the Minority has always called for discussion and we can look at the bills that have not even had a public hearing aside from all of the Republican measures that never get public hearings in this body. So if you want to talk about hearings and you want to talk about rules, let's at least be consistent.

"Thank you, Mr. President."

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

"Mr. President, point of personal privilege.

"Mr. President, on the procedural questions and all of these things notwithstanding, I will support having a hearing on this measure and actually encourage them to pass something out, because as my colleague from Anahola and East Maui has said, we pay excessive gas prices.

"My family is from Hana, Mr. President, and we pay over \$2.00 a gallon there. People on Molokai and Lanai pay excessive gas prices. People from Kahului, as the Senator pointed out, pay \$1.85 to \$1.90 a gallon.

"So while the debate rages on Oahu about why we shouldn't have this and why we should, this will be a direct benefit to those on the neighbor islands and that's the part that's very key to me and my constituents.

"So I support having the hearing. I'm sure that we can work it out. Hey, we've suspended the Rules once, let's do it again.

"To hear the measure is the most important thing to me. I think that the neighbor islands will appreciate it. I congratulate the two Chairs for trying to find an innovative way to hear this measure but also realize that the issue has been around. We've talked about it. We'll continue to talk about it and I know that they will pass out the measure or something this evening that we can bring to the Floor.

"Thank you."

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

"Mr. President, just a point of personal privilege.

"In response to the Senator from Hawaii Kai, I don't think the attorney general was elected to the Senate but he was confirmed by the Senate and then rejected, and then confirmed again.

"Thank you, Mr. President."

Senator Chun Oakland rose on a point of personal privilege and said:

"Mr. President, I'm also standing on a point of personal privilege.

"S.B. No. 2179, which I had introduced, basically, in its original form, spoke of a very good piece of legislation to encourage our state government to become more energy efficient. I'm glad that there is, in addition to that, the discussion about gas prices because I know that is a very important issue.

"I, like many of my colleagues, would like to have a Conference Committee on this bill. So I appreciate the time. Thank you."

#### APPOINTMENT OF CONFEREES

S.C.R. No. 43 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 43, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.C.R. No. 44, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 44, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Inouye, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.C.R. No. 11 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.C.R. No. 11, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; English, Hogue as managers on the part of the Senate at such conference.

H.C.R. No. 94, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.C.R. No. 94, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Taniguchi, co-chair; Kokubun, Hogue as managers on the part of the Senate at such conference.

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**ADJOURNMENT**

At 1:03 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 6:30 o'clock p.m., Thursday, April 25, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTY-SEVENTH DAY

Thursday, April 25, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 6:45 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dan Hatch, Manoa Valley Church, after which the Roll was called showing all Senators present with the exception of Senators Ige and Matsuura who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 355 to 357) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 355, informing the Senate that on April 23, 2002, he signed the following bills into law:

House Bill No. 683 as Act 24, entitled: "RELATING TO STATE PARKS PENALTIES";

House Bill No. 1727 as Act 25, entitled: "RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT RENEWAL";

House Bill No. 1804 as Act 26, entitled: "RELATING TO EXPUNGEMENT";

House Bill No. 1825 as Act 27, entitled: "RELATING TO THE REVISED UNIFORM COMMERCIAL CODE ARTICLE 9 - SECURED TRANSACTIONS";

House Bill No. 1941 as Act 28, entitled: "RELATING TO AGRICULTURE";

House Bill No. 2158 as Act 29, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING";

House Bill No. 2298 as Act 30, entitled: "RELATING TO ELECTIONS";

House Bill No. 2432 as Act 31, entitled: "RELATING TO DIRECT PAYMENT OF CHILD SUPPORT";

House Bill No. 2473 as Act 32, entitled: "RELATING TO THE UNIFORM SECURITIES ACT";

House Bill No. 2496 as Act 33, entitled: "RELATING TO CHILD CARE";

House Bill No. 2514 as Act 34, entitled: "RELATING TO TATTOO ARTISTS";

House Bill No. 2550 as Act 35, entitled: "RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE";

House Bill No. 2560 as Act 36, entitled: "RELATING TO SEXUAL OFFENSES";

House Bill No. 2580 as Act 37, entitled: "RELATING TO DRIVER LICENSING";

Senate Bill No. 2635 as Act 38, entitled: "RELATING TO TOURISM";

Senate Bill No. 2723 as Act 39, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

Senate Bill No. 2729 as Act 40, entitled: "RELATING TO BUSINESS REGISTRATION";

Senate Bill No. 2730 as Act 41, entitled: "RELATING TO MERGERS";

Senate Bill No. 2768 as Act 42, entitled: "RELATING TO ACCESS FOR PERSONS WITH DISABILITIES";

Senate Bill No. 2787 as Act 43, entitled: "RELATING TO THE WAGE AND HOUR LAW"; and

Senate Bill No. 2792 as Act 44, entitled: "RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM,"

was placed on file

Gov. Msg. No. 356, informing the Senate that on April 24, 2002, he signed into law House Bill No. 1806 as Act 45, entitled: "RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," was placed on file.

Gov. Msg. No. 357, submitting for consideration and consent, the nomination of MARCIA J. WALDORF to the office of 4th Judge, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 22, from the Department of Health dated April 22, 2002, transmitting its 2001 Primary Care Needs Assessment Databook, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 628 to 631) were read by the Clerk and were placed on file:

Hse. Com. No. 628, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 24, 2002, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1878, H.D. 2, S.D. 1; and  
H.B. No. 2163, S.D. 2.

Hse. Com. No. 629, returning S.C.R. No. 158, which was adopted by the House of Representatives on April 24, 2002.

Hse. Com. No. 630, informing the Senate that the Speaker on April 25, 2002, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate concurrent resolutions:

S.C.R. No. 43, (H.D. 1):

Representatives Souki, chair, Espero, Whalen.

S.C.R. No. 44, S.D. 1 (H.D. 1):

Representatives Garcia, Morita, co-chairs, Rath.

Hse. Com. No. 631, informing the Senate that the Speaker on April 25, 2002, appointed Representatives Arakaki, chair, Kahikina, McDermott as managers on the part of the House for the consideration of amendments proposed by the Senate to H.C.R. No. 11.

#### JUDICIARY COMMUNICATION

Jud. Com. No. 5, submitting for consideration and consent, the nomination of JOEL AUGUST to the Office of Circuit Judge of the Second Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

#### CONFERENCE COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1942, presented a report (Conf. Com. Rep. No. 5-02) recommending that H.B. No. 1942, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-02 and H.B. No. 1942, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1758, H.D. 1, presented a report (Conf. Com. Rep. No. 6-02) recommending that H.B. No. 1758, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-02 and H.B. No. 1758, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2305, H.D. 1, presented a report (Conf. Com. Rep. No. 7-02) recommending that H.B. No. 2305, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-02 and H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2568, H.D. 1, presented a report (Conf. Com. Rep. No. 8-02) recommending that H.B. No. 2568, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-02 and H.B. No. 2568, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2002, presented a report (Conf. Com. Rep. No. 9-02) recommending that H.B. No. 2002, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-02 and H.B. No. 2002, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2536, presented a report (Conf. Com. Rep. No. 10-02) recommending that H.B. No. 2536, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10-02 and H.B. No. 2536, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1724, presented a report (Conf. Com. Rep. No. 11-02) recommending that H.B. No. 1724, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-02 and H.B. No. 1724, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2577, H.D. 1, presented a report (Conf. Com. Rep. No. 12-02) recommending that H.B. No. 2577, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12-02 and H.B. No. 2577, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1843, presented a report (Conf. Com. Rep. No. 13-02) recommending that H.B. No. 1843, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13-02 and H.B. No. 1843, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2723, H.D. 2, presented a report (Conf. Com. Rep. No. 14-02) recommending that H.B. No. 2723, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14-02 and H.B. No. 2723, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO COUNTIES,” was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2045, H.D. 1, presented a report (Conf. Com. Rep. No. 15-02) recommending that H.B. No. 2045, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15-02 and H.B. No. 2045, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REVENUE BONDS,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 870, presented a report (Conf. Com. Rep. No. 16-02) recommending that H.B. No. 870, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-02 and H.B. No. 870, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2443, H.D. 2, presented a report (Conf. Com. Rep. No. 17-02) recommending that H.B. No. 2443, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-02 and H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2046, S.D. 1, presented a report (Conf. Com. Rep. No. 58-02) recommending that S.B. No. 2046, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-02 and S.B. No. 2046, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS,” was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2926, S.D. 1, presented a report (Conf. Com. Rep. No. 59-02) recommending that S.B. No. 2926, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-02 and S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2934, presented a report (Conf. Com. Rep. No. 60-02) recommending that S.B. No. 2934, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-02 and S.B. No. 2934, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2613, S.D. 2, presented a report (Conf. Com. Rep. No. 61-02) recommending that S.B. No. 2613, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-02 and S.B. No. 2613, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS,” was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2816, S.D. 2, presented a report (Conf. Com. Rep. No. 62-02) recommending that S.B. No. 2816, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-02 and S.B. No. 2816, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2290, S.D. 1, presented a report (Conf. Com. Rep. No. 63-02) recommending that S.B. No. 2290, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-02 and S.B. No. 2290, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS,” was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2526, S.D. 2, presented a report (Conf. Com. Rep. No. 64-02) recommending that S.B. No. 2526, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-02 and S.B. No. 2526, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES,” was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2786, S.D. 1, presented a report (Conf. Com. Rep. No. 65-02) recommending that S.B. No. 2786, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-02 and S.B. No. 2786, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD,” was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 796, S.D. 1, presented a report (Conf.

Com. Rep. No. 66-02) recommending that S.B. No. 796, S.D. 1, H.D. 2, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66-02 and S.B. No. 796, S.D. 1, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3511) recommending that the Senate advise and consent to the nominations of CARL A. CARLSON, JR., BENJAMIN K. LINDSEY and WES SAHARA to the Board of Agriculture, in accordance with Gov. Msg. No. 257.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3511 and Gov. Msg. No. 257 was deferred until Friday, April 26, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3512) recommending that the Senate advise and consent to the nominations of EDITH C. PASCUA, ANTHONY D. CASTBERG, MANUEL M. KULOLOIO and ANN M. SAKAGUCHI to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 300.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3512 and Gov. Msg. No. 300 was deferred until Friday, April 26, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3513) recommending that the Senate advise and consent to the nominations of ALAN S. ITO, EDWARD M. BOUGHTON, WAYNE H. KISHIDA and M. WINONA CABRAL WHITMAN to the Hawai'i Workforce Development Council, in accordance with Gov. Msg. No. 344.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3513 and Gov. Msg. No. 344 was deferred until Friday, April 26, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3514) recommending that the Senate advise and consent to the nominations of GORDON D. CIANO and BRIAN M. IWATA to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3514 and Gov. Msg. No. 298 was deferred until Friday, April 26, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3515) recommending that the Senate advise and consent to the nomination of JACQUELINE K. MURAI to the Board of Acupuncture, in accordance with Gov. Msg. No. 299.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3515 and Gov. Msg. No. 299 was deferred until Friday, April 26, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3516) recommending that the Senate advise and consent to the nominations of KAREN ING HU, D.D.S., DAVID R. BREESE, D.D.S., GAYLE CHANG, DENNIS N. ISHIMOTO,

D.D.S., and STUART C. LAU to the Board of Dental Examiners, in accordance with Gov. Msg. No. 304.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3516 and Gov. Msg. No. 304 was deferred until Friday, April 26, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3517) recommending that the Senate advise and consent to the nominations of ROY I. INOUE and ROY T. OZAKI to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 329.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3517 and Gov. Msg. No. 329 was deferred until Friday, April 26, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3518) recommending that the Senate advise and consent to the nominations of JOHN ISOBE and LORRAINE M. MENDOZA to the Community-Based Economic Development Advisory Council, in accordance with Gov. Msg. No. 301.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3518 and Gov. Msg. No. 301 was deferred until Friday, April 26, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3519) recommending that the Senate advise and consent to the nominations of JAMES S. KOMETANI and GARY I. KONDO, D.D.S., to the Hawai'i Community Development Authority, in accordance with Gov. Msg. No. 307.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3519 and Gov. Msg. No. 307 was deferred until Friday, April 26, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3520) recommending that the Senate advise and consent to the nomination of CAROL AULANI APOLIONA to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 326.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3520 and Gov. Msg. No. 326 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3521) recommending that the Senate advise and consent to the nominations of PATIENCE N. BACON, KIYOSHI IKEDA, PH.D., NAOMI CLARKE LOSCH, LAURIE J. LUCKING, PH.D., and VIRGINIA D. MURISON, AIA, to the Hawai'i Historic Places Review Board, in accordance with Gov. Msg. No. 308.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3521 and Gov. Msg. No. 308 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3522) recommending that the Senate advise and consent to the nominations of CRYSTAL K. ROSE and QUENTIN K. KAWANANAKOA to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 312.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3522 and Gov. Msg. No. 312 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3523) recommending that the Senate advise and consent to the nomination of ROGER A. HARRIS to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 321.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3523 and Gov. Msg. No. 321 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3524) recommending that the Senate advise and consent to the nominations of GRACE H. KAMAI, TOM H. SHIGEMOTO and CATHERINE K. HAM YOUNG to the Island Burial Council, Islands of Kauai and Niihau, in accordance with Gov. Msg. No. 322.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3524 and Gov. Msg. No. 322 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3525) recommending that the Senate advise and consent to the nominations of LOUELLA O.W. ALBINO, NANETTE LEHUA NAPOLEON and PHILIP SOLATORIO to the Island Burial Council, Island of Molokai, in accordance with Gov. Msg. No. 324.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3525 and Gov. Msg. No. 324 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3526) recommending that the Senate advise and consent to the nominations of JACE L. MCQUIVEY, A. VAN HORN DIAMOND, THEODORA KEHAULANI KRUSE, GWENDOLYN Y. PIKAKE PELEKAI, LURLINE NAONE SALVADOR and LYNETTE PUALANI TIFFANY to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 325.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3526 and Gov. Msg. No. 325 was deferred until Friday, April 26, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3527) recommending that the Senate advise and consent to the nominations of WILLIAM FRAMPTON, CLIFFORD J. NAEOLE and WILLIAM WAIOHU JR. and CHARLES K. MAXWELL, SR., to the Island Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 346.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3527 and Gov. Msg. No. 346 was deferred until Friday, April 26, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3528) recommending that the Senate advise and consent to the nominations of STEPHEN K. YAMASHIRO and SHARON R. WEINER to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 293.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3528 and Gov. Msg. No. 293 was deferred until Friday, April 26, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3529) recommending that the Senate advise and consent to the nominations of WILLIAM T. HONJIYO, W. ROY JOHNSON and KATHLEEN KAGULANI M. DE SILVA to the Hawai'i School-to-Work Executive Council, in accordance with Gov. Msg. No. 309.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3529 and Gov. Msg. No. 309 was deferred until Friday, April 26, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3530) recommending that the Senate advise and consent to the nominations of ANNETTE MASUTANI, VAUGHN K. TOKASHIKI, ROBERT WITT, SHARON T. NAKAGAWA, CATHERINE H. PAYNE, CHERYL M. SHINTANI, TWYLLA-DAWN STEER, CHARLENE H. MIYASHIRO and FAIRFAX A. REILLY to the Hawai'i Teacher Standards Board, in accordance with Gov. Msg. No. 310.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3530 and Gov. Msg. No. 310 was deferred until Friday, April 26, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3531) recommending that the Senate advise and consent to the nomination of KRISTOPHER T. KAUPALOLO to the State Post-Secondary Education Commission, in accordance with Gov. Msg. No. 332.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3531 and Gov. Msg. No. 332 was deferred until Friday, April 26, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3532) recommending that the Senate advise and consent to the nominations of GEORGE R. ELLIS, MANU BOYD and MILLICENT M.Y.H. KIM to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 345.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3532 and Gov. Msg. No. 345 was deferred until Friday, April 26, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3533) recommending that the Senate advise and consent to the nominations of SHEREE A. KON-HERRERA and JASON Y. UCHIDA, N.D., to the Board of Examiners in Naturopathy, in accordance with Gov. Msg. No. 330.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 330 was deferred until Friday, April 26, 2002.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3507 (Gov. Msg. No. 320):

Senator Kawamoto moved that Stand. Com. Rep. No. 3507 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of MITCHELL ROTH, DAVID SANDLER and CLAIRE M. SASAKI-LUNDGREN to the State Highway Safety Council, terms to expire June 30, 2006, seconded by Senator Hanabusa.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

Stand. Com. Rep. No. 3508 (Gov. Msg. No. 333):

Senator Kawamoto moved that Stand. Com. Rep. No. 3508 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of GORDON K.T. ING to the Procurement Policy Board, term to expire June 30, 2006, seconded by Senator Hanabusa.

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

Stand. Com. Rep. No. 3509 (Gov. Msg. No. 293):

Senator Kim moved that Stand. Com. Rep. No. 3509 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of NADINE K. NAKAMURA to Board of Directors, Hawai'i Tourism Authority, term to expire June 30, 2006, seconded by Senator English.

Senator Kim rose in support of the nominee as follows:

"Mr. President, I rise in support of Nadine Nakamura for the Hawaii Tourism Authority. This is the first confirmation for the Hawaii Tourism Authority and we will have more to follow in the next few days, members.

"Mr. President, your Committee on Tourism and Intergovernmental Affairs has spent many, many hours examining and fine-tuning the Hawaii Tourism Authority with one goal in mind – to protect, to promote, and to enhance the visitor industry by assuring that it lives up to its mandate of Act 156 and be accountable for the millions of dollars of dedicated funding it receives each year.

"Mr. President, the HTA is only as good as the volunteers that are appointed. Our job is to make sure that those appointments are good ones. To that end, Mr. President, it is important that the members of the Hawaii Tourism Authority are not just willing to serve, but that they understand: (1) the importance of their appointment to this authority – that they must provide the leadership and vision for an industry that affects thousands of employees and is the engine that runs and drives our fragile economy; (2) that they serve the best interest of the State of Hawaii and not their own personal or company's interest; and (3) they need to be accountable for their actions not just during the confirmation process, but throughout their entire tenure on the authority.

"Thus, Mr. President, all HTA nominees were required to put together a statement in writing, which I call a vision statement, for which we can hold them accountable. If no statement was

received, no confirmation was scheduled. You have all been given a copy of this statement, members, on your desks. This will give you an idea of their commitment to this post and their intentions.

"Mr. President, Nadine Nakamura will be a positive addition, as she will bring much needed planing experience and expertise to the fulfillment of this mandate and to the board's work. In addition to receiving her undergraduate and graduate degrees in planning, this University of Hawaii alumnus has been a professional planner for nearly 20 years with the state and city governments and in private practice. This Kauai native's familiarity with land use, transportation, and urban development issues, which is complemented by her work with diverse community organizations should make her an invaluable contributor to the strategic planning process to setting the HTA's public policies and to offering new perspectives to the HTA affairs.

"Ms. Nakamura will be an important new addition to the governance of the Hawaii Tourism Authority and your Committee has found her to be qualified for this position and recommends that the Senate unanimously consent to her nomination.

"Thank you."

Senator Chun rose in support of the nominee and said:

"Mr. President, I rise in support of Gov. Msg. No. 293 regarding Nadine Nakamura.

"Mr. President, I've known Nadine for a number of years while she was working with the planning department to develop the county's general plan. Mr. President, Ms. Nakamura's skill, knowledge, and appreciation of the value of community input in both developing a plan and implementing it will be invaluable to the HTA in its statewide mission of guiding our tourism industry into the 21<sup>st</sup> century.

"Mr. President, it is with great pleasure that I request all and encourage all of my colleagues to vote in favor of this nominee. Thank you, Mr. President."

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

Ayes, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

#### **ADOPTION OF RESOLUTION**

#### **MATTERS DEFERRED FROM TUESDAY, APRIL 23, 2002**

Stand. Com. Rep. No. 3487 (H.C.R. No. 21):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR MAINTENANCE OF BREAKWATER PURPOSES," was adopted.

#### **ADOPTION OF RESOLUTIONS**

#### **MATTERS DEFERRED FROM WEDNESDAY, APRIL 24, 2002**

Stand. Com. Rep. No. 3506 (H.C.R. No. 163):



On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.C.R. No. 163, entitled: "HOUSE 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. 3510 (H.C.R. No. 137, H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 137, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESS'S PLAN TO ENDORSE AND OBTAIN OBSERVER STATUS FOR TAIWAN AT THE ANNUAL SUMMIT OF THE WORLD HEALTH ASSEMBLY IN MAY 2002 IN GENEVA, SWITZERLAND," was adopted.

#### FINAL READING

Conf. Com. Rep. No. 53-02 (S.B. No. 2732, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 53-02 and S.B. No. 2732, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was deferred until Tuesday, April 30, 2002.

At 6:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:58 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

S.C.R. No. 35, S.D. 1 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 35, S.D. 1, seconded by Senator Buen and carried.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 35, S.D. 1, seconded by Senator Buen.

Senator Chun noted:

"Mr. President, for S.C.R. No. 35, thankfully it was just an amendment to change simple typographical errors in the body and the title."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 35, S.D. 1, and S.C.R. No. 35, S.D. 1, H.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 HEALTH SYSTEMS CORPORATION, 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 placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

S.C.R. No. 48, S.D. 1 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, seconded by Senator Buen and carried.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, seconded by Senator Buen.

Senator Chun noted:

"Mr. President, for S.C.R. No. 48, again the House amended the whole title and the body to provide for a resolution requesting the Auditor to conduct a study based on compiling existing studies and reassessing the information rather than conduct a new study in regards to alternative care providers."

Senator Sakamoto rose and said:

"Mr. President, normally when our Committee agrees, we're agreeing to technicalities and minor changes. So I'm a little concerned about agreeing to gutted titles and gutted measures, Mr. President. Is that okay?"

The President replied:

"That's up to the body."

Senator Chun then added:

"Mr. President, it was a decision of the Chair, I gather, that the substance of these amended SCRs were acceptable to him as the Chair and that he felt that the amended language and the amended titles were acceptable, but it is up to the body."

Senator Ihara remarked:

"Mr. President, could I ask the maker of the motion . . . or maybe you can relay it to the Chair of Human Services to get us information, or we can actually have our staff . . . but what would be useful would be to know what the Senate . . . you know, basically you have a gut and replace. You're just deleting entirely, ignoring entirely the Senate's position and view on an SCR and accepting the House language, but we don't know what the Senate intended when we passed the resolution. So it would be useful to note for those where it was a complete unrelated gut and replace, it would be useful to know that information. Maybe you have it. I'm not sure."

Senator Chun then said:

"If I may, Mr. President, for S.C.R. No. 102, it was not a complete gut and replace. The original SCR . . . I'm trying to compare the original. I don't have the originals with me on all of them. I'm sorry. I'm not able, at this point in time, to have the paperwork in terms of the original SCRs as opposed to the amended SCRs. I thought I had that.

"Mr. President, if the body wants to accept these changes, that can be easily provided. Again, the Chair felt he could support the languages of these new amended SCRs."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and S.C.R. No. 48, S.D. 1, H.D. 1, entitled:

“SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SERVICES PROVIDED BY COMPLEMENTARY ALTERNATIVE CARE PROVIDERS,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

S.C.R. No. 63 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 63, seconded by Senator Buen and carried.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 63, seconded by Senator Buen.

Senator Chun noted:

“Mr. President, the House again deleted the contents of the original resolution and changed its title to read, ‘Senate Concurrent Resolution Requesting that a Task Force be Convened to Study the Feasibility of Having the Department of Health Regulate Tobacco as a Consumer Product.’ So, basically it changes the resolution to a tobacco resolution.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 63, and S.C.R. No. 63, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THAT A TASK FORCE BE CONVENED TO STUDY THE FEASIBILITY OF HAVING THE DEPARTMENT OF HEALTH REGULATE TOBACCO AS A CONSUMER PRODUCT,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

S.C.R. No. 69 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 69, seconded by Senator Buen and carried.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 69, seconded by Senator Buen.

Senator Chun noted:

“Mr. President, for S.C.R. No. 69, the House basically changed the title and inserted the contents of another resolution, H.C.R. No. 23.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 69, and S.C.R. No. 69, H.D. 1, 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 UNITED STATES CONGRESS,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

S.C.R. No. 102 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 102, seconded by Senator Buen and carried.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 102, seconded by Senator Buen.

Senator Chun noted:

“Mr. President, for S.C.R. No. 102, the House put in a whole new title and submitted a resolution that requests the United States Congress and the Department of the Interior, Office of Insular Affairs, for reimbursement for assisting lawful non-immigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau. It also provided for a report to estimate the state’s uncompensated costs for providing social services and welfare benefits for the citizens of these nations.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 102, and S.C.R. No. 102, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING FEDERAL REIMBURSEMENT RESULTING FROM THE IMPACT OF LAWFUL NONIMMIGRANTS FROM THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND PALAU OVER THE PAST 15 YEARS AND ADEQUATE FINANCIAL ASSISTANCE TO AMELIORATE ANY FURTHER IMPACT,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

S.C.R. No. 100, S.D. 1 (H.D. 1):

Senator Kanno moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 100, S.D. 1, seconded by Senator Chun and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 100, S.D. 1, seconded by Senator Chun.

Senator Kanno noted:

“Mr. President, the resolution before us that’s in the H.D. 1 was also in the original concurrent resolution, S.C.R. No. 100, that was originally heard by our Committee. Our Committee had made amendments that were included in the S.D. 1 and the House saw fit to remove those.

“We are in concurrence with the H.D. 1, which we previously heard and passed. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 100, S.D. 1, and S.C.R. No. 100, S.D. 1, H.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,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

Senator Ihara rose on a point of inquiry as follows:

“Mr. President, a point of inquiry.

“This is on the last items, the Human Services resolutions that were gut and replace resolutions. Was a hearing held on the House amendments? Because I know the Senate passes a Senate concurrent resolution, sends it to the House; the House takes out the entire contents of it and places its own unrelated contents into the resolution, sends it back to the Senate, and the Senate generally doesn’t have a hearing. So we are adopting an unrelated subject matter.

“Fortunately, these are resolutions and I hope this doesn’t happen on bills. But I wanted to point out that concern and these may be just all fine resolutions but I just wanted to raise that.”

The President remarked:

“Your point is well taken.”

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 3048.

Senator Taniguchi noted:

“This is relating to bonds. This is a bill that we passed out today with a conference draft which included the wrong expending agency and also probably the wrong amount on the bond. This is for Ford Island. We will be issuing a hearing notice upon agreement with the House.”

The Chair then granted the waiver.

#### **APPOINTMENT AND DISCHARGE OF CONFEREES**

S.B. No. 251, S.D. 2 (H.D. 1):

The President appointed Senator Taniguchi as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 251, S.D. 2.

H.B. No. 1245, H.D. 1 (S.D. 1):

The President appointed Senator Chun Oakland as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1245, H.D. 1.

H.B. No. 2832, H.D. 1 (S.D. 2):

The President discharged Senator Kim as chair and Senator Menor as co-chair, and appointed Senator Kim as a manager and Senator Menor as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2832, H.D. 1.

S.C.R. No. 142 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 142, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Taniguchi, co-chair; Hemmings as managers on the part of the Senate at such conference.

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

#### **CONFERENCE COMMITTEE REPORTS**

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 7:10 o’clock p.m., the Senate took the following actions:

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2166, H.D. 1, presented a report (Conf. Com. Rep. No. 18-02) recommending that H.B. No. 2166, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-02 and H.B. No. 2166, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1996, presented a report (Conf. Com. Rep. No. 19-02) recommending that H.B. No. 1996, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-02 and H.B. No. 1996, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 223, H.D. 1, presented a report (Conf. Com. Rep. No. 20-02) recommending that H.B. No. 223, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20-02 and H.B. No. 223, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OPTOMETRY,” was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 741, H.D. 1, presented a report (Conf. Com. Rep. No. 21-02) recommending that H.B. No. 741, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21-02 and H.B. No. 741, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL LIABILITY,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2120, H.D. 1, presented a report (Conf. Com. Rep. No. 22-02) recommending that H.B. No. 2120, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22-02 and H.B. No. 2120, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2315, H.D. 1, presented a report (Conf.

Com. Rep. No. 23-02) recommending that H.B. No. 2315, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23-02 and H.B. No. 2315, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2427, H.D. 1, presented a report (Conf. Com. Rep. No. 24-02) recommending that H.B. No. 2427, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24-02 and H.B. No. 2427, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2438, H.D. 1, presented a report (Conf. Com. Rep. No. 25-02) recommending that H.B. No. 2438, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25-02 and H.B. No. 2438, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2817, H.D. 1, presented a report (Conf. Com. Rep. No. 26-02) recommending that H.B. No. 2817, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26-02 and H.B. No. 2817, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1749, H.D. 2, presented a report (Conf. Com. Rep. No. 27-02) recommending that H.B. No. 1749, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27-02 and H.B. No. 1749, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2521, H.D. 2, presented a report (Conf. Com. Rep. No. 28-02) recommending that H.B. No. 2521, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28-02 and H.B. No. 2521, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1730, H.D. 1, presented a report (Conf. Com. Rep. No. 29-02) recommending that H.B. No. 1730, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29-02 and H.B. No. 1730, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1731, H.D. 2, presented a report (Conf. Com. Rep. No. 30-02) recommending that H.B. No. 1731, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30-02 and H.B. No. 1731, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2302, H.D. 2, presented a report (Conf. Com. Rep. No. 31-02) recommending that H.B. No. 2302, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31-02 and H.B. No. 2302, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2509, H.D. 1, presented a report (Conf. Com. Rep. No. 32-02) recommending that H.B. No. 2509, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32-02 and H.B. No. 2509, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1842, H.D. 1, presented a report (Conf. Com. Rep. No. 33-02) recommending that H.B. No. 1842, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33-02 and H.B. No. 1842, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1901, H.D. 2, presented a report (Conf. Com. Rep. No. 34-02) recommending that H.B. No. 1901, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34-02 and H.B. No. 1901, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 771, H.D. 1, presented a report (Conf. Com. Rep. No. 35-02) recommending that H.B. No. 771, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35-02 and H.B. No. 771, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2426, H.D. 1, presented a report (Conf. Com. Rep. No. 36-02) recommending that H.B. No. 2426, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36-02 and H.B. No. 2426, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2065, H.D. 1, presented a report (Conf. Com. Rep. No. 37-02) recommending that H.B. No. 2065, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37-02 and H.B. No. 2065, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2506, H.D. 1, presented a report (Conf. Com. Rep. No. 38-02) recommending that H.B. No. 2506, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38-02 and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2741, H.D. 2, presented a report (Conf. Com. Rep. No. 39-02) recommending that H.B. No. 2741, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39-02 and H.B. No. 2741, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 202, H.D. 1, presented a report (Conf. Com. Rep. No. 40-02) recommending that H.B. No. 202, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40-02

and H.B. No. 202, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1713, H.D. 1, presented a report (Conf. Com. Rep. No. 41-02) recommending that H.B. No. 1713, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41-02 and H.B. No. 1713, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1715, H.D. 1, presented a report (Conf. Com. Rep. No. 42-02) recommending that H.B. No. 1715, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42-02 and H.B. No. 1715, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1716, H.D. 1, presented a report (Conf. Com. Rep. No. 43-02) recommending that H.B. No. 1716, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43-02 and H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2832, H.D. 1, presented a report (Conf. Com. Rep. No. 44-02) recommending that H.B. No. 2832, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44-02 and H.B. No. 2832, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 940, presented a report (Conf. Com. Rep. No. 67-02) recommending that S.B. No. 940, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67-02 and S.B. No. 940, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2075, S.D. 2, presented a report (Conf. Com. Rep. No. 68-02) recommending that S.B. No. 2075, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68-02 and S.B. No. 2075, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2309, S.D. 1, presented a report (Conf. Com. Rep. No. 69-02) recommending that S.B. No. 2309, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69-02 and S.B. No. 2309, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2824, S.D. 2, presented a report (Conf. Com. Rep. No. 70-02) recommending that S.B. No. 2824, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70-02 and S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 859, S.D. 1, presented a report (Conf. Com. Rep. No. 71-02) recommending that S.B. No. 859, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71-02 and S.B. No. 859, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 720, S.D. 2, presented a report (Conf. Com. Rep. No. 72-02) recommending that S.B. No. 720, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72-02 and S.B. No. 720, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2337, S.D. 2, presented a report (Conf. Com. Rep. No. 73-02) recommending that S.B. No. 2337, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73-02 and S.B. No. 2337, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by

the House to S.B. No. 2698, S.D. 2, presented a report (Conf. Com. Rep. No. 74-02) recommending that S.B. No. 2698, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-02 and S.B. No. 2698, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 331, S.D. 2, presented a report (Conf. Com. Rep. No. 75-02) recommending that S.B. No. 331, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-02 and S.B. No. 331, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2733, S.D. 2, presented a report (Conf. Com. Rep. No. 76-02) recommending that S.B. No. 2733, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-02 and S.B. No. 2733, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2898, S.D. 2, presented a report (Conf. Com. Rep. No. 77-02) recommending that S.B. No. 2898, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-02 and S.B. No. 2898, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAVE PROTECTION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2708, S.D. 1, presented a report (Conf. Com. Rep. No. 78-02) recommending that S.B. No. 2708, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-02 and S.B. No. 2708, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2234, S.D. 2, presented a report (Conf. Com. Rep. No. 79-02) recommending that S.B. No. 2234, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-02 and S.B. No. 2234, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 233, S.D. 2, presented a report (Conf. Com. Rep. No. 80-02) recommending that S.B. No. 233, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-02 and S.B. No. 233, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," was deferred for a period of 48 hours.

**ADJOURNMENT**

At 12:00 o'clock midnight, the Senate adjourned until 6:30 o'clock p.m., Friday, April 26, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTY-EIGHTH DAY

Friday, April 26, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 6:50 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Hogue, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Hanabusa, Ige and Matsuura who were excused.

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

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 358, dated April 22, 2002, transmitting the 2001-2002 Annual Report for the Enterprise Zones Partnership, prepared by the Department of Business, Economic Development, and Tourism pursuant to Chapter 209E, HRS, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 632 to 635) were read by the Clerk and were placed on file:

Hse. Com. No. 632, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2582, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2582, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 25, 2002.

Hse. Com. No. 633, returning S.C.R. No. 37, S.D. 1, which was adopted by the House of Representatives on April 25 2002.

Hse. Com. No. 634, returning S.C.R. No. 85, S.D. 1, which was adopted by the House of Representatives on April 25, 2002.

Hse. Com. No. 635, informing the Senate that the amendments proposed by the Senate to the following House concurrent resolutions were agreed to by the House and said resolutions were finally adopted in the House of Representatives on April 25 2002:

H.C.R. No. 94, H.D. 1, S.D. 1; and  
H.C.R. No. 103, H.D. 1, S.D. 1.

## CONFERENCE COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2843, presented a report (Conf. Com. Rep. No. 45-02) recommending that H.B. No. 2843, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45-02 and H.B. No. 2843, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2720, H.D. 1, presented a report (Conf.

Com. Rep. No. 46-02) recommending that H.B. No. 2720, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46-02 and H.B. No. 2720, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 594, S.D. 1, presented a report (Conf. Com. Rep. No. 81-02) recommending that S.B. No. 594, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-02 and S.B. No. 594, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 733, S.D. 1, presented a report (Conf. Com. Rep. No. 82-02) recommending that S.B. No. 733, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-02 and S.B. No. 733, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3063, S.D. 2, presented a report (Conf. Com. Rep. No. 83-02) recommending that S.B. No. 3063, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-02 and S.B. No. 3063, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2757, S.D. 2, presented a report (Conf. Com. Rep. No. 84-02) recommending that S.B. No. 2757, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-02 and S.B. No. 2757, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2802, S.D. 2, presented a report (Conf. Com. Rep. No. 85-02) recommending that S.B. No. 2802, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-02 and S.B. No. 2802, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC



LANDS TO RENEWABLE ENERGY PRODUCERS,” was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3534) recommending that H.B. No. 2365 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2365, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3535) recommending that H.B. No. 2556 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2556, entitled: “A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3536) recommending that H.B. No. 2248, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3536 and H.B. No. 2248, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3537) recommending that H.B. No. 2385 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3537 and 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.,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3538) recommending that H.B. No. 2708, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3538 and H.B. No. 2708, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANIMAL DISEASES,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3539) recommending that H.B. No. 2231 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3539 and H.B. No. 2231, entitled: “A BILL FOR AN ACT RELATING TO THE AUDITOR,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3540) recommending that H.B. No. 2518 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3540 and H.B. No. 2518, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3541) recommending that H.B. No. 2523 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3541 and H.B. No. 2523, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3542) recommending that H.B. No. 682 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3542 and H.B. No. 682, entitled: “A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3543) recommending that H.B. No. 1772 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3543 and H.B. No. 1772, entitled: “A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3544) recommending that H.B. No. 2329 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3544 and H.B. No. 2329, entitled: “A BILL FOR AN ACT RELATING TO MANAGED COMPETITION,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3545) recommending that H.B. No. 2460, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3545 and H.B. No. 2460, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3546) recommending that H.B. No. 2481, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3546 and H.B. No. 2481, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3547) recommending that H.B. No. 2531, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3547 and H.B. No. 2531, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS,” was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3548) recommending that H.B. No. 2478 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3548 and H.B. No. 2478, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT STATUS OF PERSONNEL OF THE HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3549) recommending that H.B. No. 2128, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3549 and 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," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3550) recommending that H.B. No. 2538 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3550 and H.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3551) recommending that H.B. No. 2554 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3551 and H.B. No. 2554, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3552) recommending that H.B. No. 2710, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3552 and H.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3553) recommending that H.B. No. 2429, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3553 and H.B. No. 2429, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was deferred until Tuesday, April 30, 2002.

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. 3554) recommending that H.C.R. No. 17 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3554 and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA

ENTRANCE CHANNEL PURPOSES," was deferred until Tuesday, April 30, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3555) recommending that H.C.R. No. 72 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3555 and H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DEVELOP AN OVERALL STRATEGY, POLICY, AND PLAN TO AWARD TOURISM PRODUCT ENRICHMENT AND DIVERSIFICATION GRANTS," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3556) recommending that H.C.R. No. 105 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3556 and H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PRINTING PRODUCTS AND SERVICES UTILIZED, CONTRACTED, AND SUBCONTRACTED BY HAWAII STATE GOVERNMENT," was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3557) recommending that H.C.R. No. 123 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3557 and H.C.R. No. 123, entitled: "HOUSE 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 deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3558) recommending that S.R. No. 68, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3558 and S.R. No. 68, S.D. 1, entitled: "SENATE RESOLUTION CONVENING AN INTERIM STUDY BY THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES TO EXPLORE WAYS TO MAXIMIZE FEDERAL FUNDING FOR HEALTH AND HUMAN SERVICES PROGRAMS," was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3559) recommending that S.R. No. 110 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3559 and S.R. No. 110, entitled: "SENATE RESOLUTION ESTABLISHING AN INTERIM WORKING GROUP TO DISSEMINATE INFORMATION REGARDING PRESCRIPTION DRUG CARD DISCOUNT PROGRAMS OFFERED BY PHARMACEUTICAL COMPANIES," was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3560) recommending that the Senate advise and consent to the nominations of JENNIFER DIESMAN and DARYL-JEAN

WONG to the Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 314.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3560 and Gov. Msg. No. 314 was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3561) recommending that the Senate advise and consent to the nominations of MARTHA O. AQUINO, JOANNE H. KEALOHA and LAURIE A.B. OISHI to the West Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 315.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3561 and Gov. Msg. No. 315 was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3562) recommending that the Senate advise and consent to the nominations of CHRISTOPHER J. LUTZ and GREIG E. GASPAS to the Windward Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 316.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3562 and Gov. Msg. No. 316 was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3563) recommending that the Senate advise and consent to the nomination of JAMIE CAMEROS to the Hawai'i County Subarea Health Planning Council, in accordance with Gov. Msg. No. 317.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3563 and Gov. Msg. No. 317 was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3564) recommending that the Senate advise and consent to the nominations of COREY N. DOBASHI, SUSAN GUCWA-BUCASAS, AIDA PASCUAL and ROY K. SASAKI to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 318.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3564 and Gov. Msg. No. 318 was deferred until Tuesday, April 30, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3565) recommending that the Senate advise and consent to the nominations of AGNES M. GROFF, JOSEPH K. KAMAKA III, M.D., WILLIAM F. STATON, KATHLEEN L. STREET and SARAJEAN A. TOKUNAGA to the Maui County Subarea Health Planning Council, in accordance with Gov. Msg. No. 319.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3565 and Gov. Msg. No. 319 was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3566) recommending that the Senate advise and consent to the nominations of KAREN H. IWAMOTO, HELEN Y. RAUER, CARL R. ANDERSON, BERTHA S.J. NAHOPII, MICHAEL A. HAMA, ERWIN

HUDELIST and JACK L. TINER to the Correctional Industries Advisory Committee, in accordance with Gov. Msg. No. 302.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3566 and Gov. Msg. No. 302 was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3567) recommending that the Senate advise and consent to the nomination of LISA KEALA CARTER to the Board of Registration, Island of Oahu, in accordance with Gov. Msg. No. 336.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3567 and Gov. Msg. No. 336 was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3568) recommending that the Senate advise and consent to the nomination of BEVERLY JEAN WITHINGTON to the Board of Registration, Island of Hawai'i, in accordance with Gov. Msg. No. 337.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3568 and Gov. Msg. No. 337 was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3569) recommending that the Senate advise and consent to the nomination of MARK NAKAGOSHI to the Board of Registration, Kauai and Niihau, in accordance with Gov. Msg. No. 338.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3569 and Gov. Msg. No. 338 was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3570) recommending that the Senate advise and consent to the nomination of PEGGY ROBERTSON to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, in accordance with Gov. Msg. No. 339.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3570 and Gov. Msg. No. 339 was deferred until Tuesday, April 30, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3571) recommending that the Senate advise and consent to the nominations of VALLI KANUHA, PH.D., MARGARET K. MASUNAGA and MARY JO SWEENEY to the State Commission on the Status of Women, in accordance with Gov. Msg. No. 343.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3571 and Gov. Msg. No. 343 was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3572) recommending that the Senate advise and consent to the nomination of RICHARD F. KAHLE, JR., to the Board of Taxation Review, First Taxation District (Oahu), in accordance with Gov. Msg. No. 283.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3572 and Gov. Msg. No. 283 was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3573) recommending

that the Senate advise and consent to the nomination of BERT M. WAGATSUMA to the Board of Taxation Review, Third Taxation District (Hawai'i), in accordance with Gov. Msg. No. 284.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3573 and Gov. Msg. No. 284 was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3574) recommending that the Senate advise and consent to the nomination of SANDRA L. HOWATT to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 285.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3574 and Gov. Msg. No. 285 was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3575) recommending that the Senate advise and consent to the nomination of MARIA LOWDER to the Board of Taxation Review, First Taxation District (Oahu), in accordance with Gov. Msg. No. 341.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3575 and Gov. Msg. No. 341 was deferred until Tuesday, April 30, 2002.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3576) recommending that the Senate advise and consent to the nominations of LYLE J. MATSUNAGA and LLOYD Y. GINOZA to the Board of Taxation Review, Second Taxation District (Maui County), in accordance with Gov. Msg. No. 348.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3576 and Gov. Msg. No. 348 was deferred until Tuesday, April 30, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3577) recommending that the Senate advise and consent to the nominations of ELWIN D.H. GOO, PHARM.D., and DENNIS IWAMURA to the Board of Pharmacy, in accordance with Gov. Msg. No. 331.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3577 and Gov. Msg. No. 331 was deferred until Tuesday, April 30, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3578) recommending that the Senate advise and consent to the nomination of THOMAS F. JACKSON to the Board of Psychology, in accordance with Gov. Msg. No. 334.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3578 and Gov. Msg. No. 334 was deferred until Tuesday, April 30, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3579) recommending that the Senate advise and consent to the nominations of ADLEEN ICHINOSE and LES UYEDA to the Radiologic Technology Board, in accordance with Gov. Msg. No. 335.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3579 and Gov. Msg. No. 335 was deferred until Tuesday, April 30, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3580) recommending that the Senate advise and consent to the nominations of STEPHEN K. KAWAHARA and BETTY LOU LARSON to the Rental Housing Trust Fund Advisory Commission, in accordance with Gov. Msg. No. 340.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3580 and Gov. Msg. No. 340 was deferred until Tuesday, April 30, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3581) recommending that the Senate advise and consent to the nomination of JAMES H. HATTAWAY, D.C., to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 349.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3581 and Gov. Msg. No. 349 was deferred until Tuesday, April 30, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3582) recommending that the Senate advise and consent to the nominations of KATHRYN RICE ILGEN, D.V.M., and GARY Y. MURAI to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 350.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3582 and Gov. Msg. No. 350 was deferred until Tuesday, April 30, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3583) recommending that the Senate advise and consent to the nomination of MIKE MCCARTNEY to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 231.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3583 and Gov. Msg. No. 231 was deferred until Tuesday, April 30, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3584) recommending that the Senate advise and consent to the nomination of LORRIE LEE STONE to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 311.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3584 and Gov. Msg. No. 311 was deferred until Tuesday, April 30, 2002.

Senators Kim and Sakamoto, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3585) recommending that H.C.R. No. 48 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3585 and H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER-STATE EDUCATIONAL, CULTURAL, AND ECONOMIC EXCHANGES BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF

ILOCOS SUR OF THE REPUBLIC OF THE PHILIPPINES," was deferred until Tuesday, April 30, 2002.

**ORDER OF THE DAY**

**FINAL READING**

Conf. Com. Rep. No. 4-02 (H.B. No. 2527, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 4-02 and H.B. No. 2527, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," was deferred until Tuesday, April 30, 2002.

Conf. Com. Rep. No. 54-02 (S.B. No. 99, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 54-02 and S.B. No. 99, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," was deferred until Tuesday, April 30, 2002.

Conf. Com. Rep. No. 55-02 (S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 55-02 and S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred until Tuesday, April 30, 2002.

Conf. Com. Rep. No. 56-02 (S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 56-02 and S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," was deferred until Tuesday, April 30, 2002.

Conf. Com. Rep. No. 57-02 (S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 57-02 and S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred until Tuesday, April 30, 2002.

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 3511 (Gov. Msg. No. 257):

Senator Buen moved that Stand. Com. Rep. No. 3511 be received and placed on file, seconded by Senator Chun and carried.

Senator Buen then moved that the Senate advise and consent to the nominations of CARL A. CARLSON, JR., BENJAMIN K. LINDSEY and WES SAHARA to the Board of Agriculture, terms to expire June 30, 2006, seconded by Senator Chun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3512 (Gov. Msg. No. 300):

Senator Kawamoto moved that Stand. Com. Rep. No. 3512 be received and placed on file, seconded by Senator Buen and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

EDITH C. PASCUA, term to expire June 30, 2005; and

ANTHONY D. CASTBERG, MANUEL M. KULOLOIO and ANN M. SAKAGUCHI, terms to expire June 30, 2006,

seconded by Senator Buen.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3513 (Gov. Msg. No. 344):

Senator Nakata moved that Stand. Com. Rep. No. 3513 be received and placed on file, seconded by Senator Ihara and carried.

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

ALAN S. ITO, term to expire June 30, 2005; and

EDWARD M. BOUGHTON, WAYNE H. KISHIDA and M. WINONA CABRAL WHITMAN, terms to expire June 30, 2006,

seconded by Senator Ihara.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3514 (Gov. Msg. No. 298):

Senator Menor moved that Stand. Com. Rep. No. 3514 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of GORDON D. CIANO and BRIAN M. IWATA to the State Board of Public Accountancy, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3515 (Gov. Msg. No. 299):

Senator Menor moved that Stand. Com. Rep. No. 3515 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JACQUELINE K. MURAI to the Board of Acupuncture, term to expire June 30, 2004, seconded by Senator Matsunaga.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3516 (Gov. Msg. No. 304):

Senator Menor moved that Stand. Com. Rep. No. 3516 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

KAREN ING HU, D.D.S., term to expire June 30, 2004; and

DAVID R. BREESE, D.D.S., GAYLE CHANG, DENNIS N. ISHIMOTO, D.D.S., and STUART C. LAU, terms to expire June 30, 2006,

seconded by Senator Matsunaga.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3517 (Gov. Msg. No. 329):

Senator Menor moved that Stand. Com. Rep. No. 3517 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of ROY I. INOUE and ROY T. OZAKI to the Motor Vehicle Repair Industry Board, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3518 (Gov. Msg. No. 301):

Senator Tam moved that Stand. Com. Rep. No. 3518 be received and placed on file, seconded by Senator Ihara and carried.

Senator Tam then moved that the Senate advise and consent to the nominations of JOHN ISOBE and LORRAINE M. MENDOZA to the Community-Based Economic Development Advisory Council, terms to expire June 30, 2006, seconded by Senator Ihara.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3519 (Gov. Msg. No. 307):

Senator Tam moved that Stand. Com. Rep. No. 3519 be received and placed on file, seconded by Senator Ihara and carried.

Senator Tam then moved that the Senate advise and consent to the nominations of JAMES S. KOMETANI and GARY I. KONDO, D.D.S., to the Hawai'i Community Development Authority, terms to expire June 30, 2006, seconded by Senator Ihara.

Senator Tam rose in support of the nominee and said:

"Mr. President, I wish to speak in favor of Gov. Msg. No. 307.

"Before us we have Gov. Msg. No. 307 and I'd like to say a few words in favor of this nominee. The nominee is Dr. Gary Kondo to be confirmed for the Hawaii Community Development Authority. I have the following information to present:

1. The doctor has been a practicing endodontist in Honolulu for over 30 years. He is president and CEO of the Hawaii Family Dental Centers and of Hawaii Bio-Waste Systems Inc., a local medical waste-treatment company;
2. He has been active locally in the insurance industry serving on the HMSA dental advisory board as well as helping to shape the state Medicaid dental program; and
3. Dr. Kondo also serves as a consultant in the medical waste industry.

I wish to ask my colleagues to support this nominee. Thank you."

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3520 (Gov. Msg. No. 326):

Senator Tam moved that Stand. Com. Rep. No. 3520 be received and placed on file, seconded by Senator Ihara and carried.

Senator Tam then moved that the Senate advise and consent to the nomination of CAROL AULANI APOLIONA to the Kaneohe Bay Regional Council, term to expire June 30, 2005, seconded by Senator Ihara.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3521 (Gov. Msg. No. 308):

Senator Chun moved that Stand. Com. Rep. No. 3521 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nominations of PATIENCE N. BACON, KIYOSHI IKEDA, PH.D., NAOMI CLARKE LOSCH, LAURIE J. LUCKING, PH.D., and VIRGINIA D. MURISON, AIA, to the Hawai'i Historic Places Review Board, terms to expire June 30, 2006, seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3522 (Gov. Msg. No. 312):

Senator Chun moved that Stand. Com. Rep. No. 3522 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

CRYSTAL K. ROSE, term to expire June 30, 2003; and

QUENTIN K. KAWANANAKOA, term to expire June 30, 2006,

seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3523 (Gov. Msg. No. 321):

Senator Chun moved that Stand. Com. Rep. No. 3523 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nomination of ROGER A. HARRIS to the Island Burial Council, Island of Hawai'i, term to expire June 30, 2006, seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3524 (Gov. Msg. No. 322):

Senator Chun moved that Stand. Com. Rep. No. 3524 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nominations of GRACE H. KAMAI, TOM H. SHIGEMOTO and CATHERINE K. HAM YOUNG to the Island Burial Council, Islands of Kauai and Niihau, terms to expire June 30, 2006, seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3525 (Gov. Msg. No. 324):

Senator Chun moved that Stand. Com. Rep. No. 3525 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nominations of LOUELLA O.W. ALBINO, NANETTE LEHUA NAPOLEON and PHILIP SOLATORIO to the Island

Burial Council, Island of Molokai, terms to expire June 30, 2006, seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3526 (Gov. Msg. No. 325):

Senator Chun moved that Stand. Com. Rep. No. 3526 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

JACE L. MCQUIVEY, term to expire June 30, 2005; and

A. VAN HORN DIAMOND, THEODORA KEHAULANI KRUSE, GWENDOLYN Y. PIKAKE PELEKAI, LURLINE NAONE SALVADOR and LYNETTE PUALANI TIFFANY, terms to expire June 30, 2006,

seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3527 (Gov. Msg. No. 346):

Senator Chun moved that Stand. Com. Rep. No. 3527 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Chun then moved that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lanai of the following:

WILLIAM FRAMPTON, term to expire June 30, 2004;

CLIFFORD J. NAEOLE and WILLIAM WAIOHU JR., terms to expire June 30, 2005; and

CHARLES K. MAXWELL, SR., term to expire June 30, 2006,

seconded by Senator Kokubun.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3528 (Gov. Msg. No. 293):

Senator Kim moved that Stand. Com. Rep. No. 3528 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Board of Directors, Hawai'i Tourism Authority of the following:

STEPHEN K. YAMASHIRO, terms to expire June 30, 2002, and June 30, 2006; and

SHARON R. WEINER, term to expire June 30, 2006,

seconded by Senator English.

Senator Kim rose in support of the nominees and said:

“Mr. President, I rise in support of Gov. Msg. No. 293 and the nominations of Sharon Weiner and Stephen Yamashiro for the Hawaii Tourism Authority.

“As I said last night, colleagues, these are two more nominations for this 10-member board and I believe that these nominations will be positive additions to the board.

“Mr. President, about two weeks ago, and I don’t know if you remember this from a meeting in your office with the House Speaker, he commented to me that the House had no say into the Hawaii Tourism Authority and that it’s the Senate’s responsibility, since we had the confirmation process, in order to make sure that we get appointments that will carry out the authority’s mandate. And that is exactly what I am doing on each and every confirmation, Mr. President. It should not be an automatic rubber stamp, not for this particular board.

“I believe that the composition and the balancing of interests must be seriously considered. And yes, I have taken these nominations personally. The success of the HTA, with their newly appointed members, will be under my watch and I want them to be successful.

“Since the establishment of the Hawaii Tourism Authority in 1998, it has been directed by a board dominated, and in the Governor’s words, Mr. President, by hotel industry representatives. And while this has provided important direction to the HTA in its formative years, the board of directors has failed to seek a broader perspective than tourism marketing and promotion. Given the huge sums of tax revenues allocated to the Hawaii Visitors Convention Bureau and other marketing activities, the HTA has curiously lacked the informed reason insights of a marketing professional among its members and its staff.

“I’m confident that Sharon Weiner’s membership will furnish that much needed advice and counsel and much more. As one of the state’s most respected marketing and public relations leaders, she has represented countless business civic organizations and community groups and received an equal number of honors and awards for the caliber of her work. Ms. Weiner’s ability to judge the potential of a marketing program or the efficacy of an advertising campaign, complemented by her experience on other state boards, should enable her to play a key role in the governance of the HTA and assessing and improving its performance.

“Again, colleagues, on your desks you will find vision statements for both Sharon Weiner and Stephen Yamashiro.

“Mayor Yamashiro’s membership on the authority will also be welcomed for several key reasons. He has professional experience in the visitor industry, having worked in local hotels following his graduation from the University of Hawaii. Mr. Yamashiro has a long history of public service – initially as an attorney with the state and county governments, then as county councilman, and most recently as the Mayor of Hawaii County.

“As a representative of the neighbor islands, I know he’ll serve as a forceful advocate for the visitor industries on all

islands, offering a much needed voice in setting the direction for tourism in general and the HTA in particular.

“As we push the HTA to expand its base of representation, Mr. President, the appointment of an individual of Mayor Yamashiro’s experience, perspective, dedication, and stature should have an immediate positive impact on the governance of this agency and the direction of our most important industry.

“Mr. President, your Committee has found both Sharon Weiner and Stephen Yamashiro to be qualified and recommends the Senate consent to their nominations. Thank you very much.”

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3529 (Gov. Msg. No. 309):

Senator Sakamoto moved that Stand. Com. Rep. No. 3529 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Hawai’i School-to-Work Executive Council of the following:

WILLIAM T. HONJIYO, term to expire June 30, 2004; and

W. ROY JOHNSON and KATHLEEN KAI ULANI M. DE SILVA, terms to expire June 30, 2005,

seconded by Senator Chumbley.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3530 (Gov. Msg. No. 310):

Senator Sakamoto moved that Stand. Com. Rep. No. 3530 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Hawai’i Teacher Standards Board of the following:

ANNETTE MASUTANI, VAUGHN K. TOKASHIKI and ROBERT WITT, terms to expire June 30, 2003;

SHARON T. NAKAGAWA, CATHERINE H. PAYNE, CHERYL M. SHINTANI and TWYLLA-DAWN STEER, terms to expire June 30, 2004; and

CHARLENE H. MIYASHIRO and FAIRFAX A. REILLY, terms to expire June 30, 2005,

seconded by Senator Chumbley.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).



Stand. Com. Rep. No. 3531 (Gov. Msg. No. 332):

Senator Sakamoto moved that Stand. Com. Rep. No. 3531 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of KRISTOPHER T. KAUPALOLO to the State Post-Secondary Education Commission, term to expire June 30, 2005, seconded by Senator Chumbley.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3532 (Gov. Msg. No. 345):

Senator Sakamoto moved that Stand. Com. Rep. No. 3532 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

GEORGE R. ELLIS, term to expire June 30, 2004;

MANU BOYD, term to expire June 30, 2005; and

MILLICENT M.Y.H. KIM, term to expire June 30, 2006,

seconded by Senator Chumbley.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

Stand. Com. Rep. No. 3533 (Gov. Msg. No. 330):

Senator Menor moved that Stand. Com. Rep. No. 3533 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of SHEREE A. KON-HERRERA and JASON Y. UCHIDA, N.D., to the Board of Examiners in Naturopathy, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Hanabusa, Ige, Matsuura, Taniguchi).

**RECONSIDERATION OF ACTIONS TAKEN**

S.C.R. No. 15, S.D. 1 (H.D. 1):

Senator Chun moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, seconded by Senator Kawamoto and carried.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, seconded by Senator Kawamoto.

Senator Chun noted:

“Mr. President, the resolution calls for the creation of a working group of representatives from Hawaiian organizations, the Department of Hawaiian Home Lands, and the Department of Health in order to form a coalition to provide better access to state vital statistic records.

“The House has amended the SCR by including the Office of Hawaiian Affairs as part of the working group. We believe that is an acceptable amendment and we recommend that we accept those amendments made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, and S.C.R. No. 15, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP OF REPRESENTATIVES FROM HAWAIIAN ORGANIZATIONS, THE DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE DEPARTMENT OF HEALTH TO FORM A COALITION TO PROVIDE BETTER ACCESS TO STATE VITAL STATISTICS RECORDS,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

S.B. No. 2118, S.D. 1 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2118, S.D. 1, seconded by Senator Chun and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2118, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Nakata, Kanno, Kawamoto). Noes, none.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 2118, S.D. 1, seconded by Senator Chun.

Senator Nakata noted:

“Mr. President, the House made some amendments to this bill which make it more business friendly and among them is to reduce the retention level from 100 percent to 50 percent and other changes in that line.

“I would then request that the Senate agree to those amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2118, S.D. 1, and S.B. No. 2118, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2112, S.D. 1 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2112, S.D. 1, seconded by Senator Kanno and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 2112, S.D. 1, seconded by Senator Kanno.

Senator Nakata noted:

“Mr. President, on S.B. No. 2112, H.D. 1, the House amendments eliminate fact finding as a method of a resolving impasse. Neither employer nor union seems to find that to be an effective mechanism. It also moves up the deadline for declaring an impasse so that the Legislature would have time to approve or reject the cost items in the collective bargaining agreement.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2112, S.D. 1, and S.B. No. 2112, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2715, S.D. 1 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2715, S.D. 1, seconded by Senator Kanno and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 2715, S.D. 1, seconded by Senator Kanno.

Senator Nakata noted:

“Mr. President, on S.B. No. 2715, H.D. 1, the House amendment is basically to delete some language on the calculation of credited services to avoid situations in which the employer contribution to the ERS would be increased.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2715, S.D. 1, and S.B. No. 2715, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2784, S.D. 1 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2784, S.D. 1, seconded by Senator Kanno and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 2784, S.D. 1, seconded by Senator Kanno.

Senator Nakata noted:

“Mr. President, on S.B. No. 2784 the House draft deletes provisions allowing providers of medical service to have treatment in their profession carried out by support or auxiliary personnel.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2784, S.D. 1, and S.B. No. 2784, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2628, S.D. 2 (H.D. 2):

Senator Kawamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2628, S.D. 2, seconded by Senator Kanno and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2628, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Kawamoto, Fukunaga, Kanno, Hemmings). Noes, none. Excused, 1 (Kim).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2628, S.D. 2, seconded by Senator Kanno.

Senator Kawamoto noted:

“Mr. President, when this bill went through, one of the purposes of the bill was to put the drug and alcohol penalties together under one bill. But the House did not see that it could do that so they took out the drug. And what happened was that this bill died, but it came back alive when the MADD people came in and said they would accept that. So that’s the way it came back to life.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2628, S.D. 2, and S.B. No. 2628, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.C.R. No. 82, S.D. 1 (H.D. 1):

Senator Kanno moved that the Senate reconsider its action taken on April 23, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 82, S.D. 1, seconded by Senator Chun and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 82, S.D. 1, seconded by Senator Chun.

Senator Kanno noted:

“Mr. President, the original S.C.R. No. 82, S.D. 1, had the judiciary and AG doing an investigation of the Maui Family Court, and following the testimony at the House hearing, the House amended it to broaden it to the entire family court system and have the auditor conduct an audit.

“Given the testimony that was submitted, we’d like to agree to the changes that the House made at this time.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 82, S.D. 1, and S.C.R. No. 82, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE FAMILY COURT SYSTEM,” was placed on the calendar for Final Adoption on Tuesday, April 30, 2002.

Senator Kanno, Chair of the Committee on Judiciary, requested that the referral of H.C.R. No. 101 to the Committee on Judiciary be waived.

Senator Kanno noted:

"Mr. President, the H.C.R. No. 101, H.D. 1, title is: 'Requesting a Working Group to be Convened to Evaluate and Recommend Measures to Encourage the Use of Safety Programs Such as the Eddie Eagle Program for Firearms Safety.' Because of the short time frame, the Judiciary Committee would like to waive the referral and have the members vote on it directly.

"The resolution was heard by the Education Committee and passed."

The Chair then granted the waiver.

By unanimous consent, action on H.C.R. No. 101 was deferred until Tuesday, April 30, 2002.

Senator Chun, for the Committee on Health and Human Services, requested that the referral of S.R. No. 47 and H.C.R. No. 53 to the Committee on Health and Human Services be waived.

Senator Chun noted:

"Mr. President, S.R. No. 47 requests the Department of Health to develop a strategic plan to coordinate program support of substance abuse and mental health residential treatment programs for adolescents, and H.C.R. No. 53 requests the establishment of a task force to examine state regulation of death care providers.

"Mr. President, the Committee on Health and Human Services held hearings on both of these resolutions and passed them through, however, through some quirk of our system, the resolutions were re-referred back to the Health and Human Services Committee again, so we'd like to just waive those last referrals."

The Chair then granted the waiver.

By unanimous consent, action on S.R. No. 47 and H.C.R. No. 53 was deferred until Tuesday, April 30, 2002.

At 7:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:21 o'clock p.m.

#### APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 2036, S.D. 1 (H.D. 2):

The President discharged Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to S.B. No. 2036, S.D. 1.

S.B. No. 2179, S.D. 2 (H.D. 1):

The President appointed Senator Fukunaga as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2179, S.D. 2.

S.B. No. 2270, S.D. 2, (H.D. 2):

The President discharged Senators Ige and Hogue as managers and appointed Senator English as a manager on the part of the Senate at the conference to be held for the

consideration of amendments proposed by the House to S.B. No. 2270, S.D. 2.

S.B. No. 3018, S.D. 1 (H.D. 1):

The President discharged Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 3018, S.D. 1.

H.B. No. 2164, H.D. 2 (S.D. 2):

The President discharged Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2164, H.D. 2.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 7:23 o'clock p.m., the Senate took the following actions:

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2495, presented a report (Conf. Com. Rep. No. 47-02) recommending that H.B. No. 2495, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47-02 and H.B. No. 2495, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1722, presented a report (Conf. Com. Rep. No. 48-02) recommending that H.B. No. 1722, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48-02 and H.B. No. 1722, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2552, H.D. 1, presented a report (Conf. Com. Rep. No. 49-02) recommending that H.B. No. 2552, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49-02 and H.B. No. 2552, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1357, H.D. 1, presented a report (Conf. Com. Rep. No. 50-02) recommending that H.B. No. 1357, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50-02 and H.B. No. 1357, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2763, S.D. 2, presented a report (Conf. Com. Rep. No. 86-02) recommending that S.B. No. 2763, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-02 and S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2775, presented a report (Conf. Com. Rep. No. 87-02) recommending that S.B. No. 2775, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-02 and S.B. No. 2775, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2682, S.D. 1, presented a report (Conf. Com. Rep. No. 88-02) recommending that S.B. No. 2682, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-02 and S.B. No. 2682, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2350, S.D. 2, presented a report (Conf. Com. Rep. No. 89-02) recommending that S.B. No. 2350, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-02 and S.B. No. 2350, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was deferred for a period of 48 hours.

Senator Buen, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2666, S.D. 2, presented a report (Conf. Com. Rep. No. 90-02) recommending that S.B. No. 2666, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90-02 and S.B. No. 2666, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 706, S.D. 1, presented a report (Conf. Com. Rep. No. 91-02) recommending that S.B. No. 706, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91-02 and S.B. No. 706, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 23, S.D. 2, presented a report (Conf. Com. Rep. No. 92-02) recommending that S.B. No. 23, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92-02 and S.B. No. 23, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2078, S.D. 1, presented a report (Conf. Com. Rep. No. 93-02) recommending that S.B. No. 2078, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-02 and S.B. No. 2078, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2724, S.D. 2, presented a report (Conf. Com. Rep. No. 94-02) recommending that S.B. No. 2724, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94-02 and S.B. No. 2724, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2737, presented a report (Conf. Com. Rep. No. 95-02) recommending that S.B. No. 2737, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95-02 and S.B. No. 2737, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1188, S.D. 2, presented a report (Conf. Com. Rep. No. 96-02) recommending that S.B. No. 1188, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96-02 and S.B. No. 1188, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR DRUGS

AND INTOXICATING COMPOUNDS OFFENSES,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2416, S.D. 2, presented a report (Conf. Com. Rep. No. 97-02) recommending that S.B. No. 2416, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97-02 and S.B. No. 2416, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2867, S.D. 1, presented a report (Conf. Com. Rep. No. 98-02) recommending that S.B. No. 2867, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98-02 and S.B. No. 2867, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MEDICAID,” was deferred for a period of 48 hours.

Senator Buen, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2228, S.D. 1, presented a report (Conf. Com. Rep. No. 99-02) recommending that S.B. No. 2228, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99-02 and S.B. No. 2228, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2907, S.D. 2, presented a report (Conf. Com. Rep. No. 100-02) recommending that S.B. No. 2907, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100-02 and S.B. No. 2907, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2512, presented a report (Conf. Com. Rep. No. 101-02) recommending that H.B. No. 2512, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101-02 and H.B. No. 2512, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND,” was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1595, H.D. 1, presented a report (Conf.

Com. Rep. No. 102-02) recommending that H.B. No. 1595, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102-02 and H.B. No. 1595, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES,” was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2276, H.D. 2, presented a report (Conf. Com. Rep. No. 103-02) recommending that H.B. No. 2276, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103-02 and H.B. No. 2276, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2500, H.D. 1, presented a report (Conf. Com. Rep. No. 104-02) recommending that H.B. No. 2500, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104-02 and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000,” was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2525, H.D. 1, presented a report (Conf. Com. Rep. No. 105-02) recommending that H.B. No. 2525, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105-02 and H.B. No. 2525, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS,” was deferred for a period of 48 hours.

Senator Buen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2018, H.D. 1, presented a report (Conf. Com. Rep. No. 106-02) recommending that H.B. No. 2018, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106-02 and H.B. No. 2018, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1950, presented a report (Conf. Com. Rep. No. 107-02) recommending that H.B. No. 1950, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 107-02 and H.B. No. 1950, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2072, H.D. 2, presented a report (Conf. Com. Rep. No. 108-02) recommending that H.B. No. 2072, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108-02 and H.B. No. 2072, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WELFARE," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2638, H.D. 2, presented a report (Conf. Com. Rep. No. 109-02) recommending that H.B. No. 2638, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 109-02 and H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2311, H.D. 2, presented a report (Conf. Com. Rep. No. 110-02) recommending that H.B. No. 2311, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110-02 and H.B. No. 2311, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2165, H.D. 1, presented a report (Conf. Com. Rep. No. 111-02) recommending that H.B. No. 2165, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111-02 and H.B. No. 2165, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2353, H.D. 2, presented a report (Conf. Com. Rep. No. 112-02) recommending that H.B. No. 2353, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112-02 and H.B. No. 2353, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2192, H.D. 1, presented a report (Conf. Com. Rep. No. 113-02) recommending that H.B. No. 2192, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113-02 and H.B. No. 2192, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1777, H.D. 1, presented a report (Conf. Com. Rep. No. 114-02) recommending that H.B. No. 1777, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114-02 and H.B. No. 1777, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2468, H.D. 1, presented a report (Conf. Com. Rep. No. 115-02) recommending that H.B. No. 2468, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115-02 and H.B. No. 2468, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2164, H.D. 2, presented a report (Conf. Com. Rep. No. 116-02) recommending that H.B. No. 2164, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116-02 and H.B. No. 2164, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2752, H.D. 1, presented a report (Conf. Com. Rep. No. 117-02) recommending that H.B. No. 2752, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117-02 and H.B. No. 2752, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2453, presented a report (Conf. Com. Rep. No. 118-02) recommending that H.B. No. 2453, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118-02 and H.B. No. 2453, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2454, presented a report (Conf. Com. Rep. No. 119-02) recommending that H.B. No. 2454, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119-02 and H.B. No. 2454, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1969, presented a report (Conf. Com. Rep. No. 120-02) recommending that H.B. No. 1969, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120-02 and H.B. No. 1969, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2480, H.D. 1, presented a report (Conf. Com. Rep. No. 121-02) recommending that H.B. No. 2480, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121-02 and H.B. No. 2480, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," was deferred for a period of 48 hours.

Senator Buen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2212, H.D. 1, presented a report (Conf. Com. Rep. No. 122-02) recommending that H.B. No. 2212, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122-02 and H.B. No. 2212, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2006, H.D. 1, presented a report (Conf. Com. Rep. No. 123-02) recommending that H.B. No. 2006, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123-02 and H.B. No. 2006, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1256, H.D. 2, presented a report (Conf. Com. Rep. No. 124-02) recommending that H.B. No. 1256, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 124-02 and H.B. No. 1256, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2761, H.D. 1, presented a report (Conf. Com. Rep. No. 125-02) recommending that H.B. No. 2761, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 125-02 and H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2840, presented a report (Conf. Com. Rep. No. 126-02) recommending that H.B. No. 2840, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 126-02 and H.B. No. 2840, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1821, H.D. 2, presented a report (Conf. Com. Rep. No. 127-02) recommending that H.B. No. 1821, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 127-02 and H.B. No. 1821, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2451, presented a report (Conf. Com. Rep. No. 128-02) recommending that H.B. No. 2451, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 128-02 and H.B. No. 2451, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2595, H.D. 1, presented a report (Conf. Com. Rep. No. 129-02) recommending that H.B. No. 2595, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 129-02 and H.B. No. 2595, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2821, H.D. 1, presented a report (Conf. Com. Rep. No. 130-02) recommending that H.B. No. 2821, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 130-02 and H.B. No. 2821, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," was deferred for a period of 48 hours.

Senator Chun, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2043, S.D. 1, presented a report (Conf.

Com. Rep. No. 131-02) recommending that S.B. No. 2043, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 131-02 and S.B. No. 2043, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," was deferred for a period of 48 hours.

Senator Chun, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2478, presented a report (Conf. Com. Rep. No. 132-02) recommending that S.B. No. 2478, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 132-02 and S.B. No. 2478, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2900, presented a report (Conf. Com. Rep. No. 133-02) recommending that S.B. No. 2900, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 133-02 and S.B. No. 2900, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 552, S.D. 2, presented a report (Conf. Com. Rep. No. 134-02) recommending that S.B. No. 552, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 134-02 and S.B. No. 552, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A KOREAN WAR MUSEUM," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2067, S.D. 2, presented a report (Conf. Com. Rep. No. 135-02) recommending that S.B. No. 2067, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 135-02 and S.B. No. 2067, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2068, S.D. 2, presented a report (Conf. Com. Rep. No. 136-02) recommending that S.B. No. 2068, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136-02 and S.B. No. 2068, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2270, S.D. 2, presented a report (Conf. Com. Rep. No. 137-02) recommending that S.B. No. 2270, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137-02 and S.B. No. 2270, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2512, S.D. 2, presented a report (Conf. Com. Rep. No. 138-02) recommending that S.B. No. 2512, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138-02 and S.B. No. 2512, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2831, S.D. 1, presented a report (Conf. Com. Rep. No. 139-02) recommending that S.B. No. 2831, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139-02 and S.B. No. 2831, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3048, S.D. 2, presented a report (Conf. Com. Rep. No. 140-02) recommending that S.B. No. 3048, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140-02 and S.B. No. 3048, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 251, S.D. 2, presented a report (Conf. Com. Rep. No. 141-02) recommending that S.B. No. 251, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141-02 and S.B. No. 251, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," was deferred for a period of 48 hours.

Senator Nakata, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2127, presented a report (Conf. Com. Rep. No. 142-02) recommending that S.B. No. 2127, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142-02 and S.B. No. 2127, H.D. 1, C.D. 1, entitled: "A BILL FOR AN



ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3047, S.D. 1, presented a report (Conf. Com. Rep. No. 143-02) recommending that S.B. No. 3047, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143-02 and S.B. No. 3047, S.D. 1, H.D. 1, C.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," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2500, S.D. 2, presented a report (Conf. Com. Rep. No. 144-02) recommending that S.B. No. 2500, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144-02 and S.B. No. 2500, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2568, S.D. 2, presented a report (Conf. Com. Rep. No. 145-02) recommending that S.B. No. 2568, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 145-02 and S.B. No. 2568, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3049, S.D. 2, presented a report (Conf. Com. Rep. No. 146-02) recommending that S.B. No. 3049, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 146-02 and S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2702, S.D. 2, presented a report (Conf. Com. Rep. No. 147-02) recommending that S.B. No. 2702, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 147-02 and S.B. No. 2702, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2331, S.D. 2, presented a report (Conf.

Com. Rep. No. 148-02) recommending that S.B. No. 2331, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 148-02 and S.B. No. 2331, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2306, S.D. 2, presented a report (Conf. Com. Rep. No. 149-02) recommending that S.B. No. 2306, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 149-02 and S.B. No. 2306, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2883, S.D. 1, presented a report (Conf. Com. Rep. No. 150-02) recommending that S.B. No. 2883, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 150-02 and S.B. No. 2883, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2431, S.D. 2, presented a report (Conf. Com. Rep. No. 151-02) recommending that S.B. No. 2431, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 151-02 and S.B. No. 2431, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3028, S.D. 1, presented a report (Conf. Com. Rep. No. 152-02) recommending that S.B. No. 3028, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 152-02 and S.B. No. 3028, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3018, S.D. 1, presented a report (Conf. Com. Rep. No. 153-02) recommending that S.B. No. 3018, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 153-02 and S.B. No. 3018, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2036, S.D. 1, presented a report (Conf. Com. Rep. No. 154-02) recommending that S.B. No. 2036, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 154-02 and S.B. No. 2036, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2383, S.D. 2, presented a report (Conf. Com. Rep. No. 155-02) recommending that S.B. No. 2383, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 155-02 and S.B. No. 2383, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2985, S.D. 2, presented a report (Conf. Com. Rep. No. 156-02) recommending that S.B. No. 2985, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 156-02 and S.B. No. 2985, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2459, presented a report (Conf. Com. Rep. No. 157-02) recommending that H.B. No. 2459, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 157-02 and H.B. No. 2459, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2788, presented a report (Conf. Com. Rep. No. 158-02) recommending that H.B. No. 2788, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 158-02 and H.B. No. 2788, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1245, H.D. 1, presented a report (Conf. Com. Rep. No. 159-02) recommending that H.B. No. 1245, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 159-02

and H.B. No. 1245, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2827, H.D. 1, presented a report (Conf. Com. Rep. No. 160-02) recommending that H.B. No. 2827, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 160-02 and H.B. No. 2827, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FINANCES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2834, presented a report (Conf. Com. Rep. No. 161-02) recommending that H.B. No. 2834, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 161-02 and H.B. No. 2834, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1761, H.D. 1, presented a report (Conf. Com. Rep. No. 162-02) recommending that H.B. No. 1761, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 162-02 and H.B. No. 1761, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2179, S.D. 2, presented a report (Conf. Com. Rep. No. 163-02) recommending that S.B. No. 2179, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 163-02 and S.B. No. 2179, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2300, H.D. 2, presented a report (Conf. Com. Rep. No. 164-02) recommending that H.B. No. 2300, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 164-02 and H.B. No. 2300, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1800, H.D. 1, presented a report (Conf. Com. Rep. No. 165-02) recommending that H.B. No. 1800, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 165-02 and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

**ADJOURNMENT**

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 30, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

## FIFTY-NINTH DAY

Tuesday, April 30, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 10:17 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Hogue, 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 Fifty-Eighth Day.

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

"Mr. President, point of personal privilege.

"Mr. President, members of the Senate, we're very privileged today that Maui County is the very first county to be broadcasting these proceedings live to Maui, Molokai and Lanai, and they're doing this using the Internet webcast. So they're picking up the Internet webcast and transmitting these proceedings live for the first time, instead of two weeks later. The residents of Hana, Molokai, Lanai and all of Maui will be able to watch us just like Oahu in real time.

"This is an experiment. It's the very first and it's been done with very little resources. So imagine if we put some resources into it, all of our proceedings will be made available statewide to the entire population, live.

"Thank you, Mr. President."

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 359 to 362) were read by the Clerk and were placed on file:

Gov. Msg. No. 359, informing the Senate that on April 25, 2002, he signed the following bills into law:

House Bill No. 1093 as Act 46, entitled: "RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES";

House Bill No. 1723 as Act 47, entitled: "RELATING TO MOTOR VEHICLE SAFETY";

House Bill No. 1725 as Act 48, entitled: "RELATING TO DRIVER LICENSE RENEWAL BY MAIL";

House Bill No. 2199 as Act 49, entitled: "RELATING TO LIQUOR";

House Bill No. 2282 as Act 50, entitled: "RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002";

House Bill No. 2507 as Act 51, entitled: "RELATING TO REGISTRATION OF DIVORCES AND ANNULMENTS";

Senate Bill No. 2094 as Act 52, entitled: "RELATING TO HEALTH INSURANCE REIMBURSEMENT";

Senate Bill No. 2681 as Act 53, entitled: "RELATING TO PUBLIC WORKS"; and

Senate Bill No. 2769 as Act 54, entitled: "RELATING TO MENTAL HEALTH."

Gov. Msg. No. 360, informing the Senate that on April 26, 2002, he signed the following bills into law:

House Bill No. 57 as Act 55, entitled: "RELATING TO AGRICULTURE";

House Bill No. 2232 as Act 56, entitled: "RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT"; and

Senate Bill No. 2881 as Act 57, entitled: "RELATING TO ELDERLY CARE."

Gov. Msg. No. 361, dated April 26, 2002, transmitting his statement of objections to House Bill No. 2266 which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 26, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2266

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith without my approval, House Bill No. 2266, entitled 'A Bill for an Act Relating to Accreted Lands.'

The purpose of House Bill No. 2266 generally is to permit only the State to own accreted land, which is a land extension along a shoreline (above the upper reaches of the wash of the waves) that has been formed by natural and gradual growth. This is a marked departure from the clearly established common law of this State and it does not appear that adequate consideration has been given to the impact of this measure or how it is to be implemented. Moreover, there are many unanswered questions raised by the bill that could have significant effects on private landowners.

The bill contains confusing provisions. For one thing, section 1 adds to section 171-1, Hawaii Revised Statutes, a definition of the term 'accreted lands' to mean 'lands formed by the gradual accumulation of land on a beach or shore along the ocean by the action of natural forces.' The definition does not include the requirement in sections 501-33 and 669-1, Hawaii Revised Statutes, that an accretion be permanent (in existence for at least twenty years). Also, section 2 amends the definition of 'public land' in section 171-2, Hawaii Revised Statutes, to include accreted lands formed after August 15, 1895, without qualification, so that it could be interpreted to make even privately owned accreted land public land, thereby placing a cloud on the title of privately owned ocean front land.

While generally precluding recognition of private ownership in accreted lands, the bill makes an exception when accretion merely restores land that had been previously eroded. Because shorelines are constantly changing, without specifying reference dates from which these determinations are to be made, in most cases it may be impossible to determine whether the accretion

falls within the category of accretion or restoration of eroded lands.

Finally, I understand that the intent of this bill is not to undo any past adjudications of private ownership of accreted lands. However, the bill is silent as to the fate of currently pending applications for such adjudications.

There are too many uncertainties and issues about how this bill will be implemented. These uncertainties are likely to lead to costly litigation.

For the foregoing reasons, I am returning House Bill No. 2266 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

Gov. Msg. No. 362, dated April 26, 2002, transmitting his statement of objections to Senate Bill Nos. 2765, 2805 and 3010 which he has returned to the Senate without his approval and which reads as follows:

“EXECUTIVE CHAMBERS  
 HONOLULU

April 25, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2765

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2765, entitled ‘A Bill for an Act Relating to Registration of Divorces and Annulments.’

The purpose of this bill is to repeal section 338-29, Hawaii Revised Statutes, which requires registration of divorces and annulments with the Department of Health. The bill streamlines the divorce and annulment process by eliminating the registration requirement after December 31, 2002.

House Bill No. 2507, which also repeals section 338-29, Hawaii Revised Statutes, was passed during the regular session of 2002. Because I intend to approve House Bill No. 2507, there is no need to approve this bill.

For the foregoing reason, I am returning Senate Bill No. 2765 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“EXECUTIVE CHAMBERS  
 HONOLULU

April 25, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2805

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2805, entitled ‘A Bill for an Act Relating to Soil and Water Conservation Districts.’

The purpose of this bill is to remove the requirement that all contributions, moneys, and funds received by a soil and water conservation district be deposited into the general fund.

The soil and water conservation districts are state agencies created pursuant to chapter 180, Hawaii Revised Statutes, and, pursuant to section 103-2, Hawaii Revised Statutes, all state agencies are required to deposit moneys they receive into the general fund unless the receipts are statutorily designated for deposit into a special fund. There is no special fund established for the districts and, therefore, the mere deletion of wording from section 180-16, Hawaii Revised Statutes, will not accomplish the purpose of this bill.

For the foregoing reason, I am returning Senate Bill No. 2805 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“EXECUTIVE CHAMBERS  
 HONOLULU

April 26, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3010

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3010, entitled ‘A Bill for an Act Relating to Pension and Retirement Systems.’

The purpose of this bill is to enable a firefighter who has at least ten years of credited service and is deemed to be permanently medically disqualified to be a firefighter to continue employment in a class A or B position other than a firefighter, but still retain the higher benefit formula upon retirement for the years of credited service as a firefighter.

Although the legislative committee reports state that firefighters who become medically disqualified due to a ‘service-related disability’ should not have their retirement benefits penalized for assuming the risks of their jobs as firefighters, the bill only requires that the firefighter be ‘deemed permanently medically disqualified’ to be a firefighter and does not require a ‘service-related disability.’ Consequently, a firefighter injured in a non-service-related accident, such as an off-duty automobile accident, and deemed to be permanently medically disqualified to be a firefighter, will be entitled under the bill to retain the higher benefit formula upon retirement. It appears that the bill will not correctly effectuate the Legislature’s intent.

For the foregoing reasons, I am returning Senate Bill No. 3010 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 636 and 637) were read by the Clerk and were placed on file:

Hse. Com. No. 636, informing the Senate that the Speaker on April 26, 2002, made the following changes to the conferees on the following bill:

H.B. No. 1245, H.D. 1 (S.D. 1):

Discharged Representatives Nakasone and Djou as managers.

Appointed Representatives Saiki and Marumoto as members.

Hse. Com. No. 637, returning S.C.R. No. 18, which was adopted by the House of Representatives on April 26, 2002.

#### STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3586) recommending that H.B. No. 1740, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3586 and H.B. No. 1740, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," was deferred until Thursday, May 2, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3587) recommending that the Senate advise and consent to the nominations of JEAN L. JOHNSON, DR.P.H., PAUL S. VARGAS JR., MARK D. CONLEY, JEAN KIYABU, THOMAS G. NELSON, KIYOKO N. NITZ, PH.D., and DAVID A. WOLL to the State Planning Council on Developmental Disabilities, in accordance with Gov. Msg. No. 305.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3587 and Gov. Msg. No. 305 was deferred until Thursday, May 2, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3588) recommending that the Senate advise and consent to the nominations of KARLEEN K. YOSHIOKA, DAVID WILLIAM MAY, GAIL T. TOMINAGA, M.D., and THOMAS A. VEATCH to the Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 306.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3588 and Gov. Msg. No. 306 was deferred until Thursday, May 2, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3589) recommending that the Senate advise and consent to the nominations of STEPHEN G. CHONG, WAYNE S. HIGAKI, ROBERT T. OGAWA and ROSE ANN POYZER to the

Statewide Health Coordinating Council, in accordance with Gov. Msg. No. 313.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3589 and Gov. Msg. No. 313 was deferred until Thursday, May 2, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3590) recommending that the Senate advise and consent to the nominations of ALAN BUFFENSTEIN, M.D., and LINDA COCHRAN to the State Council on Mental Health, in accordance with Gov. Msg. No. 328.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3590 and Gov. Msg. No. 328 was deferred until Thursday, May 2, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3591) recommending that H.C.R. No. 200, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3591 and H.C.R. No. 200, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was deferred until Thursday, May 2, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3592) recommending that the Senate advise and consent to the nominations of PATRICIA KAINOA HODSON, KILAKILA KAMAU, SHELLY R. COBB, ROSE MAY ENOS-KU and MARION M. JOY to the King Kamehameha Celebration Commission, in accordance with Gov. Msg. No. 327.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3592 and Gov. Msg. No. 327 was deferred until Thursday, May 2, 2002.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3593) recommending that the Senate advise and consent to the nomination of LAWRENCE M. JOHNSON to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 293.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3593 and Gov. Msg. No. 293 was deferred until Thursday, May 2, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3594) recommending that the Senate consent to the nomination of CLARENCE A. PACARRO to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 4.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3594 and Jud. Com. No. 4 was deferred until Thursday, May 2, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3595) recommending that the Senate consent to the nomination of JOEL AUGUST to the office of Circuit Judge of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section

3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 5.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3595 and Jud. Com. No. 5 was deferred until Thursday, May 2, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3596) recommending that the Senate consent to the nomination of MARCIA J. WALDORF to the office of 4th Judge, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 357.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3596 and Gov. Msg. No. 357 was deferred until Thursday, May 2, 2002.

## ORDER OF THE DAY

### FINAL READING

Conf. Com. Rep. No. 48-02 (H.B. No. 1722, S.D. 1, C.D. 1)

Senator Kawamoto moved that Conf. Com. Rep. No. 48-02 be adopted and H.B. No. 1722, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Menor.

Senator Kawamoto then offered the following amendment (Floor Amendment No. 8) to H.B. No. 1722, S.D. 1, C.D. 1:

Section 1. House Bill No. 1722, S.D. 1, C.D. 1 is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect on ~~[July 1, 2002.]~~ June 29, 2002.”

Senator Kawamoto moved that Floor Amendment No. 8 be adopted, seconded by Senator Taniguchi.

Senator Kawamoto noted:

“Mr. President, this bill calls for an effective date of July 1, 2002. The sunset date is June 30, 2002, for this commission. Therefore, to make this bill effective, we have changed the date to be June 29, 2002.”

The motion to adopt Floor Amendment No. 8 was put by the Chair and carried.

At 10:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:24 o'clock a.m.

Senator Kawamoto moved that Conf. Com. Rep. No. 48-02 be received and placed on file, seconded by Senator Taniguchi and carried.

By unanimous consent, H.B. No. 1722, S.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” was placed on the calendar for Final Reading on Thursday, May 2, 2002.

Conf. Com. Rep. No. 97-02 (S.B. No. 2416, S.D. 2, H.D. 2, C.D. 1)

Senator Matsuura moved that Conf. Com. Rep. No. 97-02 be adopted and S.B. No. 2416, S.D. 2, H.D. 2, C.D. 1, having been

read throughout, pass Final Reading, seconded by Senator Taniguchi.

At this time, Senator Matsuura requested a waiver of Senate Rule 53, which requires that floor amendments be presented to the Clerk no later than 9:00 a.m. on the session day at which a floor amendment is to be offered, and the Chair granted the waiver.

Senator Matsuura then offered the following amendment (Floor Amendment No. 9) to S.B. No. 2416, S.D. 2, H.D. 2, C.D. 1:

SECTION 1. Senate Bill No. 2416, S.D. 2, H.D. 2, C.D. 1, is amended by amending Section 1 to read as follows:

“SECTION 1. The legislature finds that people in Hawaii are living longer, due in large measure to the State’s excellent health care. The legislature further finds that as they age, they incur concomitant chronic health diseases such as cancer, cardiovascular disease, and stroke, all of which necessitate intense daily care in the later years of life. As people age or become disabled, they need services to help them with activities of daily living. The approach to helping Hawaii’s elderly and disabled should be prompted by compassion and caring, although the problem is inextricably one of economics. Medicaid, Medicare, long-term care insurance, and personal assets are insufficient or inaccessible to most individuals.

The legislature is enacting, through H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1, of this 2002 regular session, the Long Term Care Financing Act. The Long Term Care Financing Act establishes the foundation for a universal and affordable system of providing long-term care, and a temporary board of trustees charged with the responsibility of designing a tax-based financing system. This Act is a companion measure, the purpose of which is to convene a summit to bring together private and public organizations to identify the types and quality of services, service delivery system, and service delivery policies for the long-term care system established in H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1.”

SECTION 2. Senate Bill No. 2416, S.D. 2, H.D. 2, C.D. 1, is amended by deleting Sections 2 and 3.

SECTION 3. Senate Bill No. 2416, S.D. 2, H.D. 2, C.D. 1, is amended by renumbering Section 4 to Section 2 and amending renumbered Section 2 to read as follows:

“SECTION 2. The Executive Office on Aging shall convene a long-term care summit to bring together private and public organizations, including State, county, and community organizations, to collaborate to identify the types and quality of services, service delivery system, and service delivery policies to ensure the development of a comprehensive and affordable long-term care system for the State.

The Executive Office on Aging shall submit to the legislature a report of findings and recommendations no later than twenty days before the convening of the regular session of 2003.”

SECTION 4. Senate Bill No. 2416, S.D. 2, H.D. 2, C.D. 1, is amended by renumbering Section 5 to Section 3 and amending renumbered Section 3 to read as follows:

“SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$40,000, or so much thereof as may be necessary for fiscal year 2002-2003, for a long-term care summit to be contracted by the Executive Office on Aging with a non-governmental public policy organization. The summit shall bring together business, labor, government, including state and county agencies, and community organizations, to work together to identify the types and quality

of services, service delivery system, and service delivery policies to implement a comprehensive and affordable long-term care system for Hawaii.

The sum appropriated shall be expended by the Executive Office on Aging.”

SECTION 5. Senate Bill No. 2416, S.D. 2, H.D. 2, C.D. 1, is amended by renumbering Section 6 to Section 4 and amending renumbered Section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, 2002.”

Senator Matsuura moved that Floor Amendment No. 9 be adopted, seconded by Senator Fukunaga.

Senator Matsuura noted:

“Mr. President, fellow colleagues, this bill is the long-term care financing bill. We just needed to clean up some duplicative language that we had in the Senate versus the House. So the Senate is pretty much cleaned up now and with the \$40,000 appropriation for the summit.”

Senator Hogue rose and said:

“Mr. President, I just wanted to ask a question, if I could, to the Chair.”

The President posed the question and Senator Matsuura having answered in the affirmative, Senator Hogue inquired:

“My question has to do with, it was my understanding that previously there was an appropriation for \$40,000 to the University of Hawaii for this summit, and now the appropriation is going to the Executive Office on Aging?”

Senator Matsuura replied:

“Only for disbursement. Only to be contracted out as the . . . I forgot the exact technical term.”

Senator Hogue continued:

“Okay, so the University of Hawaii is not going to hold the summit at this time?”

Senator Matsuura answered:

“The Executive Office on Aging will be contracting out with a private nonprofit organization to do it.”

Senator Hogue further inquired:

“Okay, then this private nonprofit will do it independently of the Executive Office on Aging?”

Senator Matsuura replied: “Yes.”

Senator Hogue then said:

“Okay, thank you.”

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

Senator Matsuura moved that Conf. Com. Rep. No. 97-02 be received and placed on file, seconded by Senator Fukunaga and carried.

By unanimous consent, S.B. No. 2416, S.D. 2, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE

HAWAII LONG-TERM CARE FINANCING ACT.” was placed on the calendar for Final Reading on Thursday, May 2, 2002.

Conf. Com. Rep. No. 165-02 (H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 165-02 be adopted and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Buen.

Senator Taniguchi rose in support of the measure as follows:

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

“Mr. President, this measure is a supplemental budget bill and amends Act 259 of last year. Before speaking to the merits of the bill, I would like to thank all the people who made this session a success for the Committee on Ways and Means.

“First, I would like to thank my staff. I think all of them did an incredible job this year, given the circumstances. I want them to know that I appreciate all the sacrifices that they made for this Committee to be successful. Second, I’d like to thank the Ways and Means Committee members for all of their hard work and constructive input this year. While it was a struggle at times, I believe that each member contributed to this final product. I’d like to especially thank my Vice Chair, the Senator from Waianae, for all her guidance and support during the most difficult of times. When the chips were down and we had a tough choice to make, I knew I had someone to blame if things went wrong. (Laughter.)

“I want to also thank the House Finance Chair, Representative Dwight Takamine, for the tremendous support, cooperation and friendship he has afforded me these past 30 years. With him across the bargaining table I knew the Senate would always get a fair shot.

“Last, but not least, I would like to thank my family – my wife Jan, my son Danny, and my daughter Karli – for the sacrifices that they have made so I could serve as WAM Chair these past two years, most especially for being my strength behind all of the tough decisions that I’ve had to make in my 22 years in office.

“Mr. President, by now everyone in this chamber knows our plight of revenue shortfalls, budget cuts and the ongoing debate of how to best redistribute our limited resources. In a way, I’m glad we had the opportunity to face the challenge that we did. We were forced to reevaluate priorities and ask ourselves what our state government should look like and how it should operate. We not only had to learn the intricacies of hundreds of programs, but we were also forced to learn how departments use their special and revolving fund revenues.

“We learned of six-year financial planning. We learned of bond ratings. We learned that the Executive Branch, while it can greatly improve on its delivery of services, is not the wasteful machine that it is characterized to be. Rather, to be fair, it is a misunderstood and misapplied tool of public policy. For far too long departments have been asked to absorb budget cut after budget cut, while simultaneously being asked to carry out more and more legislative and court mandates. Cuts were therefore not the singular answer to our budget woes. And if one listened earnestly and honestly, he or she could not stand here today and claim that cutting the budget was our best and only way to address our problems.



"But most importantly, we, this Legislature, learned that this budget represents more than it actually contains. It represents the philosophy that we as the state government must provide for those who cannot provide for themselves – our children, the poor, the elderly and those impacted most by the events of September 11<sup>th</sup>.

"If you examine this budget, you will see that general fund expenditures were reduced from the budget approved last year. I repeat – reduced to a tune of \$83 million less. Of that reduction, many cuts were good reductions: less debt service, less unexpended appropriations and less general fund expenditures due to increased federal funds. But many cuts were painful, especially those to public education.

"I believe that this body is addressing our revenue shortfall in the most prudent and appropriate manner, a sensible combination of generating revenue, reducing expenditures, and stimulating the economy. This budget, as a component of our overall financial plan, is sound, and it is fair as it provides the resources for those areas that should be a priority to our taxpayers. I believe this body has done an outstanding job for the last two years of conforming our state government expenditures to our ability to afford it.

"While some may disagree, I believe that this Legislature should be proud of the fiscal decisions it has made, as well as all others related to our financial plan. We have made the difficult choices, but these are ones that I feel will best serve the interests of our people.

"I urge all my colleagues to support this measure. Thank you."

Senator Hemmings rose to speak against the measure as follows:

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

"I'd like to echo the accolades and gratitude voiced by the Ways and Means Committee Chairman regarding all the hard work everyone put into this budget. And I'll be the first to acknowledge that everyone on this Floor, especially, and the whole staff with us, their hearts are really in the right place. Everyone really means well. The difference is not what we're trying to do to help the truly needy in our society. The difference is how we're trying to do it.

"I also want to praise the Chairman, especially. You measure in sports, especially, a champion in not how they function in times that are good or when you're winning. The true measure of a champion is how you function in times of duress, when times are difficult, and our Chairman has done a good job of handling trying times. In fact, I hope the record would note that something very pleasant has happened with this man going through this process. His humor has gotten tremendously better. (Laughter.) He was this dour, samurai-kind of guy when we started this Session and now his humor has risen to the occasion.

"I ask myself, after growing up in Hawaii and living in the shadow of this great monolithic political machine that has had total political edge in this State for most of my adult life, why would we want to dig a hole deeper regarding the economy? Why would we want to spend more? Why do we want to tax more? Why would we want to raid not so special funds and turn relief funds into tax?

"I thought I had the answer the other day when I was walking across the second floor verandah up there and looked down into the rotunda where we have four planter boxes. And

in those planter boxes were what I thought might be the answer. It came to me like the burning bush that Moses saw. But I noticed that there wasn't the State tree, the kukui tree, in that bush and it wasn't some wonderful indigenous Hawaiian plant. There was a dracaena dragon, otherwise known as the money tree. And the revelation came to me that possibly the Majority Party members thought that money grows on trees and that all these taxes and fines levied on the working people of Hawaii or on corporations, for that matter, came from some magical source like a money tree. Nothing could be further from the truth.

"And nothing could be further from the truth that this budget is cutting spending. Even, God Bless them, the fourth state, the media gets it wrong again . . . 'Legislature to trim \$96 million from the budget – new budget plan cuts budget 2.5.' Well, it cuts excessive spending in the proposed budget, but the facts are that this budget grows state spending just in this budget by \$72 million to our computation, which is a dramatic increase in spending.

"I might note that the committee report says things that is contradicted by the very budget its reporting on. It says in the committee report that 'Your Conference Committee therefore believes that public sentiment wants to reduce government spending.' Well, the facts are that government spending is not reduced. It increases, and we know it. And that's just in this bill. Other bills will add on more spending via raiding funds and the hurricane relief fund.

"We have tried to help the truly needy, but what we have done in the last 30 years, oftentimes, is funded the truly greedy. We've funded malfeasance. We've funded duplicity. We've funded inefficiency and we've funded mismanagement. And we've funded systems that are overtly broken and we fail to fix them.

"We're here to hopefully turn the ship of state in another direction that will take us to a better day. And your loyal opposition has consistently offered alternatives. We think that there's enough money in the malfeasance that is pointed out by the Auditor to cut some of it rather than to look the other way and not hold the departments accountable.

"We started down the road of cutting vacant positions and we revealed to you how much money – 94 million to be exact – was being spent on vacant positions.

"The committee report, once again, contradicts the process. I quote the committee report, 'The current division-wide infrastructure includes over 166 vacancies, yet the AMHD has requested an additional 22 temporary positions in fiscal year 2003 for administrative infrastructure support based on the IPSD report. Your Conference Committee therefore directs that the AMHD evaluate its existing vacant positions to address current and future needs before requesting for additional infrastructure support.' Hmm . . . I've heard that before. What happened to the other 5,000-plus positions that add up to \$94 million? Why can't we apply the same principal and ask our departments to be honest? Don't come to us requesting positions when they have \$94 million worth of vacant positions. Your loyal opposition feels that alone could have preempted us from raising funds.

"There's another way to balance the budget without increasing spending – and that's to turn liabilities into assets. Years ago, Hawaiian Airlines built an airport at Kapalua for \$7 million and the State Legislature wisely wrote into the agreement, through the Department of Transportation, access to other airlines so the airport could be used like the rest of the state airports to benefit the general public. It operated for

several years as an asset to the State, paying money to the state coffers. But the chief hole-digger, former Governor John Waihee, spent \$22 million and bought the airport and turned an asset to the State into a liability, where it is now a negative cash flow.

"We just received another audit criticizing the state hospitals. We could easily turn those liabilities into assets by turning state hospitals over, where appropriate with favorable leases, to the private sector to run them, therefore turning a liability into an asset.

"This Session we've got a huge liability in our harbors. We only have 2,500 mooring spaces in an island state surrounded by the largest expanse of water in the nation. But we've turned down an entrepreneur, a risk taker, that was going to take over Honokahau Harbor, provide adequate safeguards for the public sector to have access and reasonable fees, and spend, over the next ten years, \$100 million in doing something that we couldn't do. But we refused to turn that state liability into an asset.

"We have tight financial times. This budget has money put into it to pay for another liability the private sector could probably do better at, and that's the Taj Mahal Art Center next door. Sell the building. Spend the money fixing schools, for instance. That building, I think, cost the state taxpayers \$27 million. In austere financial times, we're spending money on art while our schools are falling down. We can, indeed, turn liabilities into assets. And we've totally ignored system reform.

"In the committee report it says, 'Your Conference Committee stresses that if funding to departments is to be reduced below the levels recommended in this budget, then this Legislature must also reduce the responsibilities placed on those departments.' Amen.

"I ask, again, the rhetorical question that fits so well and empirical evidence proves out the answer, if the Catholic Church can run 44 schools with 12,000 students with no Department of Education, why do we need this huge bureaucracy that spends millions, if not tens of millions, of dollars shuffling paper around and having curriculum specialists in everything from recess time to potty time?

"What's really sad is we proved through charter schools that schools can function run by parents and teachers and principals. And the reason that the DOE and the BOE are so opposed to it is because it proves they're not needed.

"So colleagues, I'd like to stand up and say, yes, I can vote for this budget because it's going to help improve the economy, because it's going to help us achieve a brighter day and expand our opportunities in this State, but the reality is and it's proved out that just the opposite is going to happen.

"I know this is a done deal, and I wish my prophecies were wrong, but unfortunately, prior experience shows just the opposite. And I hope some of you will consider voting for this budget with reservations, for I certainly will be voting 'no.'

"Thank you, Mr. President."

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

"Mr. President, I rise to speak for the bill with reservations.

"Mr. President, I hope that this 'W/R' doesn't reflect on the great work that our team, the staff of Ways and Means, the Chairman of Ways and Means, the Vice Chairman of Ways and

Means, for the work that they have done in the past two years. They did a tremendous job in a situation that was tough. But Mr. President, I have to go 'W/R' because we allowed the House to remove \$5 million of a project called 'Waimalu Viaduct.' We have been in the process of doing this Waimalu Viaduct and for \$5 million we could receive about \$45 million to \$50 million in federal dollars. That's 10 percent for 90 percent of the project.

"We had the help of the senior Senator from Hawaii and the help of the junior Representative or Congressman from Hawaii to get these funds. We had committed to buying homes, land and property for the people that were endangered in building this viaduct. By allowing \$5 million to be removed from this project, we not only jeopardized the federal funding, we delayed the project another year.

"We addressed the commuter traffic for those in Pearl City, North Shore, Waialua, Whitmore, Wahiawa, Mililani, Waipahu, Ewa, Kapolei, Nanakuli, and Waianae. We all pass through this viaduct. That is thousands of people in this p.m. traffic. It is unfortunate that we have made the commitment and we will see another delay in addressing the commuter traffic for the people on the West Side. This is the fastest, biggest growing population of the State of Hawaii, bar none.

"It is very unfortunate that we have to delay it for a year and may jeopardize federal funds. Mr. President, that's the reason why I'm going 'W/R.'"

Senator Kanno rose in support of the measure as follows:

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

"Ways and Means Chair, Vice Chair, committee members and committee staff had the unenviable task of balancing the budget and accommodating the varied input from our Senate colleagues, the administration and the public. I commend them for their hard work and commitment and thank them for the sacrifices that they've made.

"I urge my colleagues to support the measure. Thank you."

Senator Slom rose to speak against the measure as follows:

"Mr. President and colleagues, I rise in opposition to the budget.

"I, too, want to congratulate and send kudos to the Chair, Vice Chair and members of the Committee. We did work as a team. I've said it publicly and privately before, the Chairman has been more than open, more than fair. We've had really good discussions. We have looked at issues critically. We have examined them.

"The problem is when we failed to get answers to questions, when we had department heads who couldn't explain why their budgets went up or where certain monies went, we continued to give them money. We didn't hold them accountable. We didn't hold their feet to the fire.

"Two years ago my colleague from the beautiful Garden Island asked me in his frustration, what can we do, what can we do? My answer then and my answer now is you can deny them the money. That is our responsibility and that is the power that we have. And if they cannot provide the answers, and if they cannot provide objectives and complete their promises in programming and their mission, you don't keep funding them. And if the Legislative Auditor raises question, after question, after question, you address those questions. But unfortunately, we didn't do that in the rush to balance the budget.

“And let me say that our problems didn’t just stem from September 11<sup>th</sup> or in the last couple of months. Our problems went back to last year when we passed a big bloated budget. At that time, members of the Minority, we warned, we cautioned about how we were going to afford that. And what we’re acting upon today is a supplemental budget, a budget on top of that budget. We never really grappled with that one.

“And we knew about our budget problems in September. We knew about them in January when we talked about them. And yet, we really never developed a financial plan. Everybody talks about the financial plan. But if anyone were watching Finance and Ways and Means and some of the other Committees during the last couple of weeks of this Session, they would absolutely understand that there was no plan because everyday it was ‘let’s make a deal’ – try to horse trade this for this, try to take this for that, try to raid that for that. That’s not a plan. And taking money now, in hopes with promises to pay it back later, is not a financial plan. And draining special funds that were set up for specific purposes is not a financial plan. You’ll hear me, you’ll be tired of me again today because I’ll get up and I’ll vote against the creation of every new special fund that we’re going to create today because we haven’t learned; because we haven’t adopted a financial plan.

“The Chairman said that we learned along the way – we learned about bonds and we learned about revenues, and we learned about all these things. I would submit that we knew about these things before. What we learned was that the bottom line becomes political. It’s political rather than economic choices that determine what we do. And the good Senator from God’s country is going to go ‘reservations’ because one item out of this massive budget is not included. All of us are sad because there are items either excluded or there are some things in there that we don’t believe should be there. And that’s what makes it really, really difficult to vote against an entire budget.

“But the Chairman talked about a philosophy and he said the philosophy is that we provide for those who cannot provide for themselves. Fair enough. The only problem is that most times we don’t ask those folks. We presume that people cannot take care of themselves. We presume that we can take care of them better. We presume that we can run and regulate businesses. We presume that if we just tax and regulate and mandate more, that with our wisdom of 25 here we can make the right decisions.

“And when the people do come down here, and when they give us their concerns, and when they tell us how our actions are going to affect and impact their lives, their families, their businesses, their future, we say ‘thank you for coming,’ and then we continue the philosophy of bigger government, more spending, more decisions by a central authority.

“The statement was made that oftentimes the budget is a misunderstood tool. I think we understand it. We understand it for what it is. It is the misappropriation or the re-appropriation, however you want to define it, define it as someone else’s money, and making decisions. Decisions have to be made. The problem is that as we look back, as the Minority Floor Leader said, we look back over decades, we haven’t seen improvements in education; we haven’t seen improvements in health; we haven’t seen improvements in transportation. Yet, we have spent billions of dollars. So there’s got to be more to the equation than money. It’s got to be making the right decisions.

“And there’s got to be a difference in philosophy and ideology and that’s what we in the Minority represent – a

steadfast belief that individuals can and should be accountable and responsible for themselves, first and foremost. And that government, any government, that’s big enough to give you everything you want is also big enough to take away everything you’ve got.

“We haven’t improved our business climate. We haven’t improved our standard of living here and yet we go through the motions. We talk about cuts, and we can argue back and forth. The budget Chair said we cut money from last year. The Minority Floor Leader said we added \$72 million, and by the way, when we’re giving credit, let’s give credit to our Minority Research staff who worked just as long, just as hard, just as diligently, and under more difficult terms because our alternatives very rarely get discussed. The public rarely sees them, and so they say, ‘Why didn’t somebody say something about that?’ And we do.

“We have a colleague, and that colleague asked, ‘Well, if you’ve got the answers, why don’t you tell us what to do?’ And we tell that colleague, and then she says, ‘Well, I don’t like that. Can’t do that.’ That’s part of the problem.

“We haven’t critically examined and compared alternatives. And so to brush off cutting taxes, cutting spending, cutting debt without the same amount of exercise in passion that we put into raiding funds and manipulating monies is not fair. It’s not fair to us and it certainly is not fair to the public. And it doesn’t represent a financial plan.

“So we will have this supplemental budget pass today, and we will add upon the problems that we’ve had before, and the new governor and new legislators are going to wrestle with the same things next year. But unless and until there is a determination that we really have to do things differently, we can’t keep compounding the errors that we’ve made year after year, until there is that realization, we won’t make any real progress in Hawaii and our people will still, will still be having a difficult time taking care of their families and taking care of their businesses.

“And those are some of the reasons, Mr. President, that I’ll be voting ‘no’ on the budget today. Thank you.”

Senator Chun Oakland rose to speak in support of the measure and said:

“Good morning, Mr. President. I’d like to stand in support of this measure.

“I did also want to thank the Chair and Vice Chair and all the members of the Ways and Means Committee, as well as the staff, who have worked so hard. I wanted to point out some of the things that we have been able to preserve in the budget that are near and dear to many of our hearts in the community.

“We were able to restore funding for the after-school program, the A+ program, vocational programs, curriculum development, preventive educational programs, Hawaiian language and culture education programs, alternative learning programs, equipment for science education, athletic programs, community-based programs, instructional development and leadership programs, ESL – English as a second language programs, Hawaii content and performance standards programs, and also was able to add to the budget funds for multi-track schools, which many students from the Leeward area had come to us and presented their dilemma in having much more students than the school originally could handle. And so this was very important to the children there.

"I also wanted to point out that there was concern about closure of libraries and we have been able to preserve the libraries. So I'm very thankful for that. There have been a number of things with regards to capital improvements that have not been mentioned. I believe we have now \$415 million in our budget using bond financing to actually start to improve our schools even more so than we have, so we will be able to accelerate the renovation of schools, as well as the building of necessary school buildings. In the repair and maintenance area, I believe we have about \$60 million in the budget.

"So again, I think for the community, we need to let them know that education still is a very high priority for the Legislature, and I thank everybody for this. Thank you, Mr. President."

Senator Sakamoto rose in support of the measure and stated:

"Mr. President, I'd like to speak in support of the measure and partly in response to the Senators from Hawaii Kai and Waimanalo.

"Mr. President, as we all know, there are slow leaks in some of the tires that support our government, but the blowout from 9/11 was an impact that none of us perceived and none of us could have foreseen, and I believe this body, the Senate, and the Ways and Means Chair, especially, has done a great job into patching that blowout, and we're still moving forward.

"It's easy, very easy, to look out the rear view mirror and see the same thing and say we're not going anywhere. So be that. We should look out the front window. And really, we have made progress and we will continue to make progress in spite of rhetoric."

Senator Hanabusa rose in support of the measure as follows:

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

"Mr. President, I would like to personally thank the Ways and Means Chair. I believe he did a superb job of leading this Committee, especially in these very difficult times. It's very interesting to be able to incorporate the accolades from the Senator from Waimanalo into my speech and I take this opportunity to do so and thank him for those very kind words. I would especially like to thank the Ways and Means Chair and the staff . . . the Chair for permitting me to continue to play that very special role – which is, anything wrong with the budget, you can all blame me. So for the good Senator from Waipahu and God's country, he can say that it's my fault and that's okay too, because that was part of the deal when I became the Vice Chair.

"These are difficult times, Mr. President, and we must all prioritize exactly what it is that we wanted to say with the budget, and the budget is our policy statement. I think one of the most critical statements that many of us wanted to make was to keep promises. And the promise that we as a state made first is to our employees, because they serve as our foundation. This budget did not in any way jeopardize the pay raises that they were entitled to. Those pay raises will be paid. And that is an important point.

"Other jurisdictions have looked to cutting. They have cut. Others have deferred. They have deferred, but we have seen that it is necessary to keep that promise and we have done so. The good Senator from Alewa Heights and Kalihi enumerated all the various programs that we were able to save in this budget. Those were in the areas of education, and social and human services. Those are also very important policy statements that some of us wish to make.

"The CIP that is part of this budget emphasized education, repair and maintenance, and the building of new schools which also many of us placed high on our priorities. We have, of course, appropriated \$450 million in new money for this, and that will have a dynamic impact on the economy to the tune of about \$20-some-odd million in just this year alone and it will carry out to the out years.

"The budget is our policy statement. We may not all agree, and that's fine too, because we may differ philosophically on how we prioritize the various aspects of this budget. However, I am grateful for one thing, which is that my good colleagues from across the way here have all said that the Ways and Means Chair and the staff have done an excellent job, especially in these very difficult times.

"I believe that this is a budget that we can all support and I ask that everyone, except those who have said that they're going to go 'no,' to please support this budget.

"Thank you very much."

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

"Mr. President, I rise to speak in favor of the budget.

"Mr. President, in addition to thanking the Ways and Means Chairman, the Vice Chairman, and the committee members, I also want to express my thanks to you, Mr. President, for your work in helping us to balance the budget, your work with the House and the House Speaker, and balancing all of our needs and making sure that we have a balanced budget and that we've kept the Senate together and that we can adjourn on time.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 165-02 was adopted and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3560 (Gov. Msg. No. 314):

Senator Matsuura moved that Stand. Com. Rep. No. 3560 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of JENNIFER DIESMAN and DARYL-JEAN WONG to the Honolulu Subarea Health Planning Council, terms to expire June 30, 2006, seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 3561 (Gov. Msg. No. 315):

Senator Matsuura moved that Stand. Com. Rep. No. 3561 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of MARTHA O. AQUINO, JOANNE H. KEALOHA and LAURIE A.B. OISHI to the West Oahu Subarea Health Planning Council, terms to expire June 30, 2006, seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 3562 (Gov. Msg. No. 316):

Senator Matsuura moved that Stand. Com. Rep. No. 3562 be received and placed on file, seconded by Senator Buen and carried.

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

CHRISTOPHER J. LUTZ, terms to expire June 30, 2002, and June 30, 2006; and

GREIG E. GASPAR, term to expire June 30, 2006,

seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 3563 (Gov. Msg. No. 317):

Senator Matsuura moved that Stand. Com. Rep. No. 3563 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nomination of JAMIE CAMEROS to the Hawai'i County Subarea Health Planning Council, term to expire June 30, 2006, seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 3564 (Gov. Msg. No. 318):

Senator Matsuura moved that Stand. Com. Rep. No. 3564 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of COREY N. DOBASHI, SUSAN GUCWA-BUCASAS, AIDA PASCUAL and ROY K. SASAKI to the Kauai County Subarea Health Planning Council, terms to expire June 30, 2006, seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 3565 (Gov. Msg. No. 319):

Senator Matsuura moved that Stand. Com. Rep. No. 3565 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of AGNES M. GROFF, JOSEPH K. KAMAKA III, M.D., WILLIAM F. STATON, KATHLEEN L. STREET and SARAJEAN A. TOKUNAGA to the Maui County Subarea Health Planning Council, terms to expire June 30, 2006, seconded by Senator Buen.

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

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

Stand. Com. Rep. No. 3566 (Gov. Msg. No. 302):

Senator Kanno moved that Stand. Com. Rep. No. 3566 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Correctional Industries Advisory Committee of the following:

KAREN H. IWAMOTO and HELEN Y. RAUER, terms to expire June 30, 2003;

CARL R. ANDERSON and BERTHA S.J. NAHOPII, terms to expire June 30, 2004; and

MICHAEL A. HAMA, ERWIN HUDELIST and JACK L. TINER, terms to expire June 30, 2006,

seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 3567 (Gov. Msg. No. 336):

Senator Kanno moved that Stand. Com. Rep. No. 3567 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of LISA KEALA CARTER to the Board of Registration, Island of Oahu, term to expire June 30, 2006, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 3568 (Gov. Msg. No. 337):

Senator Kanno moved that Stand. Com. Rep. No. 3568 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of BEVERLY JEAN WITHINGTON to the Board of Registration, Island of Hawai'i, term to expire June 30, 2006, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 3569 (Gov. Msg. No. 338):

Senator Kanno moved that Stand. Com. Rep. No. 3569 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of MARK NAKAGOSHI to the Board of Registration, Kauai and Niihau, term to expire June 30, 2006, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 3570 (Gov. Msg. No. 339):

Senator Kanno moved that Stand. Com. Rep. No. 3570 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of PEGGY ROBERTSON to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, term to expire June 20, 2006, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 3571 (Gov. Msg. No. 343):

Senator Kanno moved that Stand. Com. Rep. No. 3571 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations of VALLI KANUHA, PH.D., MARGARET K. MASUNAGA and MARY JO SWEENEY to the State Commission on the Status of Women, terms to expire June 30, 2006, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 3572 (Gov. Msg. No. 283):

Senator Taniguchi moved that Stand. Com. Rep. No. 3572 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of RICHARD F. KAHLE, JR. to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 2006, seconded by Senator Hanabusa.

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

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

Stand. Com. Rep. No. 3573 (Gov. Msg. No. 284):

Senator Taniguchi moved that Stand. Com. Rep. No. 3573 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of BERT M. WAGATSUMA to the Board of Taxation Review, Third Taxation District (Hawai'i), term to expire June 30, 2006, seconded by Senator Hanabusa.

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

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

Stand. Com. Rep. No. 3574 (Gov. Msg. No. 285):

Senator Taniguchi moved that Stand. Com. Rep. No. 3574 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of SANDRA L. HOWATT to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 2006, seconded by Senator Hanabusa.

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

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

Stand. Com. Rep. No. 3575 (Gov. Msg. No. 341):

Senator Taniguchi moved that Stand. Com. Rep. No. 3575 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of MARIA LOWDER to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 2005, seconded by Senator Hanabusa.

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

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

Stand. Com. Rep. No. 3576 (Gov. Msg. No. 348):

Senator Taniguchi moved that Stand. Com. Rep. No. 3576 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the Board of Taxation Review, Second Taxation District (Maui County) of the following:

LYLE J. MATSUNAGA, term to expire June 30, 2005; and

LLOYD Y. GINOZA, term to expire June 30, 2006,

seconded by Senator Hanabusa.

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

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

Stand. Com. Rep. No. 3577 (Gov. Msg. No. 331):

Senator Menor moved that Stand. Com. Rep. No. 3577 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of ELWIN D.H. GOO, PHARM.D.,

and DENNIS IWAMURA to the Board of Pharmacy, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 3578 (Gov. Msg. No. 334):

Senator Menor moved that Stand. Com. Rep. No. 3578 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of THOMAS F. JACKSON to the Board of Psychology, term to expire June 30, 2006, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 3579 (Gov. Msg. No. 335):

Senator Menor moved that Stand. Com. Rep. No. 3579 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of ADLEEN ICHINOSE and LES UYEDA to the Radiologic Technology Board, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 3580 (Gov. Msg. No. 340):

Senator Menor moved that Stand. Com. Rep. No. 3580 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of STEPHEN K. KAWAHARA and BETTY LOU LARSON to the Rental Housing Trust Fund Advisory Commission, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 3581 (Gov. Msg. No. 349):

Senator Menor moved that Stand. Com. Rep. No. 3581 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JAMES H. HATTAWAY, D.C., to the State Board of Chiropractic Examiners, term to expire June 30, 2006, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 3582 (Gov. Msg. No. 350):

Senator Menor moved that Stand. Com. Rep. No. 3582 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nominations of KATHRYN RICE ILGEN, D.V.M., and GARY Y. MURAI to the Board of Veterinary Examiners, terms to expire June 30, 2006, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 3583 (Gov. Msg. No. 231):

Senator Kim moved that Stand. Com. Rep. No. 3583 be received and placed on file, seconded by Senator English and carried.

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

Senator Kim rose in support of the nominee and said:

"Mr. President, I rise to speak in support of the confirmation of Mike McCartney to the Hawaii Tourism Authority.

"As for Mike McCartney, Mr. President, he has a unique and diverse background and is no stranger to the members of this Legislature. In addition to sharing his considerable experience, Mike will offer a fresh prospective to the governance of HTA. He is one who understands the importance of having a public organization be open and responsive to its constituencies of insuring that it spends tax revenues wisely and of determining that it is held accountable to the public.

"I quote, Mr. President, from Mr. McCartney's vision statement of which you have on your desk: 'The TAT from Hawaii's hotels are assessed by the constitutional authority given to the State Legislature for the benefit of all Hawaii. We need to end the debate about whose money this is and get on with the business on hand. The money rightfully belongs to the taxpayers of this State.' He ends his vision statement by saying, 'Finally, in order to insure that there is accountability and progress is being made, the Legislature may want to consider sunseting the HTA board by June 30, 2005, to monitor its effectiveness and value to Hawaii.' I believe this body tried to put a sunset date but the House did not agree with us. We can try again next session, members.

"These perspectives have been sorely lacking, Mr. President, in the past, and new members like Mike McCartney will encourage constructive, meaningful change in the way the authority views its mission and conducts its business.

"For these reasons, Mr. President, I ask that you and all my colleagues confirm the nomination of Mike McCartney to the Hawaii Tourism Authority.

"Thank you."

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

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

Stand. Com. Rep. No. 3584 (Gov. Msg. No. 311):

Senator Kim moved that Stand. Com. Rep. No. 3584 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of LORRIE LEE STONE to the Board of Directors, Hawai'i Tourism Authority, term to expire June 30, 2006, seconded by Senator English.

Senator Kim rose in support of the nominee and said:

"Mr. President, I rise to speak in support of the confirmation of Lorrie Lee Stone to the Hawaii Tourism Authority.

"Mr. President, if the Governor and the Senate are to diversify the membership of the Hawaii Tourism Authority to better reflect the diversity of issues confronting the visitor industry, then we can do no better than to involve those who bring fresh ideas, new ways of doing things, and different points of view to the work of the authority. Mr. President, Lorrie Stone certainly fits this bill. Her youth belies a tremendous amount of experience in land use planning and real estate matters. She is familiar with the challenges facing communities, developers and government, alike, as we attempt to strike a balance between growth and preservation.

"Ms. Stone is well versed on the concerns facing not only the hotel industry, but other businesses that depend on tourism for their success. She recognizes and appreciates the fact that there are many different perspectives on what directions the state's economy should take, and is fully prepared to recommend solutions that are in the public's best interest. Ms. Stone is a welcomed addition to the Hawaii Tourism Authority.

"For these reasons, Mr. President, I ask that you and all my colleagues confirm the nomination of Lorrie Stone to the Hawaii Tourism Authority.

"Thank you."

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

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

#### **ADOPTION OF RESOLUTION**

#### **MATTER DEFERRED FROM WEDNESDAY, APRIL 24 2002**

Stand. Com. Rep. No. 3501 (H.C.R. No. 139, H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was adopted.

#### **FINAL ADOPTION**

S.C.R. No. 35, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 35, S.D. 1, and S.C.R. No. 35, S.D. 1, H.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 HEALTH SYSTEMS CORPORATION, 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 Finally Adopted.

S.C.R. No. 48, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SERVICES PROVIDED BY COMPLEMENTARY ALTERNATIVE CARE PROVIDERS," was Finally Adopted.

S.C.R. No. 63, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 63, and S.C.R. No. 63, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT A TASK FORCE BE CONVENED TO STUDY THE FEASIBILITY OF HAVING THE DEPARTMENT OF HEALTH REGULATE TOBACCO AS A CONSUMER PRODUCT," was Finally Adopted.

S.C.R. No. 69, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 69, and S.C.R. No. 69, H.D. 1, 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 UNITED STATES CONGRESS," was Finally Adopted.

S.C.R. No. 100, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 100, S.D. 1, and S.C.R. No. 100, S.D. 1, H.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," was Finally Adopted.

S.C.R. No. 102, H.D. 1:



On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 102, and S.C.R. No. 102, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FEDERAL REIMBURSEMENT RESULTING FROM THE IMPACT OF LAWFUL NONIMMIGRANTS FROM THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND PALAU OVER THE PAST 15 YEARS AND ADEQUATE FINANCIAL ASSISTANCE TO AMELIORATE ANY FURTHER IMPACT," was Finally Adopted.

#### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM FRIDAY, APRIL 26, 2002

Stand. Com. Rep. No. 3554 (H.C.R. No. 17):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES," was adopted.

Stand. Com. Rep. No. 3555 (H.C.R. No. 72):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DEVELOP AN OVERALL STRATEGY, POLICY, AND PLAN TO AWARD TOURISM PRODUCT ENRICHMENT AND DIVERSIFICATION GRANTS," was adopted.

Stand. Com. Rep. No. 3556 (H.C.R. No. 105):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PRINTING PRODUCTS AND SERVICES UTILIZED, CONTRACTED, AND SUBCONTRACTED BY HAWAII STATE GOVERNMENT," was adopted.

Stand. Com. Rep. No. 3557 (H.C.R. No. 123):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE 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 adopted.

Stand. Com. Rep. No. 3558 (S.R. No. 68, 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. 68, S.D. 1, entitled: "SENATE RESOLUTION CONVENING AN INTERIM STUDY BY THE SENATE COMMITTEE ON HEALTH AND HUMAN

SERVICES TO EXPLORE WAYS TO MAXIMIZE FEDERAL FUNDING FOR HEALTH AND HUMAN SERVICES PROGRAMS," was adopted.

Stand. Com. Rep. No. 3559 (S.R. No. 110):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 110, entitled: "SENATE RESOLUTION ESTABLISHING AN INTERIM WORKING GROUP TO DISSEMINATE INFORMATION REGARDING PRESCRIPTION DRUG CARD DISCOUNT PROGRAMS OFFERED BY PHARMACEUTICAL COMPANIES," was adopted.

Stand. Com. Rep. No. 3585 (H.C.R. No. 48):

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER-STATE EDUCATIONAL, CULTURAL, AND ECONOMIC EXCHANGES BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF ILOCOS SUR OF THE REPUBLIC OF THE PHILIPPINES," was adopted.

#### FINAL ADOPTION

S.C.R. No. 15, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, and S.C.R. No. 15, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A WORKING GROUP OF REPRESENTATIVES FROM HAWAIIAN ORGANIZATIONS, THE DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE DEPARTMENT OF HEALTH TO FORM A COALITION TO PROVIDE BETTER ACCESS TO STATE VITAL STATISTICS RECORDS," was Finally Adopted.

S.C.R. No. 82, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 82, S.D. 1, and S.C.R. No. 82, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE FAMILY COURT SYSTEM," was Finally Adopted.

#### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM FRIDAY, APRIL 26, 2002

H.C.R. No. 53, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 53, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF DEATH CARE PROVIDERS," was adopted.

H.C.R. No. 101, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 101, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A WORKING GROUP TO BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE EAGLE PROGRAM FOR FIREARM SAFETY," was adopted.

S.R. No. 47:

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS," was adopted.

At 11:07 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:13 o'clock a.m.

#### FINAL READING

##### MATTER DEFERRED FROM WEDNESDAY, APRIL 24, 2002

Conf. Com. Rep. No. 3-02 (H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 3-02 was adopted and H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

##### MATTER DEFERRED FROM FRIDAY, APRIL 26, 2002

Conf. Com. Rep. No. 4-02 (H.B. No. 2527, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Nakata and carried, Conf. Com. Rep. No. 4-02 was adopted and H.B. No. 2527, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

Conf. Com. Rep. No. 5-02 (H.B. No. 1942, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 5-02 was adopted and H.B. No. 1942, S.D. 1, C.D. 1, 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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 6-02 (H.B. No. 1758, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator English and carried, Conf. Com. Rep. No. 6-02 was adopted and H.B. No. 1758, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 7-02 (H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 7-02 was adopted and H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8-02 (H.B. No. 2568, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 8-02 was adopted and H.B. No. 2568, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 10-02 (H.B. No. 2536, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 10-02 was adopted and H.B. No. 2536, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 11-02 (H.B. No. 1724, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 11-02 was adopted and H.B. No. 1724, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 12-02 (H.B. No. 2577, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 12-02 was adopted and H.B. No. 2577, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15-02 (H.B. No. 2045, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kim, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 15-02 was adopted and H.B. No. 2045, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16-02 (H.B. No. 870, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 16-02 was adopted and H.B. No. 870, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17-02 (H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 17-02 was adopted and H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19-02 (H.B. No. 1996, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 19-02 was adopted and H.B. No. 1996, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20-02 (H.B. No. 223, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Menor and carried, Conf. Com. Rep. No. 20-02 was adopted and H.B. No. 223, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22-02 (H.B. No. 2120, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 22-02 was adopted and H.B. No. 2120, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24-02 (H.B. No. 2427, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 24-02 was adopted and H.B. No. 2427, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25-02 (H.B. No. 2438, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 25-02 was adopted and H.B. No. 2438, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26-02 (H.B. No. 2817, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 26-02 was adopted and H.B. No. 2817, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31-02 (H.B. No. 2302, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 31-02 was adopted and H.B. No. 2302, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVERS' LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32-02 (H.B. No. 2509, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 32-02 was adopted and H.B. No. 2509, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33-02 (H.B. No. 1842, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Menor and carried, Conf. Com. Rep. No. 33-02 was adopted and H.B. No. 1842, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36-02 (H.B. No. 2426, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 36-02 was adopted and H.B. No. 2426, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41-02 (H.B. No. 1713, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Kim and carried, Conf. Com. Rep. No. 41-02 was adopted and H.B. No. 1713, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42-02 (H.B. No. 1715, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Kim and carried, Conf. Com. Rep. No. 42-02 was adopted and H.B. No. 1715, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43-02 (H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 43-02 was adopted and H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44-02 (H.B. No. 2832, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator English and carried, Conf. Com. Rep. No. 44-02 was adopted and H.B. No. 2832, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49-02 (H.B. No. 2552, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 49-02 was adopted and H.B. No. 2552, H.D. 1, S.D. 1, C.D. 1, 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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTERS DEFERRED FROM FRIDAY, APRIL 19, 2002

Conf. Com. Rep. No. 51-02 (S.B. No. 996, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 51-02 was adopted and S.B. No. 996, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52-02 (S.B. No. 997, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 52-02 was adopted and S.B. No. 997, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTERS DEFERRED FROM FRIDAY, APRIL 26, 2002

Conf. Com. Rep. No. 54-02 (S.B. No. 99, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Kim and carried, Conf. Com. Rep. No. 54-02 was adopted and S.B. No. 99, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57-02 (S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 57-02 was adopted and S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

Conf. Com. Rep. No. 58-02 (S.B. No. 2046, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 58-02 was adopted and S.B. No. 2046, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUIDE DOGS, SIGNAL DOGS, AND

SERVICE ANIMALS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60-02 (S.B. No. 2934, H.D. 2, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Kim and carried, Conf. Com. Rep. No. 60-02 was adopted and S.B. No. 2934, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61-02 (S.B. No. 2613, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 61-02 was adopted and S.B. No. 2613, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63-02 (S.B. No. 2290, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Menor and carried, Conf. Com. Rep. No. 63-02 was adopted and S.B. No. 2290, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INDEPENDENT BILL REVIEWERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64-02 (S.B. No. 2526, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 64-02 was adopted and S.B. No. 2526, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68-02 (S.B. No. 2075, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 68-02 was adopted and S.B. No. 2075, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70-02 (S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 70-02 was adopted and S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1, 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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74-02 (S.B. No. 2698, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 74-02 was adopted and S.B. No. 2698, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76-02 (S.B. No. 2733, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 76-02 was adopted and S.B. No. 2733, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77-02 (S.B. No. 2898, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Inouye, seconded by Senator Chun and carried, Conf. Com. Rep. No. 77-02 was adopted and S.B. No. 2898, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAVE PROTECTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78-02 (S.B. No. 2708, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Tam and carried, Conf. Com. Rep. No. 78-02 was adopted and S.B. No. 2708, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79-02 (S.B. No. 2234, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 79-02 was adopted and S.B. No. 2234, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEXUAL EXPLOITATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83-02 (S.B. No. 3063, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 83-02 was adopted and S.B. No. 3063, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84-02 (S.B. No. 2757, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 84-02 was adopted and S.B. No. 2757, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90-02 (S.B. No. 2666, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Buen, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 90-02 was adopted and S.B. No. 2666, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 93-02 (S.B. No. 2078, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 93-02 was adopted and S.B. No. 2078, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95-02 (S.B. No. 2737, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 95-02 was adopted and S.B. No. 2737, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98-02 (S.B. No. 2867, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 98-02 was adopted and S.B. No. 2867, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 102-02 (H.B. No. 1595, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 102-02 was adopted and H.B. No. 1595, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 103-02 (H.B. No. 2276, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 103-02 was adopted and H.B. No. 2276, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 104-02 (H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 104-02 was adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 106-02 (H.B. No. 2018, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Buen, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 106-02 was adopted and H.B. No. 2018, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110-02 (H.B. No. 2311, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 110-02 was adopted and H.B. No. 2311, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114-02 (H.B. No. 1777, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 114-02 was adopted and H.B. No. 1777, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118-02 (H.B. No. 2453, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 118-02 was adopted and H.B. No. 2453, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119-02 (H.B. No. 2454, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 119-02 was adopted and H.B. No. 2454, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122-02 (H.B. No. 2212, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Buen, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 122-02 was adopted and H.B. No. 2212, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123-02 (H.B. No. 2006, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 123-02 was adopted and H.B. No. 2006, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125-02 (H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 125-02 was adopted and H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 135-02 (S.B. No. 2067, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 135-02 was adopted and S.B. No. 2067, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136-02 (S.B. No. 2068, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 136-02 was adopted and S.B. No. 2068, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137-02 (S.B. No. 2270, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 137-02 was adopted and S.B. No. 2270, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 139-02 (S.B. No. 2831, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 139-02 was adopted and S.B. No. 2831, S.D. 1, H.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 144-02 (S.B. No. 2500, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 144-02 was adopted and S.B. No. 2500, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145-02 (S.B. No. 2568, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 145-02 was adopted and S.B. No. 2568, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 150-02 (S.B. No. 2883, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Menor and carried, Conf. Com. Rep. No. 150-02 was adopted and S.B. No. 2883, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 154-02 (S.B. No. 2036, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 154-02 was adopted and S.B. No. 2036, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 156-02 (S.B. No. 2985, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 156-02 was adopted and S.B. No. 2985, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2093, S.D. 1, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2093, S.D. 1, and S.B. No. 2093, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2112, S.D. 1, H.D. 1:

On motion by Senator Nakata, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2112, S.D. 1, and S.B. No. 2112, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2231, S.D. 1, H.D. 1:

On motion by Senator Chun, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2231, S.D. 1, and S.B. No. 2231, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHOLAWE ISLAND RESERVE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTERS DEFERRED FROM WEDNESDAY, APRIL 24, 2002

S.B. No. 2242, S.D. 1, H.D. 1:

On motion by Senator Buen, seconded by Senator Inouye and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2242, S.D. 1, and S.B. No. 2242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2289, S.D. 1, H.D. 2:

On motion by Senator Tam, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2289, S.D. 1, and S.B. No. 2289, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2422, S.D. 2, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2422, S.D. 2, and S.B. No. 2422, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

S.B. No. 2628, S.D. 2, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2628, S.D. 2, and S.B. No. 2628, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2667, H.D. 1:

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2667, and S.B. No. 2667, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2680, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2680, and S.B. No. 2680, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.



S.B. No. 2715, S.D. 1, H.D. 1:

On motion by Senator Nakata, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2715, S.D. 1, and S.B. No. 2715, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

**MATTER DEFERRED FROM  
WEDNESDAY, APRIL 24, 2002**

S.B. No. 2721, S.D. 1, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2721, S.D. 1, and S.B. No. 2721, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

S.B. No. 2750, S.D. 1, H.D. 2:

On motion by Senator Chun, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2750, S.D. 1, and S.B. No. 2750, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

**MATTER DEFERRED FROM  
WEDNESDAY, APRIL 24, 2002**

S.B. No. 2772, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2772, and S.B. No. 2772, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

S.B. No. 2774, S.D. 2, H.D. 2:

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2774, S.D. 2, and S.B. No. 2774, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

**MATTER DEFERRED FROM  
WEDNESDAY, APRIL 24, 2002**

S.B. No. 2782, S.D. 1, H.D. 1:

On motion by Senator Matsuura, seconded by Senator Hanabusa and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2782, S.D. 1, and S.B. No. 2782, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

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

On motion by Senator Nakata, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2784, S.D. 1, and S.B. No. 2784, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2804, H.D. 1:

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2804, and S.B. No. 2804, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

**MATTER DEFERRED FROM  
WEDNESDAY, APRIL 24, 2002**

S.B. No. 2817, S.D. 2, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2817, S.D. 2, and S.B. No. 2817, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**FINAL READING**

S.B. No. 3041, S.D. 1, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3041, S.D. 1, and S.B. No. 3041, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION

STOREROOM REVOLVING FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

H.B. No. 2365:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 2365, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2556:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, H.B. No. 2556, 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, 25. Noes, none.

Stand. Com. Rep. No. 3538 (H.B. No. 2708, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3538 was adopted and H.B. No. 2708, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL DISEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3540 (H.B. No. 2518):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3540 was adopted and H.B. No. 2518, 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, 25. Noes, none.

Stand. Com. Rep. No. 3542 (H.B. No. 682):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3542 was adopted and H.B. No. 682, 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, 25. Noes, none.

Stand. Com. Rep. No. 3543 (H.B. No. 1772):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3543 was adopted and H.B. No. 1772, 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, 25. Noes, none.

Stand. Com. Rep. No. 3546 (H.B. No. 2481, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3546 was adopted and H.B. No. 2481, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3548 (H.B. No. 2478):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3548 was adopted and H.B. No. 2478, 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, 25. Noes, none.

Stand. Com. Rep. No. 3550 (H.B. No. 2538):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3550 was adopted and H.B. No. 2538, 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, 25. Noes, none.

Stand. Com. Rep. No. 3551 (H.B. No. 2554):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3551 was adopted and H.B. No. 2554, 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.

Stand. Com. Rep. No. 3552 (H.B. No. 2710, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3552 was adopted and H.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3553 (H.B. No. 2429, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3553 was adopted and H.B. No. 2429, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

## FINAL READING

MATTER DEFERRED FROM  
FRIDAY, APRIL 19, 2002

Conf. Com. Rep. No. 2-02 (H.B. No. 1012, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 2-02 be adopted and H.B. No. 1012, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ihara.

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

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

“The bill appears to allow incumbent legislators to move into a new district anytime before the primary election in the year of reapportionment, while non-incumbent candidates must be living in the district where they wish to run before they file their nomination papers. This discrepancy in deadlines is not fair and incumbents should be held to the same rules as all other candidates.

“Thank you, Mr. President.”

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

“Mr. President, I will be voting ‘yes’ with reservations, please.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 2-02 was adopted and H.B. No. 1012, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

## FINAL READING

Conf. Com. Rep. No. 9-02 (H.B. No. 2002, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 9-02 was adopted and H.B. No. 2002, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13-02 (H.B. No. 1843, S.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 13-02 was adopted and H.B. No. 1843, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 14-02 (H.B. No. 2723, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Kim and carried, Conf. Com. Rep. No. 14-02 was adopted and H.B. No. 2723, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 11:16 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:17 o'clock a.m.

Conf. Com. Rep. No. 21-02 (H.B. No. 741, H.D. 1, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 21-02 be adopted and H.B. No. 741, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nakata.

Senator Slom rose in opposition to the measure as follows:

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

“This is the so-called ‘SLAPP’ bill, the strategic lawsuit against public participation. And while it sounds good in terms of protecting and preserving rights for civil liability, what it actually does is make the description of rights incredibly vague and also requires that any motion be treated as a motion for judgment on the pleadings. So for these and other reasons, I’ll be voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21-02 was adopted and H.B. No. 741, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL LIABILITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 23-02 (H.B. No. 2315, H.D. 1, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 23-02 be adopted and H.B. No. 2315, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in support of the measure as follows:

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

“I opposed this measure as it was originally drafted and through the redrafts to the Conference Committee because what it did was exempt labor unions from blocking ingress and egress during any kind of protest. But I notice that through the Conference process this was removed and everyone will be treated equally, so I’m very happy to support this bill.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 23-02 was adopted and H.B. No. 2315, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 27-02 (H.B. No. 1749, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 27-02 was adopted and H.B. No. 1749, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28-02 (H.B. No. 2521, H.D. 2, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 28-02 be adopted and H.B. No. 2521, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to speak against the measure and said:

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

"It's a very timely bill in that we heard the news from Maui in regards to the flesh-eating virus and we know that we do have from time to time emergencies, medical emergencies. However, this bill goes extremely far, too far, in my opinion, giving the Department of Health and the government sweeping powers and limiting their immunity in case they damage property or in case they provide problems for individuals in terms of quarantining and so forth.

"So we need to be vigilant. We need the powers of quarantine, which we already have. This bill goes too far.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 28-02 was adopted and H.B. No. 2521, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 29-02 (H.B. No. 1730, H.D. 1, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 29-02 be adopted and H.B. No. 1730, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator English rose to speak against the measure and said:

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

"Mr. President, in short, this raises insurance premiums, and it does so in a way that it disguises it to say that it goes into the underwriter's driver's education fund to help fund students in

school going to driver school. This is fine. This was a law that was passed. It was, in my opinion, flawed because it didn't provide for the proper funding and it didn't provide for the trainers on the neighbor islands and rural Oahu.

"What this does is try to provide that funding, Mr. President, and that's laudable. The sad part about it is that it raises the cost of insurance and doesn't allow, or it allows the insurance carriers to pass on the cost to the consumer.

"So for those reasons, Mr. President, I will be voting 'no.' Thank you."

Senator Chun rose in opposition to the measure as follows:

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

"Mr. President, it is laudable that we teach our children how to drive responsibly. It is laudable that we allow a fee to be assessed in order to accomplish this purpose. However, Mr. President, as I spoke earlier on this bill, it is only a band-aid fix. This fee increase does not fix the problem of not enough teachers for the driver's ed program. We're going to be here today raising the fee another dollar and we're going to find out that that's not enough, and then we're going to raise it another dollar after that and then another dollar after that.

"Mr. President, I would have hoped through the Conference Committee process that we would have looked at an overall fix in terms of how to make sure we have a sufficient number of teachers for the driver's ed program. It is more than just money. It is something we need to look at in terms of licensing them. We need to look in terms of what insurance requirement we're requiring the private teachers to do. Then and only then can we look and see that we have a good program. And until an overall fix is designed, I will vote against any increases of these funds.

"Thank you, Mr. President."

Senator Hemmings rose in opposition to the measure and said:

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

"I'd like to quote right from the Journal the comments of one of our Senators regarding parental responsibility. We all know that driving is a privilege. It's not a right. And this Senator said, '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, for the upkeep of the car, including insurance . . .' And she went on and on and on.

"The bottom line is this fund is low because we're paying for something that maybe parents should take responsibility for with their children. We cannot be all things to all people, most especially parents who should be taking care of their children themselves.

"But maybe this fund is low and we need to replenish it so it can be raided later, but I don't think that's appropriate either. Therefore, I'll be voting 'no' on this legislation."

Senator Chumbley rose to speak against the measure and said:

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

"Colleagues, I want to bring a little bit more practical aspect to this debate on this measure. Right now, in my community it's costing students anywhere from \$400 to \$600, per student, to take the driver education training through a private provider. This bill proposes to add some additional fees. While that may be helpful to a very limited point, it's not going to address the problem that's before us.

"The problem that's before us is we're making it very difficult for young adults to learn how to drive. All of us went through that driver training program at one time, and for those who can't afford that \$400 to \$600, there is a waiting list of four to seven months in most schools for a driver education program that is provided by the schools.

"This additional fee will not resolve that problem. We need to go back to the bill that was passed several years ago and create a more user-friendly framework that will allow these young students the training that they need so they can be good drivers and they can drive past 10:00 p.m.

"I urge all of you to vote 'no.'"

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

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

"Mr. President, when we passed the bill to raise the school age children or young people from 15 to 16, we also felt it was time to improve education for the safety of all the people of the State of Hawaii. And that's the reason why we passed the bill – for safety.

"Mr. President, the concept of increasing the age of the young drivers and the desire to have good education for young drivers have meant less accidents. Fewer accidents have meant safety on the highways. And we haven't gone further enough to do the safety portion, but the bills come back later.

"But in this thing here we had the Education Department asking us for this bill. This bill would give the Department of Education \$1.4 million of funds, double the funds they currently have. We're hoping to address with this bill the doubling of the schools' education programs. We're hoping that this money, because it will create less accidents, the insurance companies will pick it up and not pass it on.

"But these are the things we need to do. If we're talking about safety, let's talk about safety, let's talk about education, and let's talk about giving the schools the opportunity to improve education for driver's ed.

"Mr. President, I urge my colleagues to vote 'aye' on this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 29-02 was adopted and H.B. No. 1730, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Chumbley, Chun, English, Hemmings, Hogue, Ige, Kim, Matsunaga, Slom). Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 30-02 (H.B. No. 1731, H.D. 2, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 30-02 be adopted and H.B. No. 1731, H.D. 2, S.D. 1, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure and said:

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

"This will be the first of many bills that I'll be opposing today because it creates a new special fund. It's creating the motorcycle operators' education special fund. But interestingly enough, in the language of the bill the money that's going to be transferred into this fund is to be made available to the DOT. There's no requirement that the DOT use the funds for education. And, in fact, the DOT can use the funds for other purposes.

"So because this special fund like other funds have been earmarked at the beginning and then raided later on, I will be voting 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 30-02 was adopted and H.B. No. 1731, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (English, Hemmings, Hogue, Slom).

Conf. Com. Rep. No. 34-02 (H.B. No. 1901, H.D. 2, S.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 34-02 be adopted and H.B. No. 1901, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Hogue rose in opposition to the measure and said:

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

"Colleagues, this bill is well intended because it tries to help the victim of a sexual assault by mandating that the alleged perpetrator take an HIV test. However, you've got to note the legal and medical challenges to this bill. First, how can you justify that a person charged for a crime be treated the same as a person convicted of that crime. Obviously, our justice system is based on the notion that you're innocent until proven guilty.

"Second, under this bill the court could order an HIV test for a person charged with sexual assault by showing probable cause on the preponderance of the evidence. This, of course, begs the question of how in the world are you going to decide that there is evidence of HIV transmission?

"Then on a medical basis, rather than legal, there's no point to this extra test. A blood test of the alleged perpetrator doesn't necessarily determine anything. If the alleged perpetrator contracted HIV, say, a week ago, six weeks ago, a couple of months ago, before committing the sexual assault, that fact might not show up in a blood test for up to six months.

"And finally, under current medical practice, any victim of sexual assault is constantly evaluated, constantly monitored to the six months HIV incubation stage. Thus this bill really is unnecessary. I urge you to vote 'no.'

"Thank you."

Senator English rose to speak against the measure as follows:

"Mr. President, I rise in opposition.

"I, too, will be voting 'no' on this. And I'll note that this is a Republican measure that was introduced in the House, and if their caucus in this body cannot support their own measure, then I surely cannot support it.

"Thank you, Mr. President."

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

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

"Colleagues, the good Senator from Kaneohe said it all. He really laid out the arguments from the medical aspect and from the legal aspect. Just to add a couple of short notes to his comments, this proposes to change the penal code under Section 707-730, 707-731, 707-732, 707-733(5), and 707-741. And when you look at the numbers of that, it doesn't seem to mean much. But what it really means is that if someone is arrested and charged for a sex assault in the fourth degree, fourth degree can be a simple touching or groping that they then can be mandated to have an HIV testing.

"This measure just goes way too far and to the intrusion of private rights even though the individual may or may not have been convicted or have been the perpetrator in that crime. It also creates a false sense of security for the victim. If the victim is concerned about contracting HIV, then the victim immediately should go through the testing procedures and should undergo the additional drug treatment that's available for those individuals who may have been raped.

"This bill goes too far, and I'll be voting 'no.' Thank you."

Senator Hemmings rose to speak against the measure and said:

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

"Mr. President, I rise to speak against this legislation on the merit of it that was so well enunciated by the good Senator from Kaneohe and also the good Senator from the other side of Maui.

"Regarding the Senator's comments from Hana, I'd like to report that the Republican Senate Minority, we're not part of a rubber stamp machine. We just don't go through the Order of the Day and put our hands up simply because it's politically correct or because the powers to be have mandated it. We oftentimes vote our conscience and we vote on the merit of an issue, not strictly the politics. Unfortunately, I see that occasionally happen in the Senate where Senators vote against the Majority, but that's because they're not members of the loyal opposition, they're members . . . well, I won't say it. (Laughter.) I guess they're members of the loyal dissidents is what I'm trying to say. I oftentimes wonder about their intent, whether it's political or on the merit of the issue.

"But I'm glad the good Senator from Maui pointed out that Republicans vote our conscience and vote on the merit of the issue and not rubber stamp each other because this Legislature for 30 years has been rubber stamping poor legislation and allowing the Governor, I might add, to send down dictates and vetoes and we just rubber stamp it or look the other way.

"So I'm proud to be voting 'no' along with the others, whatever their reasons, who are voting 'no.'"

Senator Matsunaga rose to speak in opposition to the measure and said:

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

"Mr. President, for the reasons so well articulated by the Senators from Kaneohe and Maui, I, too, will be voting 'no.'

"Mr. President, every one of us sympathizes with the plight of victims of sex offenses and the need to assure their physical and emotional health and safety. Nevertheless, I have serious concerns about the implications for both civil liberties and for the medical usefulness of this bill. Therefore, I will be voting 'no.'

"Thank you, Mr. President."

Senator Slom rose in opposition and said:

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

"First of all, I don't know of any Republican bills or Democrat bills. They're either good bills or they're bad bills. And as the good Minority Floor Leader said, the best thing that we can do is vote on the merits.

"Unfortunately, this bill, as well intentioned as it is, seeks to solve a problem but does not solve that problem by the way the bill is constructed. And let there be no mistake, as the Policy Leader said before, if we're talking about someone who is convicted, then we would be all in favor of this. We're talking about someone who is charged, and as the good Senator from Maui said, those charges right now can be very broad, very vague.

"This is the only incident where someone can be forced to have this kind of injection test. We can talk about impaired driving and the choice that's given to a driver, either take the test or lose your license or it will be used against you in court. At least that individual has a choice. Under this bill, there is no choice given.

"So while we certainly sympathize with and give our support to victims in any situation, we must also be careful that we don't trample on the rights of unintended victims along the way.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 34-02 was adopted and H.B. No. 1901, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIV TESTING FOR SEXUAL OFFENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Chumbley, English, Fukunaga, Hemmings, Hogue, Ige, Ihara, Matsunaga, Slom, Tam).

Conf. Com. Rep. No. 35-02 (H.B. No. 771, H.D. 1, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 35-02 be adopted and H.B. No. 771, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

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

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

"This may be politically unpopular but I think it's the right thing to do. If an individual is charged and convicted and then

removed from office, I believe that you've trashed upon that person's right to appeal. This measure would remove that person from office, allow someone to be appointed in their seat, and then in the event that they are successful in their appeal, that person could be reinstated back into their office. I raised that concern during the debate when it crossed over from the House. I'm sensitive to the problem that this is difficult to try to fix from a legal perspective. But I believe we're trying to do something that is illegal here, and I would predict that this bill will be vetoed.

"Thank you."

Senator Slom rose to support the measure and said:

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

"First of all, whether or not a bill is found to be challenged legally or illegally will reside in the courts later on. And I think that when we're passing measures we should pass them because of the best knowledge that we have and because of our sincere belief on the issue.

"There's no question why this measure was introduced this year and why we're going to pass it today. And that is it is an affront to the public to have someone who has been elected and given a position of trust who tarnishes that trust, who by theft or fraud or other means has abused that trust, and then continues in office, continues to vote, continues to get benefits, continues to get salaries. I would rather err on the side of the public and the taxpayers and remove that person immediately upon conviction.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 35-02 was adopted and H.B. No. 771, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Chumbley). Excused, 1 (Ihara).

Conf. Com. Rep. No. 37-02 (H.B. No. 2065, H.D. 1, S.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 37-02 be adopted and H.B. No. 2065, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

Senator Hemmings rose to speak against the measure as follows:

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

"This bill is beating a pathway to allowing nurses to write prescriptions. There are a number of things wrong with this, not the least of which is that the good doctors amongst us work many, many years and endure many, many hardships both financially and family wise, to become doctors. One of the real things that distinguish a doctor from any other profession within the medical care industry is the right to write prescriptions for patients. This is also a liability because it has tremendous implications on the welfare of the patients.

"I was told in discussing this bill with the former head of the HMA that the HMA did, in fact, acquiesce to the amendment of this bill regarding who is going to make the decision – the board of directors. But the reason they did is because they were blackmailed. They were told that unless they did agree to the

compromise on it, they would simply put the decision-making in the hands of the Nurses Association.

"So for this and other reasons, Mr. President, I urge my colleagues to take a long look at this and reconsider. I will be voting 'no.'

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 37-02 was adopted and H.B. No. 2065, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 38-02 (H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 38-02 be adopted and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Matsuura rose in support of the measure and said:

"Mr. President, I rise to speak in support of H.B. No. 2506.

"I would like to request my written comments be inserted into the Journal."

The Chair having so ordered, Senator Matsuura's remarks read as follows:

"Mr. President, I rise to speak in support of H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, Relating to Vital Statistics.

"In preparing the final conference draft of this bill, a section that establishes a \$20 fee for permits for removal, burial, and other disposition of bodies was deleted because the fee would have been duplicative of another section of this bill that increases the fee from \$5 to \$20 under Section 338-25.6, Hawaii Revised Statutes (HRS).

"If the Section was not deleted from this bill, the increase would appear to be a double-charge, and that is not the intent of your Committee on Conference.

"The fees in Section 338-25.6, HRS, do not refer to specific fees, but are intended to encompass the permits required for removal, burial, or other disposition of bodies, foreign permit for removal, burial, or other disposition of bodies, and the disinterment of human bodies provided for in the previous sections. The provision in H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, that increases the fee from \$5 to \$20 should be interpreted to require a \$20 fee for all of the aforementioned permits.

"Thank you, Mr. President."

Senator Slom rose in opposition to the measure as follows:

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

"Yes, the bill would increase fees, permit fees, from \$5 to \$20 and insert them in the special fund.

"Thank you."

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

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

“I wouldn’t have a problem with this measure if it would have allowed for all of the money to have gone to the special fund for significant changes and improvement in the administration of the program. I guess what I find objectionable is that I used to have to pay \$5 to die. I now pay \$20, but \$10 of that \$20 is going to go to the general fund. I don’t think that’s where it belongs. It should stay in the special fund.

“Thank you.”

Senator English roes to speak against the measure as follows:

“Mr. President, I rise in opposition.

“I voted against this measure all the way through Committee, through crossover and up to this point, and the reasons have been articulated by previous speaker. Mainly, I just cannot, in my good conscience, support a death tax, any type of death tax. And I guess it begs the question, if you die without family, who’s going to pay it? So I ask my colleagues to please vote against this measure.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 38-02 was adopted and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VITAL STATISTICS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 40-02 (H.B. No. 202, H.D. 1, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 40-02 be adopted and H.B. No. 202, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Hogue rose in opposition to the measure as follows:

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

“Since I joined this esteemed body a year ago I have repeatedly heard concerns about the rising and unbearable cost of health care and that it is being absorbed by Hawaii residents. We proceed to talk about addressing the concerns of our constituents as they plead for assistance with their health care premiums. However, at the same time we keep piling on added benefits.

“While I empathize with my constituents, I also have discovered that health care in Hawaii is heavily regulated in almost every aspect. The State has failed to recognize the scope of regulation and the costs associated with it.

“According to a Price Waterhouse Coopers study released only weeks ago, there are over 1,500 – 1,500 – mandated health benefits that exist at the state and federal level, with many more, many more on the horizon. Each mandate has its own cost and collectively they have significantly increased health care costs. For example, mandated chemical dependency treatment coverage has increased cost by 10 percent in states that have adopted such mandates. Mandated mental health benefits have added another 15 percent to cost. Such estimates

suggest that mandates have huge overall impact on health care costs.

“All together the unintended consequences of increased mandates make up 27 percent, or more than one quarter of the increase in health care costs. By adding mandate after mandate and combining them with our prepaid health care act, the State has contributed, if not directly caused the health care cost problems many of you will attempt to fix later today when you try to get rate oversight and more of HMSA.

“To use an analogy from another subject we will discuss later today, many of the mandates and regulations that will pass today will be the gasoline that fuels costs for doctors, hospitals, drug companies, and other medical suppliers and services. Ultimately, that will be all passed on to the consumer. Rising health care costs are driven by adding coverage mandates.

“It is for that reason I will be voting ‘no.’ I hope you do as well.

“Thank you, Mr. President.”

Senator Slom rose in opposition to the measure as follows:

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

“The good Senator from Kaneohe laid out the rationale and the cost of mandates, but I’d just like to say again that we have talked for years about Hawaii’s program and about how costly it is, particularly to the small business employers who make up 97 percent of the total number of businesses.

“And before the good Senator from Maui jumps up and lets me know that the President of the United States, yesterday in Crawford, Texas, made mention of additional mental health benefits in parity for everyone, let me say again that this is not Crawford, Texas. This is Honolulu, Hawaii, the only state in the Union that ever had and still has a prepaid mandatory health care act. And that’s why we oppose it because it’s bad health?”

“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, Conf. Com. Rep. No. 40-02 was adopted and H.B. No. 202, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Menor).

Conf. Com. Rep. No. 45-02 (H.B. No. 2843, S.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 45-02 be adopted and H.B. No. 2843, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

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

“Unfortunately, members, I am compelled to oppose this measure for the simple inclusion and change of one word. Page 6, section 5, of the bill, line 8, changes the word ‘may’ to ‘shall.’ The ‘shall’ means that the official party ballots ‘shall be printed on separate ballots.’ I think that this is a foolish thing to



do at this point and it's very cost ineffective. At a time when we're very concerned about cost, I am concerned that we're doing something that is going to be a significant consequence that we are going to have to fund and we're going to find a place to get this general fund money to allocate for these purposes.

"While this particular measure does not affect the year 2002 elections, it will affect the year 2004 elections moving forward. I am extremely hopeful that all of us will reconsider what's in this measure and next year will fix this mistake, because I think it is simply a mistake. It's bad judgment.

"In late March, the Office of Elections issued a letter to this specific point, and I want to read from this because it's very compelling as to why we shouldn't do this. 'The current voting and vote counting system as purchased in 1999, just a short three years ago, does not presently have the capability to handle multiple ballots. If multiple ballots are used, the voting and vote counting system will have to be modified to address and handle this requirement. Recent conversations with the vendor indicate this would be a major programming, hardware and film-ware modification. We have yet to determine the cost of these modifications.' That's the first unknown.

"The vendor has also indicated that they may be unable to print the required number of ballots as proposed by this legislation under the current time frame. Presently, the vendor is just able to print the number of cards required and it is not known if any amount of money will help the present contractor meet the requirement to print the additional cards,' that is if we fund the need for the additional cards. 'If it is the policy of the Legislature to print ballots on separate cards, additional monies is required to be appropriated.' This will be in effect for the year 2004.

"But, for example, to print the 2000 primary elections on separate party cards, as provided under this amendment, it would have required an additional \$3,145,810.' That is based on 11 ballot cards, there's 9 party ballots, 1 non-partisan ballot, and 1 special non-partisan ballot. 'The printing of one primary election ballot is included, is included as a part of the existing \$2.5 million per election cycle contract with the vendor, Elections Systems and Software.' We already get that as one of the parts of the contract. 'The remaining 10 cards would be charged at 49 cents per card or approximately \$5 per voter. This multiplied by the number of voters registered and the additional cost of the contract would be \$3,145,000.' Software, hardware, and programming costs were not included in that number.

"In the case of this coming election, 2002, there's a possibility – possibility – of 14 parties qualifying for this election. Several years ago, as a step to make it more efficient for people to get involved in politics and run in a campaign, we made it easier to create a party. If this legislation is enacted as of now, which it won't be, this is in 2004, an additional \$4,718,715 would be required. Where's that money going to come from? It has to come from the general fund. Are we willing to spend \$4.7 million or more to just simply print the primary ballots on a single ballot? That doesn't make sense.

"There are aspects of this bill that are laudable – the automatic recounts. The other provisions in the bill are the right things to do. Unfortunately, one change in the word from 'may' to 'shall' creates a situation that we're all going to live with. Where is the 4.7 million, if this is in effect in the year 2002, going to come from? We have no idea how many parties there will be in the 2006 election, or the 2004, or the 2008. This is not good use of taxpayer money, and I hope that there is a

serious commitment to reverse this 'shall' to a 'may' at the next session.

"Thank you."

Senator Kawamoto rose in support of the measure as follows:

"Mr. President, I'm speaking for this measure.

"I just want to answer the Senator from Maui. I'm speaking about fair play, fair opportunity to win a position in either the Senate, House, Council, wherever the elected officer is. Maybe not on Maui, but here on Oahu, Mr. President, we all put up signs and banners with our last name on it. Rarely do we have a small 'd' or a small 'r' on the banners.

"Mr. President, when we go to the ballots, we look at names. We go first to the names, and the familiar names, and the people you want to vote for may be Republican or Democrat or Libertarian or what have you. You will go to that name first and select an individual.

"A few years ago we decided not to have single ballots for the primary, which is by the way our law. Our law says that we will have a closed primary. That means you cannot vote outside your party lines. But unfortunately, we don't run on party lines. We have a low run because our name.

"Mr. President, I know of one district where a Representative had 185 spoiled ballots and the reason why he had a spoiled ballot is because those 185 voted in different parties and the ballots were spoiled. This individual was beating that other individual on a 3 to 1 vote, and he lost by 7 votes.

"Mr. President, I don't know what it takes. I question the \$4 million because it comes from the Elections Officer. I question his ability to decipher the cost of the ballots because we can go in and when people register you cannot have to make as many ballots for the Democratic Party and the Republican Party as we do for the Green Party. This is if you do the same amount of ballots for all the pile. But what I'm saying, Mr. President, is that if we all work hard and we all strive hard and we all spend some money, whatever it may be to win an election, I hate to lose it because of the fact that my constituents made a mistake because the ballot itself led to that mistake. And that's what it is right now. We will have people lose in this next election because of voters voting in the primary for two separate parties.

"This situation will come on and on and on for a long time if we keep the same parties and the same ballot. Granted, maybe we didn't have the education, but you can have all the education you want to but if you provide the ability to make that mistake, you will always have unintentional voting for different people.

"Therefore, Mr. President, I urge my colleagues to vote 'aye' on this bill. Thank you."

Senator Sakamoto rose in support of the measure and said:

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

"Hearing both sides I think the challenge would be for the Office of Elections and the vendor in this coming election to see how well they can guesstimate or estimate how many ballots would be needed if indeed we have 14 parties and use this election to determine how they best can handle the next election.

"I think it's not rocket science and I think it's an ability to move ballots from a polling station to another, or have printers available where you can print out ballots. You don't have to

have mega-ballots at every location. I think there are ways to do both – have a fair election as well as minimize the cost.”

Senator Slom rose to support the measure with reservations as follows:

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

“Well, let’s see, I heard both sides or three sides of the argument too, and I think cost implications are important and I’m glad that the Senator from Maui brought that up. But the clarity with which the Senator from God’s country explained the ballot process was enough to keep me away from the ‘no’ side, so I will support it.

“However, I do have reservations as I raised earlier with this bill, and that is the provision about the mail-in procedures for special elections. And as has been pointed out on the neighbor islands, under the definition almost all the elections are special elections because they’re nonpartisan.

“My problem is that we do not have benchmarks in place and I am questioning the integrity of the mail-in process. So we have a lot of work for the Office of Elections to do, and with a new administration I think a lot of those problems will be cleared up.

“Thank you.”

Senator Ihara rose in opposition to the measure and said:

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

“Mr. President, I believe that the solution to the problem that the Senator from Waipahu raised is not costly separate ballots, but increased voter education. If having separate ballots would cost several million dollars, just using one of those million dollars for voter education, I believe the problem would be solved.

“I also note that this legislation will not affect this coming election, so we could actually go back to the drawing board next session and come up with a bill that would include cost. If we’re going to require actions that will add costs, what I would recommend is rather than having separate ballots, use the money to increase voter education.

“Thank you, Mr. President.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45-02 was adopted and H.B. No. 2843, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Chumbley, Fukunaga, Ihara). Excused, 1 (Taniguchi).

At 11:57 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:57 o’clock p.m.

Conf. Com. Rep. No. 46-02 (H.B. No. 2720, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Ige and carried, Conf. Com. Rep. No. 46-02 was adopted and H.B. No. 2720, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE USE TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50-02 (H.B. No. 1357, H.D. 1, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 50-02 be adopted and H.B. No. 1357, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure as follows:

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

“The bill, as it emerged from Conference, now specifies that no more than \$230,000 of the hospital and medical facilities special fund can be used during a fiscal year for purposes other than hospital and medical facilities is for education. In addition, it says that any amount in excess of \$356,000 at the end of each fiscal year will be deposited into the general fund. And while the State may charge a reasonable fee to offset administration costs, the State cannot transfer the surplus of the set figure annually to the general fund as this bill attempts to do. If a fee is not needed to offset costs but in fact is used as a revenue-generating device, the fee is unreasonable and invalid and should be eliminated.

“I’m in opposition. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 50-02 was adopted and H.B. No. 1357, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Menor).

#### FINAL READING

#### MATTER DEFERRED FROM THURSDAY, APRIL 25, 2002

Conf. Com. Rep. No. 53-02 (S.B. No. 2732, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Hogue and carried, Conf. Com. Rep. No. 53-02 was adopted and S.B. No. 2732, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### FINAL READING

#### MATTERS DEFERRED FROM FRIDAY, APRIL 26, 2002

Conf. Com. Rep. No. 55-02 (S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 55-02 be adopted and S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1, having been

read throughout, pass Final Reading, seconded by Senator Hanabusa.

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

"I rise to speak in favor of this legislation with reservations, Mr. President and colleagues.

"This is, in a small way, an example of what's wrong with our budgeting process. We're transferring responsibilities from one agency of government to another. But on page 10 of this bill, lines 18, 19 and 20, it says 'there should be no loss of any position by the Department of Labor and Industrial Relations as a result of this Act.' In other words, if we go to one of the departments and ask them to do something for us and they immediately come back and say, 'we need more position counts and need more personnel to do it,' oftentimes we give it to them in spite of the fact that they have millions of dollars worth of vacant positions that they have not deployed and they're using the funds for other things, which in itself is disingenuous.

"But this just goes to show you how the budget grows and oftentimes there's no accountability. We're transferring a liability or a work from one department to another, but we're not reducing the size of the department that is losing the work. This is something, I think, that is pervasive throughout the budget process and something we certainly should hold the departments accountable for.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 55-02 was adopted and S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Kawamoto).

At 1:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:08 o'clock p.m.

Conf. Com. Rep. No. 56-02 (S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 56-02 be adopted and S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hemmings rose to speak against the measure and said:

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

"This is a new program for services formerly provided by the Department of Health that creates a new program and though it's not funded now, I'm sure in the future it will be. We don't need more programs. We need more accountability with existing programs. The Department of Health could continue to run this service without creating a new program.

"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, Conf. Com. Rep. No. 56-02 was adopted and S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### FINAL READING

Conf. Com. Rep. No. 59-02 (S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 59-02 be adopted and S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hogue 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.

"The bill will require the DOE to conduct a comprehensive occupational validation study of all educational officers. By the way, in 2001 this Legislature passed an Act that called for the same study. I believe it was the good Senator from Hana who noted in committee that that was the fact and that it had not happened and so he noted that we are a law-making body and we shouldn't have to call the DOE and other various agencies year after year, continuing to request the same studies and the same clean-up of the messes that they have created.

"I'm voting with reservations on this measure and hope that in the future we can finally get the DOE to answer our many questions.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 59-02 was adopted and S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 62-02 (S.B. No. 2816, S.D. 2, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 62-02 be adopted and S.B. No. 2816, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure as follows:

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

"Great idea, student loan for teachers, I'm all for it, but I will not support a special fund. That's what it does, it creates a special fund. I'm in opposition."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 62-02 was adopted and S.B. No. 2816, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," having been read

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

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 65-02 (S.B. No. 2786, S.D. 1, H.D. 1, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 65-02 be adopted and S.B. No. 2786, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

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

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

“You know, this bill’s been around here longer than I have. It seems to come up every session. We can’t get it right. I’m wondering how the hoisting machines are actually working, whether anybody’s hoisting anything or what. But all I know is that this bill here is now going to increase fees and is going to provide for a half-time executive director to help the hoisting machine operators hoist the machines and schedule the schedules and do all the things.

“I don’t think we need that. We don’t need the fees. We don’t need the executive director. I’m voting ‘no.’”

Senator Hemmings rose in opposition to the measure and said:

“I will join in my opposition to this bill, S.B. No. 2786.

“Mr. President, we’re actually very subtly setting a very poor precedent here. I hope we noticed over the last several days, especially, we have been just inundated with Governor’s Messages putting more people on advisory boards and commissions. And if we start putting half-time executive directors in each commission, we’ll surely go broke . . . broker, that is. So this is a precedent. We’re starting down a road I don’t think is advisable.

“I urge my colleagues to consider it and vote ‘no.’”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 65-02 was adopted and S.B. No. 2786, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 66-02 (S.B. No. 796, S.D. 1, H.D. 2, C.D. 2):

By unanimous consent, action on Conf. Com. Rep. No. 66-02 and S.B. No. 796, S.D. 1, H.D. 2, C.D. 2, was deferred to the end of the calendar.

Conf. Com. Rep. No. 67-02 (S.B. No. 940, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 67-02 was adopted and S.B. No. 940, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69-02 (S.B. No. 2309, S.D. 1, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 69-02 be adopted and S.B. No. 2309, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

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

“This bill is well intended and it exempts surfboards and other crafts that they would be absolutely ludicrous to put an EPIRB on with the exception of kayaks, which are somehow singled out and they are very similar to canoes and other small crafts where EPIRBs do not make sense. Therefore, I will be voting ‘with reservations.’

“Thank you, Mr. President.”

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

“Mr. President, I rise in opposition.

“I have to applaud the crafters of the bill for at least taking into consideration our earlier objections to putting EPIRBs on jet skis, surfboards, paddle boards, etc. But, from my constituents in Hookipa and Hookipa Beach Park and Kanaha Beach Park on Maui, the windsurfers and these other people that go out past a mile, it’s kind of hard to put an EPIRB on a windsurfing device. I’m not sure if it will impact the aerial dynamics of the windsurfers as they go up and may cause them to crash.

“But nonetheless, I cannot support this because it just is not fair to these sports people and I urge my colleagues to vote ‘no.’

“Thank you.”

Senator Chumbley rose to speak against the measure as follows:

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

“I, too, want to commend the Chair for having taken some of our concerns that were expressed at first crossover of this bill into consideration and creating some exemptions. However, I don’t believe those exemptions they created really go far enough, Mr. President.

“Kayaks and training sailboats will still be required to have an EPIRB unless they are accompanied by an escort vehicle. I borrow a kayak from a friend of mine occasionally and I don’t know if I’ve ever gone out a mile or not. I don’t have a way of measuring it, but I would suspect that it’s pretty close to that, and I’d be in violation of this law for having gone out over a mile because I can’t afford, Mr. President, to hire an EPIRB escort to go down the coastline with me to make sure that I will get my way back to Kihei at the end of that workout.

“I think what I find additionally concerning is that this does not take into consideration exemptions for windsurfers or for kite surfers. In Maui, we have probably the best windsurfing conditions in the good Senator from Kahului’s district at Hookipa Beach. We are a growing, growing industry in kite

surfing, and many, many times those kit surfers are out over a mile.

"It seems to be a little bit unreasonable that if I do take my kayak out beyond the mile and that I am fined, and then I don't use that kayak, let's say, for another 90 days, well, the fine is \$100 and it is \$100 for each day of the violation constitutes a separate offense. So let's just say I don't use it for 90 days, does that mean I have a 90 times 100 and \$9,000 fine? I think that this is just too much and it goes too far and it will do little to protect people from getting lost, so I urge you to consider this very carefully.

"Thank you."

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

"Mr. President, I originally rose to speak in favor of the bill with reservations, and in hearing the compelling and logical testimony of the two good Senators from Maui and in the spirit of bipartisan cooperation, I would like to amend my vote to 'no.'

"I would also like to point out that windsurfing is in fact the industry at Paia, Maui, and a huge industry that contributes significantly to the economic well-being of many people on Maui in that area just as surfing does to our district on the North Shore called Haleiwa.

"So for these reasons, I will be joining those gentlemen in voting 'no.'"

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

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

"Mr. President, we say we cannot legislate common sense, but the other day we had a 15-foot boat trying to put in a 500-plus pound marlin, or whatever they had caught, onto the boat. They lost the boat and they were out there swimming by themselves and fortunately, Mr. President, fortunately, they had an EPIRB and they found that guy.

"This is basically, basically, what it is all about. The Coast Guard is having a decrease in their funding. If we have somebody who needs to be rescued, to go out there and say I'm sorry I cannot rescue you because we ran out of money . . . Mr. President, we're trying to save some money for the Coast Guard so we can take out the search part of this search and rescue. It costs us \$9,000 an hour. The Senator from Maui asked about his concern about the \$9,000. But this is \$9,000 an hour when the Coast Guard has to go out there.

"Mr. President, a year ago we lost two kayaks. It took two days to search for these people. Common sense – not there, and it cost us \$9,000 an hour to search for these people.

"We have the capability. We have the capability and if EPIRBs are cheap enough, the HF radios are cheap enough so that they can put some common sense to save their lives, so we can have ample, ample money to really rescue the people that we can find. That's what it's all about. It's not about inconvenience. It's not about recreational vehicles. It's about saving money for the Coast Guard to search and to rescue the people who need to be rescued.

"Thank you. I urge my colleagues to vote 'aye' on this bill."

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

"Mr. President, I stand in opposition to this measure.

"Mr. President, I agree with the statements made by Honorable Senator from Hana. I also would like to add my comments that while I don't have any problems with saving the Coast Guard money, I would hope that they will take into consideration that the Coast Guard would maybe reimburse us for some of the moneys that we save from this bill, if it passes.

"But Mr. President, what really concerns me the most is if the Coast Guard really, really wants to have a bill such as this, they can accomplish the same thing by amending their own rules and regulations for boats that they register and inspect to require EPIRBs. The Coast Guard already requires on certain boats within their own regulations to carry emergency signaling devices, life vests, emergency radios, and so on and so forth.

"So if this bill really is to assist the Coast Guard, the question I have is why isn't the Coast Guard doing it themselves instead of requiring the Legislature to impose this kind of requirement on kayaks, training sailboats, or other kind of vessels to be designed that we don't even have to right now.

"Obviously, the concerns raised by the Senators from Maui are what about kite boarding? That's not mentioned over here. Basically using his definition we would assume that it means that they have to have an EPIRB. Windsurfers are not included over here and again we assume that the EPIRB is required. And what's the difference between a kayak and a canoe? Do we mean a single hull canoe? Do we mean a double hull canoe? Do we mean outrigger canoe?

"There are many, many problems regarding this bill and the distinctions we're making. If we're doing this to assist the Coast Guard, I believe the Coast Guard has adequate authority right now to take care of their own concerns regarding expenses for rescue missions.

"So for those reasons and until I have some adequate basis to support this bill, I will have to vote 'no.' Thank you, Mr. President."

Senator Chumbley rose in opposition and said:

"Mr. President, may I be permitted an additional point of rebuttal in opposition to the measure.

"You know, as I was sitting here looking through the measure and listening to the good Senator from Kauai talk, the previous Senator spoke about the fines and the money. Nowhere in this bill does it say that these fines are going to be paid to the Coast Guard. Nowhere in this bill does it say that the Coast Guard will be reimbursed any of this money. In fact, it just says that a civil suit may be brought against the violator. So what's going to happen to the money? Is it going to the general fund? Is it going to a special fund? Then the good Senator from Hawaii Kai could vote 'no' on it.

"How's the money going to be used? What's it going to be for? I think that there are so many unanswered questions in this measure that it really makes no common sense to proceed.

"Thank you."

The motion was put by the Chair, Conf. Com. Rep. No. 69-02 failed to be adopted and S.B. No. 2309, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

WATERCRAFT," having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 12. Noes, 12 (Buen, Chumbley, Chun, Chun Oakland, English, Hemmings, Hogue, Ige, Ihara, Kokubun, Matsunaga, Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 71-02 (S.B. No. 859, S.D. 1, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 71-02 be adopted and S.B. No. 859, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and said:

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

"You know, we used to have credit for earlier parole that was called the 'good time credit,' which I think was a really nice name, but that was repealed back in 1967. And what this bill seeks to do is to provide a new scale of activities for which someone convicted of a crime can be let out earlier, even though the paroling authority has set a minimum term.

"Mr. President, I must admit that I'm a little concerned about myself because if I continue to bruise the Governor's ego and I were to go to jail, I might not qualify for the good time credits that we have here because they take into consideration such things as attendance (well, I would hope that the prisoners would attend prison), promptness, cooperation, care of materials and safety, social adjustment skills (I think I'd have a real difficult time there), housekeeping, personal hygiene, cooperation, counseling sessions, self-help groups, therapeutic and other similar skills. And all of these, Mr. President, would be very subjective in nature. So, if someone liked the progress you were making and liked your skills and your cooperation, you would get credit. If they did not, you would not.

"I don't think it's a good bill. We have the paroling authority. They already have discretion. I think we should leave it at that.

"Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 71-02 was adopted and S.B. No. 859, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 1:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:29 o'clock p.m.

There being no objections, action on S.B. No. 2179, S.D. 2, H.D. 1, C.D. 1, was advanced to consider the offering of a floor amendment.

Conf. Com. Rep. No. 163-02 (S.B. No. 2179, S.D. 2, H.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 163-02 be adopted and S.B. No. 2179, S.D. 2, H.D. 1, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Fukunaga.

At this time, Senator Menor requested a waiver of Senate Rule 53, which requires that floor amendments be presented to the Clerk no later than 9:00 a.m. on the session day at which a floor amendment is to be offered, and the Chair granted the waiver.

Senator Menor then offered the following amendment (Floor Amendment No. 10) to S.B. No. 2179, S.D. 2, H.D. 1, C.D. 1:

SECTION 1. Senate Bill No. 2179, S.D. 2, H.D. 1, C.D. 1, section 2, is amended by:

1. Amending line 19 on page 3 to read:

"(1) Establish wholesale and retail"; and

2. Amending line 17 on page 61 to read:

"(1) Section 2 shall take effect on July 1, 2004; and"

Senator Menor moved that Floor Amendment No. 10 be adopted, seconded by Senator Taniguchi.

Senator Menor rose in support of the amendment and said:

"Mr. President, let me offer some brief remarks in support of this particular floor amendment.

"This floor amendment would basically amend the gas price regulation provisions of this measure to delay the effective date of those provisions by an additional year to July 1, 2004.

"Mr. President, in recommending the adoption of this amendment, let me first of all state for the record my position that I believe that the bill in its present form which contains a one-year delay, instead of a two-year delay, on the gas cap pricing provisions is acceptable. I believe that the one-year delay would have afforded the Legislature and appropriate government agencies adequate time to be able to address the concerns that have been raised about this bill.

"Most importantly, I believe that the consumers of the State of Hawaii are asking for near term relief from high gasoline prices, and my concern is that any delay, any further delay, in the effective date of this measure may not be viewed favorably by the consumers of Hawaii. However, having said that, I also recognize that concerns have been raised about the potential negative impact of this measure on small gasoline station owners and those who own and operate gasoline stations in our rural areas. In that regard, I know that a two-year delay in the effective date would afford the Legislature, appropriate government agencies, and the public more than adequate time to be able to fine-tune and address these concerns adequately and effectively in the future.

"Moreover, I have been informed that our House counterparts are not inclined or would not pass this measure out unless this amendment to this important bill is made at this time. For these reasons I urge my colleagues to vote in favor of this floor amendment.

"Thank you."

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

"Mr. President, I rise to speak in favor of this amendment with reservations. It's rather curious that I'm speaking in favor

of this amendment, Mr. President, but I think through it all it might have a good effect.

“First of all, Mr. President, it’s important to me to divulge to my colleagues that I am a member of the Wheaties Price Fixing Task Force, and know that Wheaties, along with gas and every other consumer product in Hawaii, is excessively over priced in the State of Hawaii.

“This effort on the part of this Legislature at this late a date is probably one of the most deceptive efforts to come down through this legislative process in a number of years, including the unprecedented dog and pony show we all saw the other night in the Committee where the Committee was not only stacked in the last minute, but also received testimony in a Conference Committee – something that’s never been done. But I’ll leave the Majority Party to deal with their own internal problems on their own recognizance.

“The reason why I’m voting in favor of this amendment, in a curious way it does a wonderful thing. It delays for another year the implementation of this fool hearty proposal. In spite of the words we hear about we need near-term relief, this does just the opposite. But therein lies its genius. It gives us two years to bury it – this bad legislation – and get rid of it once and for all.

“Therefore I am in favor of the amendment and will speak appropriately to the bill if and when it comes to the Floor for Final Reading on Thursday.

“Thank you, Mr. President.”

Senator Kawamoto rose in opposition to the amendment and said:

“Mr. President, I rise to speak against this amendment, not because the amendment is bad, but because of the process and what happened.

“Mr. President, as they threw over the C.D. 6, which we received ten minutes prior to the Conference meeting, I claimed that the conference draft was not inclusive, but exclusive, done by two or three people and arrogantly enough, thinking that they can pass this bill right over without even taking discussion, even taking understanding the conference draft.

“I offered this amendment as a self-defense measure and they refused it immediately. Now, they come back in and offer this conference draft not because of concern of the public, not because of concern of small business, but because they couldn’t pass it in the House the way it is. Let’s tell the truth and call a spade a spade. They couldn’t pass the bill in the House as drafted. That’s the reason why they’ve come up with this conference draft, which they refused to accept the day of the Conference. We offered this conference draft which offers the delay of one year.

“And to imagine the CPH Chair to say it was for the good of the small business people, that’s an out and out lie. This is because they could not handle and because of the exclusiveness of this measure. They didn’t realize that they didn’t have the votes in the House to pass this bill. And that is why it’s here today.

“Mr. President, this is a mockery, a mockery, of the way we do business in this Senate. Eight years in this Senate, Mr. President, I’ve never seen such an attempt to pass something beyond the capability of our Conference Committee – back stabbing, backbiting, working around the Conference Lead Chair. Mr. President, I’ll be voting ‘no’ not because the

amendment is bad, but because of the way the process has been going on.

“Thank you.”

Senator Inouye rose to speak in opposition to the measure and said:

“Mr. President, I’ll be speaking against the amendment.

“Mr. President, I concur with my fellow colleague from God’s country, Waipahu, that all that happened is true on Friday night in Conference. In speaking that evening, Mr. Chair, I had referenced all my opposition in support of my dealers on the Big Island. However, in speaking with many of them over the weekend, I find that this measure will not only, and the measure of the bill itself, will not only affect those on Kauai and the Big Island and, in particular, Hana, as much as it will hurt others as well. It will hurt all the dealers in the State of Hawaii, and I think this is just a bad measure.

“I think we need to visit this bill again as we suggested earlier in looking at a reso in dealing with this measure. However, in spite of that, I hope and I pray that all of you have received messages from employees of the dealerships throughout the State if you responded to their correspondence or responded to their phone calls, as well. They’re very much concerned and I think we are really putting the people at risk at this point in time. I think we’re tearing up the community throughout the State, and I think this is just a bad, bad bill.

“I urge my colleagues to vote against this amendment. Thank you, Mr. President.”

Senator Slom rose to speak against the measure as follows:

“Mr. President, I, too, rise in opposition to the amendment.

“I want to validate what the good Senator from God’s country said. I was in the audience on Friday night watching the proceedings. You know it seems that process and integrity has been one of the key issues during this entire legislative session. I’ve only been here six years but I never saw anything like it, either. And the point is that the good Senator offered in good faith an opportunity at that time, if people really wanted to amend the bill, and it was rejected because all they wanted to do was rush it through.

“From my standpoint, it doesn’t matter whether it’s one year or two years, the impact and the effect is the same. It will destroy small businesses. It will not increase competition. It will not lower prices, and it’s not going to take care of the consumers. The good Chairman from the Commerce Committee said that the consumers are demanding immediate relief. Is one year going to satisfy them? Is that our definition of relief, especially when you have to then depend on another Legislature?

“We have to look at these things honestly and directly, and the honest fact is this is a bad bill and it’s a bad amendment. So I would say, since the Chairman was honest enough to say that his preference, really, is still with the original bill, let’s give him the original bill. Please vote down this amendment.

“Thank you.”

Senator Hemmings rose again and said:

“Mr. President, I rose to speak in favor of this amendment with reservations, and after hearing the compelling arguments, I’d like to once again support my Chairman.

"I think it's really important to note that if we vote down this amendment we may be indeed killing this ill-conceived legislation, but I also want to laud a hero amongst us, someone who did not go along with the system, someone who did not go along with the boys, someone who sees the moral and the ethical high ground in the process and did what is morally correct, and that's the good Chairman of the Committee on Transportation from God's country. And this is one of the major reasons why I will be supporting his leadership in voting 'no' on this amendment.

"Thank you, Mr. President."

Senator Hogue rose to speak in opposition and stated:

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

"I wanted to point out one particular story that was brought up in testimony. Many of you may have, in fact, actually received this letter. There was a gentleman by the name of Barnaby Robinson who's been going around. He's a Chevron dealer. He's been very involved in the community, and he stated that this bill, whether it goes into effect this year or next year or whenever it goes into effect, he would go out of business. And that's with all eighteen employees. So think about that when you're deciding which way to vote on this.

"On the other hand, there's the idea that somehow this is going to lower gas prices. Have you seen gas prices in our State lately? In Mililani, where the good Senator from the Commerce and Consumer Protection Committee resides, at the Costco there, \$1.43 a gallon this past week – \$1.43. Those prices are lower than the West Coast, and this bill will tie the prices to the West Coast, which will actually drive up the prices.

"We don't need this bill next year or the year after. It's anti-business. It's anti-consumer. It's anti-Hawaii. Vote 'no.'

"Thank you."

At 1:42 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:43 o'clock p.m.

At this time, Senator Slom requested a Roll Call vote.

The motion to adopt Floor Amendment No. 10 was put by the Chair and, Roll Call voting having been requested, carried on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Inouye, Kawamoto, Slom, Tam).

Senator Menor then moved that Conf. Com. Rep. No. 163-02 be received and placed on file, seconded by Senator Taniguchi and carried.

By unanimous consent, S.B. No. 2179, S.D. 2, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," was placed on the calendar for Final Reading on Thursday, May 2, 2002.

At 1:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:46 o'clock p.m.

Conf. Com. Rep. No. 72-02 (S.B. No. 720, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kim, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 72-02 was adopted and S.B. No. 720, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chun, Menor, Taniguchi).

Conf. Com. Rep. No. 73-02 (S.B. No. 2337, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 73-02 was adopted and S.B. No. 2337, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun, Taniguchi).

Conf. Com. Rep. No. 75-02 (S.B. No. 331, S.D. 2, H.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 75-02 be adopted and S.B. No. 331, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Kanno rose and said:

"Mr. President, please note my reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75-02 was adopted and S.B. No. 331, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 80-02 (S.B. No. 233, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 80-02 was adopted and S.B. No. 233, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 82-02 (S.B. No. 733, S.D. 1, H.D. 1, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 82-02 be adopted and S.B. No. 733, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final 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.

"Before this bill was enacted, all small business organizations opposed it. After it was enacted, all small business organizations opposed it. We've continued to oppose it primarily because it is an additional tax on employers only, on top of the unemployment compensation tax. It has not proven successful in terms of training. What it has done is allowed certain businesses to be subsidized by other businesses, to take the money and to spend the money under the guise of training for such things as seminars, lunches, programs, forums, upgrades on computer equipment, and other things. It's also been used by governmental agencies, even though it's generated entirely by the private sector.

"The bill, from its inception, was supposed to sunset. The Department of Labor kept fighting that. This Session it was supposed to sunset again. It did not, even though there was a moratorium. And to add insult to injury, the Department of Business and Economic Development came in and testified they wanted to increase the rate, which had been 0.5 percent. They wanted to increase the rate up to 2.25 percent. Again, this is an addition to the unemployment compensation rates paid by employers and is only paid by employers.

"The rate, as it stands now, has been lowered temporarily to 0.1 percent, but the sunset date has been taken out. It's been made permanent. It's a bad bill. It is opposed by business organizations, and I urge my colleagues to vote 'no' on it."

Senator Nakata rose to speak in support of the measure and said:

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

"During the period after 9/11 this has been the one vehicle for the training of incumbent employees, and in the course of the past year, nearly 20,000 workers were put through this training program. So I would urge my colleagues to vote for this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 82-02 was adopted and S.B. No. 733, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Ige, Ihara, Inouye, Slom).

Conf. Com. Rep. No. 85-02 (S.B. No. 2802, S.D. 2, H.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 85-02 be adopted and S.B. No. 2802, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Menor.

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

"Mr. President, I'd like to note my reservations on this bill.

"Mr. President, I have certain reservations on this matter, particularly in regards to the potential it has for creating sweetheart deals on valuable public lands. In addition, I note that the bill does not require that the renewable energy producer actually use the land for renewable energy production. In that

regard I see another potential for abuse in allowing this kind of land to be let out without public auction.

"I do note that it has benefits in terms of allowing these lands to be used legitimately for renewable energy resources. That's why I would support it, but I have certain concerns that I feel the bill should have addressed in Conference.

"I will be voting 'with reservations,' Mr. President."

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

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

"Mr. President and colleagues, the only abuse going on in the energy business in Hawaii is the abuse of the Hawaiian Electric Company and its subsidiary companies on the outside islands that are abusing the consumers with by far away the most excessively high electrical rates. They're doing it with the blessing and assistance of the Public Utilities Commission.

"This bill is a step in the right direction assisting renewable energy producers the opportunity to lease public lands for public purpose. If you really want to stop abuse, Majority Party, stop the abuse of Hawaiian Electric and stop the abuse of the PUC, which have created a monopoly that has drained the people of Hawaii with excessive costs. We're addressing the gas problem. It pales in comparison with the amount of money that we're throwing at the Hawaiian Electric Company.

"I might also bring in, for purposes of supporting this legislation to help diversify energy sources, that right now there is a law suit being filed against Hawaiian Electric, saying just what I've been saying all Session long that they've cooked the books on one of their plants and managed to pass on, through the PUC, excessively high rates.

"We do need to diversify our energy resources for economic and environmental reasons, and therefore this legislation is a step in the right direction.

"Thank you, Mr. President."

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

"Mr. President, regarding S.B. No. 2802, I wish to speak in favor with reservations.

"My reservations were stated by my colleague from Kauai. The same reasons.

"Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 85-02 was adopted and S.B. No. 2802, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92-02 (S.B. No. 23, S.D. 2, H.D. 2, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 92-02 be adopted and S.B. No. 23, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kim.

Senator Hemmings rose to speak against the measure and said:

“Mr. President, this is a very interesting bill that I rise to speak against.

“If you look at the third paragraph of the committee report it says, ‘The purpose of the bill is to authorize paid,’ paid money, ‘leave for state and county employees performing disaster relief services as a certified American Red Cross disaster volunteer.’ It seems to me that the good people of this country rally to the cause of the needy and those in need of relief by volunteering free and now we’re starting to pay volunteers in this particular area, interestingly enough, public employees. I think it’s a bad precedent.

“It’s something that the private sector cannot afford. When the good people of this State in the private sector provide relief, they provide it out of their own good will and out of their hearts and out of their pocketbooks and they don’t ask to be paid for it.

“Therefore, I urge my colleagues to rethink this illogical bill and vote ‘no.’”

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

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

“The benefits that the State receives from this bill is that these volunteers go to other areas where major disasters have occurred and get trained in dealing with such disasters. And I think it will be helpful to Hawaii in light of the potential for hurricanes here.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 92-02 was adopted and S.B. No. 23, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISASTER RELIEF,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 94-02 (S.B. No. 2724, S.D. 2, H.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 94-02 be adopted and S.B. No. 2724, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hogue rose to speak against the measure and said:

“Mr. President, I rise very quickly here to tell you that I will oppose this bill.

“It creates new fees. It’s bad for business, and I’ll be voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94-02 was adopted and S.B. No. 2724, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO

REAL ESTATE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 96-02 (S.B. No. 1188, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 96-02 be adopted and S.B. No. 1188, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Chumbley rose in support of the measure and stated:

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

“Colleagues, a few months ago the editorial board of the Honolulu Advertiser wrote a fairly strong worded editorial about the issue of drug treatment for first-time offenders. We had a good lengthy discussion on that issue here on this Floor, and I’d like to publicly commend the Chair of this Committee from Ewa Beach, congratulations . . . and back at ya, Advertiser!”

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

“Mr. President, I’d like to stand in support of this measure.

“Mr. President, I’d like to repeat and also agree with the statements made by the Honorable Senator from Maui and I’d like to congratulate the Chair of Judiciary for moving this bill forward. It’s been a hard fought bill. There were many issues that needed to be discussed, and I think in the end we came out with a better bill.

“This bill will save the State money. It will allow us to stop the rotating doors of prisoners going back to prison again after being released. This will hopefully, hopefully, give people treatment for their real problems. And I really applaud the Chair, again, for going ahead with this bill, even going so far as to doing a constitutional amendment. But I think we have done a good job and I think this is one of the things we can be proud of today.

“Thank you, Mr. President.”

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.

“I wasn’t going to do so till I heard the two compelling arguments of my colleagues voting in favor of it. I do want to point out to my good colleagues that if you go out and you steal, or if you go out and you purchase illegal drugs, which unto itself is against the law, you’re going to be extended some special treatment. You’re not going to be sent to jail or indicted or tried. You’re going to be given a second chance because you’re, quote/unquote, a ‘first-time’ offender.

“Well, there’s another disease that has to do with chemical dependency, and what we do most effectively when people do break the law is deal with it immediately. There is no ‘first-time’ offender relief. And this law had worked tremendously to curb drunk driving. When someone gets pulled over – and they’re just as much a chemical dependent as someone who’s taken illegally bought drugs – we put them in jail and take away their license and we severely fine them. And guess what? That

serves as a deterrent, and statistics regarding DUI arrests and drunk driving violations and offenses have gone down.

“But we’re doing just the opposite here, and I don’t quite understand the logic of it. Therefore my reservations, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 96-02 was adopted and S.B. No. 1188, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING FOR DRUGS AND INTOXICATING COMPOUNDS OFFENSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 100-02 (S.B. No. 2907, S.D. 2, H.D. 2, C.D. 1):

Senator Kim moved that Conf. Com. Rep. No. 100-02 be adopted and S.B. No. 2907, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Ige rose to speak in opposition to the measure and said:

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

“Mr. President, this bill provides for a 100 percent tax credit for investments made in the Ko Olina resort and development. This tax credit can be used not only against income tax, but also against use tax, hotel transient accommodations tax, public service companies tax, insurance taxes and franchise taxes. So in essence, the tax credit can be used against a number of taxes that we’ve been very selective in providing tax credits for in the past.

“A 100 percent tax credit means that the taxpayers of the State are paying for these investments, which, because they are located in a specific development area, are designed to benefit that property owner and development, and adjacent land owners benefit from the improvements as well.

“In essence, because the tax credit amounts to 100 percent of the cost of the qualified facilities, the taxpayer ends up paying the complete cost for these facilities and yet there is no way that they get any public benefit or title that will be transferred from these facilities. This is a great departure from the past in terms of targeting tax credits to benefit an industry that we are trying to encourage or a specific group of work that we are trying to encourage.

“In addition, this bill allows the tax credit to be transferred or sold to any participating partner in the development, irrespective of what investment they make in the partnership. For example, Hawaiian Electric Company could become a partner in this venture, contribute no dollars to the project and yet receive tax credits against their public service company taxes. So in essence, this measure guarantees that the State will lose \$75 million or whatever the costs of the qualified facilities are, and the public will not get any benefit from them.

“There is a provision that after 17 years of operation that 50 percent of the income taxes generated from this aquarium or facilities revert back to the State. I guarantee you that there will be no income generated from these proposals because they’ll probably be operated as nonprofit corporations.

“I would just like to close by urging all of you to vote against this measure. The Tax Foundation of Hawaii has essentially closed their testimony in opposition to this measure stating: ‘In short, this measure should be an embarrassment to lawmakers for it is nothing more than blatant self-interest at the expense of the taxpayers.’

“There’s only a single developer that benefits from this tax credit. I urge all of you to vote against it. Thank you.”

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

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

“Mr. President, what is being called the Ko Olina tax credit measure is very unique. It is not as we have seen tax credits in the past and it does not have the ‘pukas’ that we’ve been plagued with and embarrassed by with other tax credits that we’ve given. The Ko Olina tax credit is a cap tax cut credit of \$75 million and it can only be taken at \$7.5 million maximum credits each year.

“Mr. President, we talk about economic stimulus. We talk about somehow kick-starting this engine of ours – tourism – and yet every year we’re looking at it and no one comes up with any kind of idea. Yes, the Ko Olina tax credit is specific to an area, but it has a specific purpose, as well. We have delineated in the bill exactly what is to be built. This is not a tax credit that goes, for example, to somehow give those who are going to build a commercial development, build their home, or build a hotel, any kind of a credit. This tax credit is for the construction of specific types of things, like an aquarium, like a mammal research center, like an internship program for travel industry management, like a sports facility.

“In order to get this tax credit, Mr. President, the contractors of hotels, developers of hotels, must build this facility first. Then they can take the tax credit. That is the stimulus that will bring tourists do not find in any other form of tax credit. It doesn’t go to them for building their hotels. It goes to them for building the area and building this economy, something that it needs, like an aquarium, a world class aquarium that we haven’t been able to do with State money in Kakaako. We can do it out there.

“Colleagues, if you’ve seen Ko Olina, Ko Olina is a beautiful area. It’s got the best lagoons and that’s a perfect setting for an aquarium. And that will be an attraction that will bring tourists back to Hawaii, bring tourists to an area. Yes, it is my district, Mr. President, and I envision that that will be the beginning. And for those tourists who say that what we want to see in Hawaii is Hawaii, it is just around the corner before you get to Nanakuli. What I would like to see is, with this aquarium going, that the whole Waianae Coast will be able to become an economic engine. Maybe we can have basic native Hawaiian types of arts and crafts sold in Nanakuli, and maybe the ORNL railroad will come back to life and take people from Ko Olina to the Nanakuli area.

“This is a necessary move. And when we talk about economic stimulus, Mr. President and colleagues, we’ve got to think outside of the box. Yes, these may not be the traditional form, but we are not in traditional times. We are in times where we must become creative, and I believe that this is a very creative measure.

“This tax credit received a positive testimony from Dr. Naya who came forward and said, ‘This thing will give the State \$170 million in ten years,’ in ten years, in terms of taxed income. That’s how much tax revenue he anticipates as a result of \$7.5

million a year. We have not had that kind of testimony in favor of any tax credit yet.

"This, members and Mr. President, is the way we should start to look at tax credits. We should start to look at economic development and we should start to define economic stimulus, economic stimulus that has dynamic impact. In order for this tax credit to be used, I believe the minimum we're going to have is at least two new hotels in the Ko Olina area. Think about the construction jobs. Think about the jobs, period. Yes, it is an area, a specific area. But you know, maybe that's the only way you're going to be able to stimulate the economy if you can concentrate all that effort to a particular location.

"So I ask all of you to vote in favor of this measure. Thank you, Mr. President."

Senator Slom rose in support of the measure and said:

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

"Well, the project is not in my district, far from my district, but I support it. This measure has gone through two House drafts, two Senate drafts, and a conference draft. I sat through all of the discussions and I have to tell you that first of all I don't like tax credits. I'd rather have tax cuts and tax reductions. That's what we need. But we don't have tax cuts and tax reductions.

"Secondly, we need economic stimulus. We don't have any economic stimulus. We don't have investors and business people waiting in line to do business in Hawaii. I know we're spending \$100,000 of taxpayer money to tell us how wonderful the business climate is here, even though those of us in business know that's shibai. But we don't have people. We've had opportunities for people to invest and because of our taxes, because of our regulations, because of our mandates, they have not come.

"In this situation, the developer did come and he offered a project, and I have to tell you, I was skittish at the beginning and I was cynical, and I listened. And I listened in all of the hearings and all the discussions, and at every time, every moment, there was a change that was proposed, somebody said, 'Oh, this is not good because you're going to get too much of this.' The developer said, 'Okay, what do you want?' And he changed it, right up to the Conference Committee, right up through the Conference Committee. He even called the bluff of the Governor because the Governor from the very beginning didn't like it. You know why the Governor didn't like it, because it's not his project. He wants his fish tank to be built by the taxpayers down in Kakaako. This is a private investment. And so every time he said something, the developer said, 'What do you want?' He wanted the State to control it. The developer said, 'Okay, after x-number of years the State will have it. The State will have the revenues. The State will have the infrastructure. The State will have control, if that's what you want.'

"I never saw a developer come in here and agree to so many things. I never saw a developer actually come to the hearings. Usually, we read about them in the paper. But they were here and they were working with people to try to make this an economic go for an area that's noted for its high unemployment and welfare.

"Now, we do all this talking about wanting to get people off welfare. We want to make them self-sustaining. We want to give them something to do. And here's an opportunity to do something, and then we say, but not this; we don't want them to do this.

"This is the only offer in town. It's not credit specific because if somebody else wants to come by and wants to do something, they, too, can qualify for this. But no one else has come forward.

"Now, the Governor said last night he's going to veto the bill, unless he sees other investors come forward. How can other investors come forward if we don't give this investor and this project an opportunity?"

"And the point here is there is no tax loss. There is, as the good Senator in black from Waianae said and as the Department of Business and Economic Development and Tourism indicated, a net gain to the State in terms of revenues, in terms of jobs, in terms of diversification, in terms of new opportunities. But if it is not built, there are no credits. If it does not meet its schedule, which has been reduced, by the way, substantially, and the developer said, 'Okay, you want it in five years, we'll do it in five years,' then there is no liability to the State. This is a no-lose situation. And I think the reason that people object to this and don't like it is because we're so used to using taxpayer money and giving it to a golfing partner of a politician to develop something instead of having open hearings and open discussion and amendments and going ahead with this.

"So, from this standpoint, Mr. President, colleagues, it may not be a perfect bill, and the door is wide open if anybody else wants to reach in their own pocket and invest in Waianae or invest in Hawaii Kai or invest in Pearl City. The line starts right over here. But in the meantime, this is a viable bill and act that we have that can only benefit us, and I urge support for the measure.

"Thank you."

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

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

"Mr. President, I echo the words of the Senators from either sides of the island, from Hawaii Kai to Waianae. I agree with everything that they've said.

"I'd like to also add, Mr. President, that the State cannot afford, as we know, to build all of these kinds of amenities. And this State has tried. This aquarium is something that the Governor has promoted and it's funny that if it's not going to be in the area as said earlier, that he has threatened to veto the matter.

"Mr. President, when I got into the City Council back in 1985, we passed the measure to rezone the area of Ko Olina . . . 1985, almost 20 years ago. We needed to create economic stimulus out in that part of the island. And yet it has grown very, very slowly. We in government have not done enough to encourage the developers, to encourage private partnerships. So I'm very proud of this piece of legislation. I believe that if we are going to say that the Ewa side is going to be the new second city, that we're going to have a new resort area out there, then we certainly have to do things to encourage that kind of development.

"And again, we're not going to be spending it. If the developer does not invest the money, they're not going to get the tax credit. I don't know of what other tax credit that this body has passed that we required the State to receive 50 percent of the taxable income from that tax credit. And so, yes, it is an unusual tax credit; it is a different tax credit.

“As part of the Tourism Committee and looking at the Hawaii Tourism Authority and all the things that they should be doing – encouraging investment, bringing investment into Hawaii, making sure that we develop our products, that we develop attraction for tourists – that has not happened. So again, we have to look to the private industry. So we need to encourage. We need incentives like this and we need to be creative.

“I urge all the members of this body to support this legislation. Thank you.”

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

“Mr. President, I rise to speak in favor of S.B. No. 2907.

“Mr. President, I’m echoing the support that has been put forth on this Floor by my colleagues from around this island, but I’d like to add another perspective that has not been mentioned. In addressing the budget, H.B. No. 1800, I talked about getting rid of liabilities – liabilities that we could turn into assets, liabilities that we’re spending money on that we could collect money on, such as the state hospital system, such as development of state harbors, such as small airports, and even the Art Taj Mahal could be turned back to the private sector for a great amount of money.

“Well this is exactly the reason that we should consider this because we’re going to be creating at no cost to taxpayers, and I might add at future benefit to the taxpayers, an aquarium. And once that has happened, we can stop funding of the state-operated aquarium and allow the private sector to create an aquarium that would be something we could be proud of that would not cost the taxpayers any money. Therefore, we’d be eliminating a liability in our books and turning it into an asset paid for by the people using it.

“Thank you, Mr. President.”

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

“Mr. President, I rise to speak in favor of this bill. Mr. President, I’ve got to win some sometimes, so I might as well join the team here. (Laughter.)

“Mr. President, I talked to the developer and I went to a couple of the hearings that the Chair of TIA conducted. They did a great job on this bill. But most happily, I’d like to say that I talked to the developer, and as you know, I’m always for any kind of development that’s going to hire local people and local contractors. He assured me that 90 percent of the construction crew and people working would be Hawaii residents.

“So Mr. President, this is a good project, a good project for everyone, a good project for the working men and women of this State of Hawaii. Thank you.”

Senator Chun Oakland rose to speak in support of the measure and said:

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

“I understand this measure actually, if we do approve this tax credit, would be able to create 3,000 permanent new positions. And the dynamic impact that is estimated over a ten-year period is approximately \$168 million. So I see this as a benefit to our residents and very much support it.

“Thank you.”

Senator Ige rose in rebuttal and said:

“Mr. President, in opposition, just one short point of rebuttal.

“There is nothing in this bill that requires that the facilities be turned over to the State. The facilities generated would remain in the private sector. And I just would like to state, you know, if this is something that actually helps foster development of these facilities throughout the State, then we should pass a general provision that allows for tax credits for these kinds of support facilities in all of our development, and that’s the point that I make. If measures like these help to make these developments feasible from the development perspective, then we ought to go ahead and allow all developers to seek credits for these types of programs.

“Thank you.”

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

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

“Mr. President, it is clear that this measure will bring benefits to the State of Hawaii, not only to the specific area of Ko Olina and the island of Oahu, but also potentially statewide. Mr. President, that’s one reason to support it. The other reason I think has been mentioned is that it signals a new way of the State doing business here. It signals a new way of cooperation, of partnership.

“While I don’t disagree with the Honorable Senator from Aiea or Pearl City that this tax credit or this idea should be applied in other areas, I think we should look to see whether or not how this works, and if it does work, expand it to other areas. But this signals a change of ideas, rather than financing it only through bonds; rather than financing it through taxpayers’ money, we could work cooperatively with the private sector to build something that will benefit the entire State. If it works well, we can apply it to another area.

“I think this is a good step forward, so I would support this bill and urge all my colleagues to do so also. Thank you, Mr. President.”

Senator Kim rose and said:

“Mr. President, just a further statement.

“While I agree that this measure should be offered to everyone if it’s good, you have to understand the hoops that we required this developer to jump through. We were criticized saying that how do we know that this is going to work. The Governor is criticizing us. I want to see the investors. So how many people out there are willing to come in and willing to go through these hoops and willing to give back 50 percent of the credits and willing to shorten the time and willing to do all of these things on their own. Please come to us and tell us, but so many times government makes it so hard for them to receive these kinds of credits and we’re asked to answer all the questions, dot all the ‘I’s, cross all the ‘T’s, in order to go ahead and do it.

“So on one hand we say open it up to everyone, on the other hand we want to make sure it’s going to work. So we’ve got to know which it is going to be, and we’ve got to be able to qualify these tax credits and the people that’s going to make sure that these tax credits will work.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 100-02 was adopted and S.B. No. 2907, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Fukunaga, Ige, Ihara).

At 2:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:29 o'clock p.m.

Conf. Com. Rep. No. 105-02 (H.B. No. 2525, H.D. 1, S.D. 2, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 105-02 be adopted and H.B. No. 2525, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure and said:

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

"Actually, this bill really doesn't change the law the way it is right now. What it does is add new regulations to Chapter 103 specifying that bidders on public works projects must certify that they intend to comply with Chapter 104 regarding required wages and so forth.

"Originally, this bill came out because allegedly some bill providers were saying that they hadn't signed that and so therefore they didn't have to comply.

"What this really does, though, is add more regulations and it affects nonprofits who are involved in construction projects, as well, forcing them to comply with Chapter 104, which is going to increase costs and probably diminish the number of self-help projects.

"So for these and other reasons I'm voting 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 105-02 was adopted and H.B. No. 2525, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Menor).

Conf. Com. Rep. No. 115-02 (H.B. No. 2468, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 115-02 be adopted and H.B. No. 2468, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak against the measure and said:

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

"If you notice on the committee report, it says 'the purpose of this bill is to authorize the Department of Commerce and Consumer Affairs to hire consultants to assist in reviewing cemetery and pre-need funeral authority license applications.' That sounds rather reasonable, but if you continue to go on, it

says they can charge up to \$25,000 – \$25,000 in consultant fees to review the application without asking for the applicant's consent. And then after running up that enormous bill, the director could ask for a blank check to continue reviewing the application or, in fact, they could deny the application or both . . . \$25,000 or more to review an application. We should all have such a cushy job.

"Thank you. I'll be voting 'no.'"

Senator Slom rose to speak in opposition also and said:

"Mr. President, I'll be voting 'no' also.

"The idea of hiring consultants – this is what the DCCA is supposed to be doing. This is why they have personnel and they have been doing it up until this point. And it will increase the cost of dying and I'm very worried about my colleague from the Island of Maui because he already has to pay that additional fee of \$20 when he dies. This would tack on an additional fee, so I'm urging my colleagues to vote 'no' to save the Senator from Maui."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 115-02 was adopted and H.B. No. 2468, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Menor).

Conf. Com. Rep. No. 117-02 (H.B. No. 2752, H.D. 1, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 117-02 be adopted and H.B. No. 2752, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

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

"Unfortunately, Mr. President, today is not a good day to die for this measure. I do have concerns, however, and I support going after those individuals who are delinquent on their student loans. They have an obligation to pay and if we need to use a hammer to make them pay, then let's do it. But my concern, colleagues, is that this will create a 'Catch-22' situation. You have professionals who may have their license suspended, denied, revoked, or refused to renew or reinstate, or are going to be into a situation where if those individuals can't work, then how are they going to pay.

"I just urge DCCA to use common sense and caution on this. And let's go after and collect some money, but let's not put people out of work.

"Thank you."

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

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

"This is a good day for this bill to die. Colleagues, obviously the problem of student loan collection has gone on for several

years. This is a draconian solution of the mandatory suspension of one's professional license. This measure doesn't pass the common sense test as the good Senator from Maui and Kauai alleged. This does not at all, because how in the world are you going to be able to pay off anything if you've had your license revoked, whether you are a teacher, an architect, an attorney, or a doctor.

"Second, on a legal basis, professional licenses are property rights. You can't take away a person's property without a notice or a hearing, and this bill purports to do just that.

"And third, the bill might be in conflict with the equal protection provision of the Constitution. You can't treat license holders in default differently than non-licensed holders in default. Several reasons for this bill to die today.

"Vote 'no.' Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against H.B. No. 2752.

"Mr. President, to make a long story short, this is the debtor's prison bill, very archaic. As a positive alternative, we all know that you have liens and garnishments as a means of collecting unpaid debts, and why don't we just proceed with that.

"Thank you, Mr. President."

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

"Mr. President, I rise to support the bill with reservations.

"You know, Mr. President and members, I just recently paid off all of my student loans, and I've decided to, as a matter of conscience, pay them off because, first of all, it's a debt that I made. I got an education out of it. And like any other type of loan, you're obliged to pay it off.

"I support this with reservations because, well, you know, I'm actually kind of pissed at those other professionals that make tons of more money than we do, like doctors and dentists and lawyers, that have not honored their debt. That's what it's about – honoring your debt.

"Now, this is draconian – that's my reservation – but they took out a debt; they should pay it back. Others have a right to that money to be loaned out to them for their education. It's like a credit card. You know, if they don't pay off their credit card, guess what happens . . . their credit gets ruined. So let's go that route. I support that.

"This is draconian. It has some legal flaws, but I support it with reservations because, hey, I paid off my student loans, so should they.

"Thank you, Mr. President."

Senator Slom rose in opposition and stated:

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

"The issue is not paying off debts, because we're all in support of that, absolutely. As was mentioned by my colleagues, you have several things here. First of all, you have an existing law, so if this law is killed today, that does not forgive people from paying their debts. It also does not forgive

legal remedies. As was mentioned, we have garnishment, we have liens, we have other things that we can do.

"And this matter of property rights should not be taken lightly because it is a serious and it is a major issue. And what I'm afraid of, Mr. President, is if we took away the licenses from attorneys, what would the attorneys do? They don't know how to do anything else. And God has created so many of them that they would be all over the place. So, if we can't hire them in Ko Olina, they would be wandering the place. So please vote 'no' on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 117-02 was adopted and H.B. No. 2752, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 120-02 (H.B. No. 1969, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 120-02 be adopted and H.B. No. 1969, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Chumbley rose to speak against the measure and said:

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

"I've got a great idea and in the spirit of humor, I take back what I said a few minutes ago about not being a good day to die. 'Ma'ke-die-dead' for this bill. That is the best thing that could happen today. And the good Senator from Hawaii Kai was worried about what the attorneys are going to do. Well, Mr. President, if this bill was enacted, this is going to be the Lawyers Employment Act of 2002. They'll have lots of work and no one will have to worry about it.

"On a serious note, colleagues, you've heard me speak on this issue numerous times and I'll continue to be consistent in my position. I do not believe that the Department of Education, the Board of Education should be given the authority to hire attorneys outside the practice of the Attorney General's Office. I will venture to say that this will be one of the bills that will be vetoed by the Governor. So think about your votes and let's just 'ma'ke-die-dead' right now.

"Thank you."

Senator English rose to speak against the measure and said:

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

"I voted 'no' on this all the way through for the reasons stated by the previous speaker and would ask that his comments be inserted as mine into the record.

"Thank you."

The Chair so ordered.

Senator Hogue rose to speak against the measure and said:

"I also rise to speak in opposition to this measure.

"In testimony, the Attorney General's Office didn't seem to know how many attorneys they employ. How many times did we ask that question, and they couldn't answer that question.

We always got conflicting numbers, in fact, and you can be assured that the folks at the DOE feel that the AG's office has been incompetent, frankly, in how they have handled the Felix mess. So they feel that they have to go out and get their own.

"Either way, it's a very, very bad situation and I urge you to vote 'no.' Thank you."

Senator Sakamoto rose in support of the measure and said:

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

"I thought the previous speaker was speaking in support of the measure by his last comment. But Mr. President, I think the AG's Office has many roles and in representing the Department, especially in Felix matters and some of the matters that have come to our attention in the Education Committee, it's not clear, Mr. President, who the AG is speaking for if it's indeed for the student, for the teacher, for the administrator, for a class, for which side of the class they're speaking for in terms of a class action suit, for the taxpayer.

"Mr. President, I believe any large company – and the Department of Education is a large company – ought to be able to have someone who will represent them and their ideas. It's not only in litigation – in employment matters, in matters of safety, in matters of contracts – there are many, many matters where the Department of Education needs wise counsel. And I don't believe it's an attorney employment act, but I do believe they need wise counsel at their very hand, not someone who is at the hand of many, many pulls in different directions, Mr. President.

"So I feel that we should move forward with this measure."

Senator Tam rose to speak in support of the measure and said:

"Mr. President, I speak in favor of this bill, H.B. No. 1969, S.D. 1, C.D. 1.

"My statement is basically that we need better attorneys to represent our public education system. Proof has been shown in the past that the Department of Education has not been well represented. We have very poor quality attorneys in the Attorney General's Office.

"Thank you."

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

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

"Mr. President, I think about five or six years ago, we came in and we asked the same question, the opportunity to have the Attorney General be allowed to have enough attorneys to help the special ed situation. At that time, the Attorney General gave two attorney generals, part time. Needless to say, what we have today in the Felix/Waihee case, the amounts of money we are spending, it's basically mandates that were given up instead of going to trial, were given up and not fought for. And we used to lose about 90 percent of the cases. Today, there are mandates for the cases we need because the plaintiffs have super attorneys that are dedicated just for special ed. On the other side, we have part-time attorneys.

"The current Attorney General, the reason why I supported him was because he told me at one time that he would dedicate about 16 attorneys to the Felix/Waihee and the Department of Education.

"Mr. President, this outfit is the largest law base or company that we have in the State of Hawaii. I believe that they have about 170 attorneys as deputy attorneys. Mr. President, the Department of Education has about one-third of the State's revenues dedicated to them. And if you are going to protect the DOE, you should have one-third of the state attorneys supporting them. But they don't have that. They have people on a part-time basis going in and trying to help the Department of Education. This does not suffice the need of the department.

"Therefore, Mr. President, I urge my colleagues, again, if the DOE is going to spend one-third of the State budget, they should have one-third of the legal arm to protect themselves.

"Thank you, Mr. President."

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

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

"The comments made by my last two colleagues from Waipahu and Moanalua really underscore and emphasize some of the things that I've been saying today and that we've said all during this Session. What's the problem? The problem is the Attorney General's Office. The Attorney General's Office that has between 172 and 220 deputies, depending on who's doing the counting and what day it is, they have a responsibility to represent different state agencies and state personnel.

"Now, the good Senator from Waipahu said that he had gotten a personal guarantee from the Attorney General. I don't know whether he's talking about the current one or the previous one. But in any event, this is what the Attorney General's Office is supposed to be doing. They're not doing that. We're all in agreement. So what do we do? We continue to give them their budget, give them their autonomy, and then we're going to spend more money and go out and get more attorneys for the Department of Education because the AG's Office is not doing what they're supposed to do.

"This is what I mean about stopping the continual funding of those agencies, programs, and individuals that do not perform. If we did that, (a) we would either have good representation, or (b) we would have funds in which we could provide the representation that's necessary.

"So, the answer to this would have been to put limitations or restrictions or benchmarks or demands on the Department of the Attorney General. Instead, they're home free. They'll continue to ignore us, get the money, and now the DOE is asking for more money. It's not right, Mr. President, and colleagues. We should always be looking at the cause of the problem and stop worrying about all the symptoms that cause us a lot more money.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 120-02 was adopted and H.B. No. 1969, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Chumbley, English, Hemmings, Hogue, Inouye, Kim, Slom). Excused, 1 (Menor).

Conf. Com. Rep. No. 126-02 (H.B. No. 2840, S.D. 2, C.D. 1):



Senator Kawamoto moved that Conf. Com. Rep. No. 126-02 be adopted and H.B. No. 2840, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Taniguchi rose and said:

“Mr. President, just note my reservations on this bill. Thank you.”

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 126-02 was adopted and H.B. No. 2840, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE GOVERNMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Menor).

Conf. Com. Rep. No. 130-02 (H.B. No. 2821, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 130-02 was adopted and H.B. No. 2821, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Chumbley, Chun Oakland, Fukunaga, Ige, Ihara, Inouye, Matsunaga). Excused, 1 (Menor).

Conf. Com. Rep. No. 131-02 (S.B. No. 2043, S.D. 1, H.D. 1, C.D. 1):

Senator Chun moved that Conf. Com. Rep. No. 131-02 be adopted and S.B. No. 2043, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator English rose in support of the measure and said:

“Mr. President, I rise to support the measure.

“You know, Mr. President, this is one of those landmark bills. It talks about setting up a process, task force, to look at legalizing or adopting, legalizing is the wrong term, adopting into law the Hawaiian practice of ‘hanai.’ And ‘hanai’ literally means to feed and this is what the Hawaiians did. They would take children and feed them and raise them and rear them as their own. This is often to strengthen family ties, to strengthen genealogy, land issues, all sorts of things.

“But Mr. President, I’m very proud of this particular bill and applaud the introducer and the conferees on this for moving it forward, because ever since we’ve had case law in Hawaii, we’ve had a constitution in Hawaii from the 1860s on, the Hawaiian courts have always held that unless legally adopted, the ‘hanai’ children do not have the same rights as biological children. And so we would be overturning about 150 years of case law in Hawaii, and that’s why I support the task force. The task force will sort through all of these issues, look at 150-plus years of case law regarding ‘hanai’ versus ‘ho’okama’ or adoption, and try to find a way to reconcile these two so that the practice of ‘hanai’ can be recognized in the law.

“Mahalo, Mr. President. Thank you, members.”

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

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

“Mr. President, in the shadow of the very erudite speech we just heard, I regret that I’m not able to address this good body in Portuguese. (Laughter.) But I do want to, in supporting this bill, put on the record a disclaimer. We did learn much from our good Senator from Hana. We learned what the word ‘hanai’ means. It means to feed. And I do want the record to reflect that I did take the good Senator to dinner the other night, but I cannot afford to adopt a young Democrat. (Laughter.)

“Thank you, Mr. President.”

Senator English rose again and said:

“Mr. President, point of personal privilege.

“You know, Mr. President, I did agree to the Senator’s proposal to ‘hanai’ me and I said that with the ‘hanai,’ I also would like the legal adoption so I can inherit his property, but he wouldn’t agree to that. (Laughter.)

“Thank you, Mr. President.”

Senator Kim added:

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

“I’m still trying to get the good Majority Floor Leader to feed us, to ‘hanai’ us in our caucus. (Laughter.) Maybe he will do so before the end of the Session.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 131-02 was adopted and S.B. No. 2043, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ADOPTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132-02 (S.B. No. 2478, H.D. 1, C.D. 1):

Senator Chun moved that Conf. Com. Rep. No. 132-02 be adopted and S.B. No. 2478, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 132-02 was adopted and S.B. No. 2478, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 138-02 (S.B. No. 2512, S.D. 2, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 138-02 be adopted and S.B. No. 2512, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nakata.

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.

“I see we have some charter school students up in the gallery here, and I can’t speak to you in Hawaiian but I appreciate your hard work and all of your efforts in the classroom.

“I also applaud the work that this Legislature has done for charter schools. This measure will assist in clarifying some major funding and equity obstacles that have marred the success of our charter school movement so far.

“However, they’ve also made it rather difficult for some excellent schools to be entirely successful. That’s because this measure caps the number of charter schools at 23. This measure also does not allow the charter schools equal access to certain centralized services. But there is bigger sticking point and it has to do with teachers. This measure further inhibits charter schools by not addressing the issue of probationary status and seniority for DOE certified teachers as well as non-DOE certified teachers. Currently, that language is in collective bargaining only, which would definitely put the charter schools in jeopardy.

“We must remember charter schools are public schools. Charter school teachers should be treated as public school teachers. And I wanted to bring that to everybody’s attention. I’ll still support the measure but I do have reservations.

“Thank you, Mr. President.”

Senator Hemmings rose to speak in support of the measure and said:

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

“Mr. President, charter schools very simply prove a point that we’ve been speaking about for a number of years now, and that is, good education does not require a department of education nor a school board. Charter schools function very effectively under their recognizance of their school advisory board made up of parents, the people we say all the time we want involved, principals and teachers. It also is very cost-effective because it is bypassing the centralized bureaucracy that spends tens of millions of dollars pushing paper around.

“Unfortunately, this bill does not go far enough and it does reduce the number of charter schools in our community rather than increasing it. It is a step in the right direction. Unfortunately, it’s not big enough, but I’m urging legislators to vote in favor of hope that we can continue moving in the right direction.

“Thank you, Mr. President.”

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

“Mr. President, I rise in support of the measure and partly in response to comments from the previous two speakers.

“In light of the number of charter schools, at this point in time we hope that this measure does what many of us feel it should do is bring more equitable and clearer funding to the charter schools, creates a mechanism so that funding timing is improved, does allow charter schools to be more assured of their funding and which parts of the DOE budget are applicable

per pupil and which parts are not. It also would allow charter school students to play sports in the complex that the charter school is in, and several other measures.

“But in regards to the number of charter schools, I think, colleagues, we would agree that we should make sure we’re doing the right thing prior to expanding the number of charter schools. And in the future, hopefully we can entertain that idea once we have everything smooth. So, we hope so.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 138-02 was adopted and S.B. No. 2512, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 151-02 (S.B. No. 2431, S.D. 2, H.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 151-02 be adopted and S.B. No. 2431, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

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

“Mr. President, this bill intends to limit corporate contributions to candidates and PACs for a two-year election cycle, and this cap would be an aggregate amount of \$6,000. However, Mr. President, due to a drafting error in not deleting a certain provision as requested by the Executive Director of the Campaign Spending Commission, this \$6,000 corporation cap does not exist in this bill. It’s mooted out in this bill as it relates to contributions to PACs.

“Yesterday, the Executive Director of the Campaign Spending Commission wrote to our Senate Judiciary Chair saying in part that if this bill passes as currently written, it will allow inconsistent interpretations of the corporate contribution limit provision and negate the intent of the Legislature to limit corporate contributions to political candidates. He also continues to say if this language, the faulty language that still is in this bill today, if this language is not deleted, the proposed amendments to limit corporate contributions will be moot. Corporations will be allowed to circumvent the corporate contribution limits by contributing an unlimited amount to their PAC, and contribute in excess of \$6,000 corporate aggregate contribution limit to candidate committees through their PAC, which I may add is in complete opposition to the intent of this bill.

“Mr. President, the Legislature has known about this error as of yesterday, the date of this letter, and I would like to know the reason why this bill is not being amended to fix this problem. After all, we amended two bills already, earlier today that had technical amendments. So I don’t understand why we are not amending this bill, as well.

“Thank you.”

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I just want to answer the concerns of the previous speaker. I'm rising for the bill, but I just want to answer his question because the caucus asked me to go and get an amendment.

"Mr. President, as the normal procedure is . . . and as for the amendments before us today – one was okay and one was, you know, didn't go through the process. Again, I checked in earnest, like I said I would, to go to the leaders of the House, and the leaders of the House did not want to make this amendment. Therefore, Mr. President, I did not offer this amendment because they would in essence, if we put it in this bill, have killed this bill.

"The Governor said this is a great bill. After we had our last meeting the executive director, Mr. Watada, said it was a great bill. Some of us over here felt that by suggesting a new amendment he was flip-flopping on the things that he said to us on the last day. So in essence, Mr. President, we felt that the correct bill as produced is not a technical error, but in essence was intended to be so.

"I urge all my colleagues to vote 'aye' on this bill."

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

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

"The previous speaker said it was intended to be so. I'm quite confused by that statement. Colleagues, if this measure is defective as the Executive Director of the Campaign Spending Commission has indicated, then it is in sense not going to do anything close to what we're attempting to do in the way of limiting the contributions from corporations.

"I would suggest that if, in fact, this measure needs an amendment, let's work it out with the House and the Senate. Let's defer this measure to the end of calendar. Let's go back and identify the problems and let's fix it. If it's meant to be intentional, well, then I think it's disingenuous that we're passing it because this is a loophole big enough to drive an 18-wheel truck through.

"Thank you."

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

"Mr. President, I rise with reservations on this measure.

"Before addressing this previous conversation, one of the reservations I have is this clause that's two years prior to notice of availability of a contract or two years subsequent to that, limiting contributions. I guess my question would be, and I'm not sure who could answer it, if this act takes effect November 6, 2002, does that mean that's the start of the two years prior or has the two years already commenced? Because, to me, that's the provision that if indeed the two years prior commences November 6, there are some people who would have to determine what they would do depending on that clause. So, would anybody be able to answer the question of when that two years prior starts?"

Senator Kawamoto responded as follows:

"We didn't put this provision in the bill. But according to Mr. Hamakawa, the Lead Chair of the House, he indicated that the implementation date would be November 6, 2002, to not affect the contributions made in this year's election.

"But as far as the contract is concerned, I would assume that it's two years prior. So if we're talking about in the year 2000 you had gotten contracts, then you can't give to the 2004 election. That's the way I interpret it."

Senator Sakamoto rose and said:

"Can I get a clarification? So if the contractors like my brother or people who give to me have given to me already, that means that they're already in the two years prior or does that mean from November 6 forward they can't give to a campaign such as mine or such as yours or such of our colleagues? Can you clarify?"

Senator Kawamoto replied:

"I'm not the executive director or the lawyer involved in this, but I would assume this to be the case. That's the reason why we had tried to make the \$6,000 to be the higher figure than the 2,000 that was provided or introduced."

At 3:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:10 o'clock p.m.

Senator Sakamoto rose and said:

"Mr. President, first, just clarifying on the previous issue about two years prior, my hope or my understanding would be we can't legislate something now if the bill doesn't take effect. So I would certainly hope that it's interpreted in force to mean from November 6<sup>th</sup> or 7<sup>th</sup> onward starts the two year period, otherwise we put many, many businesses in jeopardy.

"On the second point about the Senator from Kaimuki pointing out Mr. Watada's letter, at the Conference Committee meeting at which I was present – thanks to the good Senator from Waipahu who didn't object to my speaking out, and I apologize to those that were there for maybe sometimes speaking a little too passionately on the issue – the issue about the \$6,000 limit for corporations was brought up and there was discussion whether the limit should be 2,000 or 12,000 or 10,000. And in that discussion, the issue about how much a corporation can give being limited was brought up. One of the conferees said, 'Well, even if you're limiting how much a corporation can give directly to a candidate, they can give unlimited to a PAC.' I questioned that, and Mr. Watada was there and he was asked to respond. And at that evening of the Conference Committee he did respond that you can give unlimited to a PAC corporation. I did question him on that, but he reaffirmed that.

"Shortly after that, the conferees said we should suggest \$6,000 to be the limit. In my mind, understanding that corporations had other avenues to give, therefore the committee voted the \$6,000 limit. So I believe part of their decision was based on the fact that there was another avenue for corporations to give and certainly not limited to \$1,000.

"So, if it is a confusing issue, my hope is that a future Legislature can deal with it and unfortunately there might be unintended consequences as our Maui counterpart has often said. And I hope that we can clarify the details as we go forward and it's implemented in the spirit of fair campaigning, Mr. President."

Senator Chumbley rose to speak in support of the measure and said:

"Mr. President, I rise in support.

"I'd like to withdraw my statement about the 18-wheeler. I think the decision of the Committee was based on representations given by Mr. Watada, and they made their decision based on that information. The letter that we received subsequently appears to be a different position, and with that in mind, Mr. President, I apologize to my colleagues and put that 18-wheeler in reverse.

"Please ask the Clerk to withdraw my reservations also."

Senator Kawamoto rose and said:

"Mr. President, as you know, as far as campaign reform, for three years I've been the target of campaign reform and clean elections.

"Mr. President, I've come a long ways on this bill. And Mr. President, we tried to make it so that we fit the atmosphere and the intent of the national campaign reforms and therefore we have this bill.

"Mr. President, I urge my colleagues to vote 'aye,' but they can vote any way they want to. Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 151-02 was adopted and S.B. No. 2431, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Kim).

Conf. Com. Rep. No. 152-02 (S.B. No. 3028, S.D. 1, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 152-02 be adopted and S.B. No. 3028, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

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

"Not only does it incur new fees on businesses, but there's another major problem going on here. I just want to give my colleagues a little background on what's going on. The companies selling these warranties claim they're selling theft deterrence because they etch a number on your car's windshield or other glass. This allegedly deters theft because the criminals are supposed to be afraid that the stolen car can be identified. The companies claim this works so well they'll reimburse you for certain expenses if your car is stolen. Only one little problem – it really doesn't deter theft because all cars come to factory with a VIN number, so this etched number actually duplicates the theft protection provided by the VIN numbers.

"What they're selling is thinly disguised, essentially over-priced insurance. So these warrantors should be regulated under the auto insurance code just like any other auto insurer, but if they were so regulated they would be prohibited for having such a low ratio of paid claims to revenue. They would not be able to make as big a profit as they do right now. So to avoid this regulation, these warrantors are trying to get a brand new section of the HRS allowing them to overcharge for premiums.

"It's ironic that we're like to pass out a bad bill later today, allowing the insurance commissioner to dictate rates for HMSA even though HMSA pays out over 90 percent of their premiums as claims while simultaneously proposing to let these vehicle warrantors pay out just a few pennies on the dollar.

"I urge you to vote 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 152-02 was adopted and S.B. No. 3028, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Hogue, Slom). Excused, 3 (Buen, Ige, Menor).

Conf. Com. Rep. No. 153-02 (S.B. No. 3018, S.D. 1, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 153-02 be adopted and S.B. No. 3018, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Hogue rose in opposition to the measure as follows:

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

"All through the legislative session you've heard cries from our constituents, cries from the public, we must reform the public school system. There was a strong push to abolish the statewide board of education and change our one statewide school district. Unfortunately, this reform measure stalled in Conference Committee without a vote-taking place.

"What we have before us, as I mentioned in Conference Committee, is pseudo reform – it looks like reform, but it isn't. Pseudo means fake. It is fake reform. All this thing does is set up a task force to study ways to reform our schools – another task force. It calls for too much input from the people who have want to stop change – the BOE, the DOE, etc., etc., etc.

"The status quo, colleagues, wants the status quo. That's all that's happening here. We could have had a chance for local control. We could have had a chance for true reform. Instead, we get fake reform. Instead, we get this. Vote 'no.'

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 153-02 was adopted and S.B. No. 3018, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Buen).

Conf. Com. Rep. No. 155-02 (S.B. No. 2383, S.D. 2, H.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 155-02 be adopted and S.B. No. 2383, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

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

“My reservations have to do with the description of qualified construction projects because they include the requirement for prevailing wages with private projects.

“Thank you.”

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

“Mr. President, I speak in favor of S.B. No. 2383.

“Very briefly, this legislation will assist in stimulating our economy in Hawaii. The tax credit will benefit Hawaii’s hotel industry, construction industry, etc. Thus, employment will be increased. The people of Hawaii will be employed and, therefore, will be able to eat and have a roof over the heads for their families.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 155-02 was adopted and S.B. No. 2383, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 162-02 (H.B. No. 1761, H.D. 1, S.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 162-02 be adopted and H.B. No. 1761, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

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

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

“This bill is being touted as pro-consumer, but it’s not. This bill has been touted as a bill to promote oversight or a bill to promote disclosure, but it’s not. It’s going after a business that looks like it’s making too much profit or, in this case of HMSA, building up its reserves and trying to bring it down a notch or two. It’s another example of government getting involved in the business sector and over-regulating.

“This bill will allow the insurance commissioner to set so-called interim rates he or she deems excessive. That begs the obvious question – What is excessive? Are HMSA’s rates out of line with other states? Well, a check of what we’re paying here in Hawaii versus what consumers pay on the mainland says no.

“In fact, the health industry is a complex beast. Costs have continued to rise because of aging demographics and greater expectations of medical care. Health plans, hospitals, and doctors are constantly trying to find ways to deliver quality care in the most cost-effective manner.

“Rate regulation won’t work because the health plan is the middleman in the process. It doesn’t take a genius to realize that this middleman will simply adjust reimbursements to hospitals and doctors based on the limitations set by the insurance commissioner. So ultimately, the hospitals or the

doctors will be the ones who are hurt financially the most and some may eventually say enough is enough and not stay in business here in Hawaii, simply go out of business, or leave the state entirely.

“I know that’s not what you’d want. I know that’s not what the consumer wants. This is not the way to go. Please take a look at the bigger picture. Please take a look at the long-range future for the consumer and vote ‘no’ to the quick fix and vote ‘no’ to rate regulation.

“Thank you.”

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

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

“Mr. President, at the start of this legislative session, I reviewed the plate full of consumer protection issues that had been referred to our Committee, the Committee on Commerce, Consumer Protection, and Housing. I realized at that time that the Legislature had a tremendous opportunity to be able to enact a package of pro-consumer measures that would mark this Legislative session as the ‘year of the consumer.’ Today, Mr. President, we are poised to make that opportunity a reality.

“Mr. President, I respectfully request my colleagues to vote in favor of one of those pro-consumer bills that’s a part of the package to which I have referred, and that’s H.B. No. 1761, C.D. 1, which I believe represents an important milestone for the rights of consumers in Hawaii.

“As you know, Mr. President, this measure would authorize the Insurance Commissioner’s Office to exercise oversight on the setting of rates by health insurers in Hawaii. Opponents of this measure have tried to characterize this bill as an unprecedented intrusion on health insurers. They are wrong on several counts.

“First of all, 48 of 50 states have some form of rate oversight, and no state has repealed it. Moreover, this bill merely seeks to implement the same kind of rate regulation that currently applies to other lines or forms of insurance, including property, casualty and homeowners’ insurance.

“As the former Chair of the House Consumer Protection and Commerce Committee, I was deeply involved in the development of automobile insurance and workers’ compensation reforms. What I learned then applies now. I am confident that health insurance rate regulation will benefit consumers because I’ve seen the positive consumer benefits produced in the areas of automobile insurance and workers’ compensation insurance and these benefits have been realized by consumers, notwithstanding the dire predictions of various insurance companies, at the time that we adopted the auto insurance reforms of 1997, that automobile insurance rate regulations would substantially increase rates, the same or similar kinds of arguments that are being made by certain health insurers in opposition to the measure that is now before us. In fact, I would note that at the time that we debated auto insurance reform, one insurance company predicted that automobile insurance rates would increase 30 to 40 percent if the Legislature adopted the regulatory reforms that we eventually passed. Of course, Mr. President, these predictions never came true. Moreover, unlike the health insurance market, healthy competition has characterized the automobile insurance and workers’ compensation market and rate regulation has not dampened this trend.

"If rate regulation has worked well with respect to other lines of insurance, there are many reasons why rate regulation would work and would be most beneficial to consumers in the area of health insurance.

"First of all, consumers and businesses, especially small businesses, are very concerned about rising health insurance premiums. Rate oversight would at least provide assurance that these premium increases are justified and bear a reasonable relationship to the costs of health insurers.

"Moreover, it is undisputed that two major health insurers exercise unchallenged control over the health insurance market. Given the lack of competition and the ability of our major health carriers to set rates without regard to competitive forces, rate oversight will ensure that the premiums of the dominant plans are not so excessive or so low as to constitute temporary below-cost predatory pricing aimed at driving competitors from the market.

"Rate regulation will also allow consumers to know how health insurers are setting rates and to provide consumers with assurance that health insurers are not earning windfall profits at their expense, or diverting premiums to make investments or to fund the operations of for-profit subsidiaries, instead of putting them toward the health insurance costs of their subscribers.

"Other important consumer protection provisions in this bill include mandating the return of excess reserves and requiring consideration of investment gains in setting rates.

"Now, opponents of this bill argue that this bill would give the insurance commissioner unprecedented, unchecked authority and place the complex task of setting rates in the hands of a lay person. These arguments have absolutely no validity.

"First of all, in reviewing rates, the insurance commissioner must adhere to strict legal standards and can reject rates only if the data and information submitted clearly demonstrate that the rates are 'inadequate, excessive, or discriminatory.' Moreover, in evaluating rates, the insurance commissioner would be assisted by a state actuary with expertise in the health insurance area. This is exactly the review process that is currently used in the areas of automobile insurance and workers' compensation insurance, with excellent results.

"Finally, it should be pointed out that the Conference Committee made several significant amendments to improve the bill. First of all, a sunset date was inserted into the bill to insure that the impacts of the measure can be evaluated by the Legislature. Moreover, to address the concerns of the medical and health care community, the Committee redefined the term 'rate' in the bill to exclude the setting of any provider fee schedule. This amendment was intended to clarify that the insurance commissioner's authority to regulate health insurance rates would not include the regulation of medical fees by providers. So in that regard, I believe that the Senator from the Windward side is not entirely reading the bill and all of its provisions.

"In conclusion, Mr. President, to bring fair pricing to health insurance on which most Hawaii residents depend, to protect businesses from excessive insurance costs, to restore the confidence of consumers in the fairness of Hawaii's health insurance market, and to avoid the negative economic effects of monopolistic practices, I urge my colleagues to vote in favor of H.B. No. 1761, C.D. 1.

"Thank you."

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

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

"This is one of several bills that the good Senator promises us is pro-consumer. They're actually anti-consumer; they're anti-business. They further send the message around the world that Hawaii is a place to do business if you want to be totally regulated.

"Despite what the good Senator said, there is no historic example that rate regulations of any kind by government have ever worked and succeeded in lowering prices and increasing competition. What they have done is maintained a stranglehold with either a monopoly or an oligopoly in whatever product we're talking about.

"The good Senator mentioned workers' compensation. Let's take a look at workers' compensation. We sure didn't look at it this Session, even though in the beginning in my opening remarks I said that this is one of the major areas that small businesses are again complaining about. And the reason it's again is because when we fixed workers' compensation before, we did it by artificially holding down the medical fee schedule, telling people what they could be paid. Sure, that lowered rates. It also lowered the number of physicians and people that would accept workers' compensation claims. A lot of those people are no longer accepting those claims, delays were rampant, people could not get the services for which they are entitled. And at this point in time, we have fewer people providing workers' comp, the rates have gone up, we have thrown a lot of people into the government created HEMIC, and their rates have gone up two times, three times, five times. Don't believe me. Talk to the people that actually pay the bills – the small business employers.

"Secondly, auto insurance. Well, I was involved in the auto insurance reform. We got reform. We got lower rates, because what did we do? We simply changed the coverages. If you compare the dollar amounts, the dollar amounts for insurance are less, but so are the things that were covered previously. Now they are options. So we're not talking about the same thing.

"Well, let's move on to health insurance. Boy, do people love to hate HMSA, because after all, that's what this is all about. There was no hiding it in the Committees. There was no hiding it in the hearings. People came here to bash HMSA. We have a gas bill moving through to bash Chevron. We have a bottle bill moving through to bash Pepsi and Coke. We have a solid waste bill that passed for the counties, even though the fast food providers said they were taking care of themselves.

"This is the consistent message that we send in this community – that we are hostile to business. And in so doing, we don't help the consumer. We give them the lie that we're for them and that we're going to help them.

"I know a little bit about health insurance because I'm involved in a business organization that pioneered health insurance for small businesses 23 years ago. And I want to tell you that over the years we had a lot of different providers and a lot of different choices. As recently as five years ago, we had seven different providers in this State. Now there are three – HMSA, HMAA, and Kaiser. The rates are high because the utilization is high. If you're going to regulate rates, then you should regulate utilization too – tell people when they can or cannot go to the doctors, when they can or cannot go to emergency rooms when it's not necessary, when they can or

cannot load up on prescription medicines – because there’s a cost for everything.

“Some in the Legislature think there’s a free lunch, or some think that they can regulate prices on one end without doing anything on the other. It doesn’t work that way. You can try it politically, but it doesn’t work economically.

“Will this bill lower prices? No! Will this bill foster more competition? No! If you really don’t like HMSA, if you really want to help the consumer, then go after the cause of many of our problems – the nation’s only prepaid health care act and all of its mandates. Change it. Modify it. Abolish it. Allow for competition. I’ve tried for four years to talk to people on the mainland to try to get them to come in here and provide additional choices and they said, ‘We’re not coming to Hawaii; we would not come to Hawaii.’ And that was then. That was before this bill.

“I talked to local people in insurance and in business who saw the need, who saw a market to provide for insurance. They can’t do it because of our tax structure, our regulatory structure, our mandated benefits structure. That’s what the problems are. We keep skirting that. We keep looking for a scapegoat. In this case, it’s HMSA.

“It’s not going to work and it is a cruel hoax on the people, on the consumer, the families, and particularly the small businesses. Because besides talking about rates, what the small businesses have been complaining about, if anyone was careful enough to listen, was the fact that under the prepaid health care act, which is designed for employees, health care providers are not required to provide accessible, comprehensive, affordable, comparable care for employers. So, many cannot get it. If in fact you are a sole proprietor in this state or an independent contractor, you cannot get good group insurance. Is that because of the rate structure of HMSA or their investment policies? Absolutely not. It is because of the prepaid health care act and our taxes on the industry. So let’s get real.

“If you really want to help the consumers and you really want consumer protection, then do things that people have testified to. The good Senator talked about an actuary. We know the actuary that the insurance commissioner uses. He comes in every once in a while from South Carolina. I think we share him with about five or six other states. He says the same thing. He’s paid by the insurance commissioner. He has never, never disagreed with the insurance commissioner, whether it was auto insurance, workers’ comp insurance, health insurance, he will always say what the insurance commissioner wants him to say.

“Does the insurance commissioner have too much power now? You better believe it. Is he subject to oversight right now? No, he’s not. And yet, we want to provide more power to the insurance commissioner because we don’t trust HMSA. We don’t trust the marketplace. We don’t trust business. That’s a terrible message to send, and yet that’s what we’re trying to do in the name of consumerism.

“Please vote against this measure. Thank you.”

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

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

“It seems to me that the monopolies or the oligopolies exist before the pressure for regulation comes in, and in this instance, the reserves that HMSA has do appear to be excessive and rates continue to go up. Possibly, the attitude change needs to come

from those entities. I think what we are trying to do at this point, possibly, is to lower rates. But I think the realistic thing is that we are trying to keep rates from going higher.

“These are the situations that we find ourselves in with the small economy that we have. This is why I think we do need to move along this line towards regulation. It has a drop dead so we can take a look at it in a couple of years.

“I would urge my colleagues to support this bill. Thank you.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 162-02 was adopted and H.B. No. 1761, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### FINAL READING

#### MATTER DEFERRED FROM WEDNESDAY, APRIL 24, 2002

S.B. No. 1320, S.D. 2, H.D. 1:

Senator Menor moved that S.B. No. 1320, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

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

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

“We were asking the generic question as to which bill would give full employment to plaintiff’s attorneys. This might be the bill.

“Currently, only the attorney general’s office can sue corporations for alleged antitrust violations or unfair methods of competition. This bill, if enacted, would open the floodgates and allow anybody to file such a suit, no matter how frivolous.

“I encourage my colleagues to vote ‘no.’ Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1320, S.D. 2, and S.B. No. 1320, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANTITRUST,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### FINAL READING

S.B. No. 2106, S.D. 2, H.D. 1:

Senator Menor moved that S.B. No. 2106, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

Senator Hogue rose in opposition to the measure and said:

“Mr. President, I rise in opposition to this bill. I’ll be brief.

"Four years ago the Governor signed into law a bill licensing marriage and family therapists under the control of the DCCA. Then the auditor came in and recommended a sunset date and that the sunset date be repealed, but actually concluded that the whole law – the whole law – should be repealed.

"We keep talking about the auditor. In fact, a couple of sessions ago I mentioned that I had a love for the auditor. I not only like my colleagues but I love the auditor. But in any case, we need to follow the auditor. She says repeal the law. I'll listen because I love her.

"No. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2106, S.D. 2, and S.B. No. 2106, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Kawamoto).

S.B. No. 2118, S.D. 1, H.D. 1:

Senator Nakata moved that S.B. No. 2118, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun.

Senator Nakata rose to speak in support of the measure and said:

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

"Mr. President, most employers treat their employees very well, but there are some who don't. In this situation, the background to this bill is that there are several transfers of ownership among hotels, and the new owners have gone into mass firings without looking at the records, the merits of the employees of the existing owners. To the new owners, these employees are no more than the tables and chairs that are in these hotels. They are given no more status than that. There's no consideration given to the employee and the employee's family. It is these kinds of employers that lead to the push for this type of legislation.

"This body, the Senate, passed a bill earlier that was far stronger in terms of regulation than this one. The proponents of the bill ran into difficulties in the House and they have made major concessions. The bill now has no provision for maintaining wages and benefits, no provisions for seniority rights, no prohibition against reduction of the workforce, no prohibition against making criminal background checks or pre-employment drug tests. The bill applies only to non-supervisory employees. The bill now applies only to companies that have more than 100 employees. The bill, as it left the Senate, said 50 employees. So, major concessions have been made along the way.

"Workers do need protection. They need to be treated as human beings, so I would urge my colleagues to support this bill.

"Thank you."

Senator Inouye rose to speak against the measure as follows:

"Mr. President, I speak against this measure.

"Mr. President, the proposed legislation I could support if it has language acknowledging that this applies only to the resorts. I sympathize with those resort employees, however, this measure does not, and this affects everyone from agriculture, to industrial, to commercial. So, Mr. President, I believe we need to look at this measure very seriously.

"Thank you."

Senator Sakamoto rose to speak in opposition to the measure and said:

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

"The purpose of the measure is to limit the effects of economic dislocations that result in unemployment by requiring successor employers to retain incumbent employees upon divestiture, sale, or acquisition of business. Mr. President, businesses are normally sold for two reasons:

1. They're successful. And if so, there's no question in my mind or most people's minds that if successful, the employees are a great part of that and there's no problem; and
2. They're not successful. And if a business is not successful, the hope for the employees is that a successor employer would be able to reorganize, would be able to make changes, would be able to do the best they can do to keep the employees employed without being hampered by external government regulation.

"So, Mr. President, who would attempt to do a recovery for a company that's struggling if saddled by this government external limits? Why would any business bother to attempt to keep a business that's been unsuccessful running, in fact trying to retain any employees? Who would do that? Do we want potential successor companies just to turn and walk away or not even look?

"Mr. President, this is detrimental not to 50 percent, but to 100 percent of the employees who hope that their company will continue to employ them."

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill. I guess I have to add this to my list of bills. This one was generated as the anti-hotels in Waikiki bill.

"There were some good comments made by my colleagues. Let me tell you that I grew up in a business family. I've been around business people all my life. I've been around longer than the good Senator from Kahaluu. I have never met any business owner that thought of his or her employees the same as tables or chairs.

"The interesting thing is that oftentimes people that make comments about business owners, they've never been in business themselves. They've never reached in their own pockets. They've never had to meet a payroll. They've never had to deal with the problems of an employee who has family problems or abuse problems or other kinds of problems and tried to bend over backwards and try to be mother, father, confessor to save that employee and that employee's family.

"We are in difficult times. And as the good Senator from Moanalua said, oftentimes if a business is not successful, the option is just closing it down altogether or trying to get someone else to take over the business to salvage the business, salvage and save as many employee jobs as possible. But you



don't do that by having the government dictate wages, or number of employees, or who has to be hired, or when they have to work, or any other conditions.

"I know that good Senator thinks that they've made major concessions because instead of 100 percent of the employees, we're down to 50 percent. And instead of only businesses with 50 employees, we raised that up to 100 employees. But there's many of us here, Betty Tatum up in the gallery, who've seen bills passed and the next year they come in and they change those numbers just like that because that's what they wanted all along. They want 100 percent. They want 100 employees, or 50 employees, or 20 employees. The main thing is they want to control.

"Now, their intentions may be good, but you don't determine the fairness to employees by the fact that the business is struggling to survive and may have to make cuts. Only the state government, it seems, doesn't make cuts. So that should come as a comfort to all the private employees, the thousands of people in this community who have lost their jobs who know that they get to pay whatever money they have, whatever benefits they have to make sure that no one in the state government or city government loses their jobs or has their job reduced.

"We can't keep doing this. You've got to either have an understanding of business, and investment, and risk taking, and the things that you have to go through or not. If you don't have it, that's fine and be honest about it, but don't come around here and say that you're doing things for consumers or small businesses or other people when the people in those businesses will tell you that what you're doing is exactly the opposite, that you're harming them. That's what this bill would do.

"I urge my colleagues to vote against this bill. Thank you."

Senator Chumbley rose to speak against the measure as follows:

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

"Colleagues, it's no secret that my parent company, C Brewer, has announced that we're liquidating. We're shutting down a company that's 187 years old. It's the oldest company west of the Rockies in the United States.

"Part of that company is Wailuku Agribusiness on Maui, and part of that company is Maui Tropical Plantation. Maui Tropical Plantation has a collective bargaining contract with the ILWU. I have over 100 employees in that operation. I'm trying to sell that company right now. Even if this bill weren't to pass, there would be no way that I would ever treat my employees as furniture. We will do everything that is humanly possible to ensure that those employees are placed in another business or have opportunities outside, if we have to shut down this business because we can't sell it.

"I'm optimistic that we will be able to sell it, but if we have this law in place right now and that buyer comes to me and this law applies, I don't know what they'll do. Maybe it will mean we can't sell the operation and we'll have to continue to lose money, month after month after month. At some point, as a businessman, I can't do that any longer. And then when I do that, I shut down the business and 100 percent of the employees lose – not 50 percent, 100 percent – because then there is no job.

"There are two aspects of this bill that concern me. One, it will stifle capital investment into the state. It's really important right now, in our tough economic times, that we attract

investment capital from outside of the state. This will be a deterrent from that. Secondly, the definition of divestiture is problematic, in my mind. It can mean a sale, transfer, merger, business takeover, or transaction of a business interest. What if I decide that I can't continue to run my business and I have to shut down part of it? How does that apply to me? I only shut down the food and beverage operation in that business. I haven't divested myself entirely of it, but I've shut down part of it.

"I think that this needs to be thought through and the consequences of this need to be looked at. This is something that I don't believe is in the best interest of the business and, in the long term, the best interest of the employees. Because if I can't sell my company to someone who's willing to buy it, then I'll shut it down and that means that 100 percent of those people lose their jobs.

"Thank you."

The motion was put by the Chair and S.B. No. 2118, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 12. Noes, 12 (Chumbley, Chun Oakland, Hemmings, Hogue, Ige, Ihara, Inouye, Kokubun, Matsunaga, Matsuura, Sakamoto, Slom). Excused, 1 (Kawamoto).

#### FINAL READING

#### MATTER DEFERRED FROM WEDNESDAY, APRIL 24, 2002

S.B. No. 2180, S.D. 2, H.D. 1:

On motion by Senator Nakata, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2180, S.D. 2, and S.B. No. 2180, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

S.B. No. 2336, S.D. 1, H.D. 2:

Senator Kawamoto moved that S.B. No. 2336, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

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

"Once again, here it is, folks, this bill being resurrected in different forms going up against teenage drivers. It's kind of like the Jason character in the Friday the Thirteenth movies. We thought it was gone; we thought it was dead, but no. I just saw a movie trailer the other day . . . it is alive! Yes, it's a bad movie. And yes, this is a bad bill.

"I've spoken on the measure many, many times. I've heard the good Senator from Waianae speak to it as well. We won't belabor the point. This is about parental rights – parental rights. The state has no right to set parameters around my teenage driver.

“Vote ‘no.’ Thank you.”

Senator English rose to speak against the measure and said:

“Mr. President, I rise in opposition.

“Well, it’s all been said . . . bad bill, no good for rural areas, no good for younger drivers who have been given the right to drive. Please vote this measure down.

“Thank you.”

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

“Mr. President, this bill, it’s true, has been around. Mr. President, I agreed on some of the amendments that I didn’t want to agree on because I was hoping to get more votes than we did last time. But it’s watered down, truly watered down.

“The curfew for 16-year-olds is ten to four. We moved the curfew for this bill to twelve to four. We’re concerned about having schoolmates being in the car or the other person driving to create a situation where you could get practical experience in driving at night. But they watered it down and said not 21, but 18.

“Mr. President, all we have left is a bill that’s a skeleton for what it really was meant to be. But I agreed to go along with this bill because it’s an education. It’s an education to our young people. You cannot have, again, a young man or young woman go out and just get their driver’s license and I don’t know how much education or practical experience they had behind the wheel at night. It takes a hell of a lot more, and we all know that, because driving at night is more difficult than driving during the day. We all know that it takes more coordination and more savvy as far as being able to drive at night.

“This is an education. We couldn’t get a graduated license built in. We couldn’t get the age for 17 and 16, but it’s an education, hopefully, to tell our young people to be careful, get some experience while driving at night. It’s an education. It’s not, what am I asking for. Again, like I said last year, I don’t think of these things staying awake at night. But it was something that the young people, Youth in Christ, a subsidiary of the MADD organization, came up and begged us for a graduated license for some indication to show our young people that night driving is hazardous and the need for practical experience is there.

“So for you, my colleagues, some of us are old enough to have grand kids. Some of us are young enough to have kids, and this is for them . . . this is for them. God bless and bless your soul and bless you and hope that one of your children is not a victim of the fact that this individual did not get the practical experience they needed to drive at night. True, parental guidance, but how many times do our young people go out not being the driver but being the passenger and not having this young man or young woman have the practical experience of driving at night and be out there, forgetting what it takes to drive at night and drives recklessly and your grandchild or your child be the innocent bystander who happened to be riding in the car in this situation. Just think about that. Just think about that. I hope it doesn’t happen. Should this happen, God bless you.

“Thank you very much. I urge my colleagues, again in the interest of safety, again in the interest of protecting our young people whom themselves have begged to come on board to look

and see if we can do something about night driving. Mr. President, we have tried this for four years and we have come down to this. It’s an education. It’s a procedure and it’s something that we need in this State.

“Thank you.”

Senator Buen rose to speak in opposition to the measure and said:

“Mr. President, I rise to oppose this measure.

“Although I applaud the Senator from Waipahu for feverishly staying up at night trying to think of ways to save lives, I really applaud him because he’s always thinking of safety, but not through this bill.

“This bill suggests that all teenagers under 17 years old are not safe drivers between 12 midnight and four in the morning. They would be safe drivers if the young adults are under 17 years old and are accompanied by an 18-year-old or older. Mr. President, it doesn’t make sense. I, too, would like to save lives, but this is not the way to do it.

“We just passed a bill earlier on driver education and maybe that’s where we should focus on the teaching. The Senator talked about education and maybe that’s where we should focus on the speeding by teenagers and that’s where it should be addressed.

“I urge all my colleagues to oppose this measure. Thank you.”

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

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

“The good Senator from Waipahu has a lot of passion about safety for children and I respect that and applaud it. However, I don’t think that this measure, as drafted, is really going to accomplish much of that.

“A couple of what I consider to be significant drafting flaws in this bill is if you’re 17 years old and you’re driving between the hours of midnight and 4:00 a.m. and you have an authorization to do so, it says that you are exempt if you have an immediate member of the family with you. So what happens if you have a 15-year-old sister with the driver? You’re exempt. That doesn’t seem to provide much for safety.

“There was a comment that we’re moving the curfew. Well, maybe on line 8 of this bill it proposes a driving restriction between 12:00 p.m. and 4:00 a.m. but that doesn’t address the curfew. The curfew is in another section of the law. You can’t change the curfew by simply having the restriction in this bill in this section if it passes.

“What about the adults? I think there are many elderly adults who have vision problems. In my mind, that causes as many concerns and problems as young teenagers.

“My last comment is the exemption if you’re attending a school authorized activity. I don’t remember the last time there was a school activity between 12:00 midnight and 4:00 in the morning, so I don’t think that’s an exemption that really applies.

“I think that this measure, as drafted, is just unworkable and I urge you to vote ‘no.’”

Senator Kawamoto rose again and said:

“Mr. President, again, practical education is what we’re looking for.

“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.B. No. 2336, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING,” having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 9. Noes, 16 (Buen, Chumbley, Chun, English, Fukunaga, Hanabusa, Hemmings, Hogue, Ige, Ihara, Inouye, Kim, Kokubun, Matsunaga, Nakata, Slom).

Senators Chun Oakland, Menor and Sakamoto cast their Roll Call votes “Aye, with reservations.”

**THIRD READING**

Stand. Com. Rep. No. 3539 (H.B. No. 2231):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3539 was adopted and H.B. No. 2231, 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, 25. Noes, none.

Stand. Com. Rep. No. 3541 (H.B. No. 2523):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3541 was adopted and H.B. No. 2523, 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 (Ige).

Stand. Com. Rep. No. 3544 (H.B. No. 2329):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3544 was adopted and H.B. No. 2329, entitled: “A BILL FOR AN ACT RELATING TO MANAGED COMPETITION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3545 (H.B. No. 2460, H.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3545 was adopted and H.B. No. 2460, H.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, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Ige).

**FINAL READING**

**MATTER DEFERRED FROM EARLIER ON THE CALENDAR**

Conf. Com. Rep. No. 66-02 (S.B. No. 796, S.D. 1, H.D. 2, C.D. 2):

On motion by Senator Tam, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 66-02 was adopted and S.B. No. 796, S.D. 1, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 4:06 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:07 o’clock p.m.

**FINAL READING**

Conf. Com. Rep. No. 99-02 (S.B. No. 2228, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Buen, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 99-02 was adopted and S.B. No. 2228, S.D. 1, H.D. 2, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111-02 (H.B. No. 2165, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Nakata and carried, Conf. Com. Rep. No. 111-02 was adopted and H.B. No. 2165, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112-02 (H.B. No. 2353, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 112-02 was adopted and H.B. No. 2353, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113-02 (H.B. No. 2192, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 113-02 was adopted and H.B. No. 2192, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116-02 (H.B. No. 2164, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 116-02 was adopted and H.B. No. 2164, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121-02 (H.B. No. 2480, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 121-02 was adopted and H.B. No. 2480, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133-02 (S.B. No. 2900, H.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 133-02 was adopted and S.B. No. 2900, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134-02 (S.B. No. 552, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 134-02 was adopted and S.B. No. 552, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A KOREAN WAR MUSEUM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 141-02 (S.B. No. 251, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 141-02 was adopted and S.B. No. 251, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 143-02 (S.B. No. 3047, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 143-02 was adopted and S.B. No. 3047, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIPAHAU COMMUNITY ADULT DAY HEALTH CENTER AND YOUTH DAY CARE CENTER PILOT

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147-02 (S.B. No. 2702, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Tam and carried, Conf. Com. Rep. No. 147-02 was adopted and S.B. No. 2702, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 148-02 (S.B. No. 2331, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 148-02 was adopted and S.B. No. 2331, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 149-02 (S.B. No. 2306, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Kim and carried, Conf. Com. Rep. No. 149-02 was adopted and S.B. No. 2306, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2052, H.D. 1:

On motion by Senator Matsuura, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2052, and S.B. No. 2052, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

Stand. Com. Rep. No. 3536 (H.B. No. 2248, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3536 was adopted and H.B. No. 2248, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3537 (H.B. No. 2385):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3537 was adopted and 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3547 (H.B. No. 2531, H.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3547 was adopted and H.B. No. 2531, H.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 3549 (H.B. No. 2128, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3549 was adopted and 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 4:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:42 o'clock p.m.

**FINAL READING**

Conf. Com. Rep. No. 39-02 (H.B. No. 2741, H.D. 2, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 39-02 be adopted and H.B. No. 2741, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

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

"I'm opposed to the tax increase. I noticed that the amounts have been changed but the revenue enhancement is still the same. I'm a little confused because depending on whom we listen to, we're trying to help people's bad habits, or we're trying to stop them from a sin, or we're trying to raise revenue. And I think in the end, all this is about is money.

"I noticed that in the bill, even though it says relating to cigarette and tobacco tax, that the only thing that's being taxed are cigarettes, not tobacco products, not cigars. So I'm voting 'no' on the bill.

"Thank you."

Senator Tam rose to speak against the measure and said:

"Mr. President and fellow colleagues, I stand to register my 'no' vote on this bill.

"H.B. No. 2741 is a bill, basically, to state that it's against smoking. Let me start by saying that I'm not a smoker and I personally prefer and use non-smoking restaurants. In fact, years ago when I first came to the Legislature in 1982, I didn't like when lobbyists came to my office to smoke. Therefore, in 1983 or 1984, what I did was I posted a sign outside my door, 'Please, no smoking. Leave your cigarettes outside.' Within a week or so I had a lot of cigarette butts right in front of my door. Today, what we have here, which is well accepted in terms of policy, is that nobody smokes in the office. I guess you have to set a trend, in some sense. I made it known to the lobbyists that if you want to see me, please observe my rights.

"I think this bill is taking the wrong approach in terms of anti-smoking in concern for a person's health. I would prefer the alternative to discourage smoking through a health education program method. The tax should be used for promotion of no smoking through health education.

"I consider this tax on no smoking regressive in stimulating Hawaii's economy. In fact, if I may say, I have seen the black market currently being embraced now because of the increased tax on smoking. I can foresee even more black markets coming into the picture here in the State of Hawaii.

"Once again, the approach to decrease the bad habit of smoking is more in terms of health education. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 39-02 was adopted and H.B. No. 2741, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIGARETTE AND TOBACCO TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 91-02 (S.B. No. 706, S.D. 1, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 91-02 be adopted and S.B. No. 706, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Hogue rose to speak against the measure as follows:

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

"I am sure that my sentiments are heartily endorsed by the 15 other Senators who signed a petition in this Body opposing any raid whatsoever of any money in the hurricane fund. This raid, albeit interest, borrowing, or whatever you want to call it, really is a desperate attempt to avoid doing the job we were elected to do – which is setting budget priorities and making difficult decisions with limited resources.

"Don't try to kid yourself that this bill just raids the interest. Any competent accountant knows that at the end of each year, interest is folded into principal. You are raiding the principal.

"Worse yet, this raid is just a prelude to what could happen for years to come in this body. Who really believes that next year when we will be facing a similar shortfall with no more special funds to raid that the legislative body won't go after the hurricane fund? That's why it is imperative that for all time we state our position that the money either stays in the fund or it goes back to the people who paid into it.

"The constituents in my district, and I'm sure yours as well, have stated that over, and over, and over again. They believe that the hurricane fund is their money not the Legislature's money to balance the budget. They will remember in November. Think very carefully when you record your vote, because the voters will remember in November.

"I encourage you to vote 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 91-02 was adopted and S.B. No. 706, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 158-02 (H.B. No. 2788, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Buen and carried, Conf. Com. Rep. No. 158-02 was adopted and H.B. No. 2788, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 159-02 (H.B. No. 1245, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 159-02 be adopted and H.B. No. 1245, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure and said:

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

"Well, this was the rainy day fund and we're supposed to take care of it for emergencies or anything else. Here again we're breaking a promise. The promise is that we would hold these monies in these funds for emergency purposes, for special purposes. Balancing the budget, using them for current operating funds is not wise economic policy. It's not wise fiscal policy. It shows again a lack of any fiscal planning whatsoever.

"We should not be doing this. It doesn't matter that on the last bill you signed a pledge not to do it and then you've broken that pledge. It would be nice if we kept one of the pledges to the taxpayers because that's whose money it is. That's whom we owe our pledge to.

"Thank you."

Senator Kanno rose for a conflict ruling as follows:

"Mr. President, I'd like to request a ruling on a possible conflict.

"I'm an employee of Parents and Children Together and monies in the bill are being allocated to Parents and Children Together. None of my salary is projected to be coming from these measures, though."

The President ruled that Senator Kanno was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 159-02 was adopted and H.B. No. 1245, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 160-02 (H.B. No. 2827, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 160-02 be adopted and H.B. No. 2827, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against H.B. No. 2827, the raid on special funds.

"In doing so, I'd like to quote a very incisive and pathetic, but also prophetic, speech on opening day. In quoting this speech I'd like to say, 'A far more practical answer to our budget crisis is squarely in our corner. In 1992, the Legislative Auditor issued a report to the Legislature entitled "Loss of Budgetary Control: A Summary Report of the Review of Special and Revolving Funds." Like gambling, trying to control these funds has defied well-intentioned efforts by the Legislature. Last July, Auditor Marion Higa released an update of the 1992 study which pointed out that there are more than a hundred of these funds still in existence, with balances totaling as much as \$220 million. Seventy of these funds failed to meet established criteria, yet had cash balances totaling \$96 million. We should not simply look to "raid" these funds to balance our budget, but rather to make meaningful changes in the way we structure our non-general funds. We are faced with an ideal opportunity to demonstrate our will to try new approaches, as well as to institute more accountability and oversight on the budget.'

"Mr. President, your words were well taken by your loyal opposition. Unfortunately, the Majority Party completely ignored it. And what they have done is not do what prudent budgetary people do when you don't have the money – cut spending.

"What the Majority Party has done is once again raided special funds, taken funds like the hurricane relief fund and turned them into a tax, and increased funding programs that just do not work. I don't know how you can do it. I really don't. You say one thing and you do the other. You sign a pledge and you violate it with the first opportunity to vote it.

"Until we change the way we do things, we're going to continue to suffer at the hands of a bad economy. I urge my colleagues to start down the path of reform by heeding the words of you, Mr. President, on the opening day of this Legislature and vote 'no' against this bill.

"Thank you, Mr. President."

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

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

"As the good Minority Floor Leader said, quoting the auditor's report, we have more than 100 of these special funds. If the Legislature really wanted to make a fiscal change, if we

wanted to have reorganization and be honest about all of this, then what we would have done is done what she recommended – that is gotten rid of every one of those special funds. That would have been a good start and I think we might have been able to support that.

“In addition, what we would have said is we have grown these funds for one purpose only – to raid them, not to keep faith with the public, not to use them for the purposes they were meant for, so we’re not going to create any more special funds. But I think I have spoken and voted against at least eight or nine new funds that we’ve created today.

“So, it begs the question, where does this body, where does this Legislature stand? Where is this philosophy that we heard about several hours ago? It is a philosophy that says we will not honor our pledges; we will not keep the taxpayers’ money safe; we will not keep sound budgeting practices; and above all, we’ll continue doing what we’re doing.

“Mr. President, I’m running out of props here. All I’ve got is my special wand to hope that as I wave this across the body, that we can generate more than three votes to do the right thing. We’ll see if the special wand, Mr. President, has special powers. Oh, I see it’s had an affect already. Senator Chun has left the Floor. Let’s see what will happen. (Laughter.)

“Thank you, Mr. President.”

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

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

“Mr. President, there is a purpose for special funds. In the past years, without some of these special funds, colleagues, including both sides of the aisle, need to or should allow people to come before them and ask for support of their program year after year, month after month, week after week, day after day, hour after hour, minute after minute. So for efficiency in government, as our esteemed colleagues should be in favor of, it was deemed to guesstimate that instead of that having to be an ordeal for the Legislators and for people seeking funds, sources of revenue were to be put in special funds so they wouldn’t have to beg and plead for their money and that a source would be generated to give them money.

“Now, certainly if we’re going to give somebody a source of money, we wouldn’t want to give them less than they needed, so we would assure that they would get enough and hopefully more than they would need in their fund. Now, Mr. President, I agree with our colleagues. Sometimes there’s extra money in the fund, but what should we do? Should we let money sit in everybody’s piggy banks at home or should we find a better way to use the funds? Unfortunately, some of these funds had to be used at this point because we had other needs.

“We do need to address the correct amount of money for the many different good and worthy programs. And to our benefit, many of the state agencies, many of the state programs, have done well to conserve resources and excesses were built up in the funds. So by no means are we saying that’s wrong or should they have used up all of their money, and we pray not.

“Mr. President, I think this body, the Ways and Means Chair, the Ways and Means Committee, the body across the way have done their best to use money that’s available. And indeed if too much money was accumulating either from business or from wherever, we should re-look at that in the future.

“I guess there have been comments about the hurricane fund. We didn’t take interest from year one, nor year two, nor year three. It was from this biennium, Mr. President, and going forward. You can wordsmith things the way you want. You can say it the way you want, but from this biennium, yes, interest, investment income was used because we have a great need, Mr. President. It would be a very sad day if indeed sources of funds couldn’t be found to restore many of the programs that were restored, Mr. President.

“So it’s easy to say not this or not that, Mr. President, but we did decide to move forward on a going forward basis and I think that’s a good thing.”

Senator Hemmings rose again and said:

“Mr. President, a point of rebuttal.

“Although it’s not germane to this particular budget on the hurricane reserve fund, the people who signed the pledge did not have a caveat in their signature that said that they were going to exempt interest from the raid. It was a simple signature not to raid the fund with no caveats. There’s no equivocating the words on this. It was clear and concise.

“Thank you, Mr. President.”

Senator Slom rose on a point of information as follows:

“Mr. President, just a point of information.

“The good Senator from Moanalua asked if it would be better if we allowed the money to remain in the piggy banks of the people that produced the money, and the answer is a resounding yes, Mr. President. I think that the people who produce the money, who the government takes from the people to give back a little bit to them, know a little bit better how to spend their own money. They probably would spend it on excesses like food and clothing and medicine and rents and things like that. But they do know how to spend it better and that’s what this whole debate has been about. That’s what all this manipulation has been about. We take their money and then we tell them we’re going to spend it for them and we know better than they do. We don’t know better than they do. We don’t know better than the single mom, the family, or the small businesses, and yet we’re sitting here pretending that we do.

“Thank you, Mr. President.”

Senator Sakamoto rose again and said:

“Mr. President, just a follow-up on that.

“Certainly all the money could have been left in the general fund taxpayers’ money. That’s not the argument. But many of the special funds get a percent or a fee and it goes into that fund. There are some funds that are revolving funds. There are funds that are paid by users. But indeed, Mr. President, having all the money go into the general fund and have this body deal with that would be inefficient government. So special funds are for efficient government, and yes, we do need to look at putting the appropriate amounts in the funds going forward.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 160-02 was adopted and H.B. No. 2827, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE FINANCES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 164-02 (H.B. No. 2300, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 164-02 be adopted and H.B. No. 2300, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Buen.

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

“Mr. President, I rise to speak on the bill with reservations.

“I support a great deal of the judiciary budget, however, I do not support the project at Hilo Mall that will dislocate and put out of business a number of small businesses and their employees.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 164-02 was adopted and H.B. No. 2300, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTER DEFERRED FROM FRIDAY, APRIL 19, 2002

Conf. Com. Rep. No. 1-02 (H.B. No. 2848, H.D. 1, S.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 1-02 be adopted and H.B. No. 2848, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

“Mr. President, I rise in opposition.

“Mr. President, this bill crosses the line between the separation of church and state. It asks that the constitution be amended to allow the use of special purpose revenue bonds for religious schools, amongst others. I have a fundamental objection to this and blurs the line between separation of church and state.

“I ask my colleagues to consider this very carefully because this is a slippery slope down. As we do this, down the line we’ll start blurring the lines even more, and before you know it we’ll be in a huge constitutional mess.

“So I ask my colleagues to please vote this measure down. Thank you.”

Senator Nakata rose to speak against the measure and said:

“Mr. President, I rise to speak against this bill also, basically for the same reasons as the Senator from Hana.

“In addition, I find this bill troubling because in terms of providing better education for students in this State, I think there’s very little to argue against. However, if we look at this in a broader context, there are some troubling aspects for me

and it is that it enhances private education and may be at the expense of the public education system, but more so to the communities in which our public schools exist.

“One of the saddest things I’ve heard is a veteran teacher at Castle High School who said to me, ‘You know, Bob, we used to produce national merit scholars here.’ And what she pointed to is that most of the better students have been going out to the private schools. I think this bill would help to speed up that process. It is a troubling issue to look at.

“I look at a school like Kahuku in my district and they are doing a tremendous job not only of educating students, but in terms of other things like culture and the arts and in athletics. They are an example of what a good public school can be and what it can mean to the community in which it exists. There is tremendous pride in the students that go to that school. Maybe they are that way because they are so isolated on the North Shore.

“However, I think also, with other schools, there’s a problem in that students with special talents are frequently siphoned off to private schools. I’m not saying anything against the private schools and their education, but I think from a societal point of view, we need to look at ways of strengthening our public schools. It’s a huge issue here. Maybe we need to have longer-term studies to see what makes a difference in a school like Kahuku and then try to reproduce that. But if in the meantime we are doing things to strengthen private education, we may be working against ourselves.

“My fundamental opposition to the bill is that it does cross the line between church and state. So I would urge my colleagues to vote against this bill.

“Thank you.”

Senator Chun rose to speak in support of the measure and said:

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

“Mr. President, the two issues raised – the separation of church and state and the decline of public schools – I believe even though they’re interesting issues, I don’t believe their impacted whatsoever by this bill.

“First of all, church and state. That issue has been raised many, many times and in many, many different states and it has always been held to be proper. The constitution allows it. This kind of activity on special purpose revenue bonds has been held not to be a violation of church and state.

“In the discussion in the Committees it was very clear that the monies from these bonds are not going to be used at all to encourage religion. They’ll be used only for classroom purposes and nonsectarian activities. That issue is not here. It’s been raised but has never been proven.

“Second of all, in terms of the decline of our public schools, that begs the question, What comes first, the students or the schools? We complain about our good students being siphoned away by private schools, but Mr. President, it’s not a situation where the students and the families are going about this without any information or any knowledge. It starts with the community. And that’s why I was talking with the Honorable Senator from Kaneohe about this issue one night. It’s not because the government sets up public schools and somebody sets up a private school and boom, all of a sudden everybody gets siphoned.



"There is a choice that we all need to make as parents, as community members, as to how we want our schools to operate, and it begins with us. It doesn't begin with a government bill like this. It doesn't begin with building a school. It begins with us. If we want to have pride in our community, we have to have pride in the community. We have to make the decision to send our children to public schools not private schools. We have to make the decision that we want to work with our community; we want to work with our schools. I don't think it's fair for us to say, well, I have no other choice but to go to a private school. We always have a choice, Mr. President.

"As for that issue, I disagree with the Honorable Senator from Kaneohe. I know he deeply feels that, but I feel the opposite that if we really feel pride in our schools, if we really want to help them, we would take the stand as parents, as adults, and we're going to support the schools by putting our children over there and having them work with our communities. It's not the government's fault. It's not the private school's fault. It starts with the choice that was made.

"For those reasons, Mr. President, I don't believe there's any valid reason why this bill should not be supported by all my other colleagues. Thank you, Mr. President."

Senator Sakamoto rose to support the measure and said:

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

"Before getting into the measure itself, I'd like to go over some background of some things we are doing for public education in this body. Your Education Committee, including the Senator from Hana and elsewhere, has worked diligently to meet the challenges of these tough economic times and we thank all the members for their commitment to education and our children. For the Senator from the Windward side, we do and we will continue to produce national merit scholars in our public schools.

"Our Committee, in addition to Ways and Means, in this body, we've been able to assure that the Department of Education will have resources to improve student outcomes, to create efficient policy. We've eliminated the storeroom, passed educational officer reform bills, established the teacher educator loan program and student loans for teachers aimed at retention and recruitment. We also hope to elevate the quality of teachers and administrators by supporting standards boards for both types of educators. I'm also very pleased that we've begun to address the issue of school readiness, establishing a comprehensive definition that will guide the future of early childhood education.

"Mr. President, we have expressed our desire for educational innovation in supporting charter schools, laying the framework for new educational partnerships with nonprofit organizations through a conversion charter school effort. Over the last few years we have also come to understand that we must provide a safe and quality environment for our children where they can learn. Over the past years we've established new repair and maintenance guidelines to create efficiencies and expedite projects. We've established the three Rs to maximize funding and partner with our communities. We have committed millions of dollars to improve our public school facilities.

"So, Mr. President, our private schools and colleges have faced similar issues and they have been an integral part in all of these discussions. Many are noted for exceptional student outcomes and commitment to quality education in Hawaii. They have been among the leaders in child readiness programs, in educational innovation. They in fact produce more special

education teachers and regular education teachers than our state programs.

"So, Mr. President, while these institutions have been able to meet many of the challenges presented to them, just like our public schools, they struggle to maintain and improve their infrastructure. This measure would allow the people of Hawaii to decide if they would like to authorize the State to issue special purpose revenue bonds to assist not-for-profit elementary/secondary schools, colleges and universities to improve their infrastructure. This would not take anything away from public education. There's no appropriation or expenditure of state funds. The bonds are not secured by any credit of the state. And there's no obligation on the part of the state to repay any of the bond proceeds.

"Mr. President, there were some concerns about the first amendment, as was brought up, but with the patience of your members and through the research done by the Legislative Reference Bureau, we've found similar programs, as the Senator from Kauai pointed out, in other states that do not violate the US Constitution, and we were able to insert language to address the attorney general's concerns.

"So, Mr. President, the people of Hawaii can choose to vote in the affirmative. I believe that this body should act for all of the people of Hawaii and this is a good measure to support.

"Thank you."

Senator Hemmings rose in support of the measure and said:

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

"God Bless private schools, and a double-entendre is intended. God Bless religious schools. Imagine if the Catholic church said tomorrow to all the people that badmouth private institutions and parochial schools on alleged interpretations of the constitution by ACLU extremists and others, 'You're right. We'll close these schools and we'll return all the children we're educating so well to the public school system.' Why do we have to pit one against the other? Why can't we work cooperatively together as this bill is trying to do?

"Regarding national merit scholarships in the public education system, our children in the public education system haven't failed. What has failed is the system that's supposed to be serving them and we better start taking a look at that before we blame private institutions, especially religious institutions, for the woes of public education.

"I might add, as I have before in floor speeches on this subject, I cannot stand the hypocrisy of political leaders and union leaders who demand more public support of public education while it's failing, throw more good money at bad because we have to support public education, while they themselves send their children to private schools.

"So for this and other reasons, I'm urging all of us to work together to educate our kids in both public, private and religious schools. Our children deserve the choice and the best opportunities we can afford them.

"Thank you, Mr. President."

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

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

"Over the years, Mr. President and colleagues, I've struggled with this issue, and having chaired the Education Committee, I was very reluctant to even engage in consideration of this. As time has gone by, I've learned from other states what has happened and have started to view this in a different way. The way I view it today, right now here on the Floor, is my role as a legislator and your role is to let the people decide this question. That's why I'm willing to support this measure with reservations.

"My reservations are the concerns in the way that the question for the constitutional amendment is drafted. If you look on page 9, Section 4, of the bill, this contains 94 words. It's extremely confusing. And in my opinion, even though our majority attorney differs with me, I believe that the question may contain two subjects, which is prohibited in a constitutional question. So I think that there are some concerns that need to be addressed.

"As a legislator I'm willing to support this on the Floor today. But as a citizen of the State of Hawaii, I will be voting 'no' in November on the constitutional amendment.

"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, Conf. Com. Rep. No. 1-02 was adopted and H.B. No. 2848, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (English, Nakata). Excused, 1 (Taniguchi).

#### FINAL READING

Conf. Com. Rep. No. 18-02 (H.B. No. 2166, H.D. 1, S.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 18-02 be adopted and H.B. No. 2166, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

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

"Mr. President, I rise in opposition.

"Well, the other bill that we just passed, Mr. President, poses the question to the voters. This bill says let's issue the bonds. So this one is actually trying to give out money or give out the authorization. I object to it because in my mind it still violates the separation of church and state. It's a little bit premature because if the previous bill, H.B. No. 2848, is passed by the voters, then this bill will become more appropriate. But until that time, it seems inappropriate to me.

"So I ask my colleagues to consider that and vote this one down. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 18-02 was adopted and H.B. No. 2166, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (English, Nakata, Tam). Excused, 2 (Menor, Taniguchi).

Conf. Com. Rep. No. 47-02 (H.B. No. 2495, S.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 47-02 be adopted and H.B. No. 2495, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hogue.

Senators Hogue, 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, Conf. Com. Rep. No. 47-02 was adopted and H.B. No. 2495, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 81-02 (S.B. No. 594, S.D. 1, H.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 81-02 be adopted and S.B. No. 594, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final 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.

"Gee, it's got so many good reasons to vote 'no.' First of all, it's creating a special fund. Secondly, there's a surcharge on tickets that are issued, traffic tickets. But the interesting thing is that the surcharge goes for only a single injury only for neuro-trauma. It creates an advisory board. It creates another level of government bureaucracy.

"If we're concerned about health and if we're concerned about safety, this certainly is not the way to go. I urge a 'no' vote. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 81-02 was adopted and S.B. No. 594, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Menor, Taniguchi).

Conf. Com. Rep. No. 86-02 (S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 86-02 be adopted and S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

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

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

"I'm not supporting birth defects. I'm opposed to birth defects, but this creates a special fund. It also has a fee increase for marriage permits, so it's a doubly bad bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 86-02 was adopted and S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 87-02 (S.B. No. 2775, H.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 87-02 be adopted and S.B. No. 2775, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against S.B. No. 2775.

"In my speech concerning H.B. No. 1800 I mentioned an alternative to continuing to fund liabilities in the state budget, such as state hospitals. If I remember correctly, this organization was supposed to clean up the Hawaii Health System Corporation so it would no longer be a liability.

"Quite frankly, if we offered some of these hospitals, especially the bigger ones like Maui Memorial and Hilo, to the private sector to take over at a favorable lease, I'm sure that there would be some who would jump at the opportunity. But nevertheless, we've maintained our outside island monopoly with one of the only health care systems by centralized state control in the nation that continues to lose money.

"I might add that a recent audit that was reported in this morning's paper also adds criticism to the way they're spending their money. It's actually not their money; it's our money.

"So for this and other reasons, I think there's viable alternatives to the year-in and year-out funding of a statewide medical monopoly that is protected by the state, rather than turning this liability into an asset which should be done.

"I urge my colleagues to vote '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, Conf. Com. Rep. No. 87-02 was adopted and S.B. No. 2775, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 88-02 (S.B. No. 2682, S.D. 1, H.D. 2, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 88-02 be adopted and S.B. No. 2682, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak against the measure and said:

"Mr. President, I'm going to be voting against this bill. Even though there's some valid claims against the State, we have this bill or a bill like it every year. We have a number of claims, which we don't really look at individually. But more importantly, last year during the Legislature we passed a bill, it's my recollection, that said that any future claims must be paid and be accountable and responsible fiscally through the department or through the agency to which the claim was made. And we're not doing that here. We're taking this directly out of the general fund.

"So if we're passing legislation and we're going to hold people accountable and we're worried about our budgetary situation, then in fact we should enforce the laws that we pass, particularly if they're just fresh within our mind.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88-02 was adopted and S.B. No. 2682, S.D. 1, H.D. 2, C.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 Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 89-02 (S.B. No. 2350, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kim, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 89-02 was adopted and S.B. No. 2350, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ihara, Menor, Taniguchi).

Conf. Com. Rep. No. 101-02 (H.B. No. 2512, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 101-02 be adopted and H.B. No. 2512, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise in opposition again.

"It creates the public health nursing services special fund. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 101-02 was adopted and H.B. No. 2512, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Ihara, Menor, Taniguchi).

Conf. Com. Rep. No. 107-02 (H.B. No. 1950, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 107-02 be adopted and H.B. No. 1950, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Menor.

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.

“I think it’s important that we talk about prescription drugs. This bill establishes a Medicaid prescription drug expansion program to offer discounted prescription drugs to qualified residents whose income is below 300 percent of the federal poverty level. This bill is patterned after a State of Maine bill. The healthy Maine prescription program is a result of a Medicaid waiver. So Hawaii will have to receive a similar Medicaid waiver from President Bush’s administration before this plan can be implemented.

“I support the intent of this specific bill. However, I feel that fiscal prudence is missing. The program is very successful in Maine. The reasons for the success are not included in Hawaii’s version of the bill. During the first year of the program, Maine cut \$15 million from its Medicaid budget – 50 percent more than expected. These numbers were achieved by instituting a strict prior authorization program. Such a stipulation is imperative for this program to be effective here. However, it is not in this bill.

“Another concern that I have is that our bill provided coverage for all residents – all residents – under 300 percent of the federal poverty level. Maine’s program does not allow any person with full Medicaid coverage to be eligible for the program. I would hope, before this finally gets implemented, that future legislators address these issues so that this well-intentioned program will have the fiscal oversight to assist Hawaii’s residents who need it most – lower and middle income seniors. They need better access to prescription drugs but we need to do it the right way.

“Thank you, Mr. President.”

Senator Slom rose to speak against the measure and said:

“Mr. President, I’ll be voting ‘no’ on this bill.

“In addition to the comments made by the Senator from Kaneohe, this bill also creates yet another new special fund.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 107-02 was adopted and H.B. No. 1950, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 109-02 (H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 109-02 be adopted and H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak against the measure and said:

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

“I’m very concerned that we are passing forward long-term legislation which works to establish a system based on taxes. That is not what we need. When will we learn? Proponents have been bringing unworkable public financing to the long-term table for several years here. Just last week it was determined that we could not afford a bill that provided tax credits to those who purchase more effective and comprehensive long-term care private plans, and that was a crying shame.

“A few weeks ago right here, you voted down a floor amendment that I proposed allowing Hawaii to plan a proven and effective public/private partnership. Partnership programs have been so effective that two bills are not moving through Congress to promote nationwide expansion of existing programs. Why are we so quick to dismiss such workable options? If any option has been shown to be unworkable, it is the government-controlled tax based program that we continue to hear year after year. No matter the plan, the government cannot afford to pay for long-term care for everyone. Increasing the number of private options is not only important but also essential for the future well being of Hawaii’s baby boomers.

“We need creative new approaches to funding access of long-term care, not the same old same old argument. Please vote ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 109-02 was adopted and H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 124-02 (H.B. No. 1256, H.D. 2, S.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 124-02 be adopted and H.B. No. 1256, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Menor.

Senator Inouye rose to speak in support of the measure and said:

“Mr. President, I rise to speak in support of the bottle bill, H.B. No. 1256, C.D. 1.

“Mr. President, this bill came a long way. This bill was debated. Some things went in and some things went out. We tried to address concerns from small businesses that did not want to participate in the redemption process but will certainly not address many issues yet to take place, like the rules of implementation. And yes, there will be increased cost to the importers and to the consumers.

"Mr. President, I was appointed to be Conference Chair and I believe I took the challenge to represent this body. So colleagues, bear with me.

"Some time ago, Hawaii's state law established a goal to recycle 50 percent of the waste stream by the year 2000. Today, the current statewide recycling rate is 25 percent. This means we are only half way to meeting our objective and two years behind schedule. We need to take some large steps toward meeting that goal.

"H.B. No. 1256, better known as the 'bottle bill,' is at present the only vehicle we have that will allow us to take those much needed steps. The bottle bill will increase the recycling rate. All of the states with container deposit systems have recovery rates of over 70 percent with some over 90 percent. With numbers like that we're talking about practically removing bottles from the waste stream. In Hawaii, that would mean diverting approximately 800 million bottles from the landfills.

"As an island community, it is crucial that we use every means available to mitigate the serious problem of decreasing landfill availability and look for alternatives for the difficult and expensive process of landfill expansion. Additionally, living in paradise is a privilege that necessitates that we protect the land and the ocean. We must dedicate ourselves to keeping our beautiful islands litter free, not only for our own enjoyment, but also for our visitors.

"On average, 75,000 bottles and cans are thrown away or littered every hour in Hawaii. This is a sad reality that has become all too apparent. We can help keep our beaches and parks from becoming garbage dumps by creating an incentive not to discard them. Just imagine if those discarded bottles were worth something.

"The bottle bill creates the incentive for the consumer to recycle those bottles. While they will initially pay out five cents for the privilege of using the bottle, when they recycle it they will get their five cents deposit back. In exchange, we will have a cleaner, safer, more beautiful environment.

"I would like to take a few minutes to discuss with you the basics of how the program will work, what the impacts will be on the various parties involved, and reassure you that the proper checks and balances are in place. Beginning January 1, 2005, the five cents refund will be in place. This means that the consumers will begin to bring the bottles to the redemption centers to get their deposits. This is where the handling fee comes into play. It is charged to the beverage container distributors and, through the Department of Health in cooperation with the counties, is paid to the recyclers to compensate them for the collecting, processing, and recycling of the glass, aluminum, and plastic bottles.

"The beverage container fee will increase incrementally from half a cent to one cent with a cap at 1.5 cents. A proviso has been built into the bill that states that upon implementation of the program in January of 2005, the handling fee will be based on the reports of the actual percentages of bottles recovered. If the recovery rate is 70 percent or below, the fee will remain at 1 cent. And if the rate is over 70 percent, the fee will increase to 1.5 cents. Making the amount of the fee dependent on actual figures ensures that the system operates at peak efficiency. It also ensures that large cash surpluses do not build up. However, should a situation arise where there were ample funds available to run the program without collecting the handling fee, the bill allows for the fee to be waived for a given period of time.

"The impact of the program will, for the most part, be positive. Initially, there will be a fiscal impact on the beverage industry, but as many of them admit, their sales will recover to pre-bottle bill implementation numbers or above. They have been participating in the glass recover program for the past decade, for which they pay an advance disposal fee of 1.5 cents on every container without hurting their sales.

"We must keep in mind that currently the beverage industry is making record profits. In terms of impacts on the retailers, there have been a number of exemptions built into the bill that exempt them from the requirement of collecting, processing, and recycling bottles. Basically, retailers on the neighbor islands and rural Oahu are not required to provide redemption centers. However, the bill provides that the state, working with the counties, will establish redemption centers where they are needed for the convenience of the public.

"Other retailer exemptions include stores that are under 5,000 square feet or can prove financial hardship. Also, those stores in Oahu's urban corridors stretching approximately from Pearl City to Hawaii Kai that are located within two miles of an existing redemption center are exempt. By creating so many inclusions, the bill aims to protect Hawaii's small businesses.

"There are no requirements in the bill that bars or restaurants store or handle beverage containers themselves. Currently, hotels and bars on Maui and Oahu are required to collect and recycle glass bottles under the glass recovery program. This bill will make it easier for them as it will provide funding for the recycling of the containers. This will create an incentive for private companies to provide recycling collection services to these establishments.

"The consumers will get their five cents back when they redeem their bottles, which minimizes the costs they will have to bear. Also, the costs the consumer will incur will be counterbalanced by the economic benefits derived from the program. This is not a cost to all taxpayers. It is discretionary for those who purchase bottled beverages only and is therefore fairer than a blanket taxation for a government program.

"Container deposit systems create jobs. Net gains in employment have been shown in nearly every state which has a deposit system. In Michigan, for example, an additional 4,684 jobs were added to the economy. With a program in place, costs of disposal, recycling, and litter cleanup currently paid for by local government and taxpayers will be reduced.

"Most importantly, Hawaii's people want this bill to pass. In a recent poll taken in Hawaii, which clearly stated that there would be an additional charge on beverages, the numbers showed the people's clear support.

"Recycling will become a more viable business with much room for expansion. Those who are currently in the business and are merely subsisting or are in fear of closing their doors will have the incentive to stay in business with the opportunity for future growth in the industry. Jobs for Hawaii are always welcome.

"We are all aware of the precarious state of the economy post September 11 and that safeguards must be in place to protect and improve it. Let me assure you that the bottle bill was designed with these thoughts in mind. The bill contains a number of fiscal controls, including the sliding fee based on actual redemption rates, and a financial and management audit of the program for the fiscal years 2005 and 2006 and for each fiscal year thereafter ending in an even numbered year.

“Another control on the program is that the establishment of an advisory committee to the department to assist in the rule-making process. Representatives from each of the stakeholders – namely, the beverage industry, the consumers, and the recyclers – will contribute their views, knowledge, and suggestions to the department in order to create rules for the program that speak to everyone’s needs and concerns.

“While I recognize that passing this bill only takes us the first few strides on the long path ahead, I must stress that this is the only vehicle we have at present, and it would be a real shame not to take advantage of it. We need to pass this bill in order to establish a viable program that will set the example for recycling projects to come. The bill has been carefully and thoughtfully crafted to all but eliminate negative impacts to insure increased recycling rates and to reduce litter on our highways, beautiful beaches, and parks.

“I strongly encourage you to do what is best for Hawaii’s environment, our most precious commodity, and vote ‘aye’ on the bottle bill.

“Mahalo and God bless. I’m glad this is where it is today – a vote. Thank you.”

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

“Mr. President, I rise briefly to speak in favor of the bill. I was afraid we might lose this legislation to a filibuster. (Laughter.)

“With all due respect to the well articulated Chairman, I do have to laud her and give her many accolades. When this bill came to Conference Committee, it had a two-cent advance deposit fee. Under her leadership it’s been reduced to 1½ cents. I’d venture to say there’s a good probability that if we continue to work on this legislation, by the time it is implemented in 2005, we may be able to get rid of the advance deposit fee entirely and let the bill rely on its own energy and the unclaimed funds from the recycled bottles.

“This is good legislation, and we’re headed in the right direction. I’m proud to serve in this Senate and under the leadership of the good Senator from the Big Island who has made this bill a lot more cost effective than it originally came to the Senate.

“Thank you, Mr. President.”

Senator Sakamoto rose to speak in opposition to the measure and said:

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

“I’m for recycling – I believe we all are. I’m for keeping our islands clean – I believe we all are. But I feel during these tough economic times, imposing a five-cent deposit would be another hit, a smash for the general public and for retailers.

“The process proposed in this bill does not provide the necessary incentives for people to recycle. The fiscal impact is not determined. And I do not think it will be cost-effective. I sincerely believe we can come up with a more efficient and effective program than this.

“Additionally, I’m concerned that instead of having bottles on our landfills, we’re going to have clanking bottle recycling centers around every corner, crushing bottle recycling centers around every corner, roach laden bottle recycling centers around every corner.

“Mr. President, these islands are my home, they’re our home, and I want to keep them clean and beautiful. But I don’t believe this proposal is the way to do it. And if we’re serious about protecting the environment, we need to do better than this, Mr. President.

“So, Mr. President, this bill needs to be recycled.”

Senator Kawamoto rose to speak against the measure as follows:

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

“Mr. President, I admire the Senator from Hilo/Hamakua for this long speech to explain all the aspects of the bill, but I am totally confused. I wasn’t part of the Committee. I wasn’t part of the process. But as I read the bill, we’re worried about the litter and the concerns we have as far as litter in the streets, beaches, and all that. But yet, we exempt – we exempt – the neighbor islands! Aren’t we concerned about the litter on the neighbor islands? We exempt the rural areas – North Shore, Waianae Coast, Waianae’s beautiful beaches. We exempt them from this bill because they’re rural. We worry about from Pearl City to Honolulu and Hawaii Kai? What beaches do we have out there? What beautiful places do we have out there? (Laughter.) You know, God’s country is in Waipahu, but we’re exempt. (More laughter.) It is rural. So I don’t understand.

“I don’t understand where we’re going with this bill. If we’re talking about litter control, that’s fine; beautification, that’s fine. But to exempt places where we have beautiful places, beautiful beaches, the neighbor islands and all these kinds of places, we are not doing what we intended the bill to do. So I urge my colleagues to vote ‘no’ on this bill.”

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

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

“Perhaps I can explain to the good Senator from God’s country, first of all, about the good beaches over in Hawaii Kai and East Honolulu. And secondarily, it’s real easy . . . let me explain this bill to you – it’s a TAX! Okay? It’s a tax. However you dress it up, however you describe it; however you try to mitigate it, it’s a tax. It is an additional tax on business. It’s an additional tax on the consumers and, as we all know, taxes are a part of doing business and, ultimately, only consumers pay the tax.

“We can talk about the recovery fee. We can talk about the handling fee, but you know in that story that the Chairman laid out so poetically, I was actually kind of nodding off it was so soothing, but the problem was that it had the same horrible ending – more government, more control, more bureaucracy, more task forces, 60 new employees, the Department of Health, neighbor islands exempt. My god, it sounds almost like – no, it couldn’t be – the van cam bill.

“What is the purpose? If the purpose is environmental cleanup and recycling, and I certainly agree most wholeheartedly with the good Senator from Moanalua (I ran out of props so I didn’t have anything left), recycling is everyone’s business. We should be ashamed of the litter that we have around our islands. When we bring in visiting firemen and we’re driving them around and we’re pointing to the beaches, they’re saying ‘look at that stuff all along here.’ We should be ashamed.

“We have laws. We’ve got many laws. We’ve got very little enforcement of litter laws. And when we’re talking about bottles, when this discussion started earlier in this Session, we found that the bottles represented about 1 percent of the materials in the landfill. Now I’ve noticed in the committee report that we’ve gotten it all the way up to 2 percent right now. Two percent . . . now even if the story that was told to us so soothingly that everybody will be taking the bottle back right now, there’ll be a steady stream. Actually, that’s probably going to create a traffic jam and we’re going to need more pedestrian safety rules because everybody will be taking the bottles back. Even if they did, 2 percent of the solid waste is accounted for by bottles.

“And by the way, I understand the struggle that the Chair and other members that have been pushing this bill, this tax, have gone under because they kept saying, ‘There’s no bill around. There’s no bill around. Let’s take this one which is called solid waste management.’ And I wonder, I just wonder, if this is constitutional, if the contents of this bill match the title. But we won’t worry about that now. We’ll worry about it later, after we pass the bill and then somebody looks at it and says, ‘You know what, the contents don’t match the title of this bill because we’re not talking about solid waste management, we’re talking about a tax.

“We’re talking about greater costs on manufacturers, wholesalers, retailers. We’ve heard from small businesses. We’ve heard from people in the industry. We’ve heard from the grocery stores, from bars, from restaurants. We’ve heard from individuals. We have some kind of vague notion that there’s going to be these redemption centers springing up in the neighborhoods. We don’t know where they’re going to be. We don’t know where the cost is going to come from to buy or lease the land, to construct the buildings, to put the people and the equipment there, but we’re supposed to buy this on faith.

“This bill has been rushed because people want you once again to think that this is going to be a solution to our problems. And it gets back to the same thing – it is a TAX! Only, it’s a greater tax. The Chair mentioned the glass recovery fee, and it’s true. The beverage people have to pay that, and now they’re going to pay this on top of that. And ultimately, the consumers are going to wind up paying for this.

“In other states, and certainly there are other states that have bottle bills and deposit bills and all that, the majority of those states have private programs. The ones that are the most successful do not have a government bureaucracy and certainly not our state Department of Health. When has this state Department of Health done anything right? Except, perhaps, to put teenage sexual offenders near Momilani School in Pearl City or said that because only three of six people on Maui died of flesh-eating viruses that’s just normal; that’s just the regular statistics. I don’t want the Department of Health handling anything else. They haven’t handled Felix. They haven’t handled anything that they’re supposed to. And yet, we’re supposed to trust them.

“And we’re supposed to trust the fact that the people will get their money back. Well what if they don’t? Where does the money go? Who does it go to? Is it in the general fund? Is it in a special fund? Oh yeah, there’s two special funds created in this bill – two more new special funds. Where does the money go if it’s not collected?

“I respect my Minority Floor Leader but he’s doing handsprings because the Chairman got the handling fee all the way down from two cents to 1.5 cents this time. Can anybody really believe that those fees will stay at those levels? Has any other tax stayed at those levels before?

“So what are we faced with here? We’re faced with a new tax on consumers. We’re faced with something that’s going to be harmful to small business and other businesses as well. We’re faced with something that is bureaucratic and unproven anywhere else. Nowhere else has had a system like this. And more importantly, we’re faced with a bill that has minimal environmental impact.

“Those of us that believe in helping and saving the environment and those of us that believe and practice recycling think that really what you should do is have a coordinated comprehensive plan for all kinds of litter. If you want to solve the litter problem, if you want to solve the landfill problem, don’t go after 1 to 2 percent of it, go after all of it.

“And how do you do that? We have, right now, private entities in recycling. We had those that came in before and left again because of our business climate, because of our tax and regulatory structure. Instead of providing more government involvement in this tax program, if we want to do recycling then we get the private market involved and we provide the tax and other incentives to allow the industry and people that are in the private sector to do this as they have done in other states. We don’t have to start from scratch. We do have other models and that’s one of the points that has been left out in this equation. When we’re talking about other states and we’re talking about other examples, it’s as if they were all government run programs, and they are not . . . only this one. We always think of government first here. We always think of more employees, more agencies, more task forces.

“If we’re genuinely concerned about recycling, the environment, and most importantly allowing consumers and small businesses to try and improve their lives, then this bill is the wrong way to go.

“Thank you, Mr. President.”

Senator Inouye rose again and said:

“Mr. President, point of personal privilege.

“Mr. President and colleagues, the exemption that we speak about is only those businesses who wish not to participate in the redemption process, whereas the recyclers will be handling those programs in those areas.

“Can we call for a Roll Call vote, please. Thank you, Mr. President.”

Senator Chun Oakland rose to support the measure and said:

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

“I’d like the good words of the Senator from South Kohala, Hamakua, and North Hilo to be inserted as if they were my own.

“I’m very proud to have served on this Committee along with the Water, Land Committee these past two years. This is one of several pieces of legislation that we are considering this Session and last Session that makes a very strong commitment to look at what we consider waste today, as a very valuable resource, a very precious commodity.

“I hope that our colleagues will support this. Thank you.”

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

"Mr. President, I rise to vote in favor with reservations on H.B. No. 1256, H.D. 2, S.D. 2, C.D. 1.

"Let me give a different perspective from what was said earlier. Let me give a perspective in terms of the relationship between government, be it state government or county government, and that of business. Let me give that perspective because I play a role on both sides, not only as State Senator but also as a businessman. Let me also say that business, as much as possible, will take advantage of government when they can. So, given that premise, let me present my side of why I'm voting with reservations.

"The concept of this bill is well intended. The basic intention is to establish a recycling program for metal cans and bottles, and thus, cleanup and maintain a clean environment for Hawaii. The legislation acknowledges that our society is a throwaway society and an avenue to avoid the littering of cans and bottles is by giving the deposit refunds for returned empty cans and bottles.

"What I intend to say is that I'm planning to give an opportunity to the Department of Health to work out a model for a recycling program. I will be watching you, quite frankly.

"The problems of this bill are:

1. There are no comprehensive real estate operational and structured plan involving the recycling priorities or components. It's a shell with good intentions.

If I may, I've always emphasized that government should be productive and efficient. The public wants us to be more efficient and productive in using the taxpayers' dollars. The question is whether we're doing it at this time. Let me also emphasize why I'm giving the Department of Health a chance. One particular person I know that is sitting in the gallery, and with whom I have worked with, is Mr. Steve Chang from the Department of Health. Having been the former Chairman in the Senate for environmental protection, I know Mr. Chang is very sincere.

2. There are no concrete marketing plans to have Hawaii's residents being conscious about recycling. There's too much dependence on recycling based on the deposit of refunds for cans and bottles. Consumers must be subconscious in embracing recycling fundamentally. No matter how much you give, in terms of return, it's a matter of the mind being convinced.

Let me give you an example: as a father of two children, a boy who's ten years old and a girl who's nine, if I give five cents or ten cents to my kids, they would laugh at me. So what I would have to do, in terms of recycling, is to embrace in their mind to be recycle conscious. This legislation does not do that right now.

3. The legislation increases the employment size of state government. Residents of the State of Hawaii do not want government to grow at the expense of their taxes.

"Hopefully, per my discussion with Steve Chang from the Department of Health, we will work together to establish 100 percent privatization of the recycling of cans and bottles in the department through the creation of rules and regulations, as Mr. Chang had indicated to me last night in my office. This being so, I respectfully request the Governor of the State of Hawaii to restrict the funding of the increased number of state management employees at this time. There's no need to increase our employees. Let's privatize it as much as possible. Why should we compete with the private sector? The private

sector can be more efficient and productive. They've shown it in terms of recycling efforts of newspapers, etc., currently going on.

"Once again, this legislation is only a shell without any meat in it. I am concerned that we will relive the nightmare of the traffic camera legislation.

"In the federal government, legislation is passed on the basis of a complete model. One of the downfalls of state government here I've noticed in comparison, is we create shells of legislation. We have to take hold and create complete legislation. For now, I'm going to put my trust in Steve Chang and others in the parties dealing with recycling to come up with something of a complete model to embrace. Let's not relive the nightmare of the traffic cameras. It was a nightmare. People started pointing fingers at each other. That's not good for our relationships in Hawaii at all.

"Let me also say this very boldly, some people may get upset with me but it's the truth. The private recycling companies are asking for handouts on a silver platter where state government will pay for the recycling program. Private companies will make profits at government's expense.

"Thank you."

Senator Kanno rose to speak against the measure and said:

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

"I am concerned about litter in our community. I am concerned about our landfills, and I care about our environment. I am concerned, however, that this bill will hurt people. Who will this bill hurt? It will hurt all people who don't recycle their cans, bottles and containers.

"Who will recycle?"

"Possibly, middle income families. Maybe, individuals buying for a large group – for example, those involved in youth sports. And, I do believe a portion of low-income families will recycle.

"Who won't recycle? Or rather, who will be hurt by this bill?"

"I believe that the largest group of people who won't recycle are the people who can least afford it. I am speaking out for those people who will not have the wherewithal to recycle their beverage containers.

"How big an impact is it? If you look just at the five-cent deposit, a regular-price case of soda which may cost \$8.00, would now cost \$9.20. That's a 15 percent increase; that seems like a lot. A case of soda that's on sale which would have cost \$3.98, would now cost \$5.18. That's a 30 percent price increase.

"Members of the public may believe that this bill won't cost them anything because they'll get their nickel back on every can, bottle or container. But they're wrong. They may not see the 1½ cent container fee because it's paid directly by the beverage distributors. This fee will be passed on to the consumer.

"Let's go back to that case of soda on sale; that would amount to an additional 36 cents for the 1½ cent container fee. For those who recycle who will get their nickels back, that's still a 9 percent increase in price that they won't get back. The



case which used to cost \$3.98, will now cost \$5.54, which means a whopping 39 percent increase in price.

“Some may fault those individuals who won’t recycle their beverage containers. If you do that, would you also fault those who buy soda when it’s not on sale? Would you also fault those who pay full price for a movie ticket when discount ticket options are available? I would not.

“When I shop at the supermarket, it frustrates me that the only prices that seem reasonable are when items are on sale. It works when consumers are able to wait until an item goes on sale and then buy in bulk. That’s in an ideal world. In the real world, moms and dads need to buy diapers and baby formula and pay full price. Clipping coupons, waiting for sales and recycling cans takes time. There are people who work two or three jobs who are struggling to make ends meet, and who have it hard enough setting aside quality time for their children. Families may not have the time to recycle their cans. Should they be hurt financially because recycling is not their families’ first priority? These are the individuals and families that this bill hurts.

“What this bill does is create a mandated financial imposition to get the public to recycle. However, since not everyone will have the time, the ability and the wherewithal to recycle, it is an unfair mandated financial burden.

“When the collection of the deposit begins in 2005, \$40 million is the projected revenue from the five-cent deposit. The proponents are targeting 80 percent of the containers to be recycled, which means that \$32 million of that will be going back out to the public. Under this projection, \$8 million stays with the State. If the program has to be implemented, the program should be run from this money that stays with the State. Instead, a container fee of 1½ cents per container will charge the public an additional \$12 million to run this program. The program is scheduled to cost \$18.2 million with \$1.8 million projected as excess revenue.

“If the redemption rate does not hit 70 percent, the container fee would be one cent instead of 1½ cents. This would be 7.7 percent reduction in the amount collected on each can, bottle or container. Would this mean that, in order to keep the program from running a deficit, the five-cent deposit would later need to be raised to a 10-cent deposit per container like one of the states on the mainland?

“Mr. President, is it fair to charge a 39 percent increase for a case of soda to the families in our State that are already struggling to make ends meet? Do we need to pass a flawed bill this Session for a program scheduled to begin in the year 2005? I say, ‘No,’ Mr. President.

“I urge my colleagues to vote ‘no’ on this measure.”

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

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

“Mr. President, I’ve been listening to all of the discussion here this afternoon and it’s certainly one that I’m glad that we’re having.

“Mr. President, whether the government adds a cost for recycling or whether dealers raise their prices or give sales, people are out there and people have choices whether or not to buy a product, whether or not they’re going to pay. And whether or not Coca Cola or some other company decides they’re going to raise their prices, we are stuck having to pay the cost, and most often, those people that can least afford it

have to pay these costs. So I don’t know if it’s really fair to say that by adding on this cost we’re really affecting those people.

“This is a measure, Mr. President, that is really not new and I don’t believe it’s been rushed. As far as I can remember, getting into office in 1982, we’ve talked about a bottle bill. I also remember having a bottle bill as a child, collecting a bottle and getting two cents at the store. Now I don’t know about back then because I wasn’t astute enough as a child to understand how that happened – whether or not my parents paid two cents more, we were very poor at the time, or whether they paid two cents more for every bottle every time that we drank soda. Of course we couldn’t always afford to buy soda so we drank a lot of water from the pipe, but in order to get spending money, many of us went around the neighborhoods scouring for bottles so that we could have extra spending money. I believe that there were many times when there were absolutely no bottles to be found because everyone else was finding these bottles.

“So these are things that are not new. I don’t believe we can compare it to the traffic cam. The traffic cam was not around back in the ‘50s and the ‘60s when we had a bottle deposit back then.

“But there is a price to pay to live in paradise, Mr. President. There is a price to pay to recycle, and as we find our landfills filling up, as we find people throwing litter around and not being as responsible, there is a cost. Do we want to have redemption centers around every corner or do we want a landfill around every corner? I believe that’s an answer we each have to deal with within our own decision making.

“Earlier today, Mr. President, I’m proud that we passed a wet waste bill. We are going to recycle and mandate wet waste so that we recycle in our schools and in the counties and in our private businesses. I believe we do need a comprehensive program in recycling, but again, there are costs.

“I also want to correct our good Senator from Waipahu who feels that many of the rural areas are exempt. As our good Senator from the Big Island said, they are not exempt. The only ones that are exempt are dealers in the rural areas that they do not have to have redemption centers. They are exempt from that, but these areas are not exempt from recycling.

“Mr. President, for these reasons, I’ll be supporting the measure. Thank you.”

Senator Chun rose to speak in support of the measure and said:

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

“Mr. President, a question has been raised by the Minority Leader in terms of whether or not the title fits this bill because the title says solid waste management. There’s two points raised in this bill. One is for litter and I think we’ve talked about that in terms of the wonderful beaches on the neighbor islands and on the Leeward Coast. But there are other aspects to this bill other than beautiful beaches and that is the resource conservation of our landfills, and that’s where the solid waste management part comes in.

“Mr. President, we all know we have huge problems with our landfills. No matter what county we live in in this State, we are finding landfill space to be limited. On Oahu they’re looking at closing the landfill at Waimanalo Gulch and moving it somewhere else. On Maui they just opened a new landfill. And on the Big Island they moved one from Hilo down to the Westside of the island. Similarly on Kauai, we’re looking at

closing our landfill within the next two years and finding a place to open a new one.

“Those activities cost money and that cost will rise every year. There seems to be no end in sight. People think that once we throw something away it’s gone and out of mind and there’s no cost to it. That is wrong. Because every time we throw something away there is a cost. We have to find a way to dispose of it. Whether we dispose of it through recycling, whether we dispose of it through burning, whether we dispose of it by landfilling, there is a cost.

“The problem is that the cost of landfills seem to be more than anything else right now, and the only ways we can control that is, one, we don’t consume as much, which I haven’t heard anybody discuss right now, or the second way is we need to recycle more, and this is what this bill tries to do. It tries to focus on what everybody seems to have said that they’re willing to do – recycle.

“Now, I’ve heard the arguments in terms of why does government have to be involved? Why does government have to do this? Let the private sector do it. Mr. President, we have tried that. The private sector has been trying to recycle more. The problem is there is, at this point in time, not enough of a market for recyclable goods for the private sector to make a go of it. We might disagree why those businesses have come and gone, but the bottom line every time I’ve talked to those businesses is that they do not have a market, a steady and reliable market for the recyclable products.

“Now that begs the question, How do we take care of this market? Do we spend government funds and jump into the marketplace ourselves? Or do we increase the volume so that they might be able to get a market? I think this bill does an excellent job of the latter, and that is to increase the volume. Increase the volume so that they can have a fighting chance at the market.

“I’m not quite sure whether it will work. I think that’s one way of doing it, but my support for this bill is because we need to do something about this. We need to do something about getting out of our landfills, basically, things that could be recycled. We are landfilling too many things that could be recycled and it is filling up our landfills rapidly.

“This bill will accomplish that. Can it be made better? Yes, it can. But until we have actually addressed the issue of how to do a better job of whether or not the volume comes first or government subsidies need to be there, I will support this bill because I believe it’s a step in the right direction and we need to give it a chance to work.

“So, Mr. President, I’ve listened to all the arguments both by Minority and some of my fellow colleagues who disagree with this bill. But after listening to all the arguments, I come back to the main problem and that is how we’re going to take care of our limited landfill resource. The only way that I can think of doing this is through a bill such as this which would get our bottles and other containers, because it’s not only bottles, out of the waste stream and into the recycling stream.

“I believe that is a step in the right direction. From there we can go on and address the other issues of recycling, the other issues of a solid waste management plan, and hopefully, Mr. President, we don’t have to keep on spending taxpayers’ monies on landfilling.

“So Mr. President, I stand in full support of this bill.”

Senator Sakamoto rose again and said:

“Mr. President, I rise partially in response to the previous speaker and some of the other previous speakers.

“I remember the Coca Cola bottles and I think it was economical for Coca Cola to say we want our bottle back, we’ll wash it. So I don’t believe that was government. I think that was economical for the bottlers to say we want our bottle back because it’s cheaper to get our bottle back then to fly in bottles from the mainland.

“I think on the matter of landfills, some of us were fortunate to see the recycler on Sand Island. They’ve got these containers with brown glass, green glass, white glass, plastic, shiny paper, shredded white paper, shredded colored paper, and I don’t think by volume if they had ten times the volume are they going to be a loss leader and we’re going to ship all this stuff to China at ten times the volume? They’re not going to make anymore money. That’s ridiculous.

“And if the issue was landfill, what are we going to do with these god darn plastic bottles? Over here they get burnt up. The aluminum cans, some of them get burned up and they get to be slag, and I guess that’s not as good as recyclable. But I think we’re confusing some of the issues.

“For this body, it’s not economic. We’ve got a problem.”

Senator English rose to speak in support of the measure and said:

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

“We’ve heard from the community, and just check your email even though it may be a bit of spam, if you want to call it that, but the Senator from the Big Island understands this very well. It’s the same thing; it’s the same message, but I’ll tell you, and it comes from a web page that people went through, so yes, it is spam indeed, but it is someone at the other end that took the time to click on that web page, find it, click on the thing, and send it automatically to you. And if you add up thousands and thousands and thousands of emails that you got, even though it is spam, even though it wasn’t original messages, even though it was the same thing over and over, it showed that there was strong support in the community for such a measure.

“Now, I can tell you from Maui County’s perspective that we are solidly behind this. The county government is ready to go; many of the people in Maui County are ready to go. Personally, I think that this is one of the crown jewels of this legislative session, in that we are doing something proactive for the environment and something that will help us to clean up this place, reduce the amount of landfill, and make Hawaii a better place.

“So I urge you all to support this measure and let’s give it a chance. Let’s let it work. Thank you, Mr. President.”

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

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

“I can support the policy framework of this, Mr. President, and I think it is moving in the right direction. In fact, I’m going to ask the good Senator from Kahala if I can have the plastic bottle on the top of his desk and I’m going to save it for redemption. (Laughter.)

"Mr. President, what I don't support in this bill is the economics of it. The economics, as raised by the Senator from Ewa Beach and others, I think are legitimate. County and state government should get out of the way and let the private sector do this if we are going to have this bottle bill process.

"The good Senator from Kauai was talking about the Maui landfill being new. We opened that landfill in 1984, so it's been some time now, and that landfill is at a point where it's getting very, very full. That was the landfill in Waikapu that moved over to near the HC&S Plant, and that was in the mid-80s that it was transferred.

"Personally, I think that this will divert a lot of solid waste out of that landfill, but I believe a lot of people still need to go much further into a comprehensive recycling program. The three R principle is something that's not talked about in this measure or talked about as a public policy and that needs to be looked at more – reduce, recycle, and reuse. Until we do that, we're not going to solve our solid waste problems.

"I don't think that I'll be going to the redemption center a lot myself. I think that whatever containers I have I'll donate to some youth organization in my community and they'll be knocking at my door making sure there's not a cockroach trap in my neighborhood in hauling away all that material.

"As to the point about consumption, I think I've made up my mind already. I intend to call Tim Lyons from Budweiser and see what I buy a keg of Bud Light for and have a keg in the refrigerator. That way I avoid the container bill entirely and there's no deposit required.

"So, with all those reasons, I think I can support it from just the policy standpoint. Thank you."

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

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

"I think that there are some good points that are made here with regards to how much we want to safeguard our environment and I really support those ideas. I think, however, we need to safeguard our economy.

"One issue that has not been brought up and I think it should be, however, I have lived in other states where they had bottle bills and I have found that it is used as an impetus for you to go to the store. So, although the stores will definitely absorb some cost, they also might see some good things where people who may not be going to the store will go there. So, I think that needs to be pointed out.

"There are some very big concerns, however, economically and I'm concerned about the tax portion of this bill whether it's a half cent, one cent, one-and-a-half cents, two cents, it's still a tax. I would certainly prefer that the state's recycling efforts be funded by the unreturned rebates or be privatized. I really like the idea of the Senator from Maui talking about a public/private partnership.

"Second, I'm concerned about this added bureaucracy. It was noted earlier about the traffic camera fiasco here and it really was a fiasco. And if I thought in the likes of Brian Minaai and Marilyn Kali we're going to run this program, I definitely would be voting 'no.' However, I'm compelled to say that I believe that there will be a total change of leadership in November and when Linda Lingle becomes governor, we'll finally have someone who can run this program appropriately.

"I am throwing my support behind this effort because I believe that we must do whatever we can to make Hawaii beautiful. And if I could tell you a little bit about my own home, I have a beautiful place on Enchanted Lake that backs up to a wildlife and bird sanctuary. There's a little stream and pond behind it. It is absolutely gorgeous. When it rains, trash comes down from Keolu Hills, not refrigerators, not bags, not other kinds of trash but bottles and soda pop cans. And I have to go out there and clean it up. So, selfishly, I want to support this.

"Also, I have seen how beautiful our beaches are in Kailua, how beautiful our bays are in Kaneohe. I want them to be that way. I was involved in a litter cleanup program and we went out and we were sifting through the sand and we found too many bottles, and pieces of plastic and pieces of glass along the beaches and along the bay and I think this will promote an impressive return to our environment.

"And finally, I just wanted to add this – I talked to a friend of mine who moved from Hawaii, unfortunately because of the bad economy several years ago, who moved to the State of Oregon. And they have a bottle bill there. And so I said, well, how is it? And she said it's fantastic. I really appreciate it. It makes our community a better place to live. She is 100 percent behind it. I believe in her and I hope you will believe in this.

"We'll get through the tax implications. We'll get through the bureaucratic problems with a change of leadership. Support the bottle bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 124-02 was adopted and H.B. No. 1256, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Buen, Kanno, Kawamoto, Matsuura, Sakamoto, Slom).

Senators Chumbley, Ige and Tam cast their Roll Call votes "Aye, with reservations."

At 6:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:36 o'clock p.m.

Conf. Com. Rep. No. 127-02 (H.B. No. 1821, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 127-02 be adopted and H.B. No. 1821, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

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

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

"Those tricky little guys over in the House. I'll tell you. They pulled a quick one on this, Mr. President.

"As this S.D. 1 left our body, and by the way members, this is the first time I've seen a bill . . . this is Act 1 of the 2002 Legislative Session, and this is the first time I've seen an Act within the same legislative session come back as an amendment. So it's a little bit clever. But as the bill came out

of the Senate, it allowed for an appropriation for the auditor to do some work, and I think that work needs to be done.

“What I have objections to, Mr. President, is page 2, line 16 through page 3, line 2. This would set up a process where the auditors would be allowed to charge the various departments for the audits that we’re asking the auditor to do. I find that quite confusing because of separation of powers of government. I think if we want our legislative auditor to be independent of the executive branch and do those audits, that auditor could be influenced by the amount of money that department then would pay or not pay through this process. It just seems like a really, really poor way for us to have the legislative auditor do our work. If we want the legislative auditor to audit a department, let’s provide the general funds. We have that ability to do it.

“What is troublesome about this measure is I don’t believe we can vote this down because this appropriates the money for the legislative auditor to do the work over the next fiscal year. So if this bill dies, there’s no money to do those audits that we want. So it’s a Catch-22. This is a poison pill for me and I hope that all of you look at it very closely.

“The good Senator from Hawaii Kai said we’re going to have a tie vote on this one. Thank you.”

Senator Hogue rose to speak with reservations on the measure as follows:

“Mr. President, I will vote with reservations.

“I think the Senator from Maui has brought up some very valid points here. Anybody who’s been in accounting knows that you cannot even have an appearance of conflict of interest. So I’ll be voting with reservations.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 127-02 was adopted and H.B. No. 1821, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Chumbley, Inouye).

Conf. Com. Rep. No. 128-02 (H.B. No. 2451, S.D. 2, C.D. 1):

Senator Kim moved that Conf. Com. Rep. No. 128-02 be adopted and H.B. No. 2451, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak against the measure as follows:

“Mr. President, I’m voting ‘no’ on the bill.

“I do want to extend my compliments and best wishes to the Chair of TIA. She tried so hard. She got it down from two special funds to only one special fund. But that again is kind of like the employer/successor bill which was from 100 percent down to 50 percent. It’s still got the convention center enterprise special fund. So, I’m forced to vote ‘no’ but thank you for your good intentions, Senator.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 128-02 was adopted and H.B. No. 2451, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE

CONVENTION CENTER,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 129-02 (H.B. No. 2595, H.D. 1, S.D. 1, C.D. 1):

Senator Kim moved that Conf. Com. Rep. No. 129-02 be adopted and H.B. No. 2595, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Chumbley rose for a conflict ruling and said:

“Mr. President, I’d like a ruling on a potential conflict of interest.

“I’m the managing partner and general manager of a business called the Maui Tropical Plantation which is a 60 acre agricultural visitor park in Waikapu Maui. We host about 325,000 visitors per year. (That’s the end of the commercial.) I do intend to apply for a grant under this program, Mr. President, so my business would benefit directly from this.”

The President ruled that Senator Chumbley was not in conflict.

Senator Taniguchi rose and said:

“Mr. President, can I appeal that?” (Laughter.)

Senator Kim then rose and said:

“Mr. President, I intend to advise the HTA not to allow him to apply. Thank you.” (Laughter.)

The President responded:

“We don’t know if he’s going to get his grant or not.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 129-02 was adopted and H.B. No. 2595, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ENHANCE AGRICULTURAL TOURISM VENUES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 6:41 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:44 o’clock p.m.

Conf. Com. Rep. No. 140-02 (S.B. No. 3048, S.D. 2, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 140-02 be adopted and S.B. No. 3048, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

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

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

“Well, my reservations are twofold. Number one, I notice that we’re going to have a world class navy/marine corps visitor attraction on Ford Island. And I noticed that in all of our bills, anything that we do and everything we do is always world class, nothing less than world class except when it gets built and then we take a look at it and it’s less than world class.

“The second thing is, originally, I think the bonds were supposed to be issued through DBEDT and I notice now that the bonds, the SPRBs, will be issued through the Department of Transportation. My good friend from Waipahu, I worry about that because we don’t know what’s going to happen with those extra cams that are sitting out on the freeways and roadways and all, and with the Department of Transportation issuing these bonds, I’m a little concerned about that.

“But I’ll support the project overall. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 140-02 was adopted and S.B. No. 3048, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BONDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142-02 (S.B. No. 2127, H.D. 1, C.D. 1):

On motion by Senator Nakata, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 142-02 was adopted and S.B. No. 2127, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 146-02 (S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 146-02 be adopted and S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

“Mr. President, I rise in opposition to S.B. No. 3049.

“Hey, it’s the ferry system back again. We haven’t had the ferry system in quite some time now and every attempt at the ferry system has failed, so let’s try a new ferry system with new bonds! No, come on, let’s not. Let’s not do it. I oppose it.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 146-02 was adopted and S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BONDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 157-02 (H.B. No. 2459, S.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 157-02 be adopted and H.B. No. 2459, S.D. 2, C.D. 1, having been read

throughout, pass Final Reading, seconded by Senator Taniguchi.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 157-02 was adopted and H.B. No. 2459, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 161-02 (H.B. No. 2834, S.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 161-02 be adopted and H.B. No. 2834, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

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, as opposed to H.B. No. 1950, forces drug makers to negotiate lower prices for prescriptions. Sounds like a good idea but it is essentially price controls. Such restrictions would violate federal policy.

“My office recently received a letter, and you can come up to my office if you want to take a look at it, written by a federal Medicaid administrator that states:

‘A state Medicaid program may not be used as leverage to get manufacturers and pharmacies to participate in a state pharmaceutical assistance program nor may federal dollars be used for such a program.’

“The restrictions that the state is threatening the drug companies with is nothing short than another form of price controls and the obvious dangers that go along with it. This law could also mean that health care costs would be shifted elsewhere.

“One possibility is that pharmaceutical companies might be forced to charge higher prices to those outside the confines of the Medicaid program. For example, about 66 percent of seniors have some sort of prescription drug coverage. In many cases, a private insurer offers this coverage. Typically, insurers use their bulk-buying power to receive discounts on drugs. This law could end up ending this discount as drug companies attempt to spread out their cost. If so, Hawaii will hurt one set of residents to help another. Such a cost shift would benefit healthy young residents at the expense of our most vulnerable population, our seniors who bear the bulk of drug costs and who are supporting this.

“In conclusion, earlier in this Session I pointed to the ongoing court challenge to a similar Rx law that was passed by the State of Maine. At that time, we urged our fellow legislators to be prudent and wait for that situation to play itself out in court before passing our own legislation. Now, I have a letter, in fact I have it right here, addressed to the Chair of the Senate Health and Human Services Committee – Dear Chair from the Big Island (we’re not supposed to use names here), dated March 5. The last paragraph states the following:

‘The bill, if passed, will most likely result in litigation based on constitutional challenges that may be decided by

the United States Supreme Court this year. Given the status of the Maine case, it would be prudent to wait on the Supreme Court ruling before passing a potentially unconstitutional law.’

“Colleagues, let’s be prudent. You passed the other prescription drug legislation. I supported that one. Don’t support one that could be unconstitutional. Vote ‘no.’ Thank you.”

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

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

“Mr. President, the measure that is now before us, H.B. No. 2834, S.D. 2, C.D. 1, represents a key bill in the package of critically important consumer protection bills that we will be acting upon this Session. This measure stands as the centerpiece of the Legislature’s efforts to control the high cost of prescription drugs. This measure establishes the Hawaii Rx drug program that gives residents the chance to enroll in a buying pool which would be able to negotiate discounts with drug companies and pharmacies.

“Mr. President, a broad cross-section of Hawaii residents, especially our senior citizens, badly need this legislation because the issue of rising prescription drug costs is a pervasive and insidious problem for those living on fixed incomes.

“The passage of this bill into law, in conjunction with H.B. No. 1950, the other prescription drug bill that we’ve already passed, would bring tangible benefits to about 230,000 residents in Hawaii who lack adequate drug coverage and who have to pay high prescription drug costs out of their own pockets. How much will this bill help? Based on the Maine prescription drug program, on which Hawaii’s program is modeled, Hawaii consumers could enjoy drug price reductions of as much as 30 percent when it is fully implemented, based on official projections from Maine.

“This bill has received broad support from organizations throughout the State such as AARP, senior citizens’ groups, consumer groups, and labor organizations – a strong indication of the significant amount of benefits it is expected to deliver.

“Now, several of my colleagues from across the aisle have raised arguments against this pro-consumer bill, calling for the Legislature to vote it down because its passage could subject our State to legal challenges. Where have we heard these arguments before? That’s right, these are the same arguments the pharmaceutical companies have raised – not only here in Hawaii, but also throughout the country – in their efforts to block any legislation that would compromise their huge profits, regardless of the relief from debt and suffering it would provide to consumers in Hawaii.

“I wholeheartedly disagree with those who say that the threat of lawsuits by the pharmaceutical companies should discourage the Legislature from acting in the best interests of our most vulnerable citizens by providing badly needed legislation. Should we allow these companies and their apologists to further diminish the quality of life for those who are ill and live only on a limited fixed income? Mr. President, I think not.

“If the big drug companies sue the State of Hawaii after the Hawaii Rx program is fully implemented, I believe that the State has an excellent chance of prevailing in court. The legality of our model, the Maine program, has already been upheld in the United States Court of Appeals of the First

Circuit. The ruling of this court will provide our State with strong legal precedent to support the constitutionality of Hawaii’s program.

“Furthermore, the concern that the State would incur expense and inconvenience in the event that it goes to court and wins must be balanced with the very real benefits the people of Hawaii will unquestionably receive from a prescription drug program that should save consumers millions of dollars.

“I would also like to note that the Attorney General’s opinion to which the previous speaker had referred regarding this issue did not conclusively say that the proposed Hawaii Rx program would be unconstitutional. It basically pointed out what we all acknowledge, which is the fact that the drug companies may subject our program to legal and constitutional challenges. Moreover, in reaching this opinion, the Attorney General pointed out several technical flaws in the bill that have since been corrected in the conference draft that we are now voting upon this evening.

“Finally, let’s discard the false argument raised by opponents that this measure is too broad because it would cover persons outside of the Medicaid population. This bill addresses the needs of a large segment of our society who, although in dire need, are often forgotten and fall just short of eligibility for government programs – the so-called ‘gap group,’ who earn too much to qualify for the Medicaid prescription drug waiver program under H.B. No. 1950, but who can’t afford adequate drug coverage because their limited incomes effectively prevent them from getting expensive medicine that they so desperately need.

“My fellow colleagues, today we have a rare opportunity to bring hope to thousands that have much less than most of us, but are afflicted with the same illnesses and deserve the same access to relief and a healthier life that we all aspire to. In that regard I thank my Co-Chair, Senator David Matsuura, for his support of this bill and for allowing my Committee to move this bill through the process.

“In closing, I respectfully ask my colleagues to vote in favor of this strong pro-consumer bill, H.B. No. 2834, S.D. 2, C.D. 1. Thank you.”

Senator Hemmings rose to speak against the measure and said:

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

“Some rhetorical questions that need to be answered that were more or less misrepresented. It was said that the drug manufacturers and pharmaceutical companies have raised up the cry of the constitutionality and the legal barriers to this thing. That’s not true. The attorney general of the State of Hawaii said it would be prudent, because of constitutional questions, to delay passing of this bill. Clearly spelled out, that has nothing to do with the technicalities of the legislation as previously addressed by the speaker just before me.

“By the way, it’s not against the law to make money. It is against the law to regulate interstate commerce, according to the United States Constitution.

“I also want to correct another misrepresentation. The Maine Rx program has not been implemented or enacted to date. What is being challenged in the constitutional grounds is healthy Maine law that has come into effect and it is being challenged.

“So the prudent thing to do for a change is to follow the advice of the attorney general and wait until we have these

constitutional questions answered before we proceed with this legislation.

“Thank you, Mr. President.”

Senator Matsuura rose in support of the measure and said:

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

“I have some written comments to insert into the Journal.”

The Chair having so ordered, Senator Matsuura’s remarks read as follows:

“The Rx Bill (H.B. No. 2834, S.D. 2, C.D. 1, Relating to Prescription Drugs) has consequences that will impact patients who are on needed medication. The bill (H.B. No. 2834, S.D. 2, C.D. 1) states that if a drug company fails to participate in the voluntary rebate program all their drugs will be placed on a ‘prior approval’ list. This means the doctor has to get state approval for any prescription he writes. So what does that do? This approval will mean the patient may be off his drug and mean higher costs as the only alternative is to go to the ‘emergency room.’

“I understand the National Alliance for the Mentally Ill have over this past session tried to obtain an exemption that is listed in at least 10 other states that would exempt out the drugs that are used to treat mental illness.

“With the state acting as ‘gatekeeper’ the doctor loses control of his ‘care’ plan and the patient is at risk for unintended consequences. It should be part of the public record that hurting the mentally ill was not the intent of this Legislature. Therefore, we believe that next session this body should put safeguards in place like over 10 other states have done to ensure the mentally ill have access to the proper medications they need.

**Bottom line:**

1. Formularies should provide exemptions for medications used for persons with serious mental illnesses. Brain disorder medications are not ‘one size fits all’ medications;
2. People who are already on therapeutically effective medications should be able to continue their program; and
3. Anything, such as prior authorization that complicates the process and is not user friendly would be an impediment to our fragile population who have serious mental illnesses.

“The committees involved in this bill should address this issue prior to next session.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 161-02 was adopted and H.B. No. 2834, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 108-02 (H.B. No. 2072, H.D. 2, S.D. 1, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 108-02 be adopted and H.B. No. 2072, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final 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 bill.

“The bill is well-intentioned, more money and more assistance for the homeless, however, what it does is take \$1 million as a raid from the other fund. This was the only individual appropriation separate from the rainy day fund.

“There are lots of funds and lots of money in other funds that were specifically earmarked for homeless assistance and we really haven’t done an audit as to see where we are on that program.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 108-02 was adopted and H.B. No. 2072, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOCIAL WELFARE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 6:59 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:02 o’clock p.m.

S.B. No. 2669, H.D. 1:

By unanimous consent, S.B. No. 2669, H.D. 1, 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,” was recommitted to the Committee on Conference.

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 2477, S.D. 2 (H.D. 2):

Senator Chun moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2477, S.D. 2, seconded by Senator Kawamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2477, S.D. 2, on the following showing of Ayes and Noes:

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

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.B. No. 2477, S.D. 2, seconded by Senator Kawamoto.

Senator Chun noted:

“Mr. President, this bill relates to the granting of the Office of Hawaiian Affairs the authority to award grants. There were technical amendments made by the House to the Senate bill which we review with the Office of Hawaiian Affairs and the procurement office to make sure that it complies with everyone’s concerns. So we have agreed to those amendments.

"It did not change its substantive provisions but merely technical in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2477, S.D. 2, and S.B. No. 2477, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was placed on the calendar for Final Reading on Thursday, May 2, 2002.

S.B. No. 2498, S.D. 2 (H.D. 1):

Senator Matsuura moved that the Senate reconsider its action taken on April 3, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2498, S.D. 2, seconded by Senator Menor and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2498, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Matsuura, Nakata, Kim, Hogue). Noes, none. Excused, 2 (Menor, Fukunaga).

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.B. No. 2498, S.D. 2, seconded by Senator Menor.

Senator Matsuura noted:

"Mr. President and fellow colleagues, this is our second bill relating to social workers. This is our just in case bill that if the Governor vetoes our first one this second one is going up." (Laughter.)

Senator Hemmings rose and said:

"Mr. President, I would like to remind your Majority Party that your loyal opposition is willing not to be a rubber stamp of the Governor's vetoes and we can always override vetoes when the opportunity presents itself.

"Thank you, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2498, S.D. 2, and S.B. No. 2498, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," was placed on the calendar for Final Reading on Thursday, May 2, 2002.

S.B. No. 2885, S.D. 2 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2885, S.D. 2, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2885, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Taniguchi, Hogue). Noes, none. Excused, 1 (Kim).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2885, S.D. 2, seconded by Senator Taniguchi.

Senator Menor noted:

"Mr. President, I make the recommendation that I am making right now because of the fact that I agree with the House amendments. The House draft includes amendments to assure telecommunications providers that the Department of Taxation will not apply rules retroactively to invalidate a provider's segregation method by clarifying that segregation must be in conformance with rules subsequently adopted by the Department of Taxation.

"Another amendment is that the effective date has been changed from July 1, 2050 to July 1, 2002.

"I recommend adopting these amendments because I believe that they are reasonable."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2885, S.D. 2, and S.B. No. 2885, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was placed on the calendar for Final Reading on Thursday, May 2, 2002.

#### RECALL OF HOUSE BILL 2487

H.B. No. 2487, H.D. 1:

Pursuant to Senate Rule 51, Senator Matsunaga moved to recall H.B. No. 2487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY," from the Committee on Health and Human Services, seconded by Senator Chumbley.

At 7:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:28 o'clock p.m.

The President then inquired:

"Mr. Clerk, have 20 days elapsed since H.B. No. 2487, H.D. 1, was referred to committee?"

The Clerk replied:

"Yes, Mr. President, H.B. No. 2487, H.D. 1, was referred to the Committee on Health and Human Services on March 8, 2002. The required number of days have elapsed since referral."

The Chair then stated:

"The Chair will provide for limited debate to allow the movant to state the reasons for the motion to recall."

Senator Matsunaga rose and said:

"Mr. President, H.B. No. 2487 is the death with dignity bill.

"Mr. President, let me first commend the Chair of the HHS Committee for holding a hearing on this bill and for also standing firm for what he believes in in the face of strong opposition. I think that's very admirable.

"Mr. President, regardless of where you are on this issue, this is an issue of significant importance that is worthy of debate,



discussion, and decision on this Senate Floor. Mr. President, the public deserves to know where we stand on this issue.

“Mr. President, I ask my colleagues to join me in bringing this bill to the Floor for discussion.

“Thank you, Mr. President.”

Senator Chun rose to oppose the motion and stated:

“Mr. President, I stand in opposition to the motion.

“Mr. President, I’m all for bringing the matter for public and open debate on this, and that was one reason why I requested the Chairman of HHS, when the bill was sent over to us from the House, to have a hearing on this because everyone, everyone, should have the opportunity to hear both sides of the arguments – the pros and the cons. Everyone should have the opportunity of asking hard and thoughtful questions in terms of is this where we want to go as a society. Is this the direction of the State as a policy? We all should be given that opportunity to participate in that kind of discussion. And after hearing all the discussions, after hearing all the testimony, to make an informed and valid decision.

“Mr. President, this motion robs us of that opportunity. This motion robs us of that ability to make informed and intelligent decisions that are so important to this State as a matter of policy. This motion instead would have us rush into something and put a bill before us for final vote without knowing exactly what the arguments were, without knowing what the ramifications are, and without knowing what are the unintended consequences.

“Mr. President, I would have participated in HHS’s hearing on that because I know the Honorable Chairman would have let me participate if I showed up. Unfortunately, on that day we had a number of important bills before other Committees that I sit on so I was not able to sit on those hearings. I was anticipating, Mr. President, based upon the referrals, that it would have gone on to Judiciary, which I sit on, and I would have anticipated that the Judiciary Chair would have also had a hearing and we could have talked about all these things. We would have had a committee report from HHS in terms of an informed decision of what they think a majority of the Committee would support. We would have had an informed decision by the Committee on Judiciary and what they think a majority of that Committee would have supported. And we would have had an opportunity of weighing that, of saying whether the majority of those Committees and their thoughts and their analysis and their feelings were consistent with what we heard and consistent with what we feel should be a matter of policy. We don’t have that, and I think it’s a very, very bad idea for us to charge into this area without that kind of thoughtful process, without that kind of analysis, and without knowing exactly where we’re going to go with this new . . . make it be unknown, Mr. President, this is a new and uncharted course of policy for this State.

“Mr. President, I have many comments in terms of the wiseness of this bill, but I will reserve them for later on. I only want to address the procedure. Mr. President and members, this procedure is bad. This procedure disallows all of you from really actively participating in a democratic process. This process that we’re going to be going on and that we’re being asked to vote on if it passes will have you make a rushed and uninformed decision that will affect the lives of hundreds and thousands of people – and I’m talking about lives, not dollars and cents, lives. And if you want to rush into this decision, if you want to impact those lives without being informed of what’s going on and of the impact that this bill has, then go

ahead and vote for the motion. But if you think that this issue deserves good, solid public debate and your active participation in those discussions, and your thoughtful considerations of those issues raised by the people both pro and con, then I urge my colleagues to vote ‘no’ on this motion to pull the bill from the Committee.

“Thank you, Mr. President.”

Senator Chumbley rose to support the motion and said:

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

“Mr. President and colleagues, we’ve had a lot of time to look at this measure. This measure was referred to the Committee on Health and Human Services on March 8. That’s approximately 7½ weeks ago. The Chairman – and thank you, Chair – held a hearing on it. Many of us in the Senate who do not sit on the Health and Human Services Committee don’t have that same opportunity to participate as the Chair and the committee members do. For myself, I don’t sit on HHS or Judiciary so my opportunity to learn and understand this issue was from March 8 when the House passed the bill over in its current form, from the time that the bill was introduced to the time a meeting with the advocates for the bill and the opponents for the bill, and discussing it with some of you in a more casual situation.

“I think what’s important is that this is our constitutional right. This is our ability to look at this measure and to debate it. The debate on this Floor will be good. What we are going to debate is just simply the contents of this bill. And yes, maybe I, too, would have liked to have seen some things differently that’s not in this bill, but this is what we have before us. This is what we have to base our decision on. And I think that the public should have a right to know how we feel about it, and I look forward to that debate.

“I’ve looked at the bill since March 8. I’ve got my own personal opinions about it and I’ll share those on Thursday. But from a procedural standpoint, what we’re doing today is appropriate and it is right.

“Thank you.”

Senator Sakamoto rose in opposition and said:

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

“What’s very disappointing to me, Mr. President, is some of the people who are speaking in favor of this are the very people who speak for sunshine in government, are the very people who say we should have public input, are the very people who press that procedure ought to be right.”

Senator Matsunaga interjected:

“Mr. President, point of order. Rule 73 violation, Rule 74 violation, would you please ask him to sit down pursuant to Rule 73.”

The President then said:

“Senator Sakamoto, would you please keep your remarks germane to the recall.”

Senator Sakamoto continued:

“Okay, well I apologize if I violated Rule 73. Back to the process then.

"I think this body owes, for any important measure, full public input. The bill may have laid somewhere from March 8 and, unfortunately, I think in the Chairperson consenting to a hearing, now that the bill has been heard in the Senate, we can do this. Had the bill not been heard, we could not do this. So, this will set a precedent for future legislators to say why should I concede to have a hearing if at the end hour the measure can be pulled to the Floor.

"So I think in light of the process of we'll have a hearing in the spirit of let's not bottle things up, if a measure like this goes forward, it works against having a hearing for the spirit of let's hear what the public has to say. So this is a very poor way to do things. I think if this was done earlier we could have had public input, whether it was the Judiciary Committee or elsewhere. That's another issue. But timing-wise this is very poor."

Senator Kawamoto rose in opposition and said:

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

"Mr. President, the reputation of this Senate and the way we conduct business is in the toilet. It's in the toilet! Even those problems they have across the street, our reputation is worse than that because of the things we are doing here this year.

"Mr. President, the proponents of this bill have tried for two years to embarrass you and this body."

Senator Chumbley interjected:

"Mr. President, point of order. The speaker is out of order . . . Rule 78, Mr. President."

Senator Kawamoto exclaimed:

"I'm talking about the procedure, Senator from Maui! You want to talk procedure, let's talk procedure!"

The President interjected:

"Senator Kawamoto, you are out of order. Please keep your remarks germane to the recall."

Senator Kawamoto replied:

"Okay. I'm just saying this procedure, the circumventing of this procedure just puts the reputation of the Senate in the toilet. One's word is no longer important here. One's integrity is no longer important here because of this procedure and many of these procedures that we've gone through this year.

"I'm ashamed. I'm totally ashamed of this body and our Democratic Party for allowing these kinds of things to happen in this body. And I apologize to those who have gone before us – the Nelson Dois, Senator Matsunaga, Senator Matsuura, Senator Dickie Wong – all those who have made this body so important and we have let it go down the tubes and in the toilet.

"Mr. President, I urge my colleagues for the integrity of this Senate, the integrity of your body, and the integrity of the fact that you are a Senator of this Senate, to vote 'no' on this motion."

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

"Mr. President and fellow colleagues, I'd like to rise in support with reservations.

"I'd like to thank the Majority Leaders for their support, but I'll have written comments later."

The President having so ordered, Senator Matsuura's comments read as follows:

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

"I would like to thank the Majority Leaders for their support. My oath of office is to protect the Constitution of the United States of America and the State of Hawaii. I do not support this bill or the way it has been brought to the Floor, but this process is protected in our Constitution, and since this is a bill that was pulled out my Committee, I feel I have an obligation to support the process. I do believe this bill will seriously hurt our people but I have always said that I would not stand in the way if the Senate as a whole would like to debate this issue.

"For these reasons, I reluctantly stand in support of this motion with reservations. Thank you."

Senator Hogue rose to support the motion and said:

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

"I think this body does have integrity. I know that each of you are reaching down deep in your heart to make a very difficult decision.

"Last November I was asked to moderate a symposium on this very issue. All of the legislators were invited. I was the only one there."

Senator Kawamoto interjected:

"Point of order, Mr. President. Is he talking about the motion at hand or is he talking about the issue?"

The President then stated:

"Senator Hogue, please talk about the recall. We will have an opportunity on Thursday to debate the issue."

Senator Hogue continued:

"I support the recall. There was public input then. There was public input in the Health and Human Services Committee. You want to see public input, wait till tomorrow down here. You'll see loads of public input.

"So I support this. I support all of you making a very tough decision. Thank you."

Senator Chun rose again and said:

"Mr. President, I rise in opposition and in rebuttal.

"Mr. President, we heard from the Honorable Senator from Maui that this bill was referred to the Health and Human Services Committee on March 8, 2002. Pursuant to their rights, as they say, they could have recalled the bill on March 28, 2002, or anytime thereafter. That gives them a little more than a month to have taken this action, to exercise their right, and to have at the same time, if they really wanted their rights exercised, to also preserve the right of the people and the right of the other members to hear and to debate and to participate in an open public hearing on this matter.

"I compare this, interestingly enough, to the other bill that was pulled and to be forced upon a decision to this body at the

last minute and that is the VEBA bill that we all are so familiar with. I'm interested in knowing that in that bill they even insist and say don't worry about public participation. We'll give you guys an opportunity to have a public hearing and to ask questions and to work on the bill. And we were going to set that up and I appreciated that offer in that situation. I wonder why we are not given that opportunity in this one.

"Is it the reason that we really don't want to have participation? Is it the reason we don't want to have good debate on it or good information? Is it the reason that we have something to hide? Now I'm not going to assume that for the makers of this motion. I'm not going to assume that for the proponents. But what I'm raising is how are we consistently handling these types of issues.

"I appreciated the last time when they had a public meeting or, as I said, informational meeting. I appreciated that. It gave me a chance to vocalize about my concerns. It gave me time to ask questions. And it gave time for the proponents to respond. We don't have that here.

"I hear from the Honorable Senator from Kaneohe/Kailua that we're going to see debate tomorrow. Do I take that to mean we're going to recess and adjourn and go into an informational briefing or meeting like we did with the VEBA? I would welcome that if that's what you really mean, then at least we can address both sides and hear both sides and ask intelligent questions. I was not part of that panel discussion and so I was not able to do that.

"That's the whole basis of my opposition as far as the procedure. We're being robbed. Yes, Mr. President, robbed of the opportunity to adequately participate, to inform ourselves of all the issues, and to ask intelligent questions and to get intelligent answers from both sides.

"So Mr. President, I again go back and will urge my colleagues to vote 'no.'"

Senator Kim rose to oppose the motion and said:

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

"Mr. President, as a proponent and a supporter of death with dignity in some form, I'm opposed to this motion because I believe that this could have been done earlier to allow discussion on this measure. It puts proponents like me in an awkward position because this may not be the measure in a total package that we would like to see. It does not give me an opportunity to hear from all of my constituents as to the detailed measures in this bill. We may need to put some amendments to the measure.

"I believe that we could have been given that opportunity. While there's a constitutional right, I think that there's also a right for members to be open and up front with the rest of us and not put us up against the wall as to being on record to say I support a form of death with dignity. And if I vote against this measure come Thursday, proponents will say, well you said you supported it, then I'd have to go and say, well there's certain things that I don't support. And then the people in my district who said we called your office and you told us the measure was held, you didn't give us an opportunity to tell us all your concerns that we had regarding this measure.

"So I think that kind of discussion is really needed and that if the people who are moving to push this to the Floor were sincere about that, then we would have that opportunity to do that. So while, again, I have been a supporter of the measure, I really feel that those who are doing this are really not taking

into consideration all of the concerns and that there are people out there who may not be in favor of this but may have some really good points on some of the things that need to be changed. I think that is such an important issue to put it at such a last minute.

"Even though this measure came on March 8, as was said, not all of us were able to attend the hearings. I don't sit on those Committees and I didn't bother to really look into the detail of the bills because it did not move out of Committee. It was my understanding that I cannot read every single bill in every single Committee, thinking that it may come to the Floor at the very last minute. All of the measures that were held, I could not spend the time reading all those bills thinking that it's going to come out two days before the end of the Session and therefore I'd be forced to have to read the measures and vote on the measures at the last minute. That is not responsible of us in this Senate!

"Thank you."

Senator Matsunaga rose and said:

"Mr. President, Roll Call vote, please."

Senator Hanabusa rose to speak in support and stated:

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

"Mr. President, I sat here listening to the arguments and some of them I have made myself in varying forms throughout the VEBA issue. However, there is one major difference here, Mr. President. The good Chair of Health and Human Services did in fact have a hearing on this measure and there's been much debate over this particular issue, whether it's been among ourselves, in public, with the public, with our constituents.

"I think what's being missed here, however, is the generous offer by the Chair of Health and Human Services when he rose and said he is in support of the motion with reservations. I think that makes it very clear that the Chair himself is saying this is worthy of debate for all of us as it's held over for the next session.

"So with that, Mr. President, I'm rising in support of this measure and in support of the Chair's reservation. Thank you."

The motion to recall H.B. No. 2487, H.D. 1, from the Committee on Health and Human Services was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Bunda, Chun, Hemmings, Kanno, Kawamoto, Kim, Menor, Sakamoto, Slom, Taniguchi).

Senators Buen, Kokubun, Matsuura and Tam cast their Roll Call votes "Aye, with reservations."

The President then made the following observation:

"H.B. No. 2487, H.D. 1, has been recalled and is accordingly in possession of this body."

Senator Matsunaga moved that H.B. No. 2487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY," pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Chumbley.

The Chair then called for the question as follows:

"All those in favor say 'Aye,' opposed 'No.' There is a division."

Senator Hemmings interjected:

"Mr. President, could we have a division of the Senate, please?"

The President then stated:

"Could we have a Roll Call vote. Mr. Clerk . . ."

At 7:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:52 o'clock p.m.

The President made the following announcement:

"The motion before us is for said bill to pass Second Reading and be placed on the calendar for Third Reading."

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against the motion.

"Well, we're interested in democracy aren't we? Well, here's an opportunity for those of you that really want to discuss the bill to do it right now. This isn't about death with dignity. This is death by murder. The last time I checked, when one person puts another person to death, it's murder.

"I also want to quote something that was written thousands of years ago, a pledge. A pledge that good doctors give in the form of an oath. It's survived thousands of years and yet, in one fell swoop, in one short night, in the haste of the waning days of this legislative session, this legislature is considering putting it asunder. It says simply, among other things, 'And I will not give a drug that is deadly to anyone if asked [for it], nor will I suggest the way to such a counsel.'

"The chance to have this bill die right now with dignity . . . but there's nothing dignified about asking a doctor to put someone to death. If the family or some citizen wants to commit suicide, that's another issue. But there's nothing dignified about this at all.

"Now we're going to say it's going to have a lot of safeguards and we're not going to allow this to happen, we're not going to allow that to happen, and doctors can volunteer to do this and do that. And I believe that of the thousands of doctors we have in this state, most of them won't volunteer in this program. But there are the Jack Kevorkians out there that are eager to put people to death that aren't even terminal. And he's done it once, he's done it before, and a bill like this would help protect those people. And after the person has been put to death because they had a bad hair day, we'll debate it later, which will be too late.

"We know what this is all about. This isn't about death with dignity. It's about death by murder and I urge my colleagues to search your souls on this one, and after you do so, vote 'no.'"

Senator Chun rose to speak against the measure and said:

"Mr. President, I rise in opposition to the motion. I gather this motion is on the merits so I believe I can talk on the merits.

"Mr. President, this goes back to what I said earlier on the motion to recall. Now, we've heard in the motion to bring back

to the Floor that you'll have plenty of time to argue the merits of the motion. You'll have plenty of time – two whole days – to read the testimony. You have two whole days to look at the comments and to read the bill and to read whatever reports by whatever Committees did this, maybe the House ones. And now, no less than 30 seconds after the vote was taken we're being asked to vote on the merits. That's the point I was making. Rather than have an informed decision, rather than arguing that you'll have time, two whole days, if I disagree with the reasonableness of that decision.

"Now we see the real truth. And the real truth is no, you've got to vote today on the merits, whether you have the committee report or not, whether you have the testimony or not, whether you have the bill or not. I don't even have the bill in front of me today! But go ahead and vote on the merits. And by the way, you are talking about lives. And by the way, yes, these people could die. And by the way, it could have an impact on those who don't have access to medical care. It could have impact on minorities. And it could have impact on the disabled. But, you can read about it later, after you vote.

"I, Mr. President, do not make decisions based upon that kind of flippant attitude towards the rights of others, to the lives of others. Until I've had an opportunity to listen to the debate, and an opportunity to ask solid questions . . . and I would ask the proponents to be prepared. If this bill passes tomorrow I will ask you questions and how it applies to certain classes of people, and how it applies to other laws, and how it applies to other policies in this State. And if you can't come up with any answers then I will have to vote 'no' again.

"It's a shame I have to do this on the Floor because we could have easily done it, as I pointed out in the other motion, we could have done it a month ago in a more congenial environment, in a more informed environment. But this is the environment that the body has chosen. This is the environment and the forum that we will do it.

"Until I get those answers, until I have an opportunity to participate, I will vote 'no,' Mr. President."

Senator Matsuura rose to speak in opposition to the measure and said:

"Mr. President and fellow colleagues, I stand in opposition to this bill.

"Given the time and I'm pretty sure we're all going to be hit pretty hard in the next couple of days but it depends on what we do today, I will reserve comments for later, but I have written comments to be inserted into the Journal."

The Chair having so ordered, Senator Matsuura's written comments read as follows:

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

"Our State Motto states: 'The life of the land is perpetuated in righteousness.' There is no Dignity, no Life, and no Righteousness in this bill. This bill will hurt the most vulnerable of our people, for the sake of what? What I fear the most for our great State is that we will 'Reap what we sow.' If we sow death, we will reap death.

"Thank you."

Senator Sakamoto rose to speak against the measure and stated:

"Mr. President, I rise in opposition to the measure. I don't wish to reserve comments for later.

"Mr. President, it's a tough issue. Some of you have seen loved ones die from natural causes. Both of my parents have passed away. (Excuse me.) My dad, he died of cancer, all through here. He asked me, 'so tell me when it's time.' He was suffering. And it's not easy watching someone you love suffer. It's not easy. And they do pain management and I believe that's a good thing. He had a living will, so there was no respirator, but he could still hear. Although he suffered, he had his good times.

"But I didn't have a choice of this bill, nor would I want to. And some of you would say, 'well, Sakamoto, you don't have to choose,' but it's a very tough thing to watch someone you love suffer. To equip the people of this State with the trigger to say, as you see your loved one suffer, do you want to pull the trigger? You're going to equip the people of this State, upon having watched their loved suffer, and you may pull the trigger . . . you. They'll say to you, 'shall we pull the trigger?' And I don't think it's fair for the people of this State, no matter how suffering their loved ones are, to say it's up to you; you pull the trigger.

"That's my dad and he suffered, but they kept giving him drugs so he wasn't suffering to the point of being passed out with pain, etc., etc. My mom, she died last year. She was 93. For many years of her life she was very depressed. She took medicine and when the medicine wasn't right, she didn't want to go on. She would say, 'I don't want to talk to my friends. I don't want to eat.' She'd be lying on the couch and we could encourage her. I can see many people, if they get ill and they're depressed, people will say, 'oh it's about time, you know. Talk to the kids, make your plans, just let us know . . . and pull the trigger.' No, but we didn't do that and she'd get out of it and she'd have good days. But it's too easy when you see people who are not in good shape. It's too easy to say pull the trigger.

"And if this bill were to pass, Mr. President, we're foisting on the people of Hawaii this weapon that some of you may not want to use and some of you may want to use, but it's a bad weapon. It's a bad weapon that you're going to put in the hands of each person in this State to say you can pull the trigger on your grandpa, on your grandma, on your mother, on your father, on your wife, on your significant other, on your child when they're suffering and say it's up to you, you pull the trigger. And I think that's a terrible thing to force people to have.

"Medical knowledge can do pain management. We need to do what we can do, but it would be terrible to equip the people of this State to play with the lives of others and say suicide is here, let's do it . . . terrible."

Senator Nakata rose in support of the measure and said:

"Mr. President, I rise to speak in favor of passing this measure on Second Reading. We will have a Third Reading in which the issue can be discussed more fully.

"This is a kind of issue where even when we vote I think most of us, if not all of us, are going to have second thoughts about the decision we make two nights from now or whenever we make that decision. And that decision will also haunt us at the time when we face our own death, in the face of deaths of others who are close to us. It will always be a difficult decision.

"Two nights from now, I don't know how the vote will go. We may vote it down and then we'll face it again and again and again. It will always be a difficult decision, and I do want to

commend the Chair of Health and Human Services for, in a sense, stepping aside and letting the debate continue.

"But I would urge that we put this on the calendar for Thursday and continue the discussion. Whether we come to a decision then or not, I don't know. But the discussion, I think, will be useful to all of us.

"Thank you."

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

"Mr. President, I rise to speak in favor of the motion.

"Colleagues, make no mistake about it, this is probably the most significant decision you will make in your career of sitting in those chairs. This is something that's going to stick with you for a long time. It's going to affect your life; it's going to affect your family's lives, and it's going to affect a lot of lives in this State, so think long and hard about what you do.

"My father also died of cancer. When I was 20 years old, he was in the hospital and he got so sick they moved him home. My father died at home in my arms, not in his bed in his bedroom, but in a bed that we had put in the living room for him. He suffered in tremendous pain and tremendous agony. And he did not have the kind of help, the kind of medicine, the kind of things that he wanted, to end his life in a very peaceful way. And that's why I can support this bill, because it's not about me making that choice to pull the trigger for my father. It was about my father having that choice in his own life to make a decision on how he dies, not about how I pull the trigger, about how when he leaves this earth.

"Only the patient can make this decision under this bill. The wife, the children, the grandparents, no one else can make the decision – only the patient. There are tremendous protections built into this measure. I hadn't intended to go through a lengthy discussion about this tonight, but I think it's important that you understand some of these protections so that when we vote on this measure you're going to feel that this is something that's worthy of a complete debate on Thursday.

"Using much of the Oregon model, this bill includes the following requirements that will protect against the abuse of a person requesting a prescription for medication:

1. You must be an adult over 18 years old;
2. You must be a resident of the State of Hawaii;
3. You must be capable – and that is defined as being able to make and communicate health care decisions. You have to be capable yourself. No one else can make this decision for you; and
4. You have to be diagnosed with a terminal illness that will lead to death within six months.

"Those would have fit the needs of my father. When he died of cancer, he was diagnosed in six months and he died in about three months.

"If a patient meets these requirements, he or she will be eligible to request a prescription for medication from a licensed Hawaii physician so long as the additional following requirements are met:

1. The patient must make two oral requests to their physician, separated by at least 15 days between each request;
2. The patient must provide a written request to the physician witnessed by two additional individuals who are not family members, and who are not primary caregivers;
3. A patient may rescind his or her request at any time. Another choice of the patient;
4. The diagnosis and prognosis must be confirmed by the prescribing physician and a second consulting physician. Two physicians have to agree;
5. If either physician determines that the patient's judgment is impaired, the patient must be referred for a psychological examination. That's another protection;
6. The prescribing physician must inform the patient of alternatives such as pain management, palliative care, hospice, and other options that are available to the patient. They must inform the patient of those; and
7. The prescribing physician must request that the patient notify the next-of-kin of the prescription request. So my father couldn't have done this without telling my mother or at least telling me.

"As with the Oregon law, physicians must report to the state Department of Health all prescriptions for medication and all physicians and patients must adhere to the requirements of the law and are protected then from criminal prosecution.

"Additionally, the choice of legal physician-assisted dying cannot affect the status of a patient's health or life insurance policies. Physicians and health care assistants are not obligated to participate in the death with dignity law. They're not obligated to participate. If they choose to then they can.

"It's also important to note that since this law has been in effect back in 1997 in Oregon, only 91 people chose to end their lives under the provision of the act. In 1997, 91 people chose to end their life. In 1998, there were only 16 people who chose to end their life. In 1999, there were 27. In the year 2000, there were 27. In the Year 2001, there were 21. There has been no demonstrated history of a slippery slope as was referred to earlier. And there has been no Kevorkian rush in Oregon under this law, nor is there any reasonable basis to assume that we are headed towards the euthanasia scenarios in the Netherlands. That is just not the case.

"Colleagues, I want to make the choice, if I am terminally ill, how to end my life. And I think that is something that should be given to every citizen of this State. Remember, it's not you pulling the trigger; it's not you telling someone else; it's choices for yourself. That is what this measure is about.

"Please support and vote to pass this on Second Reading."

Senator Kawamoto rose to speak on the measure and said:

"Mr. President, just a slight rebuttal.

"Mr. President, how many times have we heard you've got six months? You've got six months to live. When I was on the Shintani Diet we had a guy there that said he was given six months to live. That was eight years ago. He's still living today. How many times do we have people that were given three months, five months to live that have come out of it?

Whether it was God's will or whatever have you, they came out of it, how many times have we had that?

"Mr. President, I just wonder if the Senator from Kaneohe could answer a question, the Democrat Senator."

The President posed the question and Senator Nakata having answered in the affirmative, Senator Kawamoto inquired:

"Senator, you're the closest to God that I know of. (Laughter.) Being a pastor, I want to find out if you have applications to be God, and that's what this bill is all about – making people God. So I was wondering, since you're the closest to God, was there any applications in your church that you have to be God?"

Senator Nakata answered:

"There are none."

Senator Kawamoto then said:

"Thank you very much."

Senator Nakata then said:

"Now that you've given me another opportunity at this, let me say that my attitude towards death is this – death actually can be a friend in that it tells us God didn't make us immortal. I may be preaching here and I apologize if I'm out of line on that, but we were not made immortal and I believe that it was for a reason, that reason being that knowing that death will envelope us some day, we live in such a way that we care for each other more deeply with the awareness that we are mortal. It is about relationships and I believe that death is an integral part of life. And if we can look at it in that sense, we can welcome death when our time comes. And hopefully it will be a death with a lot of dignity, time to say our good-byes and move on.

"I hope that I can live to that when my time comes. But death tells us how precious life is. We are living in a time when medical science makes it possible for the body to go on for a long time after the quality of life is gone. Most of us, as these advances take place, I believe, are going to be in the position of deciding when our physical life comes to an end. Life is a part of death and death is a part of life – it goes both ways. Looking at it that way can influence the quality of our living.

"Thank you."

Senator Inouye rose to speak in support of the measure and said:

"Mr. President, I speak in support of this measure on its merits on Second Reading.

"Mr. President and colleagues, I wasn't going to say anything but since this is a debatable issue I thought I'd share my own experience, as well. When my dad died in 1980, my mom said, fortunately at his nice age of 83, he just collapsed and that was it. So he didn't suffer.

"Since I was a single parent at that time, I moved in with my mom because I knew she would be lonely. So I cared for her, but she was very active, so it was just to keep her company. Unfortunately, at the young age of 76, 16 years ago, she was hospitalized for some unknown causes and entered the hospital and never came home.

"During the time that I spent my life with her, she always told me and said, 'I don't want to suffer. If I have an illness,

please, I don't want to be old and frail so you folks have to take care of me, because you all have your lives to go on with.' During the time she was hospitalized in Hilo I knew that there was nothing more that they could do for her, so I put her on a small emergency plane and flew with her over to Oahu. At that time, it seemed like there was nothing more that they could do for her.

"She was a feisty woman, as feisty as I am. I guess I took after her. She just couldn't live with the application of what was being done to her. She kept on removing her oxygen, her mask, and was very active though we knew that she must have been suffering. So they tied her hands against the rail and she lived through that for an additional two months, and it was very, very painful for me to see her in that situation. She bled at her wrists and I knew every time I'd visit her that she'd look at me with that stare and I knew what she was saying . . . you know, please let this be over.

"But during the time I spent there we were taken into counsel and was given some options and they told us what our options were – if we would like to put her on life support. They also showed me several patients, and until today, I still have that memory. They showed me this man who was in a room just to tell us how we need to bear all the consequences, and this man was on life support. It was going on for four years. He had a son and he had a daughter, and every day of that young man's life, he went to visit his dad . . . every day. I had to go over one day when I saw him in the chapel and I just congratulated him. He was worn out, he told me, but he said, 'but that's my dad.'

"Since then I thought, wow, this is something that the family needs to deal with. So we decided amongst ourselves that we would not put my mom on life support but let the consequences go and let her suffer. I do not want anyone to go through, or myself to go through, that ordeal.

"I looked at the bill, just glancing at it when it first came over from the House. I haven't seen the final version. But I'd like for all of us to consider that it's a choice and nothing, I believe, would be forced upon us. So I'd like to look at the bill. Unfortunately, I would say if we ended this evening with the bottle bill, we'll all be happy tonight, but it seems like we're all in a somber position.

"Mr. President, I really believe this is an opportunity for us to consider the time we're going to put in to look at the bill. Thank you, Mr. President and colleagues."

Senator Chumbley rose again and said:

"Mr. President, may I correct a previous statement I made earlier?"

"When I was quoting the numbers, colleagues, of the people who have chosen to use this law in Oregon, I may have misquoted the number. Since 1997, when the law was adopted, there has been a cumulative total of 91 people. It wasn't 91 people in 1997. In 1998 it was 16; 1999 was 27; 2000 was 27; and the year 01 was 21, for a cumulative number of 91 in the five years that Oregon has had this law.

"Thank you for that correction, Mr. President."

Senator Tam rose to speak in favor of the measure with reservations and said:

"Mr. President, I stand to vote in favor of the Second Reading with reservations.

"I've heard many of the discussions tonight and the reason I'm voting with reservations is because I don't have the bill before me. But out of respect for the Chair of the Committee on Health and Human Services, it was his desire to move this dialogue along for Second Reading and also finally for Third Reading.

"I'm not sure what the contents of the bill are, quite frankly. Everybody has a sad story, and I can feel for people. I have a sad story too. I was very close to my grandparents. My grandparents died four days apart from each other. My grandfather was bedridden for over six years. He wanted to die. At times, he was depressed. My grandmother had a bad heart. She had two leaking valves. She took care of my grandfather by herself because that's the way she wanted it.

"So basically, in terms of what the Senator from Maui was saying, let us embrace in terms of what the merits of the bill are. No disrespect to anybody, but you have to look in terms of the bill itself. And I can feel for every one of you. I don't know what the bill entails, so I'm willing to bring it forth, discuss it, be of open mind at this time.

"Thank you."

Senator English rose in opposition to the measure and said:

"Mr. President and members, I rise in opposition.

"Mr. President, when we are born, we accept death. We also accept the fact that we do not know the when, the where, and the how that we will pass. This has been the tradition for many centuries of human existence. My intellectual mind, having sat down and read this bill from page to page just now, can accept this. Intellectually, I can accept this . . . but my heart cannot.

"Mr. President, we had some discussion earlier about hanai. Well, I was hanai to my tutu, my grandparents, and raised by them. Both passed in my arms. My grandfather, Murray English, coming up on May 16 will be four years. My grandmother, Violet Soong English, passed June 17 of last year, almost one year. Mr. President, with both of them, I had a discussion very similar to this. My grandfather, a little bit different; my grandmother, a little bit different. But the essence of it was this – that we, upon accepting birth have accepted death.

"When my grandfather passed he would always say that he'll always be with us, he'll always be here and just call. In Hawaiian tradition just call his name, which I do often. My grandmother, on the morning that she passed we thought she would pass the night before. And Mr. President, that morning, very early in the morning, the sun came up and she was in her home in Hana, and she woke up and she said 'I'm still here,' and she said a prayer. She said her prayer was this – thank you God, mahalo ke akua, thank you God for this one more day. That's how precious life is.

"We're here to make some very important decisions, and this is probably one of the toughest ones for me, personally . . . because one part of me can support this and a deeper part cannot. I have to go with that deeper part because for centuries, Mr. President, we have honored the fact that we cannot control death.

"Now, the way that this is laid out, and it does not put the onus on anyone else but the person wishing to die, that has to be made clear. The Senator from Maui has laid out the conditions around this, but I would like to read from the bill. And this is the form that will have to be signed by the person wishing to

pass. It's titled, REQUEST FOR MEDICATION TO END MY LIFE IN A HUMANE AND DIGNIFIED MANNER:

"I, (insert your name), am an adult of sound mind. I am suffering from (you insert the illness), which my attending physician has determined is a terminal disease and which has been medically confirmed by a consulting physician. I have been fully informed of my diagnosis, prognosis, the nature of medication to be prescribed and potential associated risks, the expected result, and the feasible alternatives, including comfort care, hospice care, and pain control.

I request that my attending physician prescribe medication that will end my life in a humane and dignified manner.

(then it asks) INITIAL ONE:

\_\_\_\_\_ I have informed my family of my decision and taken their opinions into consideration.

\_\_\_\_\_ I have decided not to inform my family of my decision.

\_\_\_\_\_ I have no family to inform of my decision.

I understand that I have the right to rescind this request at any time.

I understand the full import of this request and I expect to die when I take the medication to be prescribed. I further understand that although most deaths occur within three hours, my death may take longer and my physician has counseled me about this possibility.

I make this request voluntarily and without reservation, and I accept full moral responsibility for my actions.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Then three witnesses.

"Intellectually, I can support this – my heart cannot. And that's why it's very difficult but we have to make a decision and that's one thing we have to do as elected Senators. Unlike everyone else out there, the 25 of us have a duty to vote on the information before us – no matter what the circumstances, what the conditions around it. When it comes time for a vote, we're obliged to vote.

"So I'm voting my heart and I'm voting 'no,' and I ask you to look at that, as well, to consider all of this. We've heard stories of our parents and our grandparents, those that we loved. We've also heard that this is a matter of free choice. Vote your conscience, vote your heart, because as the Senator from Maui said, this will be with you for the rest of your life.

"Thank you, Mr. President."

Senator Buen rose to speak in opposition to the measure and said:

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

"First of all, Mr. President, I want to thank the Chair of the Health and Human Services Committee. I'm the Vice Chair and I sat through the hearing that he held. I've heard from my constituents on Maui. They've called me. They've written letters. And many, many of them have asked me to oppose this measure. I had a few calls supporting the bill.

"I have a lot of respect for the Chair of this Committee. He has taken tremendous pressures throughout this whole Session and I have a lot of respect for the Chair.

"I, too, have personal stories to tell about my father, but I'm not going into that. I do have personal reasons to vote against the measure. More importantly, however, Mr. President, I'm listening to my constituents. I voted with reservations, voted up with reservations to bring this to the Floor so that it would give

every one of us a chance to vote our conscience and to listen to our constituents, and I'm going to be listening to my constituents.

"I'll be voting 'no' on this measure. Thank you."

Senator Taniguchi rose in opposition and said:

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

"Mr. President, my opposition to this motion is based primarily on procedural issues and it's not indicative of my feeling on the merits of the bill. I'd just like to make that clear for the record.

"Thank you."

The motion was put by the Chair and carried, Roll Call vote having been requested, H.B. No. 2487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, May 2, 2002, on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Buen, Bunda, Chun, English, Hemmings, Kanno, Kawamoto, Matsuura, Menor, Sakamoto, Slom, Taniguchi).

Senators Hogue, Ige, Kim, Kokubun and Tam cast their Roll Call votes "Aye, with reservations."

Senator Taniguchi, Chair of the Committee on Ways and Means, requested that the referral of H.C.R. Nos. 12 and 43 to the Committee on Ways and Means be waived.

Senator Taniguchi noted:

"Mr. President, H.C.R. No. 12 is a resolution supporting the TANF reauthorization act of 2001. We had a similar Senate resolution.

"H.C.R. No. 43 relates to requesting the Department of Budget and Finance to enter into a financing agreement for a new elementary school in Kahului, Maui.

"We'd like to waive referrals so that we may expedite passage of these resolutions."

The Chair then granted the waiver.

By unanimous consent, action on H.C.R. Nos. 12 and 43 was deferred until Thursday, May 2, 2002.

Senator Matsuura, Chair of the Committee on Health and Human Services, requested that the referral of H.C.R. No. 187 to the Committee on Health and Human Services be waived.

Senator Matsuura noted:

"This is a resolution requesting the auditor to evaluate the operational efficiency and programmatic effectiveness of the state's integrated special education database system."

The Chair then granted the waiver.

By unanimous consent, action on H.C.R. No. 187 was deferred until Thursday, May 2, 2002.

At 8:37 o'clock p.m., the Senate stood in recess subject to the call of the Chair.



The Senate reconvened at 8:38 o'clock p.m.

**ADJOURNMENT**

At 8:39 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 10:00 o'clock a.m., Thursday, May 2, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

**SIXTIETH DAY****Thursday, May 2, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 10:24 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Robert Tokunaga, First Assembly of God Church, after which the Roll was called showing all Senators present.

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

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 363 and 364) were read by the Clerk and were placed on file:

Gov. Msg. No. 363, informing the Senate that on April 30, 2002, he permitted the following measure to become law without his signature:

House Bill No. 2167 as Act 58, entitled: "RELATING TO TRAFFIC ENFORCEMENT."

Gov. Msg. No. 364, dated May 1, 2002, transmitting the 2001 Annual Report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

**DEPARTMENTAL COMMUNICATION**

Dept. Com. No. 23, from the State Auditor dated April 26, 2002, transmitting a report, "Follow-Up Study of the Hawaii Health Systems Corporation," (Report No. 02-09), was read by the Clerk and was placed on file.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 638 to 648) were read by the Clerk and were placed on file:

Hse. Com. No. 638, returning S.C.R. No. 16, which was adopted by the House of Representatives on April 30, 2002.

Hse. Com. No. 639, returning S.C.R. No. 107, S.D. 1, which was adopted by the House of Representatives on April 30, 2002.

Hse. Com. No. 640, returning S.C.R. No. 116, which was adopted by the House of Representatives on April 30, 2002.

Hse. Com. No. 641, returning S.C.R. No. 131, S.D. 1, which was adopted by the House of Representatives on April 30, 2002.

Hse. Com. No. 642, returning S.C.R. No. 174, S.D. 1, which was adopted by the House of Representatives on April 30, 2002.

Hse. Com. No. 643, returning S.C.R. No. 180, S.D. 1, which was adopted by the House of Representatives on April 30, 2002.

Hse. Com. No. 644, returning S.B. No. 2582, which passed Third Reading in the House of Representatives on April 30, 2002.

Hse. Com. No. 645, returning S.B. No. 2632, which passed Third Reading in the House of Representatives on April 30, 2002.

Hse. Com. No. 646, returning S.B. No. 2693, which passed Third Reading in the House of Representatives on April 30, 2002.

Hse. Com. No. 647, returning S.B. No. 2705, which passed Third Reading in the House of Representatives on April 30, 2002.

Hse. Com. No. 648, returning S.B. No. 2791, S.D. 2, which passed Third Reading in the House of Representatives on April 30, 2002.

**STANDING COMMITTEE REPORT**

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. 3597) recommending that S.R. No. 71 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.R. No. 71, entitled: "SENATE 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.

**ORDER OF THE DAY****ADVISE AND CONSENT**

Stand. Com. Rep. No. 3587 (Gov. Msg. No. 305):

Senator Matsuura moved that Stand. Com. Rep. No. 3587 be received and placed on file, seconded by Senator Buen and carried.

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

JEAN L. JOHNSON, DR.P.H., terms to expire June 30, 2002, and June 30, 2006;

PAUL S. VARGAS JR., term to expire June 30, 2003; and

MARK D. CONLEY, JEAN KIYABU, THOMAS G. NELSON, KIYOKO N. NITZ, PH.D., and DAVID A. WOLL, terms to expire June 30, 2006,

seconded by Senator Buen.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ige, Menor).

Stand. Com. Rep. No. 3588 (Gov. Msg. No. 306):

Senator Matsuura moved that Stand. Com. Rep. No. 3588 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

KARLEEN K. YOSHIOKA, term to expire June 30, 2005; and

DAVID WILLIAM MAY, GAIL T. TOMINAGA, M.D., and THOMAS A. VEATCH, terms to expire June 30, 2006,

seconded by Senator Buen.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ige, Menor).

Stand. Com. Rep. No. 3589 (Gov. Msg. No. 313):

Senator Matsuura moved that Stand. Com. Rep. No. 3589 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of STEPHEN G. CHONG, WAYNE S. HIGAKI, ROBERT T. OGAWA and ROSE ANN POYZER to the Statewide Health Coordinating Council, terms to expire June 30, 2006, seconded by Senator Buen.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ige, Menor).

Stand. Com. Rep. No. 3590 (Gov. Msg. No. 328):

Senator Matsuura moved that Stand. Com. Rep. No. 3590 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

ALAN BUFFENSTEIN, M.D., term to expire June 30, 2004; and

LINDA COCHRAN, term to expire June 30, 2005,

seconded by Senator Buen.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ige, Menor).

Stand. Com. Rep. No. 3592 (Gov. Msg. No. 327):

Senator Kim moved that Stand. Com. Rep. No. 3592 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

PATRICIA KAINOA HODSON, term to expire June 30, 2004;

KILAKILA KAMAU, term to expire June 30, 2005; and

SHELLY R. COBB, ROSE MAY ENOS-KU and MARION M. JOY, terms to expire June 30, 2006,

seconded by Senator English.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ige, Menor).

Stand. Com. Rep. No. 3593 (Gov. Msg. No. 293):

Senator Kim moved that Stand. Com. Rep. No. 3593 be received and placed on file, seconded by Senator English and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of LAWRENCE M. JOHNSON to the Board of Directors, Hawai'i Tourism Authority, term to expire June 30, 2006, seconded by Senator English.

Senator Kim rose to speak in support of the nominee and said:

"Mr. President, I rise this morning in support of Gov. Msg. No. 293 of Mr. Larry Johnson to the Hawaii Tourism Authority.

"Mr. President, it's no secret that I initially expressed concerns regarding Mr. Johnson's confirmation. However, the confirmation process allowed Mr. Johnson to publicly state his commitment to fully participate in the Hawaii Tourism Authority and he did provide the Committee with a vision statement that is on the member's desks. He responded to questions and answered the concerns I had in his confirmation hearings, and while some may not agree with his answers, he did answer them truthfully and directly.

"Mr. President, it was Mr. Johnson himself in his statements that assuaged my concerns. But it is sad and annoying, Mr. President, that representatives of the Governor had to resort to threatening members that if they did not vote for Mr. Johnson's confirmation that their CIP projects would not be released. I congratulate all of my colleagues who did not allow this kind of badgering or arm twisting to influence them. I thank them for their willingness to support my recommendation and trust my judgment no matter what the recommendation was going to be.

"However, Mr. President, I must ask this question – why is it that when you disagree with someone, including the Governor, and you tell them your reason, they don't accept that reason and they resort to fabricating their own reason, which is false? For example, when I started to question the Hawaii Tourism Authority last Session, people wondered why, what was her agenda? And they finally concluded, Mr. President, that it was a vendetta against the executive director. It couldn't be that the Hawaii Tourism Authority had problems. And when the executive director left, Mr. President, I wondered what excuse they were going to attribute to my continued questioning.

"When I raised initial concerns regarding Mr. Johnson's appointment, Mr. President, once again, my reasons were not accepted. Instead, emails were sent by the Governor stating that it was personal. The Senator from Hawaii Kai was also a victim of this kind of assassination. Mr. President, I'm tired of these kinds of unproductive, childish actions. And in spite of it all, Mr. President, I am recommending that this body confirm Mr. Larry Johnson's appointment to the Hawaii Tourism Authority because of Mr. Johnson and his ability to come before this body and publicly state his commitment to the Hawaii Tourism Authority and not because of all of these childish actions that have taken place.

“Thank you.”

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

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

“Mr. President, we have here before us a nominee that’s a local boy makes good and tries to give back. A local boy could have easily in his young days played ball and went to his nice home, his nice family, but instead stuck around with many of us . . . well maybe not many of us because I was on the Big Island but many of his friends that have played baseball with Larry tell me how he would join in and hang around and eat musubi and eat daikon and join in with the boys after practice. We didn’t have spam musubi, but we had spam. But this is the type of character that Larry was brought up in. This was his roots. I say young because he is as old as I am. I think we’re both 58 grads.

“He grew up and did well. He did well as president of the largest bank of the State, and now in his later years, he’s willing to come back and give back to this community. That’s something, and I urge all my colleagues to vote ‘aye’ on Mr. Larry Johnson.”

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

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

“Mr. President, I have it from very reliable sources that this nominee is eminently qualified for the simple reason that he also enjoys malasadas.

“Thank you, Mr. President.”

Senator Matsunaga rose in support of the nominee as follows:

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

“Mr. President, I, too, wanted to add my words of praise to the previous eloquent words of the speakers before me. Mr. President, we are considering a nominee who in addition to his extensive business and management experience and achievements has generously donated much of his time and energy to community services. He has been a leader in industry, philanthropic, and environmental organizations. And he has served as a presidential appointee on a commission dealing with international trade policy.

“Mr. President, objectively speaking, this nominee’s qualifications are beyond questioning. Objectively speaking, no one can question his commitment to our State or his personal integrity. Common sense tells us that we would be hard pressed to consider a nominee more accomplished, involved or suitable.

“Mr. President, I urge my colleagues to recognize common sense, take an objective approach, and vote in favor of confirming this nominee.

“Thank you, Mr. President.”

Senator Slom rose to speak in opposition to the nominee and said:

“Mr. President, I rise in opposition to the nominee’s appointment.

“It’s really difficult because I don’t have complaints with the nominee. I have complaints with the appointment itself. And yes, Mr. President, I eat my share of spam musubi and malasadas, but this is far beyond what a person eats, how a person grew up, his or her ethnic or racial background. We have been given a solemn duty in this body – and that is to inquire as to the nature of the person’s character, integrity and all of the conditions that surround that individual, before making an appointment or an advice and consent.

“In the past, we have confirmed some very bad people and not exercised our good judgment, basically because either someone asked us to do so because they were friends, or because someone threatened us if we didn’t do so they would do something against us. That should not be the basis of any kind of appointment or consent.

“It’s hard to stand here and probably be the only one to register a vote against someone else, and so I want to make it clear, as I have from the outset – this is not a question of the nominee Mr. Johnson’s character, which I find to be of the highest, or his integrity, which also is unquestioned. I’ve had the pleasure of knowing Mr. Johnson for more than 35 years. I had the pleasure of working with Mr. Johnson for more than 14 years. That’s not the issue.

“I asked questions during the nomination process, which was just several days ago as this Session wound down. I hope that Mr. Johnson feels as I do that the questions were both appropriate and respectful. I did not try any trickery. I did not try to be mean spirited, but I tried to ask questions involving two basic areas: (1) the independence of the position that we’re approving for the new Hawaii Tourism Authority Board; and (2) the ability to listen and to react to the public so that there is public input, particularly on our State’s biggest and probably only major industry since we have not diversified.

“I had questions about the independence of the nominee and I’ll get to those in a moment. As to the second part, listening to the public, because as the Chair of TIA said, for two years now, she has asked questions that have not been asked before. She has made people respond and be accountable and be responsible, which is important and which is what we’re supposed to do, particularly when you’re dealing with the people’s money, and that’s the money that the tourism authority utilizes – more than \$61 million of the people’s money. We found a lot of irregularities. And more importantly, we found stonewalling – people refusing to answer questions or provide information.

“To the credit of Mr. Johnson, he answered every question that I asked the other day. I asked questions about his involvement in a previous program in this State called ‘Thumbs Up,’ which was supposed to get the state and particularly people in the business community to feel better about themselves. Well, people feel better about themselves when there’s something for them to feel better about. All the rhetoric in the world, all the speeches in the world, all the thumbs going up don’t make you feel better if you’re being tax regulated and mandated to death if you have to worry about how you’re going to meet the next payroll. I felt that the heads of the two largest financial institutions in this State were out of touch with the men and women in Kakaako and Waianae and Hawaii Kai and Pearl City who have to go every day and try to meet that payroll and keep that business open.

“Next, the Governor appointed the nominee to the ERTF, the economic revitalization task force. That task force was criticized because it was the same people from this community, the same leaders of big business, of labor unions and organizations that had direct ties to both the Governor and 40

years of Majority Party. The first decision that the ERTF made was to have all of their meetings behind closed doors to shut out the public, the media, and the Legislators. I asked the nominee if he was part of that decision and he said 'no.' I asked him if that decision bothered him and he said 'no.' I asked him if he tried to overturn that decision and have the meetings open to the public, and he said 'no.'

"After the draft plan of the ERTF was proposed with 60 major recommendations, including taxes on everyone but the banks, there were 17 town meetings held around the State. I held one in East Honolulu; maybe some of you attended. At the end of the 17 meeting there were notes taken and a volume this big with suggestions, criticisms, ideas, and support for the ERTF. We asked the public to come forward. We asked for their input. We asked for their ideas. They gave them willingly. The ERTF took all of those suggestions, they went behind closed doors, and they did not adopt one of them, coming out saying that their original plan was still the best and they did not need the input. That's what bothered me about bringing people into this process, one of the major issues that we've been talking about for new board members.

"And then came the question of independence. The other day, had you been down here in room 212 at 9:00 in the morning, you would have seen the biggest of the big in our community – the leaders of this community who make the decisions, and many of you have never seen their faces before but they were all here in support of the nominee. And that's fine. We should be loyal to people. We should support people that we went to school with or played ball with or ate musubi with. That's fine, there's nothing wrong with that. We should be loyal to people that gave money to their particular organizations or their projects. There's nothing wrong with that either. But there comes a point when you ask just how close are those connections and will it affect and impact the independence of the nominee.

"I asked the nominee a question that was reputed to have been said by the Governor on advice from the nominee of whether or not there was any difference between big business and small business. The nominee said he didn't remember giving the Governor any information about that but his belief was there is no difference between the big business – a big regulated government subsidized business – and a small business. That troubled me also.

"I asked the nominee if he, in fact, held a fundraiser for the Governor during the last gubernatorial election at his private residence in which several hundred thousand dollars was raised. He said he did. He answered the question. He said that if there had been another Governor he would have done that too. Unfortunately, we only have one governor at a time so that was the only fundraiser that he held at his private residence.

"There's nothing wrong with that inherently, and again it does not affect character and integrity. But to me it does call into question independence. Are we going to have somebody that is going to be able to think and disagree on his or her own? And I find that extremely difficult. But I still kept an open mind.

"We adjourned that hearing at 10:30 in the morning on Monday. And immediately after, the Governor of this State called a press conference – before a vote was taken, before decisions had been made, before those of us on the Committee had a chance to compare notes and talk. The Governor decided at that press conference to attack me personally. Now he had to do that because he couldn't take away any of my bills that I passed because Republican bills don't pass, Mr. President, as we know. He couldn't take away any of my capital

improvement funds, Mr. President, because Republican capital improvement projects don't pass, as we know. So what did he have left? The Governor of our State, in his last days, a personal, slanderous, lying attack on me, and I resent it. And what he said was, basically, that I had voted 'no,' which I had not done because no vote had been taken, against Larry Johnson because the Bank of Hawaii had fired me.

"Let's set the record straight. First of all, I don't remember ever working with the Governor. I don't remember him being involved in my personnel history. I worked for the Bank of Hawaii from 1968 to 1982. Larry Johnson was not president of the Bank of Hawaii. I voluntarily quit the Bank of Hawaii, and the primary reason for that, as many of you know, is because one of the men that I have admired most in this community, who also ate musubi, was Wilson P. Cannon, who rose from bank teller on Maui to the president and chief executive officer of Bank of Hawaii. No finer man ever walked in this State, no fairer man, no more objective man. We all loved that man, and he died. And his successor was a person who was not even familiar with the work that our department, the economics division, had done. And his immediate response was to take that division, take it away as a separate entity and fold it into the marketing department of the bank. Now marketing and economic research don't go hand in hand because often times they disagree. And it was because of that reason one year later that I left the Bank of Hawaii.

"I'm sure the Governor knows that, but because he can't threaten me and take things away from me, as he threatened my colleagues, and not just one, not just two, not just three or not just four, he did that. That, in and of itself, would not get me to vote 'no' either, as the Chairman of the TIA Committee said, but it is this question of how independent can a person be if you've got the Governor of the State using his power and threats and slander to try to get somebody into an unpaid office? I don't back down and I'm not afraid. And as much as I respect Mr. Johnson, I do not think that he is the right man for this position at this time.

"And by the way, just as a footnote, all of my personal monetary accounts, business monetary accounts, personal mortgage, and stock remain as they have since 1968 with the Bank of Hawaii. But for the Governor of this State to stoop as low as he has, as consistently as he has, to interject himself in politics and try to run this Legislature, someone has to stand up and say – You stay up on the fifth floor. You threaten to veto bills or threaten to take away things if you want to, but we've got a job to do down here and we'll do it.

"When Mr. Johnson is confirmed, I will give him my full support, but I wanted you to know, colleagues, my reasons for voting 'no' today. Thank you, Mr. President."

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

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Hogue, Ige).

Stand. Com. Rep. No. 3594 (Jud. Com. No. 4):

Senator Kanno moved that Stand. Com. Rep. No. 3594 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate consent to the nomination of CLARENCE A. PACARRO to the Office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsuura.

Senator Kanno rose to speak in support of the nominee and said:

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

“Your Committee received testimony in support of the nominee from the Honolulu Prosecuting Attorney, State Public Defender, Hawaii State Bar Association, Pacific Law Group, and two individuals.

“The Hawaii State Bar Association subjected the nominee to rigorous review and evaluation before rating the nominee as ‘highly qualified’ for that position. That rating is the highest endorsement given by the Bar Association for judicial appointment recommendations. The review includes a thorough evaluation of the nominee based on a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for Judicial Office. The guideline’s criteria include: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

“The nominee received his law degree from the Lewis and Clark Law School. He is currently in solo private practice and is also a per diem judge with the District Court of the First Circuit in the Family Court. His experience includes employment at the Honolulu Department of the Corporation Counsel, Honolulu Prosecuting Attorney, and the law firm of Davis Reid & Richards. The nominee is licensed to practice law in Hawaii, the United States District Court for the District of Hawaii, and the Ninth Circuit Court of Appeals.

“Mr. President, your Committee on Judiciary, after full consideration of the background, character, experience and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the nomination.”

Senator Kawamoto rose in support of the nominee with reservations and said:

“Mr. President, I rise to vote ‘aye’ to support the nominee with reservations.

“Mr. President, the nominee is the son of a dear friend of yours and mine, Mr. Rudy Pacarro. The only reason why I’m going W/R, and I explained to all the judges up for nominations at this time, basically is my concern of the fact that the sentencing of people currently by judges have not deterred criminal activities in the community.

“But I’d just like to add that Judge Ahn was an exception when she gave her last sentence to a driver that was convicted of drunk driving and killed somebody. When she gave that person 22 years and gave the maximum sentence, I praised her for doing that. Again, drunk driving, running red lights is a concern in the community and I don’t believe people will think twice about drunk driving and running red lights. So she did a great job.

“I think all the district courts should look at the method at which she decided to give the maximum sentence. So W/R, Mr. President.”

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

Ayes, 23. Noes, none. Excused, 2 (Ige, Nakata).

At this time, Senator Kanno introduced Judge Pacarro, who was seated in the gallery with his family and friends.

Stand. Com. Rep. No. 3595 (Jud. Com. No. 5):

Senator Kanno moved that Stand. Com. Rep. No. 3595 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate consent to the nomination of JOEL AUGUST to the Office of Circuit Judge of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsuura.

Senator Kanno rose to speak in support of the nominee and said:

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

“Your Committee received testimony in support of the nominee from the Chairperson of the Board of Land and Natural Resources, a Hawaii State Representative, the Hawaii State Public Defender, the Hawaii State Bar Association, 47 attorneys, a retired judge, and 23 individuals.

The Hawaii State Bar Association also subjected this nominee to its review and evaluation and rated the nominee as ‘highly qualified’ for the position.

“The nominee received an undergraduate degree from Dartmouth College and a law degree from the University of California, Boalt Hall. He is licensed in Hawaii, California, the U.S. District Court, and the U.S. Court of Appeals for the Ninth Circuit. He is currently a partner with Lowenthal & August, and has served from 1990 to the present as a hearings officer for the Maui Planning Commission. Your Committee notes that the nominee has served as a per diem judge with the Family Court of the Second Circuit from 1982 to 1999.

“Mr. President, your Committee on Judiciary, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the appointment.”

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

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

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

“I’ve had the opportunity, colleagues, to speak to many of our Maui residents on this nomination, and I think on behalf of the Maui delegation, you can say that we are unanimously in support of this nomination and look forward to Mr. August sitting on the Circuit Court bench.

“Congratulations to him and his family and his wife. Thank you.”

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

Ayes, 25. Noes, none.

At this time, Senator Kanno introduced Judge August and his family.

Stand. Com. Rep. No. 3596 (Gov. Msg. No. 357):

Senator Kanno moved that Stand. Com. Rep. No. 3596 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate consent to the nomination of MARCIA J. WALDORF to the office of 4th Judge, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsuura.

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

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

“Mr. President, your Committee received testimony in support of the nominee from the Hawaii State Public Defender, the Honolulu Prosecuting Attorney, the Hawaii State Bar Association, a Program Specialist of the First Judicial Circuit, 16 attorneys, and four individuals.

“The Hawaii State Bar Association also subjected the nominee to its review and evaluation and rated the nominee as ‘highly qualified’ for the position.

“The nominee has been a District Court Judge of the First Circuit Court since 1985, and has served as the Administrative Judge of the District Court for five years. She has substituted as a circuit court judge from time to time and has also served as a district family court judge. She received an undergraduate degree, cum laude, from the University of California at Davis, and a law degree from the University of San Francisco School of Law. Previously, she served as a Deputy Public Defender.

“Your Committee notes that the nominee has been active in domestic violence working groups and judicial education. She has been a member of the Judicial Education Committee, contributing to the content, format, and faculty composition of at least two education seminars a year. She has also been a faculty member as well and trains per diem judges.

“Mr. President, your Committee on Judiciary, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the appointment.

“Thank you.”

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

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

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

At this time, Senator Kanno introduced Judge Waldorf and her family.

At 11:04 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:18 o’clock a.m.

#### **ADOPTION OF RESOLUTIONS**

#### **MATTERS DEFERRED FROM TUESDAY, APRIL 30, 2002**

Stand. Com. Rep. No. 3591 (H.C.R. No. 200, H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 200, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU,” was adopted.

H.C.R. No. 12:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 12, entitled: “HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113),” was adopted.

H.C.R. No. 43:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 43, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ENTER INTO A FINANCING AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI,” was adopted.

H.C.R. No. 187, H.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 187, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE THE OPERATIONAL EFFICIENCY AND PROGRAMMATIC EFFECTIVENESS OF THE STATE’S INTEGRATED SPECIAL EDUCATION DATABASE SYSTEM,” was adopted.

#### **THIRD READING**

Stand. Com. Rep. No. 3586 (H.B. No. 1740, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 3586 was adopted and H.B. No. 1740, H.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, 25. Noes, none.

#### **FINAL READING**

H.B. No. 1722, S.D. 1, C.D. 2:

On motion by Senator Kawamoto, seconded by Senator Menor and carried, H.B. No. 1722, S.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2416, S.D. 2, H.D. 2, C.D. 2:

Senator Matsuura moved that S.B. No. 2416, S.D. 2, H.D. 2, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hogue rose to speak against the measure and said:

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

“Colleagues, the bill appropriates \$40,000 to the Executive Office on Aging to convene its so-called long-term care summit. Obviously, this is a very important issue. Many people in the Chamber are very concerned about it.

“The bill states that the summit shall bring together business, labor and government, including state and county agencies, along with community organizations. However, we have seen over the past that the Executive Office on Aging has shown that it has no intention of including business, or at least the insurance industry, the people that know the most about long-term care. These are the people who know the long-term care issue inside and out.

“The last task force included only those predetermined to favor a government run system of financing – in other words, a new tax-based system. The nation’s current service delivery system is starved for financial oxygen because it is overwhelmingly dependent on inadequate government reimbursement through Medicaid and Medicare.

“As with other areas of health care, government funding often masks the true cost of care by only providing dismally low reimbursement rates. This reduces the ability to attract employees that actually provide care to those who need it. Government never has and never will be able to afford to pay for long-term care for everyone. Listen colleagues, never, they will never be able to pay for everyone.

“Increasing the number of private options is not only important but essential for the future well-being of Hawaii’s baby boomers and those who are of middle age and lower. The benefits of Care-Plus were overwhelmingly inadequate. Any tax-based program that would truly cover the cost of long-term care would tax Hawaii residents into poverty.

“The current problems challenging the long-term care industry are largely self inflicted by passing well-intentioned but counterproductive public policy. The results of this long-term care summit will be no different than we have seen for years. It will be business as usual – an unworkable, one-sided, public financing monopoly that will provide woefully inadequate funding to an emergency health care problem.

“I urge my colleagues to vote ‘no.’”

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against S.B. No. 2416.

“I don’t think I can further illuminate on the good points made by the Senator from Kaneohe, but I would like to address an issue that I think we all should be concerned with because it does affect not only this legislation but other things we are doing on a regular basis, and that is the separation of power.

“The Office on Aging, who we’re giving money to, produced during the session, before this bill was even passed out of the House, a brochure announcing this care program. It hadn’t even been put into effect yet. I think I circulated copies of it to you. Throughout the brochure it lauded the program without ever putting in the disclaimer that it was not a reality yet, and it led many of the senior citizens to believe that with this passage by the Legislature, somehow government was going to come in and take care of their long-term health and care problems.

“Mr. President and colleagues, personally I think it’s insulting to the legislative branch of government and to this Senate for the executive branch of government to completely ignore us and proceed with a program that we haven’t approved. They’ve done this in other areas and for that reason and other reasons, I think it’s incumbent upon us to vote ‘no’ against this bill and to allow us to come back next year and take a look at the program with more objective leadership from the executive branch of government.

“Thank you, Mr. President.”

Senator Slom rose to speak in opposition and said:

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

“As one who has attended previous summits, who has served voluntarily on a long-term care task force for two years (a bipartisan task force in this Legislature), as one who has followed this issue for many years, as one who has dealt with the problems personally with my parents, as one who understands the financial, emotional, and physical problems that are attached to this, as one who probably is ready for long-term care right now, this is a dishonest effort, because as the Senator from Kaneohe said, there’s no attempt to have more information generated or to reach a consensus in the community. They couldn’t get the bill passed to tax us \$100 million this year with this Care-Plus. As the Minority Floor Leader said, they had already printed up the brochures but they couldn’t do that so now they’re going to try to lull you and the public into thinking, well let’s study it some more. We’ll spend a little bit more money – \$40,00 in this measure; \$100,000 in the other measure we passed the other day to design a government run tax mandated plan.

“If you don’t want anymore of this, if you want to look honestly and truly and critically at the issues of long-term care, and to explore the many growing private alternatives, please vote ‘no’ on this bill.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 2416, S.D. 2, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2477, S.D. 2, H.D. 2:

Senator Chun moved that S.B. No. 2477, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

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

“Mr. President, I speak in favor of the measure.

“Mr. President, this bill would give the Office of Hawaiian Affairs authority to write grants and to expend this money to support much needed community and public programs.

“Mr. President, one of the provisions in this bill that did not pass is the provision that would grant interim funding to the Office of Hawaiian Affairs. Based upon the critical shortage of funds and the fiscal problems that are facing our State, we were not able to put in any interim funding for this bill. This is unfortunate but it is one of the signs of the problems that we are facing today. Hopefully in the next Session we will address



those problems and we will be able to provide OHA with some of the funding and to live up to the commitment that funds need to be given to them to meet our constitutional mandate.

“Mr. President, I ask all my colleagues to support wholeheartedly this bill. Thank you.”

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

“Mr. President, I rise to speak in favor of S.B. No. 2477.

“To put it briefly, this bill will allow, through the writing of grants, for the Office of Hawaiian Affairs to better serve their constituency. It will allow them to reach out into the private sector and have them participate in the effort. Therefore, it is a very cost-effective way to administer their programs.

“Thank you, Mr. President.”

Senator English rose to support the measure as follows:

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

“Mr. President, this measure will allow OHA to provide grants to the Hawaiian community outside of the state procurement system, which is needed for OHA to continue to help the Hawaiian community.

“But Mr. President, with all due respect, I want to remind my colleagues that on September 12, 2001, when the Hawaii Supreme Court repealed Act 304, depriving OHA of revenues under certain circumstances, it was also of the opinion that the state should pay OHA its pro-rata share of revenues from the ceded lands. The Supreme Court further said that it is up to the Legislature to develop another formula to provide revenues to OHA within legal guidelines – keywords here, Mr. President, develop another formula to provide OHA revenues within legal guidelines. We have failed to do that, and in failing that responsibility, we have failed the native peoples of Hawaii.

“Mr. President, the Supreme Court did not say that the Legislature should punish OHA and not provide any funding at all, yet, in essence, that is exactly what has happened. OHA has successfully been cut out of the state budgetary process. OHA, the one agency of the State that is responsible to work for the betterment of Hawaiians and Native Hawaiians, will receive no funding at all as a result of our work. I find this extremely difficult to swallow.

“Have we finally said to the Hawaiian people, ‘We will sell your culture to develop our wealth. We will take your lands to build our fortunes. We will use your oceans in any way we please. We will continue to erase your history and traditions by destroying the infrastructure that supports you, and we will start with the Office of Hawaiian Affairs right here in the Legislative Session of 2002.’

“Mr. President, my disappointment is without bounds. To those of my colleagues who have tried to help – aloha and mahalo. Thank you, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2477, S.D. 2, and S.B. No. 2477, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2498, S.D. 2, H.D. 1:

On motion by Senator Matsuura, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2498, S.D. 2, and S.B. No. 2498, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOCIAL WORK,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2885, S.D. 2, H.D. 1:

On motion by Senator Menor, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2885, S.D. 2, and S.B. No. 2885, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

H.B. No. 2487, H.D. 1:

Senator Matsunaga moved that H.B. No. 2487, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chumbley.

Senator Chun rose in opposition to the measure and said:

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

“Mr. President, before I begin, I’d like to just let my colleagues know that I have many, many comments here. It’s not because I’d like to keep you in your seats, even though you might leave them, but it’s because we did not have an opportunity, as we stated earlier, to go through a report and to have staff and the Committees look through that and to give us a comprehensive understanding of where the testimony and where the problem lies, both pros and cons. And because we don’t have that, I feel that at a minimum I must bring at least some of the concerns to the members because they don’t have a report to read, they were not members of the Committee, and they might not even have access to some of these statements and concerns. So, for those members of the Senate who have read them, who know all the concerns raised by not only our state but other states, this might be old hat for you and you can go to the bathroom if you want.

“For those of you who don’t or those of you who have not had the opportunity to read through the many, many reports prepared not only by the State of Hawaii but other states, for those of you who have not had the opportunity to listen to the testimony, both pros and cons, about this issue, and for those of you who have not had the opportunity to read through some of the many, many criticisms of the Oregon law, I would ask that you at least listen carefully and to know what we’re voting on today. And after hearing me today, if you still feel you need to vote for this because you feel this is the perfect law, this is the way to go, then you must vote your conscience and I applaud you to doing your conscience.

“Let my start by saying this, Oregon right now is the only state in the entire nation that has passed a death with dignity bill. Other states that have looked at this issue have consistently, consistently, looked at it, and after considerable debate and listening to the issues on both sides, said ‘no’ – an opportunity again that we did not have.

“Maine, for example, in 2000 by its voters said no. The State of California, which we oftentimes hold up as an example of how Hawaii should look and go towards the direction that California is going, said no in 1999. In fact, since 1994, when Oregon’s assisted suicide bill passed, at least 55 measures had been introduced in 21 states and all of them have failed. Members, you ask the question, Why? Is it just one single person that’s doing this? Is it just one point of view that’s pervading? Or is there some real good deep reason why all those 54 measures in 21 states have failed? These are the questions you must ask yourself very seriously and with great thought.

“In fact, when we look at it in detail, somebody might argue, ‘well, that’s all happened in the past.’ What about recently, between 1995 and 1999, which is the most recent thing that we have, actually 2000 because of Maine, seven states passed laws prohibiting assisted suicide. So all the rhetoric we hear about the population is going there and this is the national trend, is not supported by what most states are doing now. And yet we’re still saying Oregon should be the leader and Hawaii should follow.

“Those are the concerns, I think, Mr. President, we should look at. But rather than just look in terms of what’s happening in the past, let’s look to see what other people who have looked at this issue and have written about it in a study, let’s see what they say and see if our actions can measure up to their careful analysis.

“For example, California is a good example. California, as I stated, in 1999 had a bill before them called AD 1592, which was called the ‘California Death With Dignity Act.’ I’m taking this report from a book by Rita Marker called Assisted Suicide: The Continuing Debate. In her book, Ms. Marker states and makes this observation:

‘By the time hearings and committee votes on AB 1592 took place, people from across the state – those who were poor, individuals from diverse ethnic groups, disabled persons and the elderly – were present to stage protests outside the capitol and in front of the sponsor’s office.

‘Petitions opposing the measure, circulated within the African-American community, were signed by thousands of people. The League of United Latin American Citizens (LULAC), which is the oldest and largest Latino civil rights organization in the United States, adopted a resolution condemning the legalization of doctor-assisted suicide. LULAC’s, which is the association, ‘resolution stated that “many Latinos do not have health care” and “the poor have a right to live and to receive proper medical care.”

‘As disability rights leader Diane Coleman has observed, assisted suicide is primarily promoted by those who are white, well-off, worried and well.

‘For many people,’ and this is a quote, ‘inequity in health care is a harsh reality, as illustrated by documented disparities in treatment and pain control:

‘African-American patients with a broken arm or leg are less likely to be given pain medication in emergency rooms than white patients who have similar injuries and complaints of pain.

‘African-American cancer patients in nursing homes are severely undertreated for pain – some don’t even get aspirin.

‘Outpatients with cancer who went to clinics that served minority patients were three times more likely to be under-medicated for pain than were patients in other settings.

‘Among minority groups, 35% of Hispanics lack health insurance, followed by 22% of African-Americans, and 21% of Asians. Those who lack insurance are three times more likely than those who are insured to be in poor health, have a higher mortality rate, and significantly reduced access to preventative medical care.

‘African-Americans are 50% less likely to get heart bypass surgery and 25% less likely to get pain medication than their counterparts in other races. And ten different studies in the U.S. have shown that the disparities cannot be explained away by the fact that, as a group, African-American patients tend to be poorer, sicker and have less health insurance than white patients.

‘African-American academics who study bioethical issues have expressed concern that permitting assisted suicide, along with new limits on health care, presents new opportunities to victimize minorities: “People know they don’t get the health care they need while they’re living. So what makes them think anyone’s going to be more sensitive when they’re dying.”

“The report further goes on and says that even Berkeley and Oakland, the most activist counties in California, oppose the bill. ‘The Berkeley City Council, Californians for Disability Rights, and the Oakland-based Committee for the Black Panther Party were firmly against it, pointing out that, at least in the current health system, no assisted suicide bill could be written that would safeguard its use against the poor and people with disabilities.’ And that is from the report by Ms. Marker.

“Members, if there is such a great concern nationwide, even in California, about the impact these bills have on minorities, African-Americans in California, Latinos in California, what impact would it have on minorities and the underserved here in Hawaii? Those questions have not been asked and no answers have been given.

“Mr. President, not only California has studied this issue extensively. New York has also looked at this issue and has decided to reject it. In 1985, I believe, the New York Governor at that time instituted a commission or a task force to look at all these medical end of life issues. In 1994 or 1995, that commission came out with a report regarding assisted suicide and that report is called, When Death is Sought: Assisted Suicide and Euthanasia in the Medical Context. Some of you members might have been given it. I’m not sure whether any of you read it but it contains many interesting, interesting arguments – both pros and cons – on the issue.

“But after recognizing both sides of the issues, the New York Commission specifically stated, and this is a quote from their summary:

‘After lengthy deliberations, the Task Force unanimously concluded that the dangers of such a dramatic change in public policy would far outweigh any possible benefits. In light of the pervasive failure of our health care system to treat pain and diagnose and treat depression, legalizing assisted suicide and euthanasia would be profoundly dangerous for many individuals who are ill and vulnerable. The risks would be most severe for those who

are elderly, poor, socially disadvantaged, or without access to good medical care.

'In the course of their research, many Task Force members were particularly struck by the degree to which requests for suicide assistance by terminally ill patients are correlated with clinical depression or unmanaged pain, both of which can ordinarily be treated effectively with current medical techniques. As a society, we can do far more to benefit these patients by improving pain relief and palliative care than by changing the law to make it easier to commit suicide or to obtain a lethal injection.'

'Mr. President, some of our members have said, well, those concerns about the holes in the bill regarding depression has been taken care of because the bill says you have to make sure there is no depression out there. Those are easy answers to very tough issues. And in fact, the New York task force went on and talked about that easy answer and how in the practical world it does not apply and it cannot work.

'For example, in that report, and if you're interested it's on page 126, they say:

'All proposals for assisted suicide and euthanasia implicitly assume or explicitly require the patient's primary physician to determine whether the patient has capacity to make an informed decision. For other medical decisions, this requirement has been interpreted to mean that the patient is capable of understanding and appreciating the risks and benefits of the proposed treatment, assessing the alternatives, and reaching an informed judgment. The notion of competence to make treatment decisions, or the capacity to make a particular decision, also presumes that the patient is not clinically depressed. Depression can impair a patient's ability to understand information, to weigh alternatives, and to make a judgment that is stable over time and consistent with the patient's values.'

The report further goes on to say:

'Theoretically, contact with a physician or other health care professional provides the opportunity to screen patients for depression and offer appropriate treatment. In practice, however, this kind of screening and the subsequent offer of effective treatment are not standard care. Most doctors are not adequately trained to diagnose depression, especially in complex cases such as patients who are terminally ill. When an assessment is performed, the medical illness may obscure indicia of depression, rendering the diagnosis difficult. Even if diagnosed, undertreatment for depression is pervasive. In elderly patients as well as the terminally and chronically ill – those groups who would be the likeliest candidates for assisted suicide and euthanasia depression is grossly underdiagnosed and undertreated.

'Too often, clinicians fail to detect treatable depression or other psychiatric illness, assuming that the depression is expected or beyond treatment. Frequently in the elderly, the symptoms of depression, such as loss of appetite and disrupted sleeping patterns, are mistaken for signs of old age, dementia, or a response to life in a nursing home. One study found that depression was diagnosed in only 15 percent of the depressed elderly, and was treated in only 25 percent of those cases. Another found that 75 percent of elderly patients who committed suicide had seen a primary care physician during the month before dying, but their psychiatric disturbances had been largely undetected.'

'Mr. President, so much for this so-called protection that we have been trying . . . that they're placing in this bill about no depression.

'Another concern raised by the New York study is the inability, the inability, to accurately diagnose a six-months, five-months, seven-months life expectancy for patients who are terminally ill. This is what the New York task force said in their report:

'One cornerstone of good medical practice is an accurate diagnosis and prognosis for the patient. In many cases, prognostication at the end of life is highly uncertain, even in the hands of the best clinicians. Some diagnoses are clear cut. Many others are not. Once the diagnosis is made, estimating the patient's life expectancy is typically more art than science. It is neither precise nor entirely predictable.

'Overall, the risk of misdiagnosis of the patient's medical or psychiatric condition, the undertreatment of pain, and the risks of abuse must be weighed in relation to their consequences. With assisted suicide and euthanasia, the result will be the patient's death. How many instances of error or abuse render the risk unjustifiable in light of these consequences? The number of such errors or cases of abuse cannot be quantified. But given the state of the art of diagnosing and treating depression, as well as the inherent fallibility of medicine, such cases will not be rare. Taken together, the risk and the consequences yield a remarkably high price in human life for policies allowing assisted suicide and euthanasia.'

'Mr. President, the task force made many observations and many arguments in regards to the policies. I'm not going to go through them today. In fact, I'm turning the pages for you so you can see I'm not going there. But one conclusion they made as a policy, and I think we should all take with us today, is this – and that is, this task force stated:

'On balance, even considering these reasons to legalize assisted suicide, these members, who've supported it, 'unanimously concluded that the prohibition against assisted suicide should not be changed. While not a tidy or perfect resolution, it serves the interests of patients far better than legalizing the practice. By curtailing the autonomy of patients in a very small number of cases when assisted suicide is a compelling and justifiable response, it preserves the autonomy and well-being of many others. It also prevents the widespread abuses that would be likely to occur if assisted suicide were legalized.'

'Basically, Mr. President and members, the task force did fairly and equitably look at all of the issues, both pros and cons, and it noted that even the members of their task force which supported assisted suicide came to the final conclusion that it would not be a good idea from a policy standpoint. And why? Why from a policy standpoint did the task force say no? When looking through the report, it was obvious that their concerns really focused upon the potential abuse and the impact on those who were not well-served by the medical community – those who are in the minority, those who are economically challenged, those who have traditionally been ignored by society.

'This is what they said as far as their policy statement in regards to why this kind of assisted suicide bill should not be supported. This is what the task force stated:

'The Task Force believes that such a policy poses severe risks to large numbers of patients, especially those who are most disadvantaged. Some of the members also reject this policy because they believe that assisted suicide is morally unacceptable even with the "best" of practices. The care of many patients currently fails to meet generally accepted standards of high-quality clinical practice. These failures are most egregious for poor and socially disadvantaged individuals, and for patients in large, overburdened facilities serving the urban and rural poor. Many will not have the benefit of skilled pain management and comfort care. Indeed, a recent study found that patients treated for cancer at centers that care predominantly for minority individuals were three times more likely to receive inadequate therapy to relieve pain. Many patients will also lack access to psychiatric services. Furthermore, for most patients who are terminally or severely ill, routine psychiatric consultation would be inadequate to diagnose reliably whether the patient is suffering from depressions.'

"Mr. President, I could go on, and on, and on in terms of this report, but I will not because that was just New York's task force and their study. There are other states that came to similar conclusions I think we need to be informed of – for example, Hawaii, our own Hawaii. We had a blue ribbon panel. The blue ribbon panel basically came up with an agreement on matters other than assisted suicide. It came up with the idea about pain management. It came up with the idea of better counseling for those who are terminally ill. It came out with the idea of palliative care. Those are the things the blue ribbon committee unanimously approved and said we should focus on.

"The question we must ask ourselves is, if that was one of the recommendations, why aren't we carrying out with such fervor those recommendations and only focusing on one that was highly charged and which no consensus was gathered? In fact, I would encourage all of you to read the dissenting reports by the blue ribbon panel members into this issue. I'm not going to read all of them but I think there are excerpts from those statements you guys should be made aware of.

"For example, Nayleen Andrade, who is a doctor, had this to say in her individual opinion: 'I believe it is premature to legalize physician-assisted suicide or physician-assisted suicide death in Hawaii until we are able to address the issues of (a) physician training for treatment of the dying; (b) physicians examining the impact that PAS and PASD on the tenets of the Hippocratic oath; (c) how a patient's spiritual, cultural, and social needs are addressed and whether the physician should play a more active role in this area; and (d) if not physicians, who should be responsible for assisting death.'

"Another member of the panel, the Reverend Beth Donaldson, who happens to live on Kauai, had this to say about her opinions: 'I oppose the proposal for PASD because I believe that we have, as a society, the responsibility to enhance the care given to individuals at the end of their lives so that the need and desire for assistance in death would not arise. I believe that to consider legalizing PASD before we have made every possible effort, as outlined in the portion of their recommendations, to enhance the care and quality of life for every person in our communities is premature. This is primarily an issue of social justice. Until we have taken away as many layers of social inequities as possible, such as imbalances and access to financial and medical resources, have enhanced our practice of communications within family systems, as well as among medical professionals, and have broadened our understandings of death and dying, I believe the option for PASD is too vulnerable to these inequities.'

"Sister Rosalani Inamoto, who also sat on the panel, had this to say: 'As a member of the panel who has attended all but three of the monthly meetings, I wish to state clearly and without equivocation that I am against the legalization of physician-assisted suicide and physician-assisted death in the State of Hawaii. There is a need to review the present law, however, and I urge Governor Cayetano to challenge the State Legislature to study the year-and-a-half work of this panel by submitting its report to the Judiciary Committees in both houses for their study, deliberation, and action. Our panel discussions have not focused primarily on the ethics of suicide itself, but on assistance to commit suicide and the direct killing of another person for benevolent motives. Actions that intentionally cause death are often referred to as active euthanasia or simply as euthanasia. Euthanasia performed at the explicit request of a patient is referred to as voluntary.' Basically, her concern was that without studying the impact of suicide itself, the failure of the commission to do that ignored a very important factor in deciding whether to go forward with PAS or PASD.

"Brian Issel, who is another doctor, had this to say: 'This minority statement expresses my strong opposition to legalizing physician-assisted death in our state. The call for physician-assisted death is predominantly due to a failure to relieve end of life suffering even though the means to do so are available. The panel's strong unanimous recommendations about advanced directives, spiritual care, hospice care, relief of pain, depression, and other symptoms identify the means to relieve suffering at this time. A physician does not need to prescribe or otherwise administer a treatment with a primary intention of killing his or her patient and should not be permitted to do so. The present incompetence of our health delivery system in respect to end of life care should not be corrected by legalized killing.'

"Also, the doctor went on the say: 'Polls which indicate the public would like to have physician-assisted death legalized should be interpreted with caution. They are taken of mainly healthy people who imagine the end of life quality issues in relation to their present circumstances. Polls need to be taken of people who find themselves in an end of life setting relevant to the questions being asked. Attitudes as to what defines an acceptable quality of life change dramatically with changing circumstances and need to be continually rechecked in order to insure that a patient's wishes are always respected.'

"Finally, there are two other comments made by nurses Patricia Lee and Stephanie Monet, who I believe also authored the minority report. I urge all my colleagues to read the minority report in regards to their comments and their concerns. There are also concerns raised by Mr. James Peach, an attorney. I think some of you might have received his email, but Mr. Peach is very adamant in his decision not to, at this point in time, adopt physician-assisted suicide or death.

"Mr. President, the main concerns raised time and time again on the problems with physician-assisted suicide by all those who have carefully studied this issue comes down to the practical concerns:

1. It's very difficult to diagnose the end of a lifetime;
2. It's very difficult to diagnose depression; and
3. It unfairly puts the burden upon those that have the least access to medical care.

"In fact, the dissenting report has this to say and makes this comment in regards to physician-assisted suicide, and that is the other problem, a fourth problem of does it lead to the question of the duty to die. And this is what the dissenting report had to say:

'A recent study, which was done in 1996, examined the attitudes of elderly patients and families toward physician-assisted suicide. Results indicated that the relatives were more likely than patients to legalize physician-assisted suicide and to favor it for the terminally ill. Although a clear majority of those queries opposed physician-assisted suicide, the feelings of the family members significantly differed from those of the patients. The people who would be most vulnerable to misuse of physician-assisted suicide were to be the most opposed to it.

'The problem of coercion when dealing with assisted suicide cannot be underestimated. The patient's family, be it out of empathy, frustration, or economic troubles, may consciously or unconsciously exert pressure upon the ill person to choose physician-assisted suicide. Fear of abandonment or guilt could then help convince the ill person that assisted suicide is their duty or only option. In addition to family and economic pressures that will no doubt impact the ill person's decision for assisted suicide, one cannot ignore the broader social and medical context in which assisted suicide would be practiced.

'Brooder, in 1996, provides astonishing insight into the subtle nature at which coercion may surface and the possibility of patients perceiving death as a duty rather than as a right.'

"And this is the quote from the report from Dr. Brooder:

'When the sufferer sees those around him or her suffer, it becomes possible that the sufferer begins to see death as a duty. How unfortunate it will be to see people electing suicide primarily because they feel it is their duty to die. In the name of efficiency, cost-effectiveness, and allowing the rest of the family and community to go about their business to get on with their life, we will have missed what might have been gained by suffering and to recognize that suffering, itself, is a part of what ties communities together.'

"Mr. President, we need to seriously look at the possibility that we are, rather than autonomy, this law will start to impose our feelings, our values on those who are most vulnerable to it. And using our feelings and values say, 'you should be dying.' I think those are the concerns.

"And while the proposed bill says well, the physicians have to be convinced that there is no undue pressure, Mr. President, we must ask ourselves how are those physicians going to be making those inquiries. Do we require the physician to have follow-through visits? Do we require the physician to have him check in with him occasionally before he commits suicide? This bill does not do that. In fact, there are many other problems with this bill, which has been touted to be perfected because Oregon has done it and look, there's no problems there. Of course, the ones who might have problems are already dead.

"Mr. President, in her book, Ms. Marker outlines several problems with the laws which our law does not address. For example: Oregon's assisted suicide law, just like Hawaii's, does not require family members be notified when a doctor is going to help a loved one commit suicide. And that's true. Oregon's bill, and Hawaii's bill, does not require it. It's suggests it, but doesn't require it. How would you like to have your parents, your uncle, your aunty, your grandmother, your grandfather get a sufficient dose of medicine or drugs to kill them and you would never know. Don't you think you would be able to help their depression? Their decision? But the Oregon bill and Hawaii's bill does not address that issue.

"Secondly:

'Oregon's assisted suicide law permits doctors to help mentally ill or depressed patients commit suicide. A referral for counseling is only necessary if, in the "opinion" of the attending physician, the patient requesting death has a "psychiatric or psychological disorder, including depression, causing impaired judgment."

Hawaii's bill has a similar provision. So basically, they're not saying if you're depressed, if you have a psychological disorder or psychiatric disorder, you're not qualified. They're just saying if you have these things, you still could be given a lethal dose of medicine. They just have to make sure that it doesn't cause impaired judgment. Again, it begs the question, what is impaired judgment? Some people might argue that wanting to die is an impaired judgment.

"The report further goes on to say:

'Even then, the law does not preclude people who are depressed or who have psychiatric or psychological disorders from obtaining a prescription for lethal drugs as long as a mental health professional determines that the person's judgment is not impaired.'

How are you going to make that determination?

"The third point raised:

'Oregon's assisted suicide law permits "shopping" for health professionals who will find that a patient is qualified for assisted suicide.'

The same problem that Hawaii's law has. This is what the report said:

'Even if a patient is found to have "impaired judgment," that's assuming they found that, 'Oregon's law does not prohibit a health provider, family member or others from arranging for the patient to be evaluated by other health professionals until one is found who declares that the patient is capable of choosing assisted suicide. Such was the case with an elderly woman who died under the Oregon law.

'Kate Cheney, 85, reportedly had been suffering from early dementia. After she was diagnosed with cancer, her own physician declined to provide a lethal prescription for her. Counseling was sought to determine if she was capable of making health care decisions.

'A psychiatrist found that Mrs. Cheney was not eligible for assisted suicide since she was not explicitly pushing for it, her daughter seemed to be coaching her to do so, and she couldn't remember important names and details of even a recent hospital stay.

'Mrs. Cheney was then taken to a psychologist who said she was competent but possibly under the influence of her daughter who was "somewhat coercive." Finally, a managed care ethicist who was overseeing her case determined that she was qualified for assisted suicide, and the lethal drugs were prescribed.

'Doctor-shopping played a role, as well, in the case of another elderly woman whose assisted suicide death was showcased by CID. Two doctors – including her own physician who believed that her request was due to

depression – refused to prescribe lethal drugs for this woman in her mid-80s who had been battling breast cancer for twenty-two years.

‘But then, CID became involved. Dr. Peter Goodwin, the group’s medical director, determined that the woman was an “appropriate candidate” for death and referred her to a doctor who provided the lethal prescription.’

Again, doctor shopping. Is that what we want?

‘Another problem with the law is that ‘Oregon’s assisted suicide law allows fatal doses of drugs to be mailed to patients.’ In fact, there was one reported case in which it was mailed and received via Federal Express. The same loophole allows that in Hawaii’s law.

‘Another one:

‘Under Oregon’s assisted suicide law, requests for assisted suicide do not need to be made in person.’

And reading Hawaii’s law, that’s true too.

‘Oregon’s law requires that a patient make two oral requests and one written request for assisted suicide within a time span of no less than fifteen days. However, there is no requirement that any of these be made in person. The two oral requests could be made by phone and the witnessed, written request could be sent by mail to the doctor, who could then prescribe the lethal drugs.’

That is not much of a protection, Mr. President.

‘Another problem:

‘Oregon’s assisted suicide law has no safeguards for the patient at the time the lethal drugs are taken.’

We all say that there are protections against them. Yeah, there might be some kind of diagnosis in terms of no depression at the time the request is made, but how do you know on that day that person takes these drugs that he or she is not medically depressed and that their judgment is not impaired? That is a huge loophole and a huge problem that we must address.

‘The Oregon law’s safeguards, illusory though they may be, only cover behavior up through the time the doctor writes the prescription for lethal drugs. The law contains no provisions dealing with what happens after the patient receives the prescription. The prescribed drugs could be stored over time, with no concern for public safety or for protecting the vulnerable patient from those who might benefit from the patient’s early demise.

‘Moreover, even the requirement that the patient’s judgment not be impaired refers only to the time between the patient’s first request for assisted suicide and the doctor’s writing the prescription. Nothing in the law requires that the patient be competent at the time the deadly overdose is taken.’

‘Also, there’s another point:

‘Oregon’s assisted suicide law gives doctors greater legal protection when they prescribe assisted suicide than when they provide pain relief and other end-of-life care to their patients.’

If you look at the bill, the bill basically does not subject the doctors who prescribe these medications if they follow a good-

faith standard. However, on the other portions, which the governor’s blue ribbon panel made recommendations on regarding hospice care, palliative care, the physician has to use an objective reasonable standard of care which is higher than their good faith. Again, what are we favoring more? Are we making it easier for people to die?

‘And finally, one of the other flaws in the Oregon bill is:

‘Oregon’s assisted suicide law does not preclude use of Kevorkian-like devices to induce death. Even though it is generally assumed that Oregon only permits prescriptions for a lethal dose of pills or capsules, the law does not require that the drugs be taken orally.

‘After passage of Oregon’s law, supporters said the new law would permit the types of activities carried out by Jack Kevorkian. In an appearance on Nightline, Geoffrey Fieger (Kevorkian’s attorney) and Peter Goodwin (CID’s medical director) both agreed that the new law would permit use of a death-inducing device such as that developed by Kevorkian.’

Again, is this what we’re intending?

‘Mr. President, I could go on for another couple of pages, but I will spare you those things because the point is, and I think you’ve gotten the point, there are major flaws in these bills. There are major loopholes in these bills. There are major dangers in these bills in regards to how it would actually work in the real life.

‘As the Honorable Senator from Hana said, intellectually, he might agree with that, but deep down inside, he has a problem with that. I think that’s what was happening. I think, intellectually you could see how something works, but deep down inside, we all know that real life is not lived out in an intellectual arena. It is lived out with feelings; it is lived out with the fallacies of human judgment; it is lived out through potentials for mistakes, potential for abuses. And these are the things that we must take into consideration in adopting this bill.

‘Mr. President, earlier I had this idea of asking the makers of the motion to yield to questions, a lot of detailed questions in terms of how this bill would affect patients, how it would affect the elderly, how it would affect the minorities, how it would affect people with disabilities. But Mr. President, I’m not going to do that. I think all of us know deep down inside that this bill would hurt those who are disadvantaged.

‘Mr. President, it’s not only myself, not only these states that have turned down these bills, not only the blue ribbon committee that was appointed by the Governor that have opposed this bill. There are others, others who have studied this issue within their own profession and have found it to be wanting – doctors, the HMA, I believe, have submitted testimony against this bill; psychiatrists are against these bills; nurses are against these bills; the disabled community is against these bills. Are we saying that they’re wrong? Are we saying that their concerns are not valid? Mr. President, I’m not willing to make that judgment and that statement at this point in time in such a hurried manner.

‘Mr. President, this morning I had an interesting conversation with a colleague of mine and I raised some, not all, of these questions and problems. And this colleague very rightfully said, ‘Well, no bill is perfect.’ And that’s true. I haven’t seen a perfect bill yet. My response to him, Mr. President, was if we are dealing with somebody’s life, we should strive to be as perfect as possible. And I reminded my colleague that Hawaii has taken a bold step forward of

prohibiting the death penalty for the same reason. We don't allow the death penalty because for us, even one mistake is one too many.

"I ask my colleagues, are we willing to say that in regards to the medically underserved, the economically underserved, the poor, the disadvantaged, that we're saying you can afford to be that one mistake. Mr. President, I can't do that.

"This morning, we had the fifth grade class from Elelee Elementary School and they were the ones serenading us in the rotunda today and they sang a wonderful song called 'God Bless the U.S.A.' Before they sang their song they were in the auditorium and I just let them know what I was doing and how glad I was that this was the last day of Session and I'd be back home very soon. I told them what we would be talking about today, about physician-assisted suicide, and I said that this was an interesting issue. It has good arguments on both sides. And I was kind of curious as to what they thought about the issue of death and dying and so I asked them the question whether they supported it or not. I didn't know what the answer was going to be. I didn't even know how much they knew about it. I just asked them the question. Almost every hand of that class shot up and they said, No, don't allow someone to die and hasten that death, almost every one. These are children. These are the hearts. The hearts tell you no, it's not right; we should look at it.

"Mr. President, I know I was long. I know, for some of you, you've heard this. I know, for some of you, that these words probably don't mean much. Mr. President, I did not do this because I wanted to punish you folks. I, like the Senator from Kaneohe, do really, truly like all of you and I don't really do this to be mean-spirited, but I think I needed to make it clear and to take a stand that when something of this magnitude comes across, I think we need to seriously look at it. And I want to be very clear that these issues, even though you might disagree with these issues, even though you might disagree with the concerns raised by these panels and these hundreds of people who spent thousands of hours looking at this, even if you disagree with them, at least I had the opportunity, you had the opportunity to listen to them and to think about them.

"Members, after hearing these arguments you still think that it's worth that one death to go ahead and to pass this bill, that's your conscience. But as the Honorable Senator from Maui said, this is a bill that will be with you for the rest of your life. Think about it hard and carefully. Think about it hard and carefully, because it is a decision that you're going to make not only for your life, but also for the lives of others.

"My position is that I think we should think about it more. I think the concerns raised are valid and I'm willing to put the time in there. Are we willing to put the time for that one life? So Mr. President, I urge my colleagues to think carefully on this, and for today's purpose, to vote 'no' on this bill.

"Thank you, Mr. President."

Senator Matsunaga rose to speak in support of the measure and stated:

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

"Mr. President, first let me say that I do appreciate the very comprehensive remarks of the previous speaker. I also hope he'll be buying us dinner. (Laughter.)

"Second, Mr. President, I do want to acknowledge the Senator from Hilo. He has had the courage to stand by his beliefs, maintaining his personal and professional integrity in

the center of a storm, and that, colleagues, is to be admired and not criticized.

"Mr. President, this issue and this debate is not easy for any of us. Many of us have had painful experiences with the loss of a loved one and this subject brings back painful memories for many of us. But, Mr. President, it is our responsibility to face it and it is time for us to face it. Mr. President, I'm hopeful that we in the community will be able to face it and debate it with civility and with respect for opposing points of views.

"Mr. President, it is time, because there are facts and there is a record of experience to draw upon. There's a clear signal from a federal district judge that it is okay to act. And there is an overwhelming level of public support here in Hawaii demanding that we act. Mr. President, if prudence is to be our watchword on this issue, I believe it is prudent for us to take action now.

"Mr. President, H.B. No. 2487, H.D. 1, Relating to Death With Dignity, is a solid bill based on solid experience in the State of Oregon. It imposes nothing on anyone. It forces no one to do anything contrary to individual values or beliefs. On the contrary, Mr. President, it respects our diversity of beliefs. It enhances individual rights, freedoms, and personal autonomy.

"Mr. President, for the terminally ill patient, it restores the sense of control. For the physician, it erases the burden of legal recrimination. For family and friends, it eases the burden of responsibility and guilt. And for the public, it strengthens the focus on improving end-of-life-care, an issue each of us inevitably must face.

"Mr. President, you have heard arguments today, and I'm sure you'll hear more, that passage of this bill will lead to abuses, that perhaps doctors will abuse the law to kill the sick and the vulnerable patients. Mr. President, aside from the ample protections in this bill to prevent those abuses, and I believe the good Senator from Maui adequately articulated those on the Floor the other day, another serious policy question is raised: At what point do we reject a bill that provides compassionate relief to some because of the fear of potential abuses by others?

"Mr. President, we've heard similar arguments on this very Floor about the fear of potential abuses. Critics, for example, of the medical marijuana bill argued that that bill would lead to more drug abuse. That didn't happen. Critics of the industrial hemp bill argued that that bill would also lead to drug abuse. That didn't happen.

"Mr. President, in the majority opinion in *Compassion in Dying v. State of Washington*, 1996, the Ninth Circuit Court of Appeals Judge Stephen Reinhardt addressed this so-called slippery slope argument concluding – 'Opponents conjure up a parade of horrors and insist that the only way to halt the downward spiral is to stop it before it starts.' He went on to cite critics of abortion and their 'inflammatory contentions regarding ways in which the recognition of the right would lead to the ruination of the country' as an example of our slippery slope that has not materialized.

"Mr. President, 'the legalization of abortion has not undermined our commitment to life generally;' he wrote, 'nor, as some predicted, has it led to widespread infanticide. Similarly, there is no reason,' Mr. President, 'to believe that legalizing assisted suicide will lead to the horrific consequences its opponents suggest.'

"Mr. President, there is no slippery slope here. There is no increased risk of coercing a patient to die. In fact, the very

same Ninth Circuit Court of Appeals found that the risk of coercion might be decreased through the safeguards like those that are contained in this bill. Mr. President, this is not euthanasia, because the patient is in control. And this is not the Netherlands where euthanasia is permitted. And even there in the Netherlands, the rate of non-voluntary euthanasia is up to five times lower than in countries where it is illegal, according to the British Medical Journal, The Lancet. This does not make victims of the poor, minorities, or the uneducated. The facts clearly show otherwise, overwhelmingly so.

“When the federal appeals court in the second district considered these issues, it asked: What concern prompts the state to interfere with a mentally competent patient’s right to define his or her own concept of existence, of meaning, of the universe, and of the mystery of human life? The court said none.

“Mr. President, there is no compelling reason to interfere with that individual’s right. I urge my colleagues to vote ‘aye.’”

Senator Slom rose to speak in opposition and said:

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

“We heard a great deal of personal commentary the other night. Many people were surprised to see members of this body openly weep as they recalled situations in the last days of parents or grandparents. I, too, had similar situations with both my mother and my father. I won’t bring you the details, except to say this – my father originally was diagnosed with terminal pancreatic cancer and was given 48-hours to live. And 18 months later when he died, with me, he died with dignity. And he’s buried at Punchbowl today.

“This bill is about death. We live in an age of euphemisms and we talk about changing the words to make people less concerned or less afraid. And we talk about this bill in terms of death with dignity, but the bill does not guarantee death with dignity. It only guarantees death. It talks about involving the state and trying to change criminal laws and liability laws and to ease the burden, ease the burden of patients, family members, physicians, nurses, caregivers, and other people. If we were talking about taxation or regulation, I would be all for it . . . let’s ease the burden, but we’re talking about death and I can’t see that easing the burden is evidence enough for us to be involved.

“Actually, I don’t think that we are qualified. I don’t think that we have the wisdom to make these kinds of decisions, and particularly if you look at some of the other decisions we’ve made on much lesser areas, if I were sitting in the gallery I wouldn’t want to depend on us to do this.

“I don’t question anyone’s integrity or sincerity. There are good people on both sides of this issue in the gallery, outside, down here in the well, and it is a very difficult issue. As the Senator from Maui said the other night, this may be the most important vote that we ever make. I don’t know whether that’s true or not, but I do know if it is, why only 48 hours to consider it? Why the rush to judgment? Why are we forced to do it now? What is the problem that will not wait for additional serious discussion?

“As we’ve seen, people change their minds, conditions change, situations change. We’re making an assumption also that everyone or the vast majority of people that die, die of pain or die without dignity, and that just is not true. And those of us that have been with someone very close who’s had the pain knows that in most cases two things happen: (1) there are

alternatives; and (2) sometimes that pain recedes for no known medical reason or anything else, but it does. Things change.

“The good Senator from Palolo just brought up two of my favorite measures in the past – the medical marijuana bill and the industrial hemp bill. Both of those bills passed this body by a 13 to 12 vote. I was on the winning side, if you call it the winning side, the majority side of both of those, because I argued, I argued very strenuously.

“We should do everything possible to allow options, alternatives, to allay pain, to do anything that we can for anyone that’s in need. That’s what a government is supposed to do. That’s what a legislature is supposed to do. And I note that some of my colleagues who voted against those bills are now saying that medical marijuana for someone in pain was bad but assisting their death is okay. I find that a disconnect.

“I, too, agree with the Majority Floor Leader’s analysis the other night when he said, ‘intellectually, I have no problem with this.’ We can sit around as a group. We can argue back and forth about the merits or demerits of this or any other bill, but then, as the Majority Floor Leader said, then your heart kicks in, then you remember things that actually happened, then you’re talking about real people and circumstances, and you have questions.

“Very early I was asked my position on this measure. Very early I said I want a hearing on it because I support hearings on each and every bill. A hearing was held. I also said from the very beginning, I’m opposed to this measure. I’m opposed to this measure because of the physician-assisted part of it.

“First of all, there would be more people involved than the physician – nurses and, ultimately, family members as well. We’re allowing the physician to prescribe but we’re not guaranteeing the physician will be there. So we’re getting the physician involved and we’re getting other people involved and we’re also assuming that whatever that so-called lethal dose is, that it would work for you, and you, and you, and you, and me the same way. And we know that’s not true either. In fact, that lethal dose may prove to be very painful, very harsh, and may not even do the job.

“As a practical and candid matter, we have suicides every day. And as a practical and candid matter, we have physicians who are compassionate and may increase that dosage and may make certain changes. We do have options. We do have alternatives. What we don’t have is a willing government as an accomplice to death. And that’s what this bill does.

“I guess one of the most recent books that has just been published, The Case Against Assisted Suicide: For the Right to End-Of-Life Care, from the Johns Hopkins University Press, was edited by Kathleen Foley, M.D., who is professor of the Department of Neurology at the Medical College of Cornell University and also attending neurologist for Pain and Palliative Care Service at Memorial Sloan-Kettering Cancer Center. In this book, in the summary, they look at Oregon, because Oregon is the only state that we can look at, and they make this statement:

“It was hoped that Oregon would serve as a laboratory of the states, showing us how assisted suicide would work. But this has not occurred, in part because the law was not written with such an aim in mind and stipulates that the information collected by the state will not be open to public scrutiny. Even more troublesome has been the restrictive manner in which the Oregon Health Division (OHD), charged with monitoring the law, has interpreted its mandate. It limits its yearly reports to general



epidemiological data and collects limited information from physicians who have prescribed lethal medication only.'

"The summary goes on to say:

'Under the Oregon law, when a terminally ill patient makes a request for assisted suicide, physicians are required to point out that palliative care and hospice care are feasible alternatives, but they are not required to do so. They are not required to be knowledgeable about how to relieve either physical or emotional suffering in terminally ill patients, and there is no requirement for courses in pain management, palliative care, or the evaluation of a suicidal patient for physicians wishing to practice assisted suicide. Without such knowledge, the physician cannot present feasible alternatives. It would seem necessary to require a physician lacking such training to refer any patient requesting assisted suicide for consultation with a physician knowledgeable about palliative care.'

But that is not required by either the Oregon law or the Hawaii law.

"I heard that a federal district court judge approves of what's going on. That enthused me until I heard it was the ninth circuit court judge. The ninth circuit court is the joke of the judicial community. It's had more of its decisions overturned and more decisions that have been questioned by other jurists than any other district. But even if it were so, I think that there's more that we have to rely on.

"But for me, when all is said and done – all of the arguments, and they were good arguments on each side – again, we're not talking about a tax increase; we're not talking about pedestrian safety; we are talking about death and the government's role in it. And more importantly, as I've said to those who've asked me from the very beginning, it is physician-assisted death.

"The good Minority Floor Leader the other night made an impassioned presentation and he mentioned the Hippocratic oath. Boy oh boy, we talk about pledges and oaths and it seems that nobody adheres to them anymore. Nobody's word is good. Let's hope that the doctor's word is good. Let's hope that after thousands of years the Hippocratic oath still has value. How does it start out? First – Do No Harm.

"As I've told proponents of this legislation, the thing that has bothered me from the beginning is, if you have an individual who has murdered, raped, or tortured other individuals, and somehow has been injured by the police or law enforcement or by citizens, the doctor, the physician must and does give the maximum care to save that individual's life. Now personally, that would not be my choice, but I would rather err on the side of the physician having one course of action only – and that is to save life. And that's what this debate is all about.

"Thank you, Mr. President."

Senator Sakamoto rose to oppose the measure as follows:

"Mr. President, I rise in opposition to the measure. Just a few remarks, in part, in response to some of the comments that we've been receiving, as well as in part to some of the comments the Senator from Palolo has given.

"First, one of the comments was about this being 'prudent to take action now.' How does a pharmacist know or be assured that the intended lethal dose is to assure it's a terminal situation and indeed if it goes to the right person? He, as well as the Senator from Kauai, says you know, I'm afraid for the patient

who's defined as competent, would a depressed patient also be a competent patient? More than one-half to two-thirds of patients with depression are not diagnosed or treated. Should we be protecting these patients from terminating their lives prematurely?

"An emergency room physician wrote, quoting ethicists saying: 'A patient must never have to suspect that his physician might become his executioner.' Relating to surveys, apparently the Hemlock Society has admitted that older Americans and terminally ill patients tend to be more against legalized physician-assisted suicide than anyone else.

"There was a point about this would ease the burden of responsibility and guilt. One comment was about a person feeling that if he ended his life and suffering, more medical care would be available for his grandchildren and great-grandchildren. And feeling his life is nearing an end anyway, and missing his wife terribly, he might as well opt to end his life. Responsibility and guilt? Increased sightings that patients might feel that they're a burden to others, giving them this choice doesn't ease their responsibility and guilt, they feel more responsible.

"Many times it's an issue of society as a cost containment. Elderly patients sometimes are greedy geezers eating up the nation's health care dollars who should be gently persuaded by others that assisted suicide can be the morally correct thing to do for family and society.

"Mr. President, another comment about the patient is in control . . . well, a proponent of the measure says perhaps this would affect seven to eight residents of Hawaii, annually. And if that's the case, Mr. President, I don't think we should err on the side of placing this mantle of burden of responsibility . . . and it's not only on the patient, because as we all know, if someone is in pain, and if they're diagnosed to die soon, they reach out. They reach out to their loved ones. They reach out to their doctors. They're reaching out to say, 'can you confirm a decision, since now I have an ability to say this is the time.' They're reaching out and it's not just their decision.

"Finally, Mr. President, I do agree with the comment or the issue about a slippery slope. Someone wrote to me that talk of a slippery slope, and all that, is nonsense. I agree. This is not a slippery slope and that is nonsense. This is a cliff and we ought not treat it lightly. We ought to wait and we ought to deliberate in the proper manner, lest we do things that we aren't able to recover from.

"So, Mr. President, I urge our members to vote 'no' and let's have continued discussion to see, indeed, how we can address the many, many issues brought up from the Senator from Kauai and, indeed, how do we deal with many of the issues brought up on both sides that have been addressed.

"Thank you, Mr. President."

Senator Kawamoto rose to speak against the measure as follows:

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

"Mr. President, I'm just a simple guy. I grew up in a Christian family, but basically, I believe in the good Lord giveth, and the good Lord taketh away. The question of why, when, and where remains a mystery of life. And maybe so, that it remains a mystery of life, therefore, I urge my colleagues my colleagues to vote 'no' on this bill."

Senator Hanabusa rose in support of the measure as follows:

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

“It was somewhat unprecedented on Tuesday evening when we had such a lengthy debate on the measure, especially since it was on Second Reading. Much was shared with all of us and emotions were high and the stories very moving.

“One thing that I do want to point out is that what may have been lost in the process was what I considered to be the magnanimous act of the Chair of the Health and Human Services Committee when he voted ‘aye, with reservations’ to recall this bill, H.B. No. 2487. That act has permitted this discussion that we are having today and the discussion we had on Tuesday evening.

“Unlike other bills, Mr. President, which we have seen recalled, this bill did have a lengthy public hearing by the Chair of Health and Human Services. I remember watching it over the Capitol TV. That hearing was properly noticed and it also received full hearings in the House. What is more important, though, is the fact that the Chair of the Health and Human Services Committee had studied this bill and formulated his opinion based not merely upon his religious belief, for which he has been criticized and falsely accused of, but with a very keen legal eye on the provisions which have been set forth in that bill.

“When the bill was held, the case of *Oregon v. Ashcroft* had not been decided. That decision was made by the United States District Court for the District of Oregon on April 17, 2002. Even before that and after that I have had many discussions with the Chair on this bill and I’ve also had the opportunity to discuss it with the law professor who was part of the Oregon legal team on the Ashcroft case. What it all comes down to, Mr. President, is how we define this bill – what the words physician-assisted suicide means to people and what death with dignity means to people.

“My first reaction to H.B. No. 2487 was that it was very limited in application. Let us discuss this bill and understand what is before us, H.B. No. 2487, not talk about it generically, but let us look at what is clearly before us. The good Senator from Maui, who I’m always reminded from the other Senator from Maui that I must include Anahola, went through details about what is required in this bill. It needs the confirmation of two physicians. It needs the time of 15 days between two oral requests, then 48-hours between a final written request – three separate acts. It needs the determination of competence of that patient and if there is a need for counseling, that also must be part of this process before a physician can prescribe the drugs sought. More importantly, physicians are not required or mandated to participate in this process. And let us not forget that the person must be diagnosed six months to death, a terminal disorder.

“So what does this mean? This bill is really one about choice, Mr. President. It gives the person a choice. The person has six months to live. That person will then decide, if he or she wants to, how they will define their respective death and how that death, in their own minds, will be with dignity. It doesn’t mandate that anyone does it for them. As a matter of fact, you can’t. It doesn’t mandate that a person must do it. It is their choice.

“This bill is not what others have touted it to be. It is not a Kevoorkian model. It is not that some doctor is going to come in and make the decision for you. It is not that your agent or your family members are going to decide that now is the time for you to go so you must go. It is not that. It is for you to decide. It is the individual making the choice. This is why we have to look

at the bill. We have to look at the provisions of H.B. No. 2487 to properly understand what it is saying.

“Let’s look at the roles that the providers, the physicians, the pharmacists, the counselors play. And let us look at what we, as a legislature, through this act is doing in terms of their most critical aspect of it – the immunity that they are granted. The physician goes up until the point after it’s been determined and a second physician has agreed with the determination that this person is competent and has six months to live. That physician prescribes. That physician’s prescription can either be picked up by the individual or that physician can deliver it to the pharmacist. The pharmacist can only . . . contrary to prior representation it cannot be sent UPS. That prescription can only be either picked up by that individual or picked up and delivered by the physician. My hunch is more than likely that physicians will end their whole intervention in this matter at the point that the prescription is made.

“Then let us look at this issue of administration. How do you take that lethal dose? You have to do it. You, the individual, have to do it. No one else can do it for you because the immunity has stopped – no one else. It is your choice. You can rescind your directive. You can choose not to do it at any time. It is you. So when we talk about physician-assisted suicide, physician assistance ends at the point of prescription. Everything after that is up to you.

“When I looked at the bill and I had discussions with people, I said, you know, this means that if you are really not able to feed yourself, not able to put anything in your mouth, or require something to be ground up so you can consume it, and you’re not able to do that, you really cannot administer this, because anyone else put in that position to assist you can be subject to legal challenge, can be subject, potentially, to murder because they are not immunized under this statute. So it is you. It is you, the individual, who will make that choice.

“Now, the Oregon court that recently ruled on April 17, found that these kinds of decisions are for us states to make. It is not something that the federal government has the right to intervene in and that, by the way, was challenged. It was a preemptory challenge based upon the controlled substance act. They said no, this is clearly, Mr. President, within the purview of people like us – the various state legislatures.

“Let us also not forget that we are not doing this in isolation. We have the uniform health care decisions act, which is HRS 327E. Let us look at what choices we give people now. These are, of course, the directives that we execute, and this is part of our laws and we are letting people say this. For example, we have in here, paragraph (6), end-of-life decisions, where you say, ‘I direct that my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below.’ Then let’s look at the choice not to prolong life. It says: ‘I do not want my life to be prolonged and if (i) I have an incurable and irreversible condition that will result in my death within a relatively short time, (ii) I become unconscious and, to a reasonable degree of medical certainty, I will not regain consciousness, or (iii) the likely risks and burdens of treatment would outweigh the expected benefits.’ We permit people to make those choices.

“Look also at subparagraph (8), relief from pain. It says: ‘If I mark this box [ ], I direct that treatment to alleviate pain or discomfort should be provided to me even if it hastens my death.’ We have passed this law. We have said it. Yes, we haven’t said this is physician-assisted suicide, but we have said you can give me medication to make me comfortable even if it means it hastens my death. And I can direct anyone, whether

it's the physician, the care providers for me, that under those certain conditions, you will not prolong my life.

"So what does this bill do? This bill presents another alternative. It presents an alternative to people who are diagnosed as terminal with only six months more to live. And if they are mobile enough and they are capable to administer this prescription to themselves, then they can make that choice. And that is what this is all about.

"This is about choice, another choice that we're giving the people, in addition to that which we have set forth in the Uniform Healthcare Decisions Act, HRS 327E. We're not reinventing the wheel on this. We've already given these kinds of acts, which, if you read it carefully, you may say, 'hey, this sounds a lot like the physician can assist.' Maybe we don't call it suicide, but they can definitely assist in your death coming sooner rather than later, depending on health directives that we as individuals make. And let's not forget that.

"It is a decision that we are simply permitting people to make for themselves. We are saying, not as government, that you can't do it. We are saying, as government, these are the choices. What choices each and every one of them make is between them and their conscience or it's between them and their God, whoever that God may be for them. It is their individual choice.

"I've had many discussions on this with the Chair of Health and Human Services and we basically disagree. I have resolved all of my discussions, Mr. President, with the conclusion that I can support this measure, because for me, it is the next step to what we have already given the people of this State. It just gives another category of people this opportunity if they wish to administer it to themselves.

"Remember at what point the doctor's intervention ends and at what point they must do it themselves. Therefore, this is a measure that talks about choice. It talks about a person's rights, and it talks about the ability to make that decision.

"For that reason, I urge my colleagues to vote in favor of this measure, to vote in favor of choice, to vote in favor of recognizing that people have the right to control their destinies. As we have said in the past, women have the right to control their bodies, people have a right to control their destinies. And that is what this is about.

"Thank you, Mr. President."

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

"Mr. President, I rise to speak in favor of this bill, but before going into my comments on that, I would also like to thank the Chair of Health and Human Services. I deeply respect him, the experiences he brings to this discussion, what he had to endure in terms of the process of getting this bill to the Floor at this time. I did speak with him about my vote to pull the bill out of his Committee before it was done. I felt an obligation to do that for him to at least inform him.

"My previous experience with a bill being pulled from my Committee was not as pleasant. I was not informed, so I felt that I owed that to him. Procedurally, maybe it's not the best way to handle bills. We need to respect the institution of the Senate. And for those of you who were offended by my action, I do apologize.

"Then for the good Senator from God's country, some of our colleagues say that I misinterpreted your question to me the

other night. I thought you had asked me whether I had any applications to be God, and some of you in this body tell me that you were asking me if I was God. And I will assure you that I am not and I have no aspirations to be that, because throughout history, people who have the presumption to think that they are God, have a tendency to be murderers, and that is not an ambition of mine.

"Pardon me, I'm a preacher so I have to apologize to you. I think I will spill over to preaching in a couple of places here. Scriptures are not set in stone. I will say that. Sometimes I feel like I'm a heretic. I look at the scriptures with maybe more freedom than most do. Scriptures sometimes seem to forbid or allow for slavery and we do not allow for that today. I'll just drop it at that now. Those are examples of how conditions change.

"Conditions do change. This is an issue of choice. In the Garden of Eden story (here I go), there were two trees. And sometimes we forget that there were two trees. The first was the tree of the knowledge of good and evil, the loss of innocence to understand right from wrong, and we know the havoc that has happened from having that ability to choose between right and wrong. The other tree is the tree of life, and I interpret that to mean immortality. We have already taken a bite from the fruit of that tree.

"Medical science has placed decisions of death in our hands. It is no longer just in the hands of God. We decide. And more and more, that decision will fall into our hands. More and more the decisions about the environmental consequences of our actions fall into our hands. As our population grows, water resources become scarce and many speculate that this scarcity may become the cause of more wars than anything else in the future. So, it is choice. We have to make choices on many, many of these major issues. And with medical science able to prolong life far more than it has been able to do in the past, choice comes into our hands.

"I have to laugh because I think of myself as a quiet, meek, and mild person, but I guess around me some storms swirl and I think I help to feed them. For doctors, even the Hippocratic oath may need to be reinterpreted because medical science has moved us so far along. What does it mean to do no harm? In the discussions, there's talk about families that may pressure their loved one into this physician-assisted suicide sooner than that person might want . . . questions of greed. But there are questions from the other side too. There are questions about whether doctors, hospitals, whatever, sometimes keep patients alive too long. And we know that medical costs are greatest in the last few months of life. So there is that side too. I don't want to make accusations, but there is that to consider. We are human beings and we are all subject to sin. Boy, I'm really preaching . . . I'm sorry.

"But there are different sides. In this bill, there is a requirement that the patient be informed of palliative care, of hospice, of pain management. These are all options. We really have been given the awesome task, but we will be given more and more of that task of deciding when our life comes to an end.

"We cannot talk about death without talking about the other side of existence, which is life. Here, decisions need to be made far in advance of the day of our dying. What gives meaning and purpose to our life? And this may be judgmental on my part, but I do believe that those who die a good death, a beautiful death, are frequently ones who have had a strong purpose in life, so that when the time of departing from it comes, they can depart in peace.

“One other aspect of this that I want to touch upon, touched upon by the good Senator from Kauai, and I don’t mean to be contentious, but I have been involved in social justice work all of my life. And yes, it is a concern that those who are poor have a lesser quality of medical care. Among those who have affected me most in the discussion around these issues are the disabled, who express a genuine and legitimate fear that they will be victims of this legislation. As I said, I will be in support of the bill, but listening to them tells me that I need to work, continue to work on the issues of social justice so that these persons can be assured that their concerns will be addressed. It becomes a challenge in my life and I think in all our lives to see that social justice is done.

“There will be errors. I know that. We are human and the errors will be made and people will die unjustifiably. But in all of life there is unfairness. In almost all areas of life there is unfairness. The commitment should be to eliminate that unfairness to work at justice. It’s a difficult weighing process. But in all of that, I have come to support this bill and I would urge my colleagues also to support this bill.

“Thank you.”

Senator Kim rose in opposition with reservations as follows:

“Mr. President, I rise to speak with mixed feelings on this measure, and therefore I will be speaking with reservations in opposition.

“Mr. President, no matter what other states have done, no matter what task forces around our country have said, what doctors, what nurses have said, I believe that this is a personal choice. I believe, after reading this bill last night, that the bill assures that it is one of personal choice. We have heard today about ease of burden, guilt by family members. Mr. President, what this bill talks about is the ease of my burden. I want to make that decision. I am in support of the bill, and that’s why I speak with reservations in opposition, and I will get to that in a minute.

“I believe that it should be my choice, whether I choose to suffer or not suffer, not so much whether my son will make that decision, but that’s the decision that I should choose. And yes, maybe the disadvantaged and the poor may have problems, but, you know, they suffer too, and they may not have the means or the money with which to choose to have alternatives done so they can ease their pain. They should have the choice and this bill does not require them or anyone else to do that.

“What I am bothered about the bill, Mr. President, is that yes it is one of the most important decisions that I will make being in public office. I recognize that and I recognize all of the phone calls and letters and e-mails that I have gotten. And I do not appreciate the threats that people will either vote for me if I vote for it, or vote against me if I don’t vote for it. That is not entered into my decision. And really, I don’t think that they make our decisions any easier because it is one of personal choice and one that I respect every person here for whatever decision they make.

“What bothers me about this decision, Mr. President, is that I am forced to make it in such a short time. I have read the bill and there are a couple of areas in which I am not comfortable with the bill. I would like to see amendments made to it and I don’t believe we need to rush. And yes, this bill may have been around for a while, Mr. President, and while it may have had a full public hearing, I think that there are areas in which we can make even better.

“I am at least bothered by the fact that only a two-week doctor/patient relationship is required. I think that is very bothersome and I would like to see that changed. The fact that no one is required to be with the patient at the time that he or she ingests this lethal medication is of problem to me, Mr. President. I don’t believe that one should have this and make this decision and go into some corner somewhere and take this medication and then die. That is very troubling.

“I’m sure there are other areas in which I have not articulated that can be made better. What does bother me, however, is that those in opposition to this bill do not seem to have the compassion that they will change no matter how many amendments are made to this bill, that they will hoist their feelings and their values and their morals upon the rest of society. Yes, I am of Catholic faith. And yes, my religion says that suicide is not part of our faith, but I am of pro-choice and again, I believe that I should be able to choose whether I should suffer and when that time should come.

“And so, Mr. President, with very, very mixed feelings, I will vote ‘no’ on this measure because I would like to see us when we make this very, very important decision, that we make sure that it is the best decision that we can make. We will not ever have a perfect bill, but intellectually I cannot accept it at this point in time. So I’m very different from my good neighbor here to my left. My heart is for it, but intellectually I believe it can be better and we can make more safeguards.

“Thank you.”

Senator Hogue rose in opposition to the measure and said:

“Mr. President, this is going to be very hard. Like the previous speaker, I am pro-choice. I believe in choice . . . but after reaching deep inside my heart, spending a sleepless night debating over and over and over this issue, I will choose to vote ‘no.’

“I did this, Mr. President, because there was talk earlier about an oath – an oath that doctors take – but there is also an oath that legislators take. There is an oath that we represent our constituents. I have listened to my constituents.

“Last night I still hadn’t made up my mind. I called my chief of staff and said we need to hear from more people. We’ve been deluged by phone calls in the office. I really don’t believe that those necessarily recognize and represent my constituency. They represent those people who have a strong feeling one way or the other. I need to go out and I need to talk with the people in my district. So, a little bit after 7:00 this morning we started walking the district as much as we could get in. Unfortunately, the other night I heard the message that we were going on the Floor at 12:30, so I thought we were going to get about five hours in. I got a call just outside of a nursing retirement home in Kaneohe this morning a little after 10:00 that I’d better get my okole down here because they were already in Session, so I apologize if I look a little harried here.

“I can tell you the results of that poll, if you want to call it a poll, or my discussions with people show how polarized and how emotional and how personal this issue is. The office phone messages were overwhelmingly ‘no.’ The faxes were ‘no.’ The e-mail was mixed. But, outside of a coffee outlet in Kailua, they wanted my to vote ‘yes.’ Outside of a fast-food outlet in Kailua, they wanted me to vote ‘no.’ In the Kailua business district it seemed as if they were leaning towards ‘yes.’ In the Kaneohe business district it seemed like they were leaning towards ‘no.’ At that nursing and retirement home, the feelings were mixed – these were the people who were at the closest to this difficult decision in their lives. Continuing in Kaneohe,

they were again very mixed, very polarized. Some people had some very harsh things to say. Some people had some very favorable things to say.

"I spoke to doctors. I didn't even know that they were doctors when I approached them. Some said 'yes' and some said 'no.' Those who said 'yes' said they had seen the pain that people go through in their final stages of life and they said that no one should have to go through that terrible pain . . . and I agree. I talked to a pharmacist on his way to work who said he would be willing to give this prescription, this lethal prescription, and he knows it's a very, very tough choice. But then I talked to other doctors and other pharmacists and other medical personnel that I met along the way who said that there was no way that they could do this.

"Let me tell you why. It has to do with something I learned right out of college when I was, for a couple of years, a certified public accountant with Price-Waterhouse. I really wasn't the best accountant in the world, but I could add and I could subtract and I could follow what we were supposed to do. But one of the things that they taught us was that if there is the appearance of a conflict of interest, then you must step away. And that's what would happen in the medical community. There would be the appearance of a conflict of interest. Those who would go to their doctors, those that would make this difficult decision, they wouldn't know, they wouldn't know, where their doctor stood. Was he there to save them? Or was he there to perhaps lead them to a choice that they may not want to make?

"I do agree this is a very, very personal choice. My family, we got together and we talked about this, and I can tell you it was mixed in the family . . . very, very difficult decisions to make. My 13-year-old son said, 'Dad, this is about choice. Dad, vote for choice. Vote up.' But others in my family said, 'Dad, how can you make this decision when you don't know totally what the results will be?'

"And that is so true. I started this long discussion and debate in my mind by moderating a panel on this particular subject back in November. I met many of the very good people that are up there and I respect every single one of them. And I want you to know how much I appreciate everything that you had to say in that particular panel. And I met many of the people that are up over here and I respect what they have to say, as well. And many of them came to visit me yesterday and they were respectful and courteous and they understood what a difficult decision that this is to make.

"I understand that there are those on both sides who have extreme arguments, and I've tried very, very hard to dismiss those arguments. There is a man sitting right up there with a hat on who has prostate cancer and I apologize, sir. I'm sorry that I cannot help you make the choice that you want to make. I know you want to make it, but I know deep in your heart you will understand the tortuous decision that I have had to make and why I have decided to choose this way.

"What ultimately led me to this decision, besides the appearance of the conflict of interest in the medical community, is that, as I talked to an elderly woman inside a nursing retirement home in Kaneohe today and I asked her the question of whether or not she could support this, she said, 'you know, at that time in your life as you're approaching death, who's to say whether you'll be in control of that decision?' And I couldn't answer that.

"Can we honestly say, if we pass this measure, that the people who want to make that choice will be in control? What happens if we're wrong?

"This has been so difficult, so emotional. I have cried many times. I apologize for my emotions. I wanted to support this measure, but the debate must go on. We must have proper hearings. We must continue this discussion and I know it will continue to be emotional. But if I have saved just one life, and erred and saved just one, then I have made the right decision.

"Thank you for listening."

Senator Tam rose to speak against the measure and said:

"Mr. President, I stand before this body and the public to declare my 'no' vote on H.B. No. 2487, H.D. 1, relating to death with dignity.

"My 'no' vote on H.B. No. 2487 is based on the views of the following, contrary to the discussion of whatever the merits of the bill may be for or against.

"Number one, upon reviewing the faxes, telephone calls, and e-mails from my senatorial district, I discovered emotionalism and misinterpretations of H.B. No. 2487, H.D. 1, before us. The unclearness of the bill before us by the public is of concern to me. At this time, I find that it is not sufficient on this specific legislative proposal to only have public hearings before the legislative bodies of the House of Representatives and the Senate in formulating a final decision on the outcome of this legislative proposal. Thus, this proposal needs more awareness and discussion throughout the communities of our State, especially in my community.

"As a State Senator, it is my duty and job to embrace democracy. The public has stated very loud and clear that there is a lack of public involvement on this legislative proposal, as evident by the number of people here in the gallery. It's not too often that we have such a crowd here. We welcome them being here to view our legislative process.

"Secondly, the legislative proposal before us was structured by Governor Cayetano's task force made up of his chosen task force members without any community public hearings. Many of you know how I emphasize the need for public hearings. This is not an embracement of democracy, which we all know is open government. The denial of public involvement has resorted in emotionalism and misinterpretation of the legislative proposal. Sorry, Mr. Governor, I'm not your rubber stamp and I never will be.

"The Constitution of the United States and the State of Hawaii states that there are three separate branches of government – executive, legislative and the judicial branch.

"Mr. President and fellow colleagues, in embracing the nickname, which many of you laugh about, 'Mr. Sunshine,' which I have been identified as in the Senate, I clearly state that in fairness to all the parties involved, there needs to be more public hearings during the interim and during the next legislative session before we can make a truly informed and educated decision.

"What I'm stating is the classic example of what I do as a parent of two children – a son who's 10 years old and a daughter who's 9 years old. When there's a disagreement between the two, I pull them aside in a respectful proper environment where we can sit down and I listen to both sides. I try to resolve their disagreement. That is what we're supposed to be doing here and we try to do, but with the emotionalism here, it's very difficult, especially with the misinformation out there.

"In closing, this legislative proposal, for me, is not an issue of whether one is religious or not. Our Constitution of the United States and the State of Hawaii states that there is a separation between church and state. Also, I'm offended by those people from religious orders who call my office and threaten me. How dare you be that way – in the name of God and using the name God. That's an insult to religion. Use this opportunity to communicate to us, but don't threaten us. Use your manners. That's all I ask for. Let's talk story. What you're teaching our young ones out there in terms of threatening all the legislators here is a very poor example for our young ones in the future.

"Let us embrace relationships with communication. Hawaii is a very blessed place and a land of aloha. Why? Because we have a diversity of ethnic cultures bringing relationships between family and so forth. Let's not be like the mainland, whether it be California, New York, or whatever. There's no culture there. There's no unity. When I went to the mainland for college, I was surprised that the youth in the mainland had to pay for their own education. If you do that over here in Hawaii, that's an insult . . . you're not a good parent. So let us all embrace in terms of communication. Please, no insults.

"I have received faxes, by the way, and e-mail from different denominations of religion. Guess what? There are those for and against. This is why I'm a little puzzled in terms of this issue right now. There's too much emotionalism, too much misinterpretations. I, personally, as a Senator from my district, need the time to go out into the community, as my colleague from the Windward side stated earlier, to walk the district. Why? Because the community wants to embrace more communication.

"Quite frankly, I think all of this could have been avoided, and I hate to point fingers, but the administration should have done its job. If they wanted to introduce a proposal, go out into the community first, gather comments, or do it jointly with us, instead of dictating legislation.

"Thank you very much."

Senator Matsuura rose in opposition to the measure and said:

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

"I would like the prayer that was given this morning to be inserted as if it were my own. Thank you."

The Chair having so ordered, the prayer reads as follows:

"Our Heavenly Father, we come before you in the power and saving grace of our Lord and Savior, Jesus Christ.

"I thank you for your presence and divine appointment with us here today. We welcome you and honor your presence.

"We welcome your Lordship over our lives today and all our days to come.

"I pray, Lord, that you will bless and open the windows of Heaven over this Senate today and pour down your Holy Spirit to reveal your love, your mercy, grace and heart to us that we may truly know you in a way that we have never known you before.

"Father, I pray that you open our hearts and minds to the leading of your Holy Spirit.

"I pray that your love will guide, encourage, exhort, and challenge these Senators that you have chosen to lead this unique and great State of Hawaii.

"I pray that you will give them the strength to be honorable men and women with integrity and courage to stand against the tide of injustice and ungodliness in these islands and our nation.

"I pray, Father, that you will give them wisdom and Godly counsel that they may speak and make the right decisions that will bring unity, honor, and glory to your name.

"I pray that you will give them the heart, grace, mercy, and forgiveness to be true men of compassion and equality.

"I pray, Lord, that surely as there is the power of life and death in the tongue, that these legislators will choose to speak life and righteousness for this State.

"I pray that you will bless and fill those who hunger and thirst for righteousness.

"I pray that your peace that surpasses all understanding will surround and comfort each Senator here today.

"I pray that you will show mercy to those who are merciful.

"I pray that you will bless those that are persecuted for righteousness in your name.

"I pray, oh Lord, that there will be no more compromise to your word, that your word will exalt itself over every situation and circumstance for these islands and this great nation.

"I pray that these leaders, whom you have chosen, will make a firm decisive decision to stand for righteousness and your word.

"I pray you will exalt, encourage, and increase the influence for those who will stand on behalf of your name.

"I also bless and pray on behalf of those who have not heard your message that with compassion, grace and mercy you will make known your great plan of unity and salvation and endless love to them.

"I pray, Lord, that as the heavens are higher than the earth, so are your ways that are higher than ours, and your thoughts higher than our thoughts, that your word will go forth and overrule our thoughts and our emotions, that your perfect will shall be done for our State.

"I pray, Father, that your word will go forth swiftly with love and power and liberty to show us your ways that we may understand and walk in them.

"I pray that your plans and purposes will be fulfilled for each of these honorable men and women here today.

"I pray that you will guard and keep their hearts, minds, and spirits from all evil influences and thoughts that will hinder and distort the truth of your word for their lives for this State and our nation.

"I pray, Father, that you will direct our hearts into the perfect will and love of God that together with unity of all peoples we may fulfill the great destiny you have for us in these islands and our nation.

"I pray that everyone, from young to old, will have a true complete, clear, simple understanding and revelation of our state motto: 'Ua mau ke ea o ka aina i ka pono' – The life of the land is perpetuated by the righteousness of Jesus Christ. May these words compel us and exhort us to our inheritance, heritage, and destiny for these islands and for our nation to this generation and all generations to come that truly we may become one nation under God, with liberty and justice for all.

"I pray, oh Lord, with all my heart that it may start here today and now.

"Guide them and lead them, I pray in the name of our Lord and Savior, Jesus Christ. Amen."

Senator Chun Oakland rose to speak in support of the measure and said:

"Mr. President and colleagues, I just want to thank everyone here for really sharing from their hearts. Wherever we are on this issue, and for everyone in the gallery and also watching this, I really appreciate that you folks are taking this very seriously because I think it is a very important issue.

"I stand in support of this bill and I don't believe it will be passing this Session, but I'm very grateful for the opportunity to have this discussion.

"By way of background on this issue, I was one of two legislators in 1993 who attended every single informational hearing statewide on this issue. I served on the House Judiciary Committee and I listened intently to the many compelling testimonies of both proponents and opponents of this issue. There were stories I heard of pain and suffering, of human courage and compassion, of family tragedies as well as of hope, and the pleas for respecting the dying individual's dignity and wishes. They were very powerful for me and very moving. These experiences strengthened my commitment to what I could do as a legislator to help people live as comfortably as they could in their remaining time on earth with dignity and in peace.

"During my service as Chair of the House Committee on Human Services and, later, Co-Chair of the Senate Committee on Human Resources, and Chair of the Senate Committee on Health and Human Services, I worked with many of you here, and our community, and the executive branch and enacted landmark legislation relating to hospice care, health insurance coverage, and advanced health care directives, which our Senator from Waianae had mentioned. I also worked with Dr. Len Howard representing the Hawaii Medical Association, at the time, to encourage training opportunities for medical professionals in the area of palliative care and pain management. I'm happy to hear that the EPIC program, which is training many medical professionals in pain management and palliative care, is doing well, and I think we need to support that. I also understand that Kaiser Permanente has taken a leadership role in providing palliative care for its members.

"Hawaii has come a long way in recent years to provide compassionate care for those who near the end of life, and I thank the Legislature and the people of Hawaii for having this foresight, commitment, and compassion for its people.

"With these successes, though, we still see many in the medical profession not honoring the dying patient's advance health care directives or living wills. They are fearful of the living relatives and the possibility of being sued. We are seeing living relatives of the patients attempting to override the patient's last wishes. We still see a real hesitancy on the part of some doctors to administer pain medication to patients for fear of accelerating a patient's death even though our law protects them.

"There are some doctors who have experienced seeing their patients in excruciating pain that no one and no medication available presently can relieve. These patients beg for help, but they cannot get relief from their pain.

"I really felt that this bill affirms the patient's right to choose and to be able to die with dignity and in peace. I hope that this discussion compels the medical professionals to do all they can to care for their patients and explore with them all options of palliative care, pain management, hospice care, and other services available. I hope this discussion compels medical professionals and family and friends to do all they can to love their family members, but also to truly honor their wishes.

"This is an extremely emotional issue and I just, again, wanted to say thank you to all who have shared their personal experiences even though it was very hard. And I do hope that as we discuss, as a community, this very important issue, that we have even strengthened our resolve more to address the suffering that is occurring in our community and help make the end of life for people the best that it can be.

"Thank you, Mr. President."

At this time, Senator Kim moved that H.B. No. 2487, H.D. 1, be recommitted to the Committee on Health and Human Services, seconded by Senator English.

At 1:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:41 o'clock p.m.

Senator Kim rose and said:

"Mr. President, by request of my colleagues, I withdraw my motion to recommit."

The Chair so ordered.

Senator English then rose and said:

"I withdraw my second."

The Chair so ordered.

Senator Hemmings rose to speak against the measure and said:

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

"What a glorious, glorious day this is and what a journey we have been on as human beings for the last three hours. I never thought that I would stand on this Floor and say how proud I am of this body and the way we've acted today. There hasn't been one hint of partisanship. There hasn't been one hint of politics.

"This body in the last three hours has searched our intellect, and more importantly, colleagues, we've searched our souls. I think it's one of our finest hours. I think I'm so lucky to be on this journey through life and so lucky to be here participating in this because we're blessed not only with an intellect, but yes, we are blessed with hearts and souls. Ultimately, the magic of human life is not in our intellect; it's in our souls.

"Medical science has not placed in the hands of our doctors, death. Medical science has placed in the hands of our doctors, life. After this intellectually challenging and soul-searching debate, this Senate will now vote. How lucky we are to be here at this time, to be so honest with ourselves, and to speak from our hearts on this issue.

"I urge my colleagues – do vote your heart. I will be voting against this measure."

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

"Mr. President, I rise in opposition.

"Mr. President, members, there are very few things that are certain in life. When we are born, we accept death. We also accept, as a condition of life, suffering. In fact, the idea of suffering is what makes us stronger, is what gives us the fortitude to change conditions and to change the human condition, and in fact, the condition of all sentient beings.

"Our discussions the other night on this Floor was very emotional for many of us. I recalled my grandparents. Many of you recalled your parents and your grandparents and we talked to each other in a very personal and deep way. I still reflect

now, as we talk about this, about the responsibilities and burdens of life and what has been placed upon each one of us.

“For me, personally, it has been my honor and responsibility to bury every single one of my immediate family – everyone. Twice orphaned, my mother passed when I was 11. My grandparents recently passed. My uncles have passed. So this is very close to me and I’ve come to understand the intricacies and the glories of the dying process from a personal level.

“Like I said the other night, my mind, my intellect, can accept this measure, but my heart cannot, and I’m following my heart.

“There’s an old Buddhist saying, a very, very ancient Buddhist saying that when you enter life, you are crying as you come from the other side and everyone around you is joyous and happy, and when you leave, everyone around you is crying and you are joyous to return.

“I hope that this discussion, this debate, both from the intellect and from the heart, has helped us to create the foundation for dealing with this issue in the next Session. By my count, Mr. President, this measure will fail. There will be 11 votes for it and 14 against it. But nonetheless, I think this issue will be back again, and again, and again, until we finally come to a definitive conclusion.

“This is the first of many of these types of issues to come before legislative bodies across the country. As technology advances, as science advances, and yes, as spirituality evolves, we will be dealing with questions on both ends of the spectrum – what is a life; what constitutes a sentient being; cloning; the dying process; the moment of death; pain management. All of these issues will come before us more and more frequently because of advances in technology and science and, yes, the human spirit.

“So, Mr. President, members, colleagues, I say to you that in the interim and in the time between, take to heart everything that we’ve heard here on this debate and realize that we will be facing it in the future. Also realize that sometimes you have to make decisions based on the greatest good for the greatest amount of people, and you have to be able to put aside your personal feelings and your personal convictions on that issue. We’re heading towards that with death with dignity.

“This is not the time, this is not the place for this decision to happen today. The issue is not, in my mind, yet right. So with that, Mr. President, I say thank you and ask that we call for the question.

“Thank you, Mr. President.”

Senator Chumbley rose in support of the measure and said:

“Mr. President, I rise to speak in support of this bill. I promise I won’t be as long as my fellow colleague from Kauai who’s waving at me.

“I first want to thank the good Senator from Hilo. Senator Matsuura, thank you for allowing this debate to take place. I, too, agree that what you did by allowing this to come to the Floor and for us to engage in this debate truly makes a bond today that we have not seen before on this Floor. It will make each and every one of us better for that debate that we’ve had today and it will make the whole community and society of Hawaii better for that debate.

“The Senator from Kaneohe, you don’t need to apologize for your emotions. This is not appropriate and we reject your apology. (Laughter.)

“Senator Matsuura, before I go on, I do want to ask you to send your mother a message. She called me and asked me if I would reconsider my position. Please apologize to her, because I won’t. But I have a tremendous amount of respect for Ruth, both as a doctor and as a human being. So, please send my apologies to her.

“About three hours ago, there was some discussion about what was going on in other states and what was happening across the country, and that there were 54 measures in 21 states. I think that is at the very heart of some of the things that we’ve experienced today too. That debate across the nation is going to continue.

“Recently, the Supreme Court was drawn into the debate and deliberated on whether there was a right to choose on the matter of one’s death under the US Constitution’s equal rights and due process clause. The Supreme Court of the United States in its decision on June 26, 1997, unanimously declared that no such right is guaranteed under the US Constitution. However, the court left the door open to the states to decide this issue individually. And that’s what we’ve been talking about here today and among those other 21 states across the country.

“Chief Justice Rehnquist in his opinion wrote:

‘Throughout the Nation, Americans are engaged in an earnest and profound debate about the morality, legality and practicality of physician assisted suicide. Our holding permits this debate to continue, as it should in a democratic society.’

That’s what we’ve done today.

“Justice Stevens went further in his opinion, stating (and he is a liberal in case you don’t know):

‘There remains room for vigorous debate about the outcome of particular cases that are not necessarily resolved by the opinions announced today. How such cases may be decided will depend on their specific facts. In my judgment, however, it is clear that the so called “unqualified interest in the preservation of human life” is not itself sufficient to outweigh the interest of liberty that may justify the only possible means of preserving a dying patient’s dignity and alleviating her intolerable suffering.’

“The good Senator from Hawaii Kai earlier made a swipe at the Ninth Circuit and the US District Court Judge, Judge Robert Jones, who handed down that decision on the actions of US Attorney General Ashcroft’s attempt to overturn the Oregon law. By the way, he was appointed by the former President Bush in 1990, a Republican. He wrote:

‘The citizens of Oregon, through their democratic initiative process, have chosen to resolve the moral, legal and ethical debate on physician-assisted suicide for themselves by voting – not once, but twice – in favor of the Oregon act.’

“In case you weren’t aware of it, in 1994, Oregon passed this by initiative with a 51 to 49 percent vote, a very slim margin, very similar to our Floor vote just two nights ago, Tuesday night, on a 13/12 vote. When that measure was then appealed to the United States Supreme Court, in 1997 it was put back up for initiative again. That year, three years later, it passed by a



60 to 40 percent margin. The public in Oregon increased their support for the Oregon law.

“In Oregon there’s 3,316,000 people, roughly. In 1999, there were 29,587 deaths in Oregon. In 1999, 27 people chose to use this Oregon law to end their own life. That represents less than 1/100 of 1 percent of the total population. I don’t see this as a slippery slope. In fact, colleagues, in Oregon, as a result of the two votes that were taken by initiatives, the State of Oregon saw a tremendous increase in palliative care, pain management, and hospice services. I hope, today, through these people in the gallery and us, that we will see that kind of change ourselves. You cannot operate outside of those services that we need to give to the public.

“Earlier, I had passed out a list of some of the general policies and basic provisions of the bill, but I won’t go into those. The good Senator from Waianae very articulately raised and addressed all of the concerns that many of you had spoken about. The health care directives that we have in current law now is something that most people aren’t aware of, and I’m glad that she brought that up. I think it’s something that many of us need to look at and say, if we are not going to be successful this year in adopting a death with dignity bill, then let’s work with our communities to help them better understand what is in the law, because there is a tremendous amount there.

“I think, as a state we need to make this decision for ourselves, even though there is a national debate on this. Representations were made that in most states people were primarily white, worried and well off. I don’t think that’s the case here in Hawaii.

“In March of this year, QMark Research and Polling did a statewide poll on this issue – 72 percent of the public agreed with the concept of a right of an individual to end their own life; 23 percent disagreed; and 5 percent weren’t sure. I think that’s a tremendous amount of public support for this issue. That poll had a margin of error of 5 percent. Many of us, and you know more specifically, live and die by polls, and I think that this is a good reflection of what’s happening through our community.

“This is not a partisan issue. The good Senator from Kailua said that he heard not one point of partisanship today, and that’s right, because 75 percent of those who responded to that poll as Democrats supported it, and 69 percent agreed with the right to end one’s life as Republicans.

“The poll goes on to talk about ethnicity and it goes on to talk about race and some of what we are as a community, a very diverse community. You don’t have to be primarily white, worried, and well off to support this concept. Caucasians, 74 percent supported it; Japanese, 80 percent; Hawaiian or part Hawaiian, 72 percent; and Filipinos, 51 percent. I think that’s a good reflection of our community.

“Even those who hold very, very strong religious beliefs can support this – Catholics, 63 percent agreed, 30 percent were opposed; Buddhists, 85 percent supported it, 11 percent were opposed; Protestants, 71 percent support, 27 percent opposition; Mormons, 65 percent support, 27 percent opposition. You can start to see how it crosses both race and religion and goes to an individual’s choice. To me, the most important thing that we’ve had the opportunity to discuss over these last two days is the issue of choice.

“There is a central principle under which America was founded and the ‘Declaration of Independence proclaimed, for the first time in the history of nations, that each person exists as an end in himself. This basic truth – which finds political expression in the right to life, liberty, and the pursuit of

happiness – means in practical terms that you need no one’s permission to live and that no one may forcibly obstruct your efforts to achieve your own personal happiness.’ Think about that, because next year and the year after, this issue will be back before us.

“There was some representation that doctors, nurses, the disabled, the mentally ill, psychologists, and pastors are all against the bill. That’s right, they were. They still are and they still will be. But doctors, nurses, the disabled, the mentally ill, psychologists, and pastors also support this bill. There are as many supporting it, as there are opposed to it.

“In June of this year I’m going on a mountain climbing expedition, so I’ve been doing some exercise and training. This morning when I went down to Kapiolani Park to run at 5:30 this morning, like the good Senator from Kaneohe, I stopped and asked one man, because I couldn’t go back to my community in Maui and ask people, but I did stop and talk to one man. Satoshi is a 78-year-old AJA who lives in downtown Honolulu. He told me that his wife died of cancer in the year 2000, and that she suffered tremendously and it was very painful for him. Satoshi talked about, if this bill were enacted, the opportunity that he would have to make that choice for himself to end his life. He asked a lot of good questions. I was quite impressed. He’s been reading about it in the paper and he was very much in support of it. He said he’s talked to his children and his children are okay that he makes that choice for himself.

“In closing, I think that this is a decision that will allow each of us to make an individual choice, and it should be our individual moral choice. It should be Satoshi’s individual moral choice. It is a choice that we need to make for ourselves.

“Even though it may be fruitless in the vote, I ask that all of you please support this measure. Thank you, Mr. President. I call for the vote by Roll Call, please.”

The Chair so ordered.

Senator Buen rose to speak against the measure and said:

“Mr. President, I rise to oppose this measure.

“First of all, Mr. President, I want to thank the Chair of the Health and Human Services Committee for agreeing to bring this vote to the Floor. The bill was not yanked, as the news media had reported. The Senator had agreed to give all of us the chance to have a discussion on the Floor and call for a vote. I believe the Chair was being fair, open-minded, and responsible to the people of this State.

“Mr. President, in the Health and Human Services Committee (by the way, I am his Vice-Chair), I sat in the hearing that the Chair held. The Chair had brought with him a huge box of testimonies, letters, faxes and e-mails. I asked him what was in that box and he said that there was an overwhelming majority of the people who had written to him or called him opposing this measure.

“I, too, have received those calls from my constituents from Maui, Molokai, and Lanai asking me to oppose this legislation. I feel I need to be responsible as a Legislator. I need to be responsible to my constituents when they write to me and when they call me. An overwhelming majority of my constituents have asked me to oppose this legislation, and therefore I will be opposing it.

“Thank you, Mr. President.”

The motion was put by the Chair and, Roll Call vote having been requested, H.B. No. 2487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 14 (Buen, Bunda, Chun, English, Hemmings, Hogue, Kanno, Kawamoto, Kim, Matsuura, Menor, Sakamoto, Slom, Tam).

### FINAL READING

S.B. No. 2179, S.D. 2, H.D. 1, C.D. 2:

Senator Menor moved that S.B. No. 2179, S.D. 2, H.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Inouye rose to speak against the measure and said:

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

"Mr. President and colleagues, the concept of lower prices on gas means perceived benefits for consumers, but we must consider what the impacts would be of placing a cap on gas prices for smaller volume stations and what that means for our island economy and community.

"In particular, the effects on the neighbor islands must be taken into careful consideration. For example, there is likely to be a disproportionate impact on the Big Island, where there are many remote, smaller volume stations, approximately half of which are owned by small independent businesses.

"The average volume per station on the Big Island is 61,000 gallons per month versus the Oahu average at 92,000 gallons per month. The cap on the margin multiplied by the smaller volumes would not generate enough revenue to offset the costs of running a smaller station, and there will probably be a similar effect on many smaller stations statewide.

"A fixed margin on the Big Island would rule out new investment in the average station, or reinvestment in an existing station, and would likely lead to many closures.

"Hilo is the farthest port in the State from Oahu and barging costs are correspondingly higher. Additionally, the Kawaihae terminal has a maximum capacity of only 50 percent of a fully loaded barge, thereby resulting in higher per barrel barging costs. This is compounded by truck distribution costs from Hilo and Kawaihae to the rest of the island, which are higher because the Big Island is so large, and because it tends to have many smaller communities.

"Colleagues, let me set the scene on the Big Island for you if this bill is passed. Yes, prices will be lower – certainly a desirable result – but as gas stations begin to close because they cannot make ends meet, more people will be unemployed. When gas stations in the more remote areas close, there will be a gap in services. Will the gas companies, out of some newfound altruism, come in and operate these loss-making stations? I sincerely doubt it. Consumers will then be left with fewer options for obtaining gas and may have to travel for an hour or more to fill their tanks. Gas may be marginally cheaper but the net result is the consumer paying more with the additional mileage, not to mention inconvenience.

"Now that the dockets are open, and the information is available to be reviewed, we should take the time to consider the issue carefully and soberly. It is important that we don't

rush to make a decision on something we haven't really had a chance to discuss at length.

"Let's get the issues out in the open, provide ample opportunity for commentary from the people, and make a balanced, well-thought out decision that answers all of our concerns and takes care of all of Hawaii's people.

"In particular, I would like to hear from my constituents, and at this point, I am not hearing a strong voice from them on the gas cap, except from those who stand to lose their livelihood if this bill is enacted. Indeed, I have not received a single call in support of this bill, and many from ordinary citizens thanking me for opposing this bill in Conference.

"While it is a valid concern that the gas companies, by their own admission, have been overcharging Hawaii's consumers for decades, a knee-jerk reaction for political expediency may potentially resolve only part of the issue and may create unforeseen problems.

"The attorney general has admitted to misrepresenting the profitability of the gas companies in the antitrust lawsuit by highlighting the anomalous profits in Hawaii during 1991, caused by the Gulf War and abnormal movements in the West Coast market. If this is the case, then how many other facts are being misrepresented, misconstrued or misunderstood? Let's not base our decisions on incomplete facts.

"It is imperative that we do not create another program like the photo-cameras, which seems well intentioned at its inception, and then succumbs to public outcry, implementational ridicule and mismanagement.

"We need also to really consider the effects a gasoline cap will have on jet fuel, bunker fuel and those industries that use gasoline for commercial uses. If companies are unable to make a profit on unleaded gas, then they will seek to make them in other areas. The effects of this bill are not limited to the consumer at the pump.

"Colleagues, whichever way you vote on this issue, remember that we are here to represent all of our constituents' best interests, not just those interests that we feel will aid our personal agendas or ambitions.

"The amendment we passed on Tuesday pushed implementation back to 2004. Supporters have said that this will give the next governor and legislature an opportunity to study the problem and hold public hearings. If this is so, then why rush through this legislation today? Let the next legislature decide if they want to deal with this issue, and don't leave this bill hanging over the people. Wait until next session and draft a truly responsible bill that addresses all our concerns from the outset.

"I would remind those who support this bill that DBEDT and the State's own experts in the antitrust litigation suit have testified, on numerous occasions, that market restrictions such as those before us do not benefit the consumer and in many instances have made matters worse.

"This is an issue that requires careful consideration and I do not believe that we as a body have had sufficient discussion to make a truly informed decision. I urge all my colleagues to vote sensibly and vote against this measure so we can take the time next session to consider a more informed plan to lower gas prices.

"Be visionary. Look beyond the short-term benefits to the long-term effects. If you have any doubts at all, then you should take the prudent road and vote 'no' on this bill.

"Thank you, Mr. President."

Senator Kawamoto rose to speak against the measure as follows:

"Mr. President, I rise to speak in opposition to this measure. Mr. President, this must be a precedent – the lead Chair opposing the conference draft.

"Mr. President, I don't know how to start, but let me say, you know that I love you with all my heart. You're like a brother to me, and I would go to the ends of the world if asked of me, and if we should go to combat in our next life and we have the opportunity, it would indeed be my honor to be your wingman!

"But, Mr. President, this bill before us is not here because of its merits and what it will do for our general public! It's here because of combinations of coalitions putting pressure on fellow Senators to break their words to others, to lie, to condone closed door sessions with only the Consumer Protection Chairs and the lead attorney from the Office of the Attorney General providing input to this CD, without the knowledge or authority of this lead Chair and other members of the Conference Committee.

"This version of the present CD before you was a C.D. 6. While the conference members were working on a C.D. 1, what happened to C.D. 2, C.D. 3, C.D. 4, and C.D. 5? We don't know. The C.D. 1 was discussed at caucus, where the Chair's previous position was to review the court's documents and if need be, pass laws to implement gas caps next year and not return to Conference. But as you know, we were overridden and we were asked by the caucus to go back to Conference.

"This CD, Mr. President, was presented to us at 8:50 p.m. on the final day of decking. The managers and proponents of this bill were so arrogant and confident that it would pass regardless if they had all the votes there. They thought they had it skid greased that it would pass with the addition of another chair on the last day for decking fiscal bills. An attempt was made to put an implementation date of 2004, which was immediately rejected without any discussion. But now they didn't realize the backlash of this bill. Therefore, the House, the originators of the bill came back and asked us for an amendment to 2004 as we had previously requested in Conference and was rejected.

"Mr. President, this CD is so flawed with many concerns. As we speak today there is a movement by the House to request that the profit margin of the neighbor islands be lifted to 25 cents, but I don't know what happened to it. They didn't return. They asked me last night about it. We moved it back to 2004, and like the Senator from Kona/Hamakua/North Hilo has said, 'Why the rush?' Let's have a bill that goes to the proper hearings and not this last minute and political pressures of stacking the Conference Committee. This was unusual, at best, and not commonly done. I've seen replacements made on the last night at the last minute but it was because of a quorum, not for stacking to decide the outcome of the vote.

"Mr. President, the adding of a new chair, the Senator from Makiki, and let me say at this time, I do not question the Senator's integrity or abilities. In fact, she happens to be and continues to be a loyal, hardworking, and valuable Vice Chair of my Committee for two years, the Transportation, Military Affairs, and Government Operations Committee, whom I have relied on for the last two years for advice and guidance, and

who I've sought, in the eight years that I've been here, for continued help and understanding.

"But I don't know if it was fair to her or to the Committee to come on as a Chair in the eleventh hour. And I don't know if she was at the informational hearings, if the AG was there, or the hearing we made on the CD, but I'm sure she had knowledge of the subject matter and she was aware of the subject matter because my Committee, TMG, received two gas cap bills of which, after consultation with you and the CPC Chair, we decided not to hear these bills. We decided to review the documents of the courts to make a better decision. So therefore we did not hear those bills. We did pass a resolution but the resolution was not heard in the House.

"Mr. President, I know this was not your doing, but petty politics and coalition movements forced your hand. I know this because two days before the addition of this new member, you told me without my approval that one of my Co-Chairs, CPC Chair, had asked you to add a new member on the Committee. And you told me at that time that you refused his request and I would take this Committee with four Chairs. The last day, I was informed of the fact that you would add the Chair. And if you recall, Mr. Chair, I asked you to remove me as a Chair instead of using a process that was unusual.

"Mr. President, with the new rule of majority chairs promulgated by the proponents of this bill, I thought it was good enough, but this did not guarantee a vote. Therefore, they pressured you to get a new Chair. In Committee you asked me to proceed with the meeting and therefore we went. And as predicted, the vote was 4-3 with the prevailing vote cast by the Senator from Makiki.

"Mr. President, this ill-conceived CD was based on half truths by the AG's office through incomplete graphs that did not show the true picture of the trends of gasoline prices. It showed all the way going up but didn't show it coming down. Statements were made by their consultants on their report on the prospects of the competition working in 1999, 2000 and 2001 which was conveniently left out during the informational hearing, but it was pointed out that they had conveniently left it out.

"Also what they've said is there was massive profits made by all the oil companies. They didn't tell us they were only talking about those oil companies that were in the suit. They didn't tell us about Aloha, Apana and other small companies that had the jobbers. We were told at the hearing that Aloha, since 1990, made 3 percent. Also we were told that these so called jobbers and small oil companies testified if gas caps are implemented, they cannot compete and will leave the market as soon as gas caps are implemented. Fellow Senators, these are the guys who are keeping gas prices low, as I speak today. In Honolulu we see gas prices from \$1.42 to \$1.55, 13 to 26 cents lower than the AG's cap of \$1.68 from April 10 to April 12 week.

"Mr. President, earlier I said that I was a simple man. Also, I'm just a poor old country boy out there and I need to be taught and discussed in simple terms what is happening. I'm not as articulate as many of my colleagues in this body.

"Simply, Mr. President, if Aloha and the small jobbers go away and only the big companies are here, what we now create is a monopoly. The Chair of CPC realizes, as we went out to the neighbor islands, how much the people of Hawaii like monopoly, as we tried to merge the two airlines, Aloha and Hawaiian.

"Mr. President, without the small companies, they would not drive down the gas prices and the gas prices fight would be in

what the AG said – \$1.68. The fight will be in the 1.60 level because they're only dealing with three companies and they won't have the competition to drive down the gasoline prices of the 1.40 level. At the hearing, the AG finally admitted that they did not include the small companies and the jobbers. They did not know that Aloha, since 1990, made only 3 percent.

"Mr. President, we know the AG considered the \$25 million of the \$2 billion lawsuit and have said, basically, they lost the lawsuit. Mr. President, the AG's office is a wounded animal.

"My friend, Mr. Abe Pacheco there, and when I was a young man, we used to go hunting. And if you hurt a wild boar, he loses all rationale. And this is what we're dealing with – the AG's office will admit they lost their case and is wounded, and their rationale is not best.

"Mr. President, to establish laws without the full awareness of its consequences would be wrong.

"Mr. President, this CD calls for gas caps using West coast baseline retail market's margin factor, which would be 16 cents plus 8 cents for the neighbor islands for some of their expenses. The local tax in Honolulu is 51 cents, Hawaii is 43 cents, Maui is 47 cents, Kauai is 47 cents. For April 12-16, 2002, gasoline prices, if you go by this gas cap would be \$1.68 on Oahu; the Island of Hawaii, \$1.69; Maui, \$1.73; Kauai, \$1.73.

"Because of competition, our gas prices were \$1.42-\$1.57. Because of competition, the market value that they received is about 5 cents. It's been 5 cents for a long time. Some 40 years ago when I worked in a gas station for my cousin, Mr. Ishii, they were making about 3 cents profit margin. The neighbor islands are unfortunate. They cannot live within the 16 cents profit margin plus the 8 cents, so they have to have larger margins. That's the reason why the neighbor islands on the House side were looking for an amendment to increase the profit margin to 25 cents.

"Mr. President, the proponents of this CD are again using coalitions to create chaos and make a mockery of the process. Its leadership has been trying for two years to embarrass your office and the good name of this body. With this vehicle they have succeeded. I extend my congratulations. For the first time in eight years, I'm sad to say I'm ashamed of what we've done. Never have I seen so many petitions, so many people back stabbing each other – one's word is no longer important here. Mr. President, I love this institution for what it stands for and the friends I've made here. I apologize to my predecessors like the Nelson Dois, the Dickie Wongs, Senator Inouye, Senator Spark Matsunaga, Yama, Dickie Matsuura, and many others for allowing coalitions to run the Senate and not 25 distinct individual Senators. Loyalty and commitment for the good of this body is not here anymore. To those who caused this turmoil by creating this law, you've done it and did succeed.

"If this is my last day in the Senate, and for many of us it may be, I'm saddened that I allowed it to happen. All that I tried to do and did do in the past eight years have been undone by the way this CD has come to this Floor.

"I urge my colleagues to vote 'no' on this bill because it is ill conceived – so many holes, so many unanswered questions – and with the delay until 2004, it is not necessary to be an urgent issue anymore. Therefore, I thank you very much for your time and aloha."

Senator Hogue rose to speak against the measure and said:

"Mr. President, I rise to speak in opposition to this bill. Also, I want to thank the Senator from God's country for those

great words. Senator, I haven't always agreed with you, but you are a man of integrity, tremendous integrity.

"This bill, Mr. President, is anti-consumer. It is anti-business – it's anti-small business; it's anti-big business – and it's anti-Hawaii's future. It is based on incomplete information. It is based on loose facts. It is based on incorrect pieces of information. And it is based, worst of all, on politics.

"The price controls, or caps, put on gas prices will not only adversely affect the oil companies, but rather the local private gas companies – the guy who runs your local gas station – and it will probably put him out of business. This bill hurts the competitive local market in Hawaii because of a perceived lack of competition at the wholesale level.

"We have plenty of local dealers right now, but we won't if this bill passes. Hopefully, the good people of Mililani, who are represented by the good Chair of the Consumer Protection Committee, who enjoyed the \$1.43 a gallon price that was offered this past week, I hope they enjoyed it. If this passes, soon they may not. I hope they remember who put it there.

"Before we penalize the local dealers, perhaps we should examine the history and motivations behind this plan. Five years ago this body passed Act 257. The Act regulated the maximum rent an oil company may charge a dealer to lease a service station from the oil company. On April 1 of this year, Federal District Court Judge Susan Mollway held that Act 257 effected an unconstitutional taking of property. The court held that the Act did not substantially advance a legitimate state interest because any lost rental profits would be passed along to the consumer in the form of higher oil prices. That made the law unconstitutional – unconstitutional, Mr. President. That ruling was the second federal loss for the attorney general on Act 257. That, combined with the notorious failed civil suit, reveals how unsuccessful this state has been in its efforts to attack the big business of our oil companies.

"Fast forward a couple of weeks . . . the AG's office comes to the Legislature, out of the blue, and convinces one Chair and eventually a Conference Committee to manipulate the intent of the original S.B. No. 2179. Why the eleventh hour attempt? Did the attorney general communicate with all members of this body that Act 257 was struck down? Was he candid with the Committee? Could it be that the attorney general is using the Legislature to pass knee-jerk legislation in hopes of assisting his office in appealing Judge Mollway's decision? Could it be that he hopes that the court will reconsider when it sees that the Legislature has fixed it so that neither dealers nor oil companies can do business competitively in Hawaii? These are properly asked questions.

"In addition, the attorney general's reasoning is simplistic and flawed. This bill, instead of saving Act 257, as he hopes, could fail for the very same reasons that Act 257 did. Or the combined effect of this bill and Act 257 may so impact interstate commerce as to be unconstitutional for that reason as well.

"These are questions we could have asked, Mr. President. We could have had them answered had the attorney general been straight with this body and had the legislation gone through the proper channels. We should have had this open discussion and open debate in open Committee with open testimony. Instead, this bill came up in a backward, improper, and unethical way. And because the present form of this bill never had a real public hearing where such questions or concerns could be presented, and because of the very obvious economic flaws, I urge all my colleagues to do the right thing and vote 'no.'

“Thank you.”

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

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

“Before I address the merits of the issue, I would like to address a very important matter. Comments have been made by the previous speakers expressing concerns about the process by which this bill has come to the Floor for our final consideration and vote. I would like to clarify for my colleagues on this Floor that depending on whom you speak to in this body, that there are differing opinions and interpretations as to how that process occurred. I believe that the process was open. We conducted full public hearings with respect to the proposal that is before us and I think it was a fair process.

“But you know, Mr. President, whether one agrees with the process or not, I think that ultimately my colleagues should be voting and reviewing this measure today based on the merits, because I think that the issues that are raised in this bill are of such critical importance to the consumers of Hawaii that to do otherwise would not be appropriate. So I respectfully request my colleagues, no matter how you vote, to please look at this bill on the merits.

“And, Mr. President, addressing the merits of this bill, I have said throughout this Session that my criteria for passing out a measure regulating gas pricing were twofold. First of all, it must be the right solution that will bring effective relief to consumers from high gasoline prices. And second, it must be sound legislation – that is, legislation that can withstand a legal challenge.

“I believe that the process by which we reviewed this measure was a very deliberative one, and I’m proud to say that in the final analysis the Senate withstood the pressure from many quarters urging us to pass a quick fix. Instead, the Senate insisted on doing the right thing and moving forward with a strong bill that provides for an effective, workable, and legally defensible regulatory solution to a complex problem.

“I believe that S.B. No. 2179, C.D. 2, the measure that’s now before us, offers that framework for achieving these goals. Mr. President, the passage of some kind of strong regulatory protection for consumers is long overdue in the gasoline market. For too long, Hawaii’s consumers have been forced to pay excessive gasoline prices at the pump. The evidence is overwhelming that Hawaii’s consumers have been unjustifiably paying higher gasoline prices on average than motorists on the mainland. For example, in comparable markets during the period 1985 to 1998, Hawaii’s motorists were paying on average approximately \$0.23 per gallon more than motorists in California.

“Because gasoline is such an indispensable commodity, high gasoline prices have clearly hurt Hawaii’s consumers and businesses.

“During the public hearing that the Conference Committee members held on the Attorney General’s gas price cap proposal, Professor Richard Miller, with whom I have worked on the gas pricing issue this session, testified that gasoline provides some 90 percent of the energy needed to run our transportation economy. Consequently, the excessive prices we have paid for gasoline have inflated the prices of virtually all other products and services we use, thereby increasing our cost of living and reducing the value of wages earned by residents.

“Most troubling, the high prices Hawaii consumers pay at the pump appear to stem not from logistical or operational issues but from high profits earned by the oil companies, at the expense of local consumers.

“Mr. President, for many years, we’ve heard the arguments of the oil companies and they’ve claimed that competition, costs, and taxes drive gasoline prices in Hawaii. However, the State’s anti-trust litigation generated considerable evidence that suggests monopolistic control of the market by the oil companies plays a larger role.

“For example, it costs the same, or even less, to refine gasoline in Hawaii than it does on the mainland. Again, high profits, not high costs, are what’s driving high gas prices in Hawaii. Consider the period between 1988 and 1998. Even without factoring in taxes and transportation costs, retail gasoline prices in Hawaii were consistently higher than in comparable markets on the mainland. In fact, in 1998, the difference between Hawaii gasoline prices and California gasoline prices was about \$.30 per gallon, again excluding all taxes and transportation costs.

“Furthermore, the high and huge profitability of the oil companies in Hawaii is even more evident when one considers the fact that from, again, 1988 to 1995, 22 percent of one of the major oil company’s profits were earned from the company’s Hawaii refinery sales although during the same eight year period, Hawaii’s sales volumes accounted for only 3.1 percent of that oil company’s sales in the U.S. market. In addition, the oil company’s net profit margins during that period were consistently higher than the net profit margins of oil companies in California. I believe that these figures explain why the marketing manager for Chevron in Hawaii admitted under oath in his deposition during the State’s anti-trust litigation – and I have a copy of the deposition transcript which documents his testimony and it explains why he testified under oath – that the majority of the time Chevron’s Hawaii gasoline market was the most profitable in the country.

“Now, despite this compelling evidence that Hawaii’s gasoline market suffers from a serious lack of competition, oil company representatives continue to represent that Hawaii’s market is competitive. Mr. President, this assertion flies in the face of common sense. What we have here in Hawaii is a situation where two oil companies own and operate the only two refineries that supply the bulk of gasoline for motorists in the entire State of Hawaii. And at present, what that means is that these two refineries are supplying 100 percent of the market because there is no indication at present that any gasoline is being imported into Hawaii. Now, how can that kind of duopoly be competitive?

“Moreover, during the State’s anti-trust litigation, there was considerable evidence strongly suggesting one of the major oil companies may have had a policy of restricting the amount of gasoline provided to its dealers or competitors in order to minimize price competition. So the problem is not at the retail level but at the wholesale/refinery level, and that’s where this bill most directly addresses I think what the problem is as it exists in Hawaii.

“Furthermore, statements made by Maxwell Blecher, an attorney for the Tosco Corporation in the State’s anti-trust litigation, directly contradicted the assertions of the oil companies whose very interests he was representing. In his opening statement on behalf of all of the oil companies during the summary judgment hearing, Blecher admitted there is no competition in Hawaii. He stated, and I quote: ‘Once you decide it’s an oligopoly, you’ve got an explanation for the phenomenon of the high prices, the high margins, the high

profits, the lack of vigorous price competition. That explains it all.'

"In light of this compelling evidence, Mr. President, I have come to the conclusion that Hawaii's consumers will not be able to obtain long-term relief from high gasoline prices unless the Legislature acts now to pass strong legislation to control them. For those who argue in favor of free market solutions instead of regulation, I would say that I agree with them, but that in general, the free market should be allowed to work without government interference. However, when it comes to the gasoline market, it is apparent that the free market is not working. Those who argue otherwise are ignoring the fact that a laissez faire approach has been given more than enough time – decades in fact in Hawaii – to correct the pricing hegemony that distorts pricing in this State's gasoline market. The fact that the so-called free market approach has consistently failed to deliver equitable gas pricing in Hawaii justifies the action that we're taking today.

"It has become increasingly obvious, Mr. President, that only strong and effective legislative measures can deliver us from harmful gasoline pricing. I believe that the measure that is before us is exactly the kind of legislation needed to promote the interests of consumers. I believe that this measure establishes a straightforward formula for imposing price ceilings on wholesale and retail gasoline prices that would strike a balance between, on the one hand, the right of oil companies and gasoline dealers to be able to earn reasonable profits with the need to protect Hawaii consumers from price gouging at the pump.

"So in that regard, I ask my colleagues to move ahead on this measure because I think that the drafters of this formula tried to adopt the reasonable approach that would allow oil companies and gasoline dealers in Hawaii to make a similar level of profit and I think that's a reasonable approach that the companies and gas dealers make in comparable West Coast markets.

"Of course, there are detractors. Some argue the Legislature should study this measure further because of its bold provisions and the possibility the State could face lawsuits from the oil companies if it became law. As you know, Mr. President, I initially supported a proposal to implement a legislative review of the gas-pricing issue because I wanted to avoid those very pitfalls.

"I was convinced that earlier proposals submitted by the House would ultimately fail because of legal and other flaws they contained. I feared that if we passed those House measures that we would be back to square one and that there would be more disappointment rather than relief for consumers. And the Attorney General's office and other government agencies that reviewed the House measures agreed with my analysis.

"However, because this measure is based on the Attorney General's proposal that addresses the flaws of the earlier house bills, I am comfortable in supporting this particular measure.

"I would also like to point out that in crafting its proposal, the attorney general's office was very cognizant of potential constitutional issues and is confident that this measure can withstand legal challenges.

"The representative from on the Windward side has expressed concerns in light of the case in which the federal district court invalidated the rent cap law that we passed several years ago. It was in light of that ruling that the attorney general's office crafted a proposal to address those particular legal issues, and I would also like to add that in that particular case where the rent cap law was struck down that it was agreed

upon by all of the parties in federal district court that a legitimate State interest would be a law to reduce high gasoline prices in Hawaii. The problem in that case was that the court did not find a sufficient connection between the rent cap law and a guarantee that gasoline prices would be reduced, whereas in this case I believe we have a much stronger measure which would stand up to constitutional challenges if one were to be initiated in the future.

"I would also like to point out that the Attorney General's office has worked very closely with Barry Pulliam, a senior economist who is a nationally recognized expert on gasoline issues, in developing the provisions of this bill.

"When the law is fully implemented, a significant number of Hawaii consumers will see immediate relief. Neighbor island residents, who have been forced to endure outrageously high gasoline prices, could see their gasoline prices drop by as much as \$.20 to \$.30 per gallon. As for Oahu motorists, I believe that the bill will insure stable, reasonably priced gasoline for the long term.

"Yes, I know, Mr. President, that there are those who will argue this bill is flawed because the gas price cap for Oahu based on current OPIS baseline prices would be set at a higher level than retail prices being charged at certain gas stations on Oahu if implemented immediately. But let's not forget that the gasoline price caps represent the maximum price that oil companies and dealers can charge. If, as the oil industry claims, competition in Hawaii's marketplace has helped keep Hawaii's gasoline prices down in the past, then competitive pressures should be able to keep gasoline prices down in the future. However, if the companies automatically raise their prices to the cap level, in my mind this would provide further proof that manipulation of prices, and not competition, is what's driving gasoline prices in Hawaii.

"Again, we should not lose sight that the ultimate purpose of a gas price cap is to establish a price ceiling to prevent gasoline prices from rising to excessive levels.

"Now, I also recognize that concerns have been raised that this measure could hurt small gas-station owners and dealers, and in response, I'd like to raise several points. I think a critical point which needs to be made is the fact that the provisions of this bill are meant to benefit not only consumers but also dealers throughout the State.

"As you know, Mr. President, during the past few years when the Legislature has reviewed the gas pricing issue we have had many gasoline dealers testifying in our legislative hearings expressing concern that they are going out of business or having a difficult time surviving in Hawaii because they have not been able to earn a reasonable profit because of rising costs, a substantial component of which are wholesale prices and lease rents charged by the oil companies. These costs have been squeezing the profit margins of gasoline retailers. So this bill would go a long way toward addressing long-standing dealers' concerns by controlling wholesale prices and maintaining the lease rent cap for dealers.

"Under this bill, gasoline dealers would also be allowed to tack on an additional \$.16 per gallon to the wholesale price, which is five cents more than the average dealer currently charges, according to the attorney general's office. The formula in this bill should therefore assure the vast majority of gasoline dealers a reasonable profit.

"However, having said that, I would also like to emphasize that I am, along with many of you, very sensitive to the concerns of small gas station owners and dealers, especially on

the neighbor islands and in rural areas. I would like to emphasize that the intent of this bill is not to drive small dealers out of business but rather to control monopolistic gasoline pricing which I think can only be successfully addressed and attacked with strong regulatory measures.

"In this regard, I think that the action that the Legislature took this past Tuesday to delay the gas pricing provisions by one additional year to July 1, 2004, should afford legislators and other government agencies and officials ample time to be able to fine tune this measure and address the concerns of the small gasoline dealers in Hawaii.

"In conclusion, I support S.B. No. 2179, C.D. 2, because it's a pro-consumer measure. I think that it is the final piece in a package of consumer protection measures to which I referred in our Floor Session on Tuesday, which, if passed, would mark this legislative session as being the year of the consumer. I think that this bill moves us significantly in the direction of providing consumers with long term relief from high gasoline prices that they want and deserve. So therefore I strongly urge my colleagues to support passage of this bill at this time.

"Thank you."

At 2:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:06 o'clock p.m.

Senator Slom rose to speak against the measure and said:

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

"Well, I've got to tell you, you know I haven't heard comments like the last speaker since the last time I read the minutes of the Soviet Bolshevik presidium – an all out attack on free market, on business, on profits. And they wonder why we are anti-business, or trade as anti-business, or hostile to business in Hawaii.

"We knew we were in trouble with this bill when it starts out by saying 'the Legislature finds that gasoline is an energy resource.' Gee, I thought that we knew that it was an energy resource long before this legislative session came along. But that gives you some of the problems with the process. And as the good Senator, the Transportation Chairman, said, 'this process has been flawed.'

"If there's anything that this bill shows us, anything that it proves without a doubt, it's the need for an elected attorney general, because we're relying on the attorney general, the very same attorney general who when I raised the issue in 1997 about Act 257 being unconstitutional, we were told that everything was okay. Do you think that we can get an honest opinion out of this attorney general right now as to whether or not this bill is unconstitutional? I think not.

"The shame of this, though, is that this bill started out as it said, energy resources – to discuss alternative energy. And that was fine and it's something that we can all rally around, something that we need, something that will release and reduce our dependence on fossil fuel and gasoline products. But it did become a political vehicle and it is a political vehicle. And I beg to differ with those that say that this is both effective and sound. It's not effective. It's not going to do what the proponents say it's going to do, and it's not constitutionally or legally sound.

"Where have price controls ever worked? I would ask the proponents to show me that. Where have price controls of any

kind ever worked? All they do is make sure that they have less product produced and that you will pay even higher prices. It is amazing that this bill really is a continuation of the failed legal challenges made by the State of Hawaii and the attorney general, as so clearly elucidated by the Minority Policy Leader.

"There are people that don't like Chevron, people that don't like big oil. That's fine. That's their privilege, but to stand up in this gallery and to say that this is a consumer-friendly bill and that it will help small business and that it's not aimed at retail gasoline dealers when the retail gasoline dealers come here to the Capitol and tell us otherwise. Who knows better? A lawyer, or someone in the business that has to go through the problems with retail gasoline everyday? I'd put my money on the retail gasoline dealer.

"We are again fooling the public. We are again trying to make them feel good, but at an added price of painting the State of Hawaii into an unenviable corner of the wall that shows everyone, despite our current \$100,000 in advertising, that we are not business friendly – we will attack profits. God forbid that anybody makes profits here. And price gouging . . . it's a nice term. Where has it been proven? Where are the people marching on the gas stations or marching on the Capitol demanding that we regulate this business? It is an affront to us, to the process, to the consumers, and most of all to those small businesses that work in the retail gasoline industry to call this a consumer-friendly bill.

"It is amazing that this bill has been described as bold. It's not bold; it's the oldest thing in the world – control business, regulate prices. If the profits were as high as the proponents say they are and unconscionable, we would have all kinds of people in here doing business. But oil refining, petroleum producing is very difficult, very expensive, and is also subject to taxation, regulations, and mandates. And therein lies our problems. We continue to ignore the cause of the problems for monopolies or duopolies or oligopolies in this State.

"Your Senate Minority, at the beginning of this Session, had a package that called for the disassembling of monopolies in education, health, transportation, energy, right down the line. We had a program that would work. We had a program that would not harm businesses, that would not harm consumers. It was not studied but in the last 48 to 72 hours we have a rushed message from the attorney general and his supporters.

"It is a bad bill. It is not effective. It is unsound, and I ask my colleagues to vote against it. Thank you, Mr. President."

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

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

"Colleagues, one point I wanted to bring up is I believe it is an aberration that we are currently seeing lower prices in the State of Hawaii right now, and particularly for you who live here on Oahu. On the neighbor islands, we still pay \$1.90 for unleaded regular gasoline and as high as \$2.12 in some of the more rural areas. I believe that there is this aberration because during the past several months, the oil refineries in the majors have purposely driven down the cost of gasoline, particularly here on Oahu, to try to change the public's viewpoint during the litigation on the lawsuit and during the time that we've been looking at this gas cap regulation here in the Legislature. They are trying to get the public to believe that gas prices will be lower in the State of Hawaii.

"Everyone says that we have high prices because of a lack of competition, but yet across the mainland where the competition

is robust in the last three to four months, gas prices have increased significantly. So I do believe that there is an aberration and it is just the attitude of the oil companies and the majors to continue to overcharge the people of our State for gasoline.

"I ask all of you to support this measure. Thank you."

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

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

"It was just about an hour ago and one piece of legislation ago that I think we experienced one of our brightest moments probably in the history of this Senate with open and honest debate based on intellect and heart. And now we've stepped back into the shadow.

"Though the good Senator from God's land did not use fancy words, his message was loud, clear, concise, and well received. This bill is an end run around the process we're pledged to uphold. It is end run around honest procedures and ethical behavior amongst the leadership in the Majority Party.

"This also is just ill-conceived for political reasons and there's one point that has not been made that I've humorously attempted to make numerous times before. All consumer products in Hawaii are overpriced, and they're overpriced not because of price gouging, not because of monopolistic practices, in some cases, not because of excessive profits, but because of the policies of the very people that are now trying to regulate prices. It's ludicrous. In fact, the most regulated consumer product, electricity, is 75 percent higher than the national average. And you all got my memo on the Wheaties, but that's true of all products. Go to your supermarket. And I might add that the Wheaties on Maui, as most other consumer products on Maui, are considerably higher than they are on Oahu because we've beaten down competition. We've beaten down business. We've taxed and we've regulated to the point that the consumer is paying a heavy burden for living in Hawaii.

"I got called on this very bill by a DJ in Las Vegas who has a more or less Hawaiian based radio station there. He was a very articulate guy, sounded very intelligent. He must have been handsome – his name was Vierra; he's Portuguese. But he said what a huge number of Hawaiians live in Las Vegas. And I naively asked him, though I knew the answer, why? Because they couldn't afford to live in Hawaii.

"Do you really think the prices that our consumers suffer under in Hawaii are due to anything else other than the policies which we enact here or the fact that about a third the price of any gas is tax, the highest tax on gas in the nation? We know what the truth is.

"This is a huge step in the wrong direction and will come back to haunt us in a major way. But we have a chance to support the process and also to support common sense and to support something that made this country great. It's called free enterprise.

"On the last bill, we debated it and something very healthy happened. This body made a decision on the Floor to do what was right, not what was expedient. May I suggest we do the same with this by voting 'no.'

"Thank you, Mr. President."

Senator Chun Oakland rose to speak in support of the measure and said:

"Mr. President, I stand in support of this measure and would like to speak about a portion of this bill that has not been mentioned thus far.

"Most of the discussion has revolved around part one of the bill concerning the establishment of a maximum wholesale price for gasoline in Hawaii. Not often mentioned is the original intent of this bill, found in the second part of the bill, starting on page 34 of the C.D. 2, and that is that government should lead by example by mandating a reduction in energy use in state facilities and the use of renewable energy from much of the remaining energy demand.

"The original purpose of this bill was to require state government to significantly improve its energy management in state facilities in order to save taxpayer dollars and to reduce emissions that contribute to air pollution and global climate change.

"Hawaii is still dependent on imported fossil fuels for more than 90 percent of its energy requirements and imported oil accounts for the vast majority of this energy dependency. Hawaii needs to wean itself from these imported fossil fuels by using energy more efficiently and by using its abundant renewable energy resources to supply much of the remaining requirements.

"State agencies are among Hawaii's largest energy consumers, spending hundreds of millions of dollars annually on products and services. As such a large consumer, the State should promote energy efficiency, water conservation and the use of renewable energy products, help foster markets for emerging technologies, and create local employment and economic development opportunities. Government should also lead Hawaii in energy efficient building design, construction, and operation.

"S.B. No. 2179 requires state agencies to reduce energy consumption per gross square foot of its facilities by 20 percent by 2007, and 30 percent by the year 2012, relative to 1990 through life-cycle cost-effective measures. Furthermore, 20 percent of the remaining energy requirements would have to be supplied by renewable energy resources. This bill will reduce the use of expensive imported fossil fuels in state facilities by 44 percent, as well as provide an example to other government and private sector individuals and organizations. Additional benefits include a significant reduction in greenhouse gasses and other pollutants and more efficient use of Hawaii's scarce potable water resources. General fund monies are used to pay utility bills.

"This bill would have immediate beneficial impacts on general funds expenditures and benefit the State in many ways. Local energy service companies, also known as ESCOs, using existing and newly hired personnel could accomplish much of these mandated objectives through performance contracting. It may even be possible to obtain some of the projected money savings up front.

"Additionally, local economic development opportunities could come from accelerated development of indigenous renewable energy technologies – as an example, solar water heating, wind energy, and sea water air conditioning.

"The concept of regulating the price of gasoline has considerable support. Hawaii's residents significantly pay more than those in other states and much more than they should.



"I support both the gasoline price controls portion of the bill as well as the energy conservation and renewable energy portion.

"Thank you, Mr. President."

Senator Chun rose to speak in favor of the measure with reservations and said:

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

"Mr. President, I'm not quite sure at this point in time whether or not the proposed bill would negatively impact neighbor island independent dealers. I don't believe the formula contained in the bill adequately addresses their concerns, but because of the 2004 deadline, I'll be supporting this bill.

"Thank you, Mr. President."

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

"Mr. President, I rise with the similar concerns of the previous speaker, with reservations."

The Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2179, S.D. 2, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Hemmings, Hogue, Ige, Inouye, Kawamoto, Matsuura, Slom).

**RECONSIDERATION OF ACTION TAKEN**

H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1:

Senator Matsuura moved that the Senate reconsider its action taken on April 30, 2002, in passing H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, on Final Reading, seconded by Senator Sakamoto.

Senator Matsuura noted:

"Mr. President, there's a portion of this bill that was not discussed at Conference and was, I guess, accidentally put in there, and that portion conflicts with another bill that we previously passed."

The motion was put by the Chair and carried.

On motion by Senator Matsuura, seconded by Senator Sakamoto and carried, H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," was recommitted to the Committee on Conference.

At 3:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:27 o'clock p.m.

**DISCHARGE OF CONFEREES**

S.C.R. No. 142 (H.D. 1):

The President discharged the managers who were appointed on the part of the Senate at the conference to be held for the

consideration of amendments proposed by the House to S.C.R. No. 142.

**RECONSIDERATION OF ACTION TAKEN**

S.C.R. No. 142, H.D. 1:

Senator Kawamoto moved that the Senate reconsider its action taken on April 22, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 142, seconded by Senator Fukunaga and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 142, seconded by Senator Fukunaga.

Senator Kawamoto noted:

"Mr. President, the House made some minor nonsubstantive changes and we agree that the intent of the measure was in tact."

Senator English rose and said:

"Mr. President, I'll continue to vote 'no' on this resolution because it only deals with Oahu, and considering that we're dealing with statewide issues, if we're going to deal with light rail systems, this is only for Oahu. So I'll continue my 'no' vote on this particular resolution.

"Thank you."

The motion was then put by the Chair and carried, with Senators Slom, Hemmings, Hogue and English voting 'No.'

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 142, and S.C.R. No. 142, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE REGARDING A LIGHT RAIL SYSTEM," was Finally Adopted with Senators English, Hemmings, Hogue and Slom voting "No."

At 3:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:31 o'clock p.m.

**ADOPTION OF RESOLUTIONS**

H.C.R. No. 199, H.D. 1:

Senator Tam, Chair of the Committee on Economic Development and Technology, requested that the referral of H.C.R. No. 199 to the Committee on Economic Development and Technology be waived, and the Chair granted the waiver.

Senator Tam moved that H.C.R. No. 199, H.D. 1, be adopted, seconded by Senator Chun.

Senator Tam noted:

"Mr. President and fellow colleagues, due to the insufficient amount of time, your Committee on Economic Development and Technology did not have a chance to have a hearing on this resolution.

"This resolution designates the month of August in the year 2002 as the Duke Kahanamoku Hoolaula to state his accomplishments as Hawaii's goodwill ambassador to the world

with a multitude of recreational ocean, family and cultural activities.”

The motion was put by the Chair and carried, H.C.R. No. 199, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE ‘DUKE PAOA KAHANAMOKU HO’OLAULEA’ TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU,” was adopted.

At 3:32 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:33 o’clock p.m.

S.R. No. 71:

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested that the referral of S.R. No. 71 to the Committee on Tourism and Intergovernmental Affairs be waived, and the Chair granted the waiver.

Senator Kim moved that S.R. No. 71 be adopted, seconded by Senator Sakamoto.

Senator Kim noted:

“Mr. President, this Senate resolution passed and was referred to my Committee. Obviously, we have no time left. I agree with the resolution and therefore request the waiver.

“I urge my colleagues to support it. Thank you.”

The motion was put by the Chair and carried, S.R. No. 71, entitled: “SENATE 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 adopted.

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

The Senate reconvened at 4:09 o’clock p.m.

#### MOTION TO OVERRIDE VETO

H.B. No. 2266, H.D. 2:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hemmings moved that the Senate override the veto of H.B. No. 2266, H.D. 2, as contained in Gov. Msg. No. 361, seconded by Senator Hogue.

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

“Mr. President, once again this Legislature, after months of hard work, has sent to the Governor’s office a piece of common sense legislation that passed with 25 affirmative votes in the Senate and 51 in the House, unanimously passed. For the record, this was heard in the appropriate Committees; it did bear the light of scrutiny of the public, and, quite frankly, the attorney general’s office and the executive branch of government was missing in action. They did not participate as much as they could have in the crafting of this legislation.

“Nevertheless, in the governor’s message he says it does not appear that the adequate consideration has been given to the impact of this matter and how it would be implemented. Quite to the contrary, I find, as a member of the legislative branch of government and after all the work we did, that particular comment is somewhat insulting to the integrity of the Legislature in general. We did consider it and we did go over it. And every one of the Governor’s problems with it have been addressed, both in writing and in detail.

“This is not a complicated piece of legislation. Basically, it prevents, from a private landowner, assuming ownership of accreted land. Right now, under common laws the Governor seems to be defending, someone living on a beach can, after a certain period of time, acquire 8, 10, 15 feet of beach land out in front of their property. And if it’s 100 feet wide, it could end up being 800, 1000, 1500 square feet of property for nothing – absolutely zero.

“This bill would simply keep beaches for the public, but also it protects landowners that lose their land because of erosion. If the land does accrete back, they would not lose it. So it protects both parties. But most importantly, it protects the public to maintain one of our most precious resources – public beaches.

“I have to tell you that there are those on beaches that are literally out watering the sand, and we have pictures of it, to grow their line out so they can lay claim to public beach land.

“This is good legislation, but more importantly, it asserts our independence and the legislative branch of government. Now, I do understand that the House has problems with it and I’m sure the House is going to deal with them accordingly, but what’s nice about a bicameral system is that we are not, nor should we be, joined at the hip, walking in lock step to the dictates of anyone other than our responsibility to our constituency and our conscience.

“In closing, Mr. President and colleagues, I appreciate the opportunity to be here to make this motion and support it. It wasn’t too long ago that we did not have this type of bipartisan consideration in the Senate. But I hope that after saying that, that you will give this favorable consideration and vote in favor of the veto override and do what is right, regardless of what the House and the executive branch of government does.

“Thank you, Mr. President.”

Senator Chun rose to speak in opposition to the motion and said:

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

“Mr. President, this is a good bill. There are abuses of the current system of people trying to stabilize their shoreline and gain more land by artificially establishing a vegetation line. However, Mr. President, after reviewing this matter and discussing this matter with the House, including the House Chairman for water/land, they believe that they could craft a better bill next Session. They have agreed, generally, with some of the comments made by the Governor in his veto message and they wish to have the opportunity to work during next Session to correct those things.

“Based upon that, Mr. President, I believe that for us to take an action just to send a message of our independence, which we already have done once, would not at this point in time be something that would be beneficial for the people of Hawaii. The idea and the problems that this bill wishes to take care of are good, are laudable. I think we have a commitment from all

the Chairs and the members that this is something that we're willing to work on next year.

"The problems won't go away and neither will we, Mr. President. Thank you."

Senator Chun Oakland rose to support the motion and said:

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

"I just wanted to concur with the Senator from Waimanalo. Thank you."

At this time, Senator Slom requested a Roll Call vote, and the Chair so ordered.

The motion was put by the Chair and, Roll Call vote having been requested, the veto of H.B. No. 2266, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," failed to be overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 8. Noes, 17 (Buen, Bunda, Chumbley, Chun, English, Hanabusa, Ige, Inouye, Kanno, Kawamoto, Kokubun, Matsunaga, Matsuura, Menor, Nakata, Sakamoto, Taniguchi).

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 115 to 122) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 115 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE INDIVIDUALS WHO OPENED A DAY OF THE SENATE, TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 2002, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 115 was adopted.

No. 116 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTY-FIRST LEGISLATURE, REGULAR SESSION OF 2002."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 116 was adopted.

No. 117 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 117 was adopted.

No. 118 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 118 was adopted.

No. 119 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 119 was adopted.

No. 120 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 120 was adopted.

No. 121 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-FIRST LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 121 was adopted.

No. 122 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 122 was adopted.

Senator Ihara rose on a point of inquiry as follows:

"Mr. President, I rise on a point of inquiry.

"Mr. President, I'd like to inquire when you intend to implement Senate Rule 3, subpart 16? This Rule says, 'It shall be the duty of the President to promulgate, for adoption by the Senate, an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate policies.'"

The President responded:

"Senator Ihara, the administrative rules will be forthcoming. We'd like to work on those rules during the interim and we'd like to do it prior to September or October."

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

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

"I just wanted to say, on behalf of the Minority, that we wanted to thank you for your leadership this Session and all of our colleagues and all of the staff, all of the people that have worked so hard on both sides of the aisle.

"We have our disagreements – we have disagreements in philosophy; we have disagreements of individual bills – but I think that the record will show that this Senate Session tackled all of the tough issues. We did not back away from anything. We have some questions and some problems with process that

need to be fixed, but at least they came out in the sunshine. We discussed these issues. I think that we had more people participating on a regular basis than ever before. And as I say, we took these issues from the outset; we wrestled with them with the specter of difficult financial problems behind us, looking over our shoulder every step of the way.

“As the Minority Floor Leader has pointed out many times, we are extremely grateful to the Chairman of Ways and Means and the Ways and Means Committee. I think we functioned very well. You know, it stands in stark contrast when we go up there for our favorite session which is agree/disagree, agree/disagree. And the Chairman is kind enough to have all of us there, even though he had forgotten I had voted ‘no’ and let me get there one time by accident, whereas the House only picks certain people. And so it is this attitude of inclusion that we had this year – bipartisan inclusion and full and open discussion – that I think is really a positive motion.

“I think that we moved forward on a number pieces of legislation. We spent an inordinate amount of time on things like traffic cams and other issues, but at least we came to conclusions and we had positions. And it was the Senate position, by and large, this entire Session that was a leadership position, Mr. President, and we didn’t equivocate on that. There were circumstances that required changes and modification and discussion, and that’s what it’s all about, and by and large these discussions were made in the open.

“So I know I speak for my colleagues that we were very happy with, first of all, the way that we were treated openly within Committees and on the Senate Floor, and we got to make our points. We were a little disappointed when we thought we had, and still believe we have, a very good program and viable alternatives and we wish that there were another way of giving more time to looking at alternatives rather than taking one course of action. But be that as it may, changes will come. We know that we’re going to take this class picture because this will be an unusual class and there will be different people sitting here amongst us next year. There will be a different administration up on the fifth floor.

“I think that many of the things that we did this year gives the community a direction and an opportunity to get more involved and to know, for example, that they do have an opportunity for direct input and that we are looking for new directions. The Chair of TIA has made this very clear that the new Hawaii Tourism Authority will not be similar to the old Tourism Authority. And I think we’ve let people know that we take our oversight responsibility seriously and we’re going to be asking more questions. We had more debates within Committees, which was a very healthy sign. So, from that standpoint, I think it’s really good.

“The work that was done by the transportation Chair and others, in going to the neighbor islands and getting the neighbor islanders more involved in our issues, we all believe that’s what should be done, particularly in the area of the Aloha/Hawaiian merger. And we had a position very early, and despite what the media were saying and despite what other people were saying that if we didn’t do this, this is what’s going to happen, we did our research; we did our homework; we had our discussion and our debate; we reached our decision; and that was a right decision. And we found out that the sky didn’t fall and that the airlines are employing more people and putting more routes on and expanding the things that they’re doing. So, from that standpoint, the things that we did I think were very positive.

“All of us worked hard and I think that there was a growing recognition that even though this is a part-time job that all of us take it seriously full-time. Why? Because the people of Hawaii

and this State are worth it. And we all look forward to our future. We’re all positive. We may want to go in different paths but I think that we all have the same objective in terms of making Hawaii a better place for all people.

“I guess the only real serious disappoint I have, Mr. President, is that we didn’t have enough time in the hours today to take care of the pooch formerly known as Forgea, now known as Hokget, because I think that if we were really humane and compassionate, colleagues, we would have waived the quarantine requirements (who cares if the military have to go through it, waive the quarantine requirements) and made the former Forgea, now Hokget, a member of the State Senate, because I think that that would show, truly, our direction. (Laughter.)

“But colleagues and staff, everyone again, thank you very much. We had a good Session and we will try even harder. None of us can be satisfied with what we did and we should always look to doing a better job in the future. We’ll try to do it whether we’re in this body or outside of the body.

“Aloha, Mr. President.”

At this time, the President delivered his closing remarks as follows:

“The Chair has an hour-long speech prepared. (Laughter.) I didn’t know Senator Chun could really speak that long. Today it was one hour exactly. (Laughter.)

“Members, Senate colleagues, as we conclude this particular Session, I really want to express my gratitude and mahalo to the Senate Leadership and the Committee Chairs, all of whom worked long and hard, particularly during this very difficult time. Special thanks must go to the Ways and Means Chair, Brian Taniguchi, whose patients and perseverance enabled us to balance the budget under tough circumstances, to say the least. Kudos to Chair Taniguchi, his Committee members, and the Ways and Means staff for their countless hours of hard work.

“Despite the controversies and conflicts that arose this year, our attention this Session never strayed far from the budget. Thanks to a combination of ideas and the energy of many individuals, we managed to balance the budget without cuts in essential public services and without slashing the safety net.

“Our solutions were many, but several stand out. One solution involved a reassessment of certain special and revolving funds – thank you, Senator Slom – as we had called for it on opening day in January. While our use of money in these funds has been described as a raid, I believe it reflects the Legislature’s mounting concern over the use of these funds to screen certain government operations from the annual budget review process. Our requests for the justification of billions of dollars in these funds revealed some major shortcomings of the system and I hope it will provide the basis for true structural reform in the next session and beyond.

“We abstained from touching the hurricane relief fund, as we vowed. While we’ll be using \$29 million in interest, the fund will remain in tact for future emergencies. Two major hurricanes and many close calls since then tell us that we must be prepared for future emergencies. Toward that end, we approved a matching grant pilot program to enable homeowners to install hurricane mitigation measures as we had earlier proposed.

“It’s really important to note that we balanced the budget without failing those most in need. Slightly more than \$10 million was appropriated for various health programs and social

services agencies that serve the needy. This was in addition to current appropriations for health and human services. We also earmarked \$1 million for housing assistance for the needy, introduced a long-term care program, and established a discount program for costly prescription drugs. And while we struggled with our money problems, we did not neglect to address the underlying reason for our financial woes. I speak of the state of our economy, particularly as we continue to feel the after effects of the national economic downturn.

“We approved \$475 million in construction spending, and of this sum, \$210 million has been earmarked for repair and maintenance of our public schools and \$56 million for the University of Hawaii facilities. While our approvals were half of what the Governor originally proposed, we believe the sheer volume of projects should enable the construction industry to thrive while keeping our long-term debt service at a reasonable level.

“Agriculture has been a cornerstone in our economy for more than a century and on opening day I called for the preservation of our network of irrigation systems. I thank Chair Jan Buen for that and I am pleased to report that we appropriated about \$18 million for irrigation and infrastructure improvements throughout the islands. I hope we can continue to aid our farmers, and thus preserve our precious agricultural lands through efforts like these.

“Tourism is our largest industry and is still feeling the impact of our global economic problems. We questioned the Hawaii Tourism Authority’s near total emphasis on marketing, and, thanks to Senator Kim and Senator Taniguchi, we succeeded in setting aside \$1 million for tourist tax revenues for the maintenance and improvements of state parks, which are heavily used by our visitors. Our parks system has suffered from years of budget cutting and this will provide some much needed and long overdue support.

“A little more than three months ago I stood before you to describe our plans and priorities for the 2002 Session. With a few exceptions, we’ve managed to achieve our goals and can adjourn proud that we did what we said we would do. Much of our work this year reflected the Legislature’s desire to exercise greater control over government. Most of our decisions also reflect a greater responsiveness to the public, as it should be.

“Yes, much work remains to be done, but I believe our work this year will provide the inspiration for more changes, more responsiveness, and more accountability in the years to come. That is our lasting obligation to the Senate, the State of Hawaii, the people of Hawaii.

“Finally, as we all go home to campaign this summer, I wish each and every one of you good luck in your campaigns for your elections and I hope all of you win.

“Mahalo and thank you very much.”

At 4:33 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:54 o’clock p.m.

## ADJOURNMENT

Senator English moved that the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, adjourn Sine Die, seconded by Senator Hemmings and carried.

At 4:55 o’clock p.m., the President rapped his gavel and declared the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, adjourned Sine Die.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

**Gov. Msg. No. 365**, informing the Senate that on May 23, 2002, he signed the following bills into law:

House Bill No. 1746 as Act 59, entitled: "RELATING TO UNATTENDED VEHICLES";

House Bill No. 1970 as Act 60, entitled: "RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION";

House Bill No. 2009 as Act 61, entitled: "RELATING TO AGRICULTURE";

House Bill No. 2307 as Act 62, entitled: "RELATING TO ELECTRONIC TRANSACTIONS";

House Bill No. 2365 as Act 63, entitled: "RELATING TO TAXATION";

House Bill No. 2445 as Act 64, entitled: "RELATING TO HOUSING";

House Bill No. 2478 as Act 65, entitled: "RELATING TO EMPLOYMENT STATUS OF PERSONNEL OF THE HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY";

House Bill No. 2481 as Act 66, entitled: "RELATING TO CIVIL SERVICE EXEMPTIONS";

House Bill No. 2501 as Act 67, entitled: "RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS";

House Bill No. 2554 as Act 68, entitled: "RELATING TO NONCOMMERCIAL PIERS";

House Bill No. 2556 as Act 69, entitled: "RELATING TO SECTION 13 OF ACT 15, THIRD SPECIAL SESSION LAWS OF HAWAII 2001";

House Bill No. 2582 as Act 70, entitled: "RELATING TO HIGHWAY SAFETY";

Senate Bill No. 2632 as Act 71, entitled: "RELATING TO ARRESTS";

Senate Bill No. 2693 as Act 72, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT"; and

Senate Bill No. 2705 as Act 73, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."

**Gov. Msg. No. 366**, informing the Senate that on May 31, 2002, he signed the following bills into law:

House Bill No. 1761 as Act 74, entitled: "RELATING TO INSURANCE";

House Bill No. 1950 as Act 75, entitled: "RELATING TO PRESCRIPTION DRUGS";

House Bill No. 2834 as Act 76, entitled: "RELATING TO PRESCRIPTION DRUGS"; and

Senate Bill No. 2179 as Act 77, entitled: "RELATING TO ENERGY RESOURCES."

**Gov. Msg. No. 367**, informing the Senate that on May 31, 2002, he signed the following bills into law:

House Bill No. 1864 as Act 78, entitled: "RELATING TO VISITATION";

House Bill No. 1999 as Act 79, entitled: "RELATING TO HUNTING";

House Bill No. 2128 as Act 80, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII";

House Bill No. 2248 as Act 81, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES";

House Bill No. 2305 as Act 82, entitled: "RELATING TO THE UNIFORM PROBATE CODE";

House Bill No. 2385 as Act 83, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINES OF KAUAI, LLC";

House Bill No. 2433 as Act 84, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

House Bill No. 2531 as Act 85, entitled: "RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS";

House Bill No. 2538 as Act 86, entitled: "RELATING TO AQUATIC RESOURCES";

Senate Bill No. 2791 as Act 87, entitled: "RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM"; and

Senate Bill No. 2964 as Act 88, entitled: "RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."

**Gov. Msg. No. 368**, informing the Senate that on May 31, 2002, he signed the following bills into law:

House Bill No. 1011 as Act 89, entitled: "RELATING TO ELECTIONS";

House Bill No. 1772 as Act 90, entitled: "RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS";

House Bill No. 2300 as Act 91, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2304 as Act 92, entitled: "RELATING TO JUROR PRIVACY";

House Bill No. 2349 as Act 93, entitled: "RELATING TO AUTHORIZED EMERGENCY VEHICLES";

House Bill No. 2429 as Act 94, entitled: "RELATING TO TOBACCO";

House Bill No. 2453 as Act 95, entitled: "RELATING TO THE CAPITAL LOAN PROGRAM";

House Bill No. 2537 as Act 96, entitled: "RELATING TO AQUATIC RESOURCES";

House Bill No. 2563 as Act 97, entitled: "RELATING TO COMPENSATION OF CRIME VICTIMS";

House Bill No. 2569 as Act 98, entitled: "RELATING TO THE CONFORMITY OF THE STATE TAX LAWS TO THE UNITED STATES CONSTITUTION";

House Bill No. 2708 as Act 99, entitled: "RELATING TO ANIMAL DISEASES";

Senate Bill No. 2052 as Act 100, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS";

Senate Bill No. 2228 as Act 101, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

Senate Bill No. 2802 as Act 102, entitled: "RELATING TO LEASING OF PUBLIC LANDS TO RENEWABLE ENERGY PRODUCERS"; and

Senate Bill No. 2804 as Act 103, entitled: "RELATING TO SUBLEASING OF PUBLIC LANDS."

**Gov. Msg. No. 369**, informing the Senate that on May 31, 2002, he signed the following bills into law:

House Bill No. 682 as Act 104, entitled: "RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS";

House Bill No. 2302 as Act 105, entitled: "RELATING TO MOTOR VEHICLE DRIVERS' LICENSES";

House Bill No. 2329 as Act 106, entitled: "RELATING TO MANAGED COMPETITION";

House Bill No. 2459 as Act 107, entitled: "MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE EXPENSES";

House Bill No. 2480 as Act 108, entitled: "RELATING TO SCHOOL BUS FARES";

House Bill No. 2495 as Act 109, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES";

House Bill No. 2571 as Act 110, entitled: "RELATING TO TAXATION OF PERSONS WITH IMPAIRED SIGHT OR HEARING OR WHO ARE TOTALLY DISABLED THAT ARE ENGAGED IN BUSINESS";

Senate Bill No. 99 as Act 111, entitled: "RELATING TO THE LIQUOR COMMISSION";

Senate Bill No. 2232 as Act 112, entitled: "RELATING TO KIKALA-KEOKEA";

Senate Bill No. 2628 as Act 113, entitled: "RELATING TO THE USE OF INTOXICANTS";

Senate Bill No. 2667 as Act 114, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 2680 as Act 115, entitled: "RELATING TO SCHOOL FACILITIES";

Senate Bill No. 2682 as Act 116, entitled: "MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES";

Senate Bill No. 2750 as Act 117, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 2782 as Act 118, entitled: "RELATING TO HOSPITAL LICENSING";

Senate Bill No. 2817 as Act 119, entitled: "RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY ADMINISTRATIVE RULES"; and

Senate Bill No. 2934 as Act 120, entitled: "RELATING TO INTOXICATING LIQUOR."

**Gov. Msg. No. 370**, informing the Senate that on May 31, 2002, he signed the following bills into law:

House Bill No. 1731 as Act 121, entitled: "RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEES";

House Bill No. 1740 as Act 122, entitled: "RELATING TO ENTERPRISE ZONES";

House Bill No. 1758 as Act 123, entitled: "RELATING TO DOMESTIC ABUSE";

House Bill No. 2120 as Act 124, entitled: "RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT";

House Bill No. 2553 as Act 125, entitled: "RELATING TO THE BUREAU OF CONVEYANCES";

Senate Bill No. 2290 as Act 126, entitled: "RELATING TO INDEPENDENT BILL REVIEWERS";

Senate Bill No. 2613 as Act 127, entitled: "RELATING TO FISHING RIGHTS AND REGULATIONS";

Senate Bill No. 2715 as Act 128, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 2724 as Act 129, entitled: "RELATING TO REAL ESTATE";

Senate Bill No. 2732 as Act 130, entitled: "RELATING TO BUSINESS REGISTRATION";

Senate Bill No. 2757 as Act 131, entitled: "RELATING TO AMENDMENTS TO ACT 253, SESSION LAWS OF HAWAII 2000";

Senate Bill No. 2774 as Act 132, entitled: "RELATING TO ENVIRONMENTAL PROGRAM FINANCING"; and

Senate Bill No. 2775 as Act 133, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

**Gov. Msg. No. 371**, informing the Senate that on June 6, 2002, he signed the following bills into law:

House Bill No. 2817 as Act 134, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";

House Bill No. 2854 as Act 135, entitled: "RELATING TO ACCOUNTANCY";

Senate Bill No. 2067 as Act 136, entitled: "RELATING TO HIGHER EDUCATION";

Senate Bill No. 2289 as Act 137, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES"; and

Senate Bill No. 2422 as Act 138, entitled: "RELATING TO MOTOR VEHICLE INSPECTIONS."

**Gov. Msg. No. 372**, informing the Senate that on June 7, 2002, he signed the following bills into law:

House Bill No. 870 as Act 139, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1713 as Act 140, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 1715 as Act 141, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 1716 as Act 142, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 2192 as Act 143, entitled: "RELATING TO THE HAWAII TOURISM AUTHORITY";

House Bill No. 2315 as Act 144, entitled: "RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS";

House Bill No. 2443 as Act 145, entitled: "RELATING TO THE PREVENTION OF THE FILING OF FRIVOLOUS FINANCING STATEMENTS";

House Bill No. 2454 as Act 146, entitled: "RELATING TO ENTERPRISE ZONES";

House Bill No. 2460 as Act 147, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 2500 as Act 148, entitled: "RELATING TO STATUTORY REFERENCES AFFECTED BY ACT 253, SESSION LAWS OF HAWAII 2000";

House Bill No. 2512 as Act 149, entitled: "RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND";

House Bill No. 2523 as Act 150, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES";

House Bill No. 2536 as Act 151, entitled: "RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999";

House Bill No. 2552 as Act 152, entitled: "RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS";

House Bill No. 2568 as Act 153, entitled: "RELATING TO THE COLLECTION OF TAXES";

Senate Bill No. 2708 as Act 154, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

Senate Bill No. 2733 as Act 155, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2926 as Act 156, entitled: "RELATING TO EDUCATION";

Senate Bill No. 3040 as Act 157, entitled: "RELATING TO CAPTIVE INSURANCE"; and

Senate Bill No. 3041 as Act 158, entitled: "RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND."

**Gov. Msg. No. 373**, informing the Senate that on June 7, 2002, he signed the following bills into law:

House Bill No. 1942 as Act 159, entitled: "ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII";

Senate Bill No. 594 as Act 160, entitled: "RELATING TO NEUROTRAUMA"; and

Senate Bill No. 1188 as Act 161, entitled: "RELATING TO SENTENCING FOR DRUGS AND INTOXICATING COMPOUNDS OFFENSES."

**Gov. Msg. No. 374**, informing the Senate that on June 8, 2002, he signed into law Senate Bill No. 2526 as Act 162, entitled: "RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES."

**Gov. Msg. No. 375**, informing the Senate that on June 13, 2002, he signed into law Senate Bill No. 2666 as Act 163, entitled: "RELATING TO A SEAL OF QUALITY FOR FRESH AND PROCESSED AGRICULTURAL PRODUCTS."

**Gov. Msg. No. 376**, informing the Senate that on June 18, 2002, he signed the following bills into law:

House Bill No. 223 as Act 164, entitled: "RELATING TO OPTOMETRY";

House Bill No. 703 as Act 165, entitled: "RELATING TO CONTROLLED SUBSTANCES";

House Bill No. 1749 as Act 166, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

House Bill No. 2056 as Act 167, entitled: "RELATING TO SOCIAL WORK";

House Bill No. 2518 as Act 168, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES";

House Bill No. 2521 as Act 169, entitled: "RELATING TO CONTROL OF DISEASE"; and

Senate Bill No. 796 as Act 170, entitled: "RELATING TO STATE AND COUNTY TORT LIABILITY."

**Gov. Msg. No. 377**, informing the Senate that on June 19, 2002, he signed the following bills into law:

House Bill No. 771 as Act 171, entitled: "RELATING TO CRIME";

House Bill No. 1878 as Act 172, entitled: "RELATING TO EDUCATION"; and



House Bill No. 2455 as Act 173, entitled: "RELATING TO ENVIRONMENTAL SITE CLEANUP."

**Gov. Msg. No. 378**, dated June 21, 2002, transmitting his statement of objections to House Bill Nos. 202, 1595, 1722, 1821, 1969, 2072, 2212, 2231, 2382, 2509, 2577, 2595, 2821, 2827 (line item vetoes) and 2843 which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 202

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 202, entitled 'A Bill for an Act Relating to Health Insurance.'

The purpose of this bill is to establish parity in health insurance benefits under chapter 431M (mental health and alcohol and drug abuse treatment insurance benefits), Hawaii Revised Statutes, for minors for mental illness and alcohol and drug dependence, while carving out coverage for minors eligible to receive these benefits from the Department of Education under the *Felix* Consent Decree.

The bill is unnecessary. It purports to clarify issues involving minors and proposes to provide mental health and substance abuse benefits for minors covered by insurance. However, these benefits for minors are covered already under the existing language of chapter 431M, which makes no exclusion from existing coverage for benefits for minors.

Section 2 of this bill proposes to amend section 431M-4 to add a subsection (d) (2) that states, 'Nothing in this chapter shall be construed to require coverage of mental health services for minors eligible to receive such services prescribed by the state department of education.' I believe that this provision will cause confusion in its implementation as to what mental health benefits are covered by the State Department of Education (DOE) versus the coverage by private insurers. Although the legislative committee reports indicate that the Legislature intended that the carve out from the bill's scope of coverage is meant to apply to minors eligible for these services under the *Felix* Consent Decree, the wording of the bill does not reference *Felix* or special education and instead appears to broadly apply to minors directed to receive these benefits by the State DOE. The class of minors receiving benefits from the DOE would be much broader than the minors included within the *Felix* Consent Decree and could lead to confusion as to whether the DOE or private insurers provide coverage.

In addition, section 5 of the bill proposes to amend section 431M-5 to add a subsection (d) that states in part, 'This chapter shall not apply to individual contracts; provided that benefits for minors shall be provided under QUEST medical plans under the department of human services.' I believe that this provision may cause confusion in its implementation as to what benefits for minors 'shall be provided' under QUEST by the Department of Human Services. QUEST is the State's Medicaid managed health care program that is subject to federal Medicaid

regulations. Not all minors are eligible for benefits under QUEST.

Furthermore, the bill's proposed subsection (d) (3) to be added to section 431M-4 appears to permit managed care plans to unilaterally establish standards of care, treatment guidelines, and utilization review techniques and to require treatment providers to adhere to these standards, guidelines, and utilization review. This provision appears to conflict with the letter and spirit of the Patients' Bill of Rights and Responsibilities Act, chapter 432E, Hawaii Revised Statutes. To the extent that a plan could limit the universe of treatment options under the proposed language of this bill, it would not be in harmony with the protections afforded to patients under chapter 432E, such as the patient's right stated in section 432E-4 to be fully informed before making any decision about any treatment, benefit, or nontreatment. Although section 432E-9(a) mandates plans to establish procedures for continuous review of such matters as the quality of care, performance of providers, and utilization of health services, the plans are not free to adopt these matters to the detriment of the patient and to the exclusion of the treating provider's professional judgment. For example, section 432E-9(c) provides that 'utilization review requirements and administrative treatment guidelines of the health maintenance organization shall not fall below the appropriate standard of care and shall not impinge upon the independent medical judgment of the treating health care provider.' The provision to be added by this bill as section 431M-4(d) (3) appears to impinge upon the independent medical judgment of the treating provider.

For the foregoing reasons, I am returning House Bill No. 202 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 202, entitled 'A Bill for an Act Relating to Health Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 202 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 202 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1595

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1595, entitled ‘A Bill for an Act Relating to Public Employees.’

The purpose of House Bill No. 1595 is to amend section 89C-3, Hawaii Revised Statutes, to provide that the compensation and benefit packages for excluded civil service employees be ‘at least equal to’ the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the jurisdiction, and ‘equivalent or not less than’ adjustments provided within the employer’s jurisdiction. House Bill No. 1595, however, is a step back from the landmark legislation of the Civil Service Reform Act, Act 253, Session Laws of Hawaii 2000.

The Civil Service Reform Act was drafted to eliminate bureaucratic restrictions and permit the development of a competent and responsive governmental workforce. A major component of that legislation was the emphasis on performance, as part of the merit principle, for senior managers. New flexibility was sought to allow each of the jurisdictions to develop appropriate pay for performance programs and to establish, if appropriate, cafeteria plans or other pay and benefit packages tailored to the needs of this group. Chapter 89C was amended specifically for these purposes by (1) removing the link between managers’ pay raises and pay raises obtained by their subordinate included employees through collective bargaining; and (2) authorizing variable pay, based upon performance, for this group.

History has shown that the law requiring manager pay raises to be ‘no less than’ their included counterparts resulted in those raises being ‘no more than’ the counterparts. Additionally, there was a conflict of interest for senior managers to have their compensation linked with the results of collective bargaining by their subordinates. The Civil Service Reform Act addressed these concerns by providing instead that the compensation and benefit packages for this group be established ‘in consideration of’ the compensation and benefit packages provided under collective bargaining to counterparts and subordinates. House Bill No. 1595 turns back the clock by deleting the ‘in consideration of’ language in favor of the previous ‘at least equal to’ and ‘not less than’ language.

Considerable effort has been expended to establish, pursuant to the Civil Service Reform Act, the pay for performance program scheduled to be put into effect on July 1, 2002, and much work has been completed in the study of innovative cafeteria-type benefits programs for these managers. These efforts would be rendered worthless if House Bill No. 1595 were to become law.

For the foregoing reasons, I am returning House Bill No. 1595 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1595, entitled ‘A Bill for an Act Relating to Public Employees,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1595 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1595 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1722

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1722, entitled ‘A Bill for an Act Relating to Transportation.’

The purpose of House Bill No. 1722 is to repeal the June 30, 2002, sunset date of Act 332, Session Laws of Hawaii 1993, which added a new chapter to the Hawaii Revised Statutes to regulate interisland air carriers through an Air Carrier Commission.

Section 11 of Act 332, Session Laws of Hawaii 1993, provided that the new chapter, subsequently designated as chapter 261C, Hawaii Revised Statutes, would take effect ‘upon the enactment of federal legislation permitting implementation of’ the State’s regulation of interisland air carriers. That federal legislation has not been enacted and chapter 261C, Hawaii Revised Statutes, has never taken effect as law.

In view of the deregulation of airlines by the federal government, it is highly unlikely that federal legislation

permitting the State's regulation of interisland air carriers through chapter 261C, Hawaii Revised Statutes, will be enacted. Therefore, there appears to be no reason to repeal the sunset date of Act 332, Session Laws of Hawaii 1993.

For the foregoing reason, I am returning House Bill No. 1722 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1722, entitled 'A Bill for an Act Relating to Transportation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1722 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1722 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1821

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1821, entitled 'A Bill for an Act Relating to the Legislative Auditor.'

The purpose of this bill is to authorize the Legislative Auditor to charge 'a reasonable fee' to entities on which the Office of the Legislative Auditor performs financial statement and other audits, and to create an audit revolving fund into which those fees would be deposited.

I do not believe that this funding mechanism is appropriate, because it merely allows for the movement of money from an executive branch agency to a legislative branch agency. If the Legislature chooses to authorize audits of executive branch departments by the Legislative Auditor, I believe the Legislature should appropriate moneys for that purpose to the Office of the Legislative Auditor.

This bill is also objectionable because there are no criteria for determining what a 'reasonable' fee may be. For example, it is not clear whether the Legislative Auditor would be allowed under this bill to pass the cost of an outside auditing firm plus a surcharge to the audited entity.

Finally, this bill is objectionable because \$275,000 is appropriated from the general revenues of the State into the newly created audit revolving fund, but section 5 of the bill appropriates \$600,000 out of the audit revolving fund. There is no indication whether the Legislative Auditor will receive an additional \$325,000 during the fiscal year to cover the balance of the appropriation.

For the foregoing reasons, I am returning House Bill No. 1821 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1821, entitled 'A Bill for an Act Relating to the Legislative Auditor,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1821 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1821 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1969

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1969, entitled 'A Bill for an Act Relating to the Board Of Education.'

The purpose of this bill is to allow the Board of Education to appoint or retain by contract attorneys independent of the Attorney General. It further allows the Board of Education to be the primary hiring authority; sets forth the legal services to be provided; allows the Board to set compensation; and specifies that the Board is not precluded from requesting and securing legal services from the attorney general.

House Bill No. 1969, however, has the potential to create more legal problems and divisiveness between the Board of Education and the rest of the Department of Education and between the Board of Education and the Governor. As the attorney for the Board, the rest of the Department, including the Hawaii State Public Library System, and the Governor, it is the responsibility of the Attorney General to advise these clients, while being cognizant of the statewide implications and concerns. It is the responsibility of the Attorney General to assist in resolving disputes within the Executive Branch and certainly to assist in resolving legal disputes between the Board and the rest of the Department of Education. The Board of Education is not autonomous from the Executive Branch. As such, its interests may diverge from that of the rest of the Executive Branch, but cannot be in conflict with that of the Executive Branch.

The Attorney General previously allowed the Board of Education to retain three attorneys on its staff to write opinions and advise the Board on certain matters, with oversight having been provided by the Department of the Attorney General. On several occasions, advice given by the Board's staff attorneys has had to be changed by the Department of the Attorney General office. Because the staff attorneys are under the supervision of the Board, their advice was often an effort to provide the Board with the answer that it wished and not a correct interpretation of the law. The Board has recently requested that the Memorandum of Agreement that allowed this arrangement be revoked.

Additionally, developing a legal section would cost money and could never duplicate the resources or expertise of the Department of the Attorney General. Unless and until the Board is conferred autonomy from the Executive Branch, it is critical that the legal advice given to the Board is consistent with the legal advice given to other agencies of the Executive Branch. Otherwise, much time and effort will be spent resolving differences in positions and actions between the Board and the Governor. Moreover, oftentimes the disputes are not only between the Board and the rest of the Executive Branch, but also between the Board and the rest of the Department of Education itself.

The issues that continue to arise regarding the divergence of the Board's interests from that of the Executive Branch relate to funding. It is the Governor's and the Department of Budget and Finance's responsibility to ensure that the State's fisc is prudently managed. The bill will not resolve that problem. As was made clear in *Board of Education v. Waihee*, 70 Haw. 253, 768 P.2d 1279 (1989) (a lawsuit by certain members of the Board, not by the Board itself), the Governor and the Director of Finance have the authority to oversee the Executive Branch's budget, including that of the Board of Education.

In 1994, Article X of the State Constitution was amended to clarify the roles and responsibilities of the Board and the Superintendent of Education. The 1994 amendment to Section 3 of Article X limited the powers of the Board to formulating statewide educational policy, as provided by law, and appointing the Superintendent. The day-to-day management and operation of the schools was left to the Superintendent. Because it is sometimes difficult to determine what is policy and what is internal organization, operation, and management, and because of the Board's prior authority, before the 1994 amendment, to make decisions with respect to internal organization and management issues, several disagreements between the Board and the Superintendent have had to be addressed by the Department of the Attorney General.

The bill could potentially cause more conflict between the Board and the rest of the Department of Education and the Board and the Governor. If the Board has the authority to hire its own attorneys, it could lead to a circumvention of the constitutional amendment or litigation between the Board and the rest of the Department to determine whether particular actions or issues concern statewide educational policymaking or day-to-day operations. The bill could also potentially lead to legal challenges and litigation between the Board and the Governor. Such potential litigation could cost the State a lot of money with little to no ultimate benefit to the entities involved and certainly with no benefit to the State.

Because judgments against the Department of Education would continue to be funded by the Legislature, oversight of litigation must continue to be the responsibility of the Attorney General. The Board needs to be given accurate and sound legal advice. If the attorneys are employees of the Board, accurate and objective legal advice would be difficult to give to the Board.

For the foregoing reasons, I am returning House Bill No. 1969 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**P R O C L A M A T I O N**

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1969, entitled 'A Bill for an Act Relating to the Board Of Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1969 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1969 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2072

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2072, entitled ‘A Bill for an Act Relating to Social Welfare.’

The purpose of this bill is to appropriate \$1,000,000 out of the Emergency Budget and Reserve Fund for the Housing and Community Development Corporation of Hawaii (HCDCH) to provide housing assistance to Hawaii’s needy who may have been adversely affected by the events of September 11, 2001.

Although the purpose of this bill is commendable, with the passage of time there is a reduced connection between the September 11, 2001, terrorist attacks and the unemployment rate. In fact, recent data show that the unemployment rate was lower in April 2002 than in the months immediately following September 11. Consequently, there does not appear to be a need to indefinitely extend the emergency assistance grant and loan program that was funded by appropriations out of the Emergency Budget and Reserve Fund by Act 1, Third Special Session Laws of Hawaii 2001.

Furthermore, the housing assistance under this bill could be used by homeowners not only for rental and utility expenses, but also for mortgage payments. Homeowners can negotiate with their mortgage lenders for changes to their mortgage payment plans. The Emergency Budget and Reserve Fund should not be used for mortgage assistance when alternative relief is available.

Finally, current financial conditions dictate that we be prudent in the expenditure of funds for new programs. The HCDCH already has a grant program to assist persons who need emergency assistance with housing costs.

For the foregoing reasons, I am returning House Bill No. 2072 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or

presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2072, entitled ‘A Bill for an Act Relating to Social Welfare,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2072 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2072 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2212

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2212, entitled ‘A Bill for an Act Relating to Alien Invasive Species.’

The purpose of this bill is to permit the establishment of a temporary board to be named the ‘Hawaii Invasive Species Council,’ administratively attached to the Office of the Governor, to coordinate state efforts to combat invasive species.

This bill does not specify who has the authority to establish the temporary council. The bill is unnecessary, because its objective to coordinate state efforts can be accomplished administratively or a temporary board or commission to gather information or furnish advice can be established by a Governor’s executive order under section 26-41, Hawaii Revised Statutes. In addition, as the council is constituted in this bill, the council’s meetings require attendance of the members, who are various state department heads, without provision for a designee to attend in the event of a member’s unavailability.

For the foregoing reasons, I am returning House Bill No. 2212 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2212, entitled 'A Bill for an Act Relating to Alien Invasive Species,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2212 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2212 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2231

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2231, entitled 'A Bill for an Act Relating to the Auditor.'

The purpose of House Bill No. 2231 is to clarify the confidential nature of the Auditor's records in the education area. House Bill No. 2231, however, poses constitutional issues relating to the separation of powers and the Supremacy Clause.

The separation of powers issues are twofold. First, the bill attempts to make the Legislature's Auditor 'an authorized representative of the department of education and department of health, a state educational authority, or a state educational official' for purposes of obtaining access to any student or other records. The Legislature's Auditor is not an 'authorized representative' of either the Department of Education (DOE) or the Department of Health (DOH). To require executive branch agencies to accept the Legislature's Auditor as an authorized representative impinges upon the Executive Branch's authority and administrative function of determining who may act on its behalf. Second, this bill poses a separation of powers issue if the Legislature's Auditor is made an authorized representative of an executive branch agency, especially when the Legislature's Auditor is performing official duties of auditing the particular department for the Legislature. To require this by statute intrudes into the executive branch agency's functions and causes a conflict of interest when the Legislature's Auditor

must audit the agency for which the Auditor is deemed to be an authorized representative.

With respect to the Supremacy Clause issue, attempting to include the Legislature's Auditor into the federal definition of an authorized representative of the State's educational authority cannot be accomplished through state law. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, provides that the DOE cannot make accessible nor release any educational records of personally identifiable information without written consent of the student or parent, except under nine specific exceptions. The FERPA provisions pertinent to this bill are 20 U.S.C. § 1232g(b) (3) and (5). Under both provisions, access for audit purposes is only to authorized representatives of the State's educational authorities (20 U.S.C. § 1232g(b) (3)) or State and local educational officials (20 U.S.C. § 1232g(b) (5)). The Legislature's Auditor is neither an authorized representative nor a state educational official.

In any case, release of information and records for audit purposes must be in connection with an audit and evaluation of federally supported education programs, or in connection with the enforcement of the federal legal requirements relating to such programs. 20 U.S.C. § 1232g(b) (3).

FERPA and the corresponding administrative rule (chapter 8-34, Hawaii Administrative Rules) already allow the Auditor access to these records with the issuance of a subpoena by the Auditor and notification of the subpoena to the parent or eligible student by the DOE in advance of compliance, so that the parent or eligible student can seek protective action if they desire.

For the foregoing reasons, I am returning House Bill No. 2231 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2231, entitled 'A Bill for an Act Relating to the Auditor,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2231 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2231 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th

day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2382

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2382, entitled ‘A Bill for an Act Relating to Correctional Facilities.’

The purpose of the bill is to require a public notice and comment period of at least sixty days before constructing a new correctional facility, expanding an existing correctional facility, or initiating any capital improvement project with a cost in excess of \$500,000.

The goal of keeping the public informed and involved is an admirable one. Unfortunately, the bill is overbroad and could delay some major safety and security projects that are not related to expansion. For example, this bill would have delayed projects for the installation of fire sprinklers and security cameras, for the replacement of sewer lines, and for the upgrade of electrical systems. The correctional facilities needed these improvements for the safety of the inmates and the security of the public, and a delay in construction as proposed by this bill would serve little or no purpose.

Furthermore, to the extent an Environmental Assessment or Environmental Impact Statement is needed for new construction, existing law already allows for public notice and comment. Accordingly, this bill provides no added benefits for these types of projects.

For the foregoing reasons, I am returning House Bill No. 2382 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2382, entitled ‘A Bill for an Act Relating to Correctional Facilities,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2382 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2382 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2509

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2509, entitled ‘A Bill for an Act Relating to Parking for Persons with Disabilities.’

This bill would prohibit parking in the access aisle adjacent to a parking space reserved for persons with disabilities and would impose a \$100 fine for doing so. It would also reduce from \$250 to \$100 the minimum fine for parking in a space reserved for persons with disabilities without an official parking placard, but it would leave the maximum fine at \$500. Finally, it would postpone the date by which private and public entities must comply with signage posting and other requirements for parking spaces for persons with disabilities. That date is currently July 1, 2002; the bill would delay the deadline for another year, to July 1, 2003.

This bill is objectionable because it lowers the minimum fines for violations of the Parking for Disabled Persons law. It reduces the current minimum fine of \$250 to \$100 for parking in a space reserved for persons with disabilities without properly displaying a removable windshield placard, for failing to present an identification card to an enforcement officer upon request, and for any private entity failing to comply with the Parking for Disabled Persons law. Although House Bill No. 2509 prohibits, and establishes a penalty for, parking in an access aisle adjacent to a parking space reserved for persons with disabilities, the bill as passed reduces the fine for parking in an access aisle to \$100. In its original form, the bill would have imposed a fine of \$250 for such a violation. The reduction in minimum fines for violations of the Parking for Disabled Persons law minimizes the deterrent effect of the fines and was made without public comment or input. The delay in implementing signage requirements will also dilute the effectiveness of the law.

For the foregoing reasons, I am returning House Bill No. 2509 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO

Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2509, entitled ‘A Bill for an Act Relating to Parking for Persons with Disabilities,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2509 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2509 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2577

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2577, entitled ‘A Bill for an Act Relating to Development of Public Lands.’

The purpose of House Bill No. 2577 is to clarify that disposition of public lands for ‘marine related’ operations may be negotiated without regard to limitations set forth in sections 171-59(a) and 171-16(c), Hawaii Revised Statutes.

This bill deletes the term ‘marine’ and adds the term ‘marine related’ to the operations for which leases may be negotiated under the provisions of section 171-59(b), Hawaii Revised Statutes. This bill further defines ‘marine related’ as ‘a purpose or activity that requires and is directly related to the loading, off loading, storage, or distribution of goods, and services of the maritime industry’ (underscoring emphasis added).

The definition of ‘marine related’ appears specifically to exclude activities supporting recreational boating and the ocean recreation industry that are prevalent throughout boating facilities under the jurisdiction of the Department of Land and Natural Resources, such as carrying passengers for hire and

marine fueling and vessel repair facilities, which traditionally have been considered to be ‘marine related.’ Furthermore, this bill could preclude the use of section 171-59, Hawaii Revised Statutes, for the purposes of leasing parcels within state small boat harbors to private entities for the purpose of generating additional revenue for the state boating program, and providing additional goods and services to the users of state boating facilities that are beyond the capability of state resources.

For the foregoing reasons, I am returning House Bill No. 2577 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2577, entitled ‘A Bill for an Act Relating to Development of Public Lands,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2577 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2577 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2595

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning without my approval, House Bill No. 2595, entitled ‘A Bill for an Act Making an Appropriation to Enhance Agricultural Tourism Venues.’

The purpose of this bill is to appropriate \$500,000 out of the Tourism Special Fund for fiscal year 2002-2003 ‘for the



enhancement of agricultural tourism venues' to be expended by the Hawaii Tourism Authority (HTA). The Legislature found that 'key sites and events that involve both tourism and agriculture, such as overnight accommodations at farms and ranches and educational tours in agricultural areas, should be identified and systematically developed.'

This bill is objectionable because it dictates to the HTA how to spend and how much to spend on agricultural tourism. The primary purpose for the creation of the HTA was to have one state entity responsible for the development and promotion of tourism. It is the role of the HTA board to decide how to allocate money from the Transient Accommodations Tax, including the extent to which that money should support agricultural tourism projects, and this bill unduly interferes with the HTA's exercise of its discretion. Furthermore, it is my understanding that the HTA has in fact allocated some money for agricultural tourism projects and, to that extent, this bill is also unnecessary.

For the foregoing reasons, I am returning House Bill No. 2595 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2595, entitled 'A Bill for an Act Making an Appropriation to Enhance Agricultural Tourism Venues,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2595 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2595 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2821

Honorable Members

Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2821, entitled 'A Bill for an Act Relating to State Departments.'

The purpose of House Bill No. 2821 is to abolish the position of deputy or assistant to the head of any department of the State, except the University of Hawaii and the Department of Education. The Legislature believed that, based on reasons related to 'economy, expediency, and accountability, division and branch chiefs of a state executive department should report directly to the head of the department.'

However, deputy directors and assistants to department heads play key roles in the operations of state executive departments and the elimination of such positions would most likely not lead to the desired result. In fact, due to the numerous demands on the time and attention of department heads, which may include serving on several boards, commissions, and governmental corporations, review of voluminous amounts of documentation and complex decision making, and attending and presiding over many public and official meetings and events, just the opposite effect may occur, because it is unreasonable to expect a director to solely manage an executive department without the assistance of a deputy or assistant. In addition, a deputy or assistant is needed to act in the place of a director in the director's absence due to travel on official business, vacations, or illnesses. While it is possible for a division or branch chief to assume the functions of a director for very limited durations, it would not be reasonable to expect the division or branch chief to handle the division or branch responsibilities and department-wide responsibilities for any longer periods of time.

Furthermore, the bill may create a potential conflict of interest or separation of authority problem within the Department of Defense. A single executive, the Adjutant General, heads the Department of Defense. However, the functions of the Adjutant General are divided into two distinct components: military command and civil defense. Pursuant to section 26-21, Hawaii Revised Statutes, the Adjutant General shall also be the Director of Civil Defense. The Legislature previously expressed its intent to clearly separate the military and civil defense functions of the Department of Defense. Section 26-21 provides that '[t]he devolution of command of the military forces in the absence of the adjutant general shall be within the military establishment' and '[t]he devolution of command of the civil defense agency in the absence of the director of civil defense shall be within the civil defense agency.' Currently, the military and civil defense components of the Department of Defense are separated by appointments of a Deputy Adjutant General and a Vice Director of Civil Defense. Elimination of these deputy director positions would cause problems concerning the separation of military and civil defense functions and the chain of command for each of these functions.

For the foregoing reasons, I am returning House Bill No. 2821 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2821, entitled 'A Bill for an Act Relating to State Departments,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2821 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2821 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2827

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2827, entitled 'A Bill for an Act Relating to the State Finances.'

The purposes of this bill are to: establish the Litigation Deposits Trust Fund; establish criteria for the establishment and continuance of special funds, revolving funds, and administratively established accounts and funds; permit the Emergency and Budget Reserve Fund to be available as a source of funding for education programs; reclassify or repeal certain special and revolving funds pursuant to the recommendations of the Legislative Auditor; and transfer moneys from certain special and revolving funds to the general fund.

Section 5 of Article VII of the State Constitution provides that '[n]o public money shall be expended except pursuant to appropriations made by law.' The removal of money from the special and revolving funds are expenditures of those funds that must be authorized by 'appropriations made by law.' While this bill uses the term 'transfer' to authorize the removal of money out of various special and revolving funds and the deposit of those moneys into the general fund, I believe that the Legislature clearly expressed its intent to authorize the expenditure of money out of the specified special and revolving funds and that these transfers are 'appropriations made by law'

within the meaning of Section 5 of Article VII of the State Constitution.

While the bill as a whole has merit, I object to the following appropriations for the reasons indicated:

1. The \$23,000,000 revolving fund appropriation for fiscal year 2002-2003 from the Dwelling Unit Revolving Fund for deposit to the general fund, designated in section 25 on page 19 of the bill. While the Legislature determined that there was \$23,000,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would adversely impact the fund's ability to carry out its intended purposes.

2. The \$4,000,000 revolving fund appropriation for fiscal year 2002-2003 from the Hawaii Capital Loan Revolving Fund for deposit to the general fund, designated in section 28 on page 20 of the bill. While the Legislature determined that there was \$4,000,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would adversely impact the fund's ability to carry out its intended purposes.

3. The \$33,000,000 special fund appropriation for fiscal year 2002-2003 from the Compliance Resolution Fund for deposit to the general fund, designated in section 39 on pages 23-24 of the bill. While the Legislature determined that there was \$33,000,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would adversely impact the fund's ability to carry out its intended purposes.

4. The \$4,000,000 in special fund appropriations consisting of a \$2,000,000 special fund appropriation effective on July 1, 2002, and a \$2,000,000 special fund appropriation effective on December 1, 2002, for fiscal year 2002-2003 from the Insurance Regulation Fund for deposit to the general fund, designated in section 40 on page 24 of the bill. While the Legislature determined that there was \$4,000,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would adversely impact the fund's ability to carry out its intended purposes.

5. The \$1,000,000 in special fund appropriation for fiscal year 2002-2003 from the Use of School Facilities for Recreational and Community Purposes Fund for deposit to the general fund, designated in section 41 on pages 24-25 of the bill. According to Conference Committee Report No. 160-02 on this bill, the Legislature intended to delete this appropriation. However, this appropriation was included when the bill was passed. I believe that the Legislature's intent regarding this appropriation should be carried out.

6. The \$9,150,000 special fund appropriation for fiscal year 2002-2003 from the Special Land and Development Fund for deposit to the general fund, designated in section 55 on page 29 of the bill. While the Legislature determined that there was \$9,150,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would adversely impact the fund's ability to carry out its intended purposes.

Section 16 of Article III of the State Constitution provides that, '[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same.' Because of the foregoing objections, I have taken the following actions pursuant to my line item veto authority:

1. Reduced the \$23,000,000 revolving fund appropriation out of the Dwelling Unit Revolving Fund for fiscal year 2002-2003 to be deposited into the general fund in section 25 (on page 19) and changed it to \$12,000,000.
2. Reduced the \$4,000,000 revolving fund appropriation out of the Hawaii Capital Loan Revolving Fund for fiscal year 2002-2003 to be deposited into the general fund in section 28 (on page 20) and changed it to \$2,000,000.
3. Reduced the \$33,000,000 special fund appropriation out of the Compliance Resolution Fund for fiscal year 2002-2003 to be deposited into the general fund in section 39 (on pages 23-24) and changed it to \$26,000,000.
4. Reduced the \$2,000,000 special fund appropriation out of the Insurance Regulation Fund for fiscal year 2002-2003 to be deposited into the general fund on July 1, 2002, in section 40 (on page 24) and changed it to \$0.
5. Reduced the \$1,000,000 special fund appropriation out of the Use of School Facilities for Recreational and Community Purposes Fund for fiscal year 2002-2003 to be deposited into the general fund in section 41 (on pages 24-25) and changed it to \$0.
6. Reduced the \$9,150,000 special fund appropriation out of the Special Land and Development Fund for fiscal year 2002-2003 to be deposited into the general fund in section 55 (on page 29) and changed it to \$7,150,000.

For the foregoing reasons, I am returning House Bill No. 2827 with the reductions in sections 25, 28, 39, 40, 41, and 55 set forth above totaling \$13,000,000 in revolving fund appropriations for fiscal year 2002-2003, and totaling \$12,000,000 in special fund appropriations for fiscal year 2002-2003.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

“ P R O C L A M A T I O N ”

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2827, entitled 'A Bill for an Act Relating to the State Finances,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, House Bill No. 2827 appropriates money for specific purposes and certain appropriation items in that bill are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this

proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2827 with my objections to certain appropriation items contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2843

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2843, entitled 'A Bill for an Act Relating to Elections.'

The purposes of this bill are to (1) require all special elections other than those held in conjunction with a primary or general election to be conducted by mail, with the provision that a voter will be allowed to vote in person at a special election polling place up to ten working days before the date of the special election; (2) mandate recounts for elections with small vote differences; (3) provide separate ballots for each party in the primary election; and (4) clarify the time of conviction for the disqualification of elected officials convicted of election frauds.

The mandated recounts for elections with small vote differences will result in problems when applied to primary elections, because the period of time between primary elections and general elections was not increased. The Office of Elections may have a very limited period of time to prepare the ballots for the general election. Moreover, our overseas citizens may not have a fair opportunity to vote by absentee ballot, in violation of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

A fair opportunity to vote by absentee ballot would be one in which election officials mail an absentee ballot to a voter on a date sufficiently in advance of election day to allow the voter to receive the ballot, cast his or her vote, and return the ballot to the election official by the close of the polls on election day. Currently, the Federal Voting Assistance Program recommends a minimum of forty-five days for the round trip. Forty-two states provide a minimum of forty-five days. In this State, there are approximately forty-five days between the primary election and the general election, depending on the election year. At a minimum, thirty-four days is provided for under the current law if a contest for cause is filed, because eleven days are allowed for such election contests (contests for cause must be filed within six days of the primary election and a decision rendered within five days of that by the Supreme Court). After the contest for cause is decided, the general election ballot will have to be prepared before absentee ballots can be mailed out, which means that the actual time remaining before the general election will be less than thirty-four days.

The mandatory recount provisions of this bill will shorten that period by as much as seven more days. If election results show the small differences set forth in this bill, the results must be recounted no later than seven days after the election. If a recount is made, the eleven-day contest filing and court decision period for that election will not begin until the recount is completed. When the federal government sued the State under UOCAVA in 1986, it was noted that a reasonable time for delivery by the United States Postal Service and the United States Department of State was ten to fourteen days, each way, and that the Military Postal Service Agency estimated thirty to thirty-five days for delivery and return of an absentee ballot. Consequently, the mandatory recount provisions, without the increase in time period between the special and general elections, may result in violations of UOCAVA.

For the foregoing reasons, I am returning House Bill No. 2843 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“ P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2843, entitled ‘A Bill for an Act Relating to Elections,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2843 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2843 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

**Gov. Msg. No. 379**, dated June 21, 2002, transmitting his statement of objections to Senate Bill Nos. 23, 251, 552, 706 (line item vetoes), 859, 997, 2043, 2093, 2498, 2500, 2568, 2772, 2867, 2900, 2985, 3018, 3048 and 3053 which he has returned to the Senate without his approval and which reads as follows:

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONSTO SENATE BILL NO. 23

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 23, entitled ‘A Bill for an Act Relating to Disaster Relief.’

The purpose of Senate Bill No. 23 is to authorize paid leave for state and county employees who are certified American Red Cross disaster volunteers to participate in disaster relief services for the American Red Cross, when a disaster is designated as level III or higher by American Red Cross regulations, officially declared by the President of the United States, or declared a state of emergency by the Governor.

This bill would add a new statute for paid leave in addition to current leave provisions in public employer collective bargaining agreements. However, Act 253, Session Laws of Hawaii 2000, enacted to reform the public employment laws, created ‘bright lines’ and deferred matters that are subject to negotiations at the bargaining table, such as leave issues involving reductions in vacation and sick leave, which were done for some of the bargaining units in the past year. Thus, issues involving leave for public employees may be better dealt with as subjects of collective bargaining negotiations rather than of legislation.

Furthermore, statutes such as sections 127-10 and 127-11 and chapter 128, Hawaii Revised Statutes, pertaining to disaster relief and civil defense emergencies, and administrative directives and emergency plans and policies already exist that would enable the Governor to allow state employees who have been designated as emergency workers to take such leaves. There does not appear to be any need to enact an unnecessary statute that is limited to the activities of only one of the non-governmental disaster relief organizations.

For the foregoing reasons, I am returning Senate Bill No. 23 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“ P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 23, entitled ‘A Bill for an Act Relating to Disaster Relief,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 23 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of

Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 23 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 251

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 251, entitled ‘A Bill for an Act Relating to Professional Counselors.’

The purpose of this bill is to establish a professional counselor licensing program within the Department of Commerce and Consumer Affairs (DCCA) by setting education, experience, and examination requirements for professional counselors. In particular, this bill requires a master’s or doctoral degree in counseling or a related field, and passage of an examination.

These dual requirements exceed the minimum qualifications set by federal law, as well as the minimum qualifications being established by the Department of Human Services (DHS) for positions in its Vocational and Rehabilitation Services for the Blind Division. In addition, the bill’s requirements exceed the qualifications of many DHS Vocational Rehabilitation Specialists and their supervisors. Because the bill does not exempt or grandfather current Vocational Rehabilitation Specialists, more than half of those specialists may have to be terminated from the DHS. This would adversely impact services to individuals with disabilities in need of rehabilitation to return to work.

The bill also establishes a professional counselors licensing program startup trust fund (‘Startup Fund’) into which contributions received by the State designated for the Startup Fund and all other gifts not otherwise conditioned shall be deposited. Such a Startup Fund is unique and unlike any of the funds for other regulated professions and vocations. Rather than having a general appropriation to aid DCCA in administering a regulatory program before that program is able to support itself through licensing fees, the Startup Fund uses private, non-appropriated funds such as contributions and gifts to the State to finance the professional counselor program. In addition to this unique feature, the Startup Fund precedes by two years the actual regulation of professional counselors and conditions the beginning of regulation on having at least \$43,000 in the Startup Fund by October 1, 2003.

Lastly, the establishment of a new professional counselor program will incur staff salary costs of approximately \$86,000 to \$129,000 annually to administer the program. The Legislative Auditor conducted three recent sunrise studies on the regulation of professional counselors (1988 and 1992), and

professional mental health counselors and professional rehabilitation counselors (1999), and concluded in all three studies that there is ‘very limited evidence of consumer harm,’ that these occupations ‘pose no significant harm to consumers,’ that regulation is not required for the profession, and that ‘regulation would benefit counselors more than consumers.’

For the foregoing reasons, I am returning Senate Bill No. 251 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 251, entitled ‘A Bill for an Act Relating to Professional Counselors,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 251 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 251 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 552

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 552, entitled ‘A Bill for an Act Making an Appropriation for a Korean War Museum.’

The purpose of this bill is to appropriate money for the construction of a Korean War Museum in Hawaii. This bill appropriates \$5,000 for fiscal year 2002-2003 with a condition that ‘funds shall be made available . . . only to the extent that

the federal government and other sources provide \$2 for every \$1 appropriated.'

It is my understanding that the actual cost to construct a national Korean War Museum in Hawaii is unknown at this time and neither funding nor a location for this museum has been secured. Furthermore, I have been informed that, depending on the amount of money raised, a monument rather than a museum might be constructed, but money appropriated for the construction of a museum cannot be used for the construction of a monument. Thus, there are too many uncertainties regarding this project at this time.

For the foregoing reasons, I am returning Senate Bill No. 552 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

“ P R O C L A M A T I O N ”

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 552, entitled 'A Bill for an Act Making an Appropriation for a Korean War Museum,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 552 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 552 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 706

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 706, entitled 'A Bill for an Act Relating to State Government.'

The purpose of this bill is to establish a three-year loss mitigation grant pilot program under the auspices of the Insurance Commissioner to provide grants to property owners for the installation of wind resistive devices. The bill appropriates \$2,000,000 in general funds and \$2,000,000 in special funds for fiscal year 2002-2003 to implement the loss mitigation grant program. Also, the bill provides that the interest income earned from the principal in the Hurricane Reserve Trust Fund (HRTF) is to be transferred to the general fund. The bill appropriates \$29,000,000 out of the HRTF for deposit to the general fund. In addition, the bill provides immunity to the State, the Hawaii Hurricane Relief Fund (HHRF), the Insurance Commissioner, or their agents or employees, for actions relating to the loss mitigation grant program or the transfer of moneys to or from the HRTF.

By way of a brief background, the HHRF was created in 1993 to insure against hurricane losses in Hawaii in the aftermath of the devastation caused by Hurricane Iniki and the worldwide insurance crisis. Without hurricane coverage, the orderly growth and development of the State would have been severely impeded. Presently, the homeowners insurance market has stabilized with several insurers offering hurricane coverage again. In light of this, the HHRF stopped writing new policies, stopped renewing existing policies, and as of December 1, 2001, stopped providing any hurricane insurance coverage.

The loss mitigation grant program proposed by the bill will provide grants to property owners that will reimburse fifty percent of the costs incurred for the installation of wind resistive devices, up to \$2,100 per dwelling. To fund the loss mitigation grant program, the Legislature appropriated \$2,000,000 in general funds for fiscal year 2002-2003 for deposit into the Loss Mitigation Grant Fund. The Legislature then appropriated out of the Loss Mitigation Grant Fund \$2,000,000 for fiscal year 2002-2003 to implement the loss mitigation grant program.

For the first year of the loss mitigation grant program, grants may only be made to former policyholders of the HHRF. I believe that if grants were to be awarded, all property owners should be eligible, because there does not appear to be a logical reason to limit the grants to former HHRF policyholders. The HHRF policyholders have already benefited from paying their HHRF premiums, because they received the coverage they paid for. In addition, premiums are not the only source of revenue for the HHRF. The HHRF also received moneys from the special mortgage recording fee and from assessments on property and casualty insurers.

Furthermore, this bill is objectionable due to the relatively small number of property owners that would be served by the loss mitigation grant program. From the \$2,000,000 appropriation out of the Loss Mitigation Grant Fund for fiscal year 2002-2003 for the loss mitigation grant program, the Insurance Commissioner must pay for the administrative costs of the program, as well as the grants for the program. Even if I were to assume that no administrative costs would be deducted from the \$2,000,000 appropriation, based on the maximum grant of \$2,100 per property owner, only 952 grants could be made in the first year.

For the reasons set forth above, while the bill as a whole has merit, I object to the following appropriations:

1. The \$2,000,000 general fund appropriation for fiscal year 2002-2003 for deposit into the Loss Mitigation Grant Fund, designated in section 6, on page 11 of the bill. I believe that grants from the Loss Mitigation Grant Fund should not be limited to former policyholders of the HHRF and benefit only a

small number of property owners. Consequently, I believe that it is not necessary for the general fund to provide funding to the Loss Mitigation Grant Fund to implement the loss mitigation grant program.

2. The \$2,000,000 special fund appropriation for fiscal year 2002-2003 out of the Loss Mitigation Grant Fund to implement the loss mitigation grant program, designated in section 6, page 12 of the bill. I believe that grants from the Loss Mitigation Grant Fund should not be limited to former policyholders of the HHRF and benefit only a small number of property owners.

Section 16 of Article III of the State Constitution provides that, '[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same.' Because of the foregoing objections, I have taken the following actions pursuant to my line item veto authority:

1. Striking out by drawing a line through the \$2,000,000 general fund appropriation for fiscal year 2002-2003 to be deposited into the Loss Mitigation Grant Fund in section 6 (on page 11) and changing it to \$0.

2. Striking out by drawing a line through the \$2,000,000 special fund appropriation out of the Loss Mitigation Grant Fund for fiscal year 2002-2003 to implement the loss mitigation grant program in section 6 (on page 12) and changing it to \$0.

For the foregoing reasons, I am returning Senate Bill No. 706 with the appropriations in section 6 stricken as set forth above totaling \$2,000,000 in general fund appropriations for fiscal year 2002-2003 and totaling \$2,000,000 in special fund appropriations for fiscal year 2002-2003.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 706, entitled 'A Bill for an Act Relating to State Government,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, Senate Bill No. 706 appropriates money for specific purposes and certain appropriation items in that bill are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 706 with my

objections to certain appropriation items contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 859

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 859, entitled 'A Bill for an Act Relating to Parole.'

The purpose of the bill is to establish an earned-time program for eligible inmates that will allow them to reduce their minimum terms of imprisonment set by the Hawaii Paroling Authority by up to twenty-five percent. However, the bill is unnecessary because the Hawaii Paroling Authority already has the authority to reduce minimum terms of imprisonment for inmates who have demonstrated progress in rehabilitation.

Furthermore, under this bill, eligible inmates will have a liberty interest in earned-time credits protected by the Due Process Clause of the United States Constitution and considerable litigation over each inmate's minimum term of imprisonment is foreseeable. Nevertheless, this bill does not appropriate any money to handle this additional litigation burden or the considerable logistical and financial problems in setting up and implementing the earned-time credit program. Finally, this bill does not provide any consideration for the person's criminal history, the crime committed, or the impact on the victim and the victim's family.

For the foregoing reasons, I am returning Senate Bill No. 859 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 859, entitled 'A Bill for an Act Relating to Parole,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 859 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 859 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 997

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 997, entitled 'A Bill for an Act Relating to Criminal Offenses.'

The purpose of this bill is to direct the Judicial Council of Hawaii to convene a task force to engage in a comprehensive review of criminal charging procedures for the purpose of recommending to the Legislature, before the regular session of 2003, any necessary amendments to existing procedures. In addition, this bill directs the task force to review differing charging procedures throughout the nation, applicable state statutes and rules from jurisdictions other than Hawaii, cost factors involved with various charging procedures used in other jurisdictions, evaluations of statutes and charging procedures and the anticipated impact of enacting similar laws in Hawaii, and other relevant issues as deemed appropriate for discussion by the task force.

It is my understanding that the Judicial Council is willing to appoint a task force to conduct the review, but it does not have any professional staff to perform the necessary legal research for the task force. In order to perform the comprehensive review that will be mandated by this bill, the task force would need to hire at least one temporary legal researcher and would need about \$60,000. However, this bill does not include any appropriation of funds to hire a legal researcher.

For the foregoing reason, I am returning Senate Bill No. 997 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to

give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 997, entitled 'A Bill for an Act Relating to Criminal Offenses,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 997 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 997 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2043

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2043, entitled 'A Bill for an Act Relating to Adoption.'

The purpose of this bill is to establish a temporary advisory task force, to be convened by Volunteer Legal Services Hawaii, to study the legal ramifications of integrating the Hawaiian cultural practice of *hanai* into the statutes and propose legislation for consideration during the regular session of 2004.

This bill is unnecessary. Volunteer Legal Services Hawaii is a registered tradename of a Hawaii nonprofit corporation and is not a government agency. The legislative committee reports indicate that the nonprofit corporation is willing to convene the task force without public funding. This bill does not provide any money. The objective of this bill could have been achieved through a resolution requesting that the nonprofit corporation convene the advisory task force.

For the foregoing reasons, I am returning Senate Bill No. 2043 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"



“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2043, entitled ‘A Bill for an Act Relating to Adoption,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2043 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2043 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2093

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2093, entitled ‘A Bill for an Act Relating to Health Insurance.’

The purpose of this bill is to add new provisions to the insurance chapters in the Hawaii Revised Statutes to provide immunity from civil liability for a person reporting health insurance fraud, except where that person has acted with malice or committed perjury. This bill will add the immunity provision to article 10A (accident and sickness insurance contracts) of chapter 431 (Insurance Code), chapter 432 (mutual benefit societies), and chapter 432D (health maintenance organizations).

Although this bill provides immunity for persons reporting fraud to the Insurance Commissioner, it does not provide the means for the Insurance Commissioner to investigate or prosecute fraud relating to health insurance. The authority for the Insurance Division’s fraud investigations unit is found in section 431:10C-307.8, which is in the motor vehicle insurance laws, article 10C of chapter 431 of the Hawaii Revised Statutes. Article 10C (motor vehicle insurance) of chapter 431 does not apply to mutual benefit societies under chapter 432 or to health maintenance organizations under chapter 432D.

Furthermore, the bill is flawed because it does not provide immunity to persons who report the fraud to the affected health plan. This bill only authorizes immunity to persons providing information to the Insurance Commissioner, the National Association of Insurance Commissioners, any federal, state, or county law enforcement or regulatory agency, or ‘another insurer.’ Because most reports of fraud are given to the affected health plan, not ‘another insurer,’ the bill greatly reduces the practical benefits of the immunity.

For the foregoing reasons, I am returning Senate Bill No. 2093 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2093, entitled ‘A Bill for an Act Relating to Health Insurance,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2093 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2093 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2498

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2498, entitled ‘A Bill for an Act Relating to Social Work.’

The purpose of this bill is to repeal the January 1, 2003, sunset date of Act 229, Session Laws of Hawaii 2001, which allows social workers to perform clinical diagnosis or psychotherapy.

House Bill No. 2056, also entitled 'A Bill for an Act Relating to Social Work' and also passed by the Legislature, contains in section 17 an identical provision to repeal the sunset date. Because I intend to approve House Bill No. 2056, which will accomplish the purpose of this bill, there is no need to also approve this bill.

For the foregoing reasons, I am returning Senate Bill No. 2498 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2498, entitled 'A Bill for an Act Relating to Social Work,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2498 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2498 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2500

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2500, entitled 'A Bill for an Act Relating to Human Services.'

The purpose of Senate Bill No. 2500 is to require the Department of Human Services (DHS) to contract for legal services to maximize collections from the federal Medicare program for recipients who are dually eligible for Medicare and Medicaid. The bill requires a contingency fee arrangement under which the contractor would receive one-third of the Medicare funds recovered and requires the DHS to make available to the contractor all information to identify adequately claims for dually eligible Medicare and Medicaid recipients.

Because this bill specifies that the contractor must receive one-third of the Medicare funds recovered, the potential savings to the State is very limited. The bill gives DHS no flexibility in negotiating the cost of the contractor's services. Costs of the Medicaid program are split between the federal government (56.34 percent) and the State (43.66 percent). At any time after Medicaid pays for services, if the State recovers costs from the fully federal-funded Medicare program or any other source of funding, the State must reimburse to the federal Medicaid agency 56.34 percent of any such recovery. If 33.33 percent of the federal funds recovered from Medicare is paid to the legal services contractor, a total of 89.67 percent of the recovery will be paid to the federal Medicaid agency and the contractor. The remaining part of only 10.33 percent of the recovery would be the State's part of the recovered funds, which must also cover the administrative costs of providing information to the legal services contractor.

Moreover, DHS is currently negotiating a contract to identify and maximize recoveries from Medicare and all other liable third parties. Accordingly, the bill is also unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 2500 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2500, entitled 'A Bill for an Act Relating to Human Services,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2500 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2500 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2568

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2568, entitled ‘A Bill for an Act Relating to Language Access for Persons with Limited English Proficiency.’

The purpose of Senate Bill No. 2568 is to create the Hawaii Commission on Language Access within the Department of the Attorney General for administrative purposes. The Commission is to develop a statewide plan to enhance access to services for persons with limited English proficiency, submit its recommendations to the Legislature by December 1, 2003, and dissolve upon adjournment sine die of the 2004 regular session. The Commission is to consist of thirteen members appointed by the Governor. Although Commission members are to serve without compensation, they are to be reimbursed for expenses, including travel expenses, necessary to perform their duties.

In its original form, this bill included an appropriation for fiscal year 2002-2003 for the Department of the Attorney General to fund part-time administrator and support staff positions and necessary expenses of Commission members.

The conference committee deleted the appropriation from the bill. As a result, this bill will require the Department of the Attorney General to divert staff to administer and support the Commission and to reimburse Commission members for expenses necessary to perform their duties without any additional funding. In short, this bill would divert existing resources of the Department of the Attorney General from other essential tasks.

For the foregoing reasons, I am returning Senate Bill No. 2568 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2568, entitled ‘A Bill for an Act Relating to Language Access for Persons with Limited English

Proficiency,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2568 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2568 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 20th  
 day of June, 2002.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“EXECUTIVE CHAMBERS  
 HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2772

Honorable Members  
 Twenty-First Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2772, entitled ‘A Bill for an Act Relating to Tattoo Artists.’

The purpose of this bill is to amend section 321-377, Hawaii Revised Statutes, which currently authorizes the Director of Health to suspend or revoke tattoo artists’ licenses for certain listed reasons, to give the Director of Health the additional authority to deny renewals of tattoo artists’ licenses for the same reasons.

House Bill No. 2514, entitled ‘A Bill for an Act Relating to Tattoo Artists,’ was also passed during the regular session of 2002. Because House Bill No. 2514 amended the same statute to accomplish the same purpose and I approved House Bill No. 2514 as Act 34 of the Session Laws of Hawaii 2002, there is no need to also approve Senate Bill No. 2772.

For the foregoing reason, I am returning Senate Bill No. 2772 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2772, entitled 'A Bill for an Act Relating to Tattoo Artists,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2772 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2772 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
2867

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2867, entitled 'A Bill for an Act Relating to Medicaid.'

The purpose of Senate Bill No. 2867 is to prohibit the Department of Human Services (DHS) from submitting proposed amendments to the State Plan for Medical Assistance Programs (State Plan) to eliminate or diminish the DRI McGraw-Hill inflation component and return on equity program until the Legislature approves and fully funds a mandatory program to replace these factors.

The Med-QUEST Division of DHS administers the State's medical assistance program under Medicaid. Hawaii's State Plan contains a formula for payments to hospitals and long-term care facilities, which includes an inflationary factor known as the DRI McGraw-Hill inflation factor and a return on equity adjustment factor. These factors annually increase reimbursements to acute and long-term care facilities, but other Medicaid providers have not received increased reimbursement rates for many years because of a lack of state funds. The Med-QUEST Division has the flexibility to allocate its resources to address Medicaid shortfalls and ensure compliance with federal and state requirements, subject to approval by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services. Accordingly, in an effort to reduce spending and control costs for nursing homes and hospitals, the Med-QUEST Division is in the process of amending the Hawaii Administrative Rules and the State Plan to reduced the amount of the automatic DRI McGraw-Hill inflation factor by fifty percent and to eliminate the return on equity adjustment.

In anticipation of these changes, the fiscal year 2002-2003 budget for the State's Medicaid fee for service program (which covers low-income individuals who are age 65, blind, or disabled) has already been reduced by \$2.6 million. This bill will prohibit DHS from submitting its planned amendments to the Centers for Medicare and Medicaid Services to reduce the DRI McGraw-Hill inflation component and eliminate the return on equity adjustment. However, this bill does not include appropriations to restore the reductions to the budget or to fund a mandatory program that brings reimbursements to providers closer to the actual cost of care. Therefore, if this bill became law, DHS would suffer a \$2.6 million shortfall in fiscal year 2002-2003.

For the foregoing reasons, I am returning Senate Bill No. 2867 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2867, entitled 'A Bill for an Act Relating to Medicaid,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2867 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2867 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
2900

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2900, entitled 'A Bill for an Act

Making an Appropriation for the Emergency Environmental Workforce.'

The purpose of Senate Bill No. 2900 is to appropriate \$500,000 to continue the efforts of the emergency environmental workforce to improve the State's economy by employing citizens to protect the environment.

Act 4 of the Third Special Session Laws of Hawaii 2001 appropriated \$1,500,000 to establish an emergency environmental workforce to provide short-term employment for persons who lost their jobs as a result of the downturn in the State's economy following the tragic events of September 11, 2001. Although it appears that positive work was done under the initial funding for the program, the program was meant to be short-term in nature.

With the passage of time there is a reduced connection between the September 11, 2001, terrorist attacks and the unemployment rate. In fact, recent data show that the unemployment rate was lower in April 2002 than in the months immediately following September 11, 2001. Because the amount appropriated under this bill would enable the program to employ very few persons for a limited period of time, it does not appear that continuation of the program will make a significant impact with respect to unemployment, the State's economy, or the environment.

For the foregoing reasons, I am returning Senate Bill No. 2900 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**P R O C L A M A T I O N**

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2900, entitled 'A Bill for an Act Making an Appropriation for the Emergency Environmental Workforce,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2900 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2900 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2985

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2985, entitled 'A Bill for an Act Relating to Qualified Improvement Tax Credit.'

The purpose of Senate Bill No. 2985 is to provide a tax credit for the cost of capital improvements made to a 'federally qualified health center,' which is defined to mean 'an entity that has entered into an agreement with the centers for Medicare and Medicaid Services . . . to meet Medicare program requirements . . . and is receiving a grant under section 330 of the Public Health Service Act or is receiving funding from the recipient of a grant' under that federal act. This tax credit applies to 'qualified improvement costs,' which are defined to include 'capitalized interest expense,' incurred for taxable years beginning after December 31, 2001, and before January 1, 2011. The 'qualified improvement costs' are defined to also include purchases of 'qualified equipment,' which are defined to include 'any device, instrument, appliance, system, or apparatus that is intended for use in . . . medical record-keeping.' If the federal qualified health center is a tax-exempt entity that has no income tax liability, the tax credit shall be 'refundable' to the health center.

This bill would apply to only nine federally qualified health centers in Hawaii. Because these health centers are nonprofit organizations, the 'refundable' tax credit payable under this bill to health centers that are nonprofit organizations appear to be in nature of grants or subsidies for these nine health centers. Section 4 of Article VII of the State Constitution states, '[n]o grant of public money or property shall be made except pursuant to standards provided by law.' General standards have been provided by law in chapter 42F, Hawaii Revised Statutes. To ensure compliance with the constitutional provision, the health centers should apply to the Legislature for grants or subsidies in accordance with chapter 42F.

This bill provides definitions that are too broad. For example, other income tax credits are generally limited to hard construction costs and do not include the costs of financing the construction. However, the definition of 'qualified improvement costs' in this bill includes 'capitalized interest expense for plans, design, construction, or equipment.' Furthermore, the definition of 'qualified equipment' includes any system for medical record-keeping. If this bill were to become law, other taxpayers in the health industry will be encouraged to seek the same credit, because all other taxpayers in the health industry will be or have been incurring the cost of purchasing medical record-keeping systems. If a federally qualified health center does have unrelated business taxable income, a refundable four percent capital good excise tax credit is available under existing statutes.

For the foregoing reasons, I am returning Senate Bill No. 2985 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii”

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2985, entitled ‘A Bill for an Act Relating to Qualified Improvement Tax Credit,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2985 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2985 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
3018

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3018, entitled ‘A Bill for an Act Relating to Education.’

The purpose of this bill is to establish a joint Senate-House educational governance task force to investigate and recommend changes that will make public education more community centered. This bill is not necessary to accomplish the objectives sought in the bill.

It is not necessary to have the task force established by statute for the purpose of recommending changes for educational reform. The chairs of the Senate and House education committees have informed me that they will meet and develop proposals for reform and will include participation by most parties identified in the bill.

For the foregoing reasons, I am returning Senate Bill No. 3018 without my approval.

Respectfully,

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3018, entitled ‘A Bill for an Act Relating to Education,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3018 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3018 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
3048

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3048, entitled ‘A Bill for an Act Relating to Bonds.’

The purpose of this bill is to authorize the Department of Transportation to issue \$25,000,000 in special facility revenue bonds to finance the construction of a visitor attraction on Ford Island to tell the Navy-Marine Corps story in World War II. In addition, this bill appropriates the expenditure of the special facility revenue bond proceeds.

Section 2 of this bill refers to section 266-55, Hawaii Revised Statutes, which provides for harbors special facility revenue bonds. ‘Special facility’ is defined by section 266-51, Hawaii Revised Statutes, to mean ‘buildings, structures, or facilities on land owned by the State for maritime and marine operations.’ Consequently, the harbors special facility revenue bonds should only be issued to finance facilities on land owned by the State for maritime and marine operations.

Ford Island is the site for the visitor attraction proposed by this bill. The Federal Government, and not the State, owns Ford Island. Furthermore, I believe that a visitor attraction does not fall within the commonly understood meaning or maritime and marine operations.

For the foregoing reasons, I am returning Senate Bill No. 3048 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3048, entitled 'A Bill for an Act Relating to Bonds,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3048 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3048 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 20, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3053

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3053, entitled 'A Bill for an Act Relating to Public Health Nursing.'

The purpose of this bill is to statutorily establish the public health nursing program within the Department of Health and to define the program's roles and functions in the delivery of direct clinical services to the public.

This bill is unnecessary. The public health nursing program already exists and performs the activities described in the bill. Furthermore, defining the public health nursing program's roles and functions by statute may restrict the program's ability to be flexible in adapting its operations to accommodate future needs.

For the foregoing reasons, I am returning Senate Bill No. 3053 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3053, entitled 'A Bill for an Act Relating to Public Health Nursing,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3053 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3053 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**Gov. Msg. No. 380**, dated June 24, 2002, transmitting his statement of objections to Senate Bill Nos. 233, 720, 2306, 2383, 2431, 2816, 2907 and 3047 (line item veto) which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 233

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 233, entitled 'A Bill for an Act Relating to Chiropractic.'

The purpose of this bill is to limit reimbursement for workers' compensation chiropractic treatment, to expand the general scope of chiropractic practice, and to clarify what constitutes the practice of chiropractic, as well as the violations and the penalties. Senate Bill No. 233 redefines the scope of chiropractic practice to include 'the science of palpating and adjusting the articulations *and adjacent tissues*' to all parts of the human body connected to the spinal cord including the *abdomen*.

This new definition, without further clarification, may lead patients to conclude that chiropractors are able to diagnose and treat almost *all* parts of the human body *without restrictions*. This authorization would be contrary to the standards of chiropractors' training and education and may jeopardize or endanger patients' health.

The expansion of the scope of chiropractic practice also may lead to increases in medical malpractice liability insurance costs, medical costs, health insurance costs, and personal and commercial automobile insurance costs. Before the scope of chiropractic practice is broadened, a detailed economic analysis should be done to determine the bill's potential cost impacts.

This bill also limits chiropractic reimbursement for treatment in workers' compensation matters. There does not appear to be any articulated rationale for the discriminatory reimbursement treatment of workers' compensation insurance versus other types of insurance. Any future efforts to extend workers' compensation reimbursements in relation to the expanded scope of chiropractic practice in section 2 of the bill would result in an increase in workers' compensation insurance and would eliminate the advances made by the Legislature in the past few years in controlling workers' compensation insurance costs.

For the foregoing reasons, I am returning Senate Bill No. 233 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 233, entitled 'A Bill for an Act Relating to Chiropractic,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 233 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 233 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 24th day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 720

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 720, entitled 'A Bill for an Act Relating to Prohibition of Discrimination by Public Entities Towards Individuals with Disabilities.'

The purpose of this bill is to expand the prohibition against discrimination by the State against a person with disabilities and extend the prohibition to county governments. Senate Bill No. 720, however, does not strike the necessary balance between the rights of the disabled and the liability of the State and counties. This bill is not necessary because individuals with disabilities have protections under the federal Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, and existing state law. Furthermore, the bill exposes the State and counties to more lawsuits while weakening their ability to defend because they could be found in violation even if they have other legitimate, non-discriminatory reasons for denying or excluding a disabled person from receiving a benefit, service, program, or activity; the State and counties may face exposure under this bill even if they comply with federal disability laws like the ADA and section 504; and because the bill does not use the same language as the ADA or section 504, the State and counties do not have the benefit of relying on court interpretations of those laws and disagreements over the meaning and scope of this bill may increase litigation.

For the foregoing reasons, I am returning Senate Bill No. 720 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 720, entitled 'A Bill for an Act Relating to Prohibition of Discrimination by Public Entities Towards Individuals with Disabilities,' passed by the Legislature, was presented to the Governor within the aforementioned period; and



WHEREAS, Senate Bill No. 720 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 720 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
2306

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2306, entitled ‘A Bill for an Act Relating to Transportation.’

The purposes of this bill are to provide rent relief to state airport concessionaires and authorize the State to assess passenger facility charges.

**HISTORY.** In response to the severe financial losses suffered by airport concessionaires as a result of the decline in air travel caused by the September 11, 2001, terrorist attacks, I called the State Legislature into special session to provide emergency relief. The Legislature responded by passing emergency legislation that I signed into law. This emergency legislation, which expired on April 30, 2002, provided \$26.5 million in rent relief to the airport concessionaires.

At the 2002 regular legislative session, lobbyists for the airport concessionaires lobbied the Legislature for more emergency rent relief. The State Administration, through its Department of Transportation, proposed extending the emergency legislation, which expired on April 30, 2002, for another six months. The proposal was rejected by the airport concessionaires, who instead proposed legislation that would give them permanent relief. In spite of warnings by the State that the proposed legislation was unacceptable because it would put the State at a severe disadvantage, the Legislature approved Senate Bill No. 2306 – the bill favored by the airport concessionaires.

**OBJECTIONS.** This bill is objectionable because it mandates the State to take actions designed to virtually guarantee that airport concessions stay in business at the expense of the public. In other words, the State is being required to create a new favored business class by guaranteeing that they do not fail.

The bill mandates the State to provide rent relief to the airport concessionaires, while taking away the State’s discretion

to determine if such rent relief is appropriate and on what terms. It makes rent relief a virtual entitlement to the concessionaires, whether or not that relief would jeopardize the financial integrity of the State’s airport system and it does not fully address concerns raised by the Federal Aviation Administration.

As the property owner or lessor, in cases in which the lessee seeks to renegotiate the terms of a contract obtained by competitive bid, the State should have the discretion to determine if relief requested is warranted and at what level. These rights are basic to the renegotiation of any contract. Senate Bill No. 2306 denies the State these rights.

If the State does not have the discretion to determine the appropriateness of rent relief, it would be virtually impossible for the State to guarantee the financial integrity of the Airport Revenue Fund, to avoid possible sanctions by the Federal Aviation Administration, and to maintain its agreements with bond holders.

Although the bill requires that actions taken must not jeopardize the State’s ability to receive federal aid or comply with obligations owned to bondholders, there are no express limits on the amount or duration of relief, which means the State could be forced to drain its airport fund to ensure that airport concessions stay in business.

Moreover, if the State cannot grant rent relief without threatening the financial integrity of the Airport Fund and the State’s Airports System, the airport concessionaires can then demand that the State terminate their contracts without forfeiture of their performance bonds and that they be allowed to bid if a new contract is again put out to bid. Although the State can replace an airport concessionaire that demanded its contract be terminated, the State can do so only if it finds a new concessionaire that is willing to pay at least ten percent more in rent – otherwise the contract must be rebid.

It should be noted that three of the eighteen airport concessionaires affected have leases that can be terminated without penalty and with only 30 days’ notice to the State. The other concessionaires are all multi-national enterprises with overall annual sales in the range of tens or hundreds of millions of dollars. These concessionaires have already benefited from the \$26.5 million in rent relief granted by the State and have the ability to withstand the post September 11, 2001, downturn in our economy far better than the thousands of other Hawaii businesses, big and small, which have not had any rent relief.

It is difficult to understand how a bill that puts the State at such a great disadvantage could be justified.

Legislators who object to my veto of this bill should ask themselves whether they would subject their private employers, their own businesses, or any other private entity to which they have some relationship to the same terms and conditions that this bill imposes on the State of Hawaii. I can think of no conditions under which they would.

For the foregoing reasons, I am returning Senate Bill No. 2306 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2306, entitled 'A Bill for an Act Relating to Transportation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2306 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2306 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
2383

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2383, entitled 'A Bill for an Act Relating to Taxation to Stimulate the Economy.'

The purpose of this bill is to promote Hawaii's tourism and construction industries by establishing a non-refundable, carry-forward net income tax credit of 4 percent for commercial construction, and expanding the hotel construction tax credit to include related commercial and recreational facilities, infrastructure, and offsite improvements.

OBJECTIONS. Senate Bill No. 2383 is flawed because it defines a 'qualified project' eligible for the four percent commercial construction credit too broadly, allowing virtually any nonresidential construction project to qualify. The bill is not targeted to assist any particular industry or to create new ones. Thus it establishes credits with no real strategic purpose for improving or diversifying the State's economy.

Senate Bill No. 2383 also allows other indirect construction costs to qualify, such as infrastructure, amenities, telecommunications, and information technology costs. These are not costs that are traditionally eligible under other construction tax credit provisions. Moreover, it is very difficult to calculate the additional tax revenue loss.

When tax credits are given to stimulate the economy, other taxpayers may end up carrying a larger tax burden because of the loss in revenues. Thus, a fiscally responsible government will use the tax credits as incentives to attract new investment, to create new industries, diversify and grow the economy. When properly employed, tax credits, waivers, or incentives may even help generate more revenue than they cost in the long run. I do not believe that Senate Bill No. 2383 accomplishes these goals.

This bill is estimated to cost the State more than \$100 million over four years, based on an annual commercial construction base average of \$753.8 million over the past five years. But State estimates show that commercial construction would have to increase by more than 52 percent in order for the State to 'break even' on the cost of this tax credit.

In this regard, it makes little sense for the State to give such generous tax credits to boost private construction. First, construction is one of the few sectors of Hawaii's economy that successfully withstood the post September 11, 2001, downturn and is still strong. Second, interest rates are at an all time low—a strong incentive for investors to incur debt to build their projects.

Moreover, proponents of this bill overlook the fact that five years ago, the State enacted a \$2 billion tax cut over six years, one of the biggest tax cuts in the nation at the time. Also overlooked is the fact that tax incentive measures such as Act 221, the current hotel renovation and construction tax credits, were all enacted only a few years ago. Last year, I approved the homebuyer's tax credit, which provides Hawaii's homeowners with a maximum tax credit of \$10,000 for the purchase of each new home or renovation of an existing home.

Additionally, Hawaii's construction industry has received other tax breaks, including a subcontractor deduction to eliminate pyramiding and exemptions from the general excise tax on low-income housing projects, scientific contracts, scientific contracts, exported services, contracting, and construction within an enterprise zone for qualified businesses.

Cumulatively, these tax credits and cuts have helped Hawaii's economy withstand the post September 11 downturn better than most expected. This is reflected in part by the fact Hawaii's unemployment rate is 4.4 percent—significantly lower than the national average of 6 percent.

At the same time, however, this multitude of tax cuts, waivers, and tax credits have reduced state tax revenues, causing the severe reduction in state services and budget cuts now reflected in the supplemental appropriations bill, House Bill No. 1800 (the state budget bill).

Many of the projects cited as benefiting from this bill are projects that were already being developed before this tax credit was proposed. It makes little sense to now provide a tax credit for projects that would have been built anyway.

The bill contains more problems in that it contains ambiguities that potentially invite abuse and make it bad tax policy. The qualified project tax credit is available to 'each taxpayer' subject to the state income tax. A 'taxpayer' may be the 'owner, developer, lessee, or permittee of real property relating to the qualified project.' Conceivably, more than one taxpayer could claim this tax credit at the same time. A taxpayer also could potentially 'double dip' by claiming another tax credit, in addition to the qualified project tax credit, for the same project. For example, if a company builds a manufacturing center here and installs \$25 million in new manufacturing equipment, it could qualify for both the 4 percent

qualified project tax credit and the 4 percent capital goods excise tax credit – an aggregate of 8 percent in credits.

Finally, the bill contains a provision that expands the hotel tax credit to include any expenses incurred by a hotel for renovation or construction, even those that are only tangentially related to hotel operations including non-hotel projects. For example, the construction or renovation of a convenience store at a hotel might qualify for the hotel tax credit. This is another overly broad definition that will lead to ambiguity and more potential revenue loss through abuse.

Senate Bill No. 2383 is just one of several tax credit bills passed by the 2002 Legislature with no coherent strategy or plan. Moreover, our analysis is that this poorly thought-out bill will cost the State much more revenue than it will generate.

As expressed by the chairperson of the House Committee On Economic Development, the purpose of the multitude of tax credit bills approved by the 2002 State Legislature is to 'spur development and investment in a manner that won't use State funds.' On this score, I believe Senate Bill No. 2383 fails.

For the foregoing reasons, I am returning Senate Bill No. 2383 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“ P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2383, entitled 'A Bill for an Act Relating to Taxation to Stimulate the Economy,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2383 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2383 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

“EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2431

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2431, entitled 'A Bill for an Act Relating to Campaign Spending.'

The original purpose of this bill was to reform Hawaii's Campaign Spending Law by regulating political contributions by corporations and certain other types of organizations in the same manner as federal law, i.e., to prohibit contributions and expenditures directly by those entities. Instead, such organizations would be allowed to establish a 'separate segregated fund' or 'SSF,' funded by voluntary contributions from certain classes of employees and executives, which could then make contributions.

Senate Bill No. 2431 has some good features; however, it has a major flaw that I find unacceptable. Unlike the federal campaign spending law, which regulates campaign contributions to both the Executive (President and Vice President of the United States) and the Legislative (Congress) branches of the federal government, Senate Bill No. 2431 exempts the Hawaii State Legislature from being covered.

To approve this bill would be to give the public the impression that meaningful campaign spending reform has occurred. It has not.

The State Campaign Spending Commission provided the initial language for the bill, which essentially mirrored federal law covering both branches of the federal government. The Hawaii State Legislature, however, amended the bill to exempt itself.

The Commission has urged me to approve the bill, arguing that it is a good first step and that it will try to convince the State Legislature to amend the law to include itself in the next legislative session.

With all due respect to the Commission for its hard work, I believe that if I approve the bill and sign it into law, there will be little motivation for the Legislature to amend the new law to include itself in the next session.

According to a June 5, 2002, memorandum I received from Robert Y. Watada, Executive Director of the Campaign Spending Commission, the 'Senate Committee balked at (a) . . . blanket prohibition because they felt that they would not be able to receive contributions from state or county contractors, even though they were not party to the contracts.'

The Senate committee inserted language to narrow the prohibition of contributions to certain offices, an action that the Commission deemed to be discriminatory and possibly unconstitutional. The Commission then suggested the current language, which establishes the condition that 'a contribution to the giver of public funds is barred.' In other words, a business that contributes to a candidate running for office in the Executive Branch is prohibited, for a two-year period from the date of the contribution, from receiving a state or city contract.

This language, which the Commission believes meets Constitutional muster, is an example of the contortions the Commission had to undertake because the Senate demanded that the Legislature be exempted.

The federal campaign spending law covers both the Executive and Legislative branches of government because the conditions that give rise to influence buying through campaign contributions can potentially affect every elected office in the federal government.

Unlike the members of the United States Congress who are not permitted to hold other jobs, Hawaii's State Legislature is a part-time body that allows legislators to hold other employment, run their own businesses, and sit as directors on the boards of private corporations and other businesses. Consequently, Hawaii State Legislators, like state legislators in most states, have a greater potential for acting on legislation that may have significant financial implications for their employers, their own businesses, or the corporations or businesses on which they hold directorships.

Committee chairpersons, in particular, wield great power on the passage or non-passage of legislation desired by special interests. A brief review of some of the legislation I have vetoed illustrates this point.

Senate Bill No. 2306, for example, is worth tens of millions of dollars in rental relief to airport concessionaires. Senate Bill No. 2907 may be worth as much as \$75 million in tax credits to landowners and developers of the Ko Olina Resort project. Senate Bill No. 2723, which I vetoed at the urging of the mayors of Maui and Hawaii counties, would generate additional business for companies in the food recycling business at the counties' expense. Every legislative session, special interest groups urge legislators to support bills that will generate financial benefits for them, sometimes at the expense of other special interest groups.

The point of these examples is not that they are illegal or unworthy – after all, it is the right of every citizen, business, labor union, or special interest groups to lobby their elected officials – rather it is to illustrate that the work of the Legislature often gives rise to the very same kind of conflict-of-interest problems Senate Bill No. 2431 purports to address in the Executive Branch.

This is why the federal law applies the same restrictions on campaign contributions to both the Executive and Legislative branches of government. I do not see any reason why Senate Bill No. 2431 should treat the State Executive and Legislative branches differently. To approve this bill would be a disservice to the public.

For the foregoing reasons, I am returning Senate Bill No. 2431 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2431, entitled 'A Bill for an Act Relating to Campaign Spending,' passed by the Legislature,

was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2431 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2431 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

“EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2816

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2816, entitled 'A Bill for an Act Relating to Student Loans for Teachers.'

The purpose of this bill is to establish the Hawaii Educator Incentive Program to increase the number of qualified teachers in Hawaii public schools. This bill establishes a special fund to provide for tuition and textbook cost reimbursement to persons who complete a state-approved teacher education program in Hawaii and is employed as a teacher in a hard-to-fill position in the Hawaii public school system for a minimum of six consecutive years.

Section 14 of Article III of the State Constitution provides that '[e]ach law shall embrace but one subject, which shall be expressed in its title.' The title of the bill states the subject to be 'student loans for teachers.' The bill, however, does not provide for student loans for teachers, but instead provides for the reimbursement of educational expenses to employed teachers. The reimbursement is available regardless of whether the expenses were paid through a student loan. Although the purpose of this bill has merit, the bill is constitutionally defective, because it does not comply with the requirements of Section 14 of Article III of the State Constitution.

For the foregoing reason, I am returning Senate Bill No. 2816 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2816, entitled 'A Bill for an Act Relating to Student Loans for Teachers,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2816 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2816 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2907

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2907, entitled 'A Bill for an Act Relating to Taxation.'

The purpose of Senate Bill No. 2907 is to encourage tourism and stimulate employment by providing tax credits equal to one hundred percent of the cost of constructing attractions and educational facilities, including a world-class aquarium and marine science and mammal facility at the Ko Olina Resort and Marina. The tax credit is a non-refundable, carry-forward tax credit, up to \$75 million, for the private development at the Ko Olina Resort.

OBJECTIONS. When tax credits are given to stimulate the economy, other taxpayers are being asked to sacrifice and shoulder the burden of taxation in the meantime. It is, therefore, imperative that government remain fiscally responsible and target tax incentives to create reasonably foreseeable economic growth. For example, the high technology tax credits were used as an incentive in developing a new industry in Hawaii. However, there is no shortage of resort developments in Hawaii.

This bill does not achieve its stated purpose, does little to ensure that additional economic growth would be created, is

difficult to administer, and contains vague language that leaves it open to misinterpretation.

The bill specifies that the tax credits will be available only to a single business enterprise or an exclusive group of taxpayers. This means the tax credits would not benefit the tourism industry as a whole and leaves the bill's stated purpose unfulfilled.

It provides little promise of additional economic benefits for taxpayers because many of the businesses involved here were already committed to building their developments.

The Marriott Corporation, for example, has informed me that it will build its 750 time share unit project at Ko Olina regardless of my decision on Senate Bill No. 2907. Prior to September 11, 2001, several Ko Olina developers publicly announced their intent to build projects at the site. Some are currently being built.

It should be kept in mind that the Ko Olina landowners did not buy their respective properties just to allow it to lie idle. Developers buy land to develop and build projects. The longer they wait, the greater the cost. Timing is the key to successful developments. Today, interest rates are at an all-time low. Moreover, the State already allows a ten percent tax credit for new hotel construction or renovation of existing hotels. In addition, there are other recently enacted tax credits for which Ko Olina developers may be eligible. Under these circumstances, it makes little sense to provide what amounts to a 'super' tax credit for what will amount to another resort development.

Although the bill states that the developers eligible for the tax credits provided in this bill shall not be eligible for other hotel and construction tax credits, I am advised by the State Department of Taxation that the proposed aquarium may already be eligible to qualify for the high technology tax credit under Act 221, Session Laws of Hawaii 2001, as an ocean sciences technology project.

Furthermore, these tax credits would provide a minimal return to the taxpayers on such a costly investment. This bill is expected to cost taxpayers \$75 million over ten years. Additionally, the tax credits may be sold or transferred to partners or members who have tax liabilities to offset, but who have not necessarily contributed any cash to the Ko Olina development project. This feature makes it very likely that there will be claims for the maximum allowable credit of \$7.5 million each year, beginning in 2004.

A unique characteristic of this bill also adds to the creation of a 'super' tax credit. Traditionally, tax credits have been used to offset income taxes. Under this bill, qualified taxpayers could use the credit to also offset against other types of taxes (i.e. use, public service company, insurance premium, financial institutions, general excise, and transient accommodations) or any other combination thereof. It has the effect of relieving the taxpayer of any tax responsibility.

In return for its subsidy of the proposed facilities, the State would receive one-half of the taxable income received from the aquarium 17 years after the credit is first claimed. However, the State may not realize any revenues in year 17 because the bill does not require that the project be completed and operational. The bill only requires a taxpayer to 'be developing' the project.

Finally, the bill is vague in its language in some areas, leaving it open to misinterpretation. For example, there is no definition for 'world-class' in describing the type of aquarium it

proposes to build. The bill does not define 'attractions' as used in the definition of 'qualified costs.' 'Attractions' could mean facilities that the drafters of this bill never contemplated would qualify for the tax credits, such as a water park, an amusement park, or a shopping center. The definition of 'qualified costs' includes costs of constructing other facilities, allowing the taxpayer to receive 'reimbursement' of these other costs through this credit mechanism.

It must be kept in mind that approximately five years ago, the State enacted a \$2 billion tax cut, effective over a six-year period, and one of the biggest tax cuts of its kind in the nation. Since then the State enacted a host of generous tax credits and incentives such as Act 221, which were designed to encourage investment and develop new industries. Last year, I approved the homeowner's tax credit for new home purchase or renovation of existing homes. This tax credit will entitle qualified homebuyers and owners to a maximum tax credit of \$10,000.

Cumulatively, these tax credits, waivers, and reductions have helped Hawaii's economy withstand the downturn caused by the September 11, 2001, terrorist attacks - reflected in part by Hawaii's low unemployment rate of 4.4 percent compared to 6 percent for the nation.

At the same time, however, this multitude of tax cuts, credits and incentives have reduced state tax revenues, causing the severe reduction in state services and budget cuts now reflected in the supplemental appropriations bill, House Bill No. 1800 (State Budget bill).

On its face, the Ko Olina proposal embodied in the bill seems innovative and bold. There are, however, too many unanswered questions and too many ambiguities to justify approval.

For the foregoing reasons, I am returning Senate Bill No. 2907 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2907, entitled 'A Bill for an Act Relating to Taxation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2907 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2907 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
3047

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3047, entitled 'A Bill for an Act Making an Appropriation for the Waipahu Community Adult Day Health Center and Youth Day Care Center Pilot Project.'

The purpose of this bill is to appropriate \$200,000 of general funds to a private, nonprofit agency for the operation of the Waipahu community adult day health center and youth day care center pilot project.

The center is scheduled for completion this summer and will offer rehabilitation and wellness services for adults and youth and serve as a day care center. It is my understanding that \$50,000 of the \$200,000 is intended for the purchase of equipment for the center. Until more information about this pilot project is reviewed by the Legislature, I believe that only \$50,000 for equipment is justified at this time.

Section 16 of Article III of the State Constitution authorizes the Governor to 'veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same.' Pursuant to that authority and based on my objection stated above, I have reduced the appropriation in section 2 of the bill from \$200,000 to \$50,000.

For the foregoing reasons, I am returning Senate Bill No. 3047 with a \$150,000 reduction of the appropriation in section 2.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3047, entitled 'A Bill for an Act Making an Appropriation for the Waipahu Community Adult Day Health Center and Youth Day Care Center Pilot Project,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, Senate Bill No. 3047 appropriates money for specific purposes and a certain appropriation item in that bill is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3047 with my objections to a certain appropriation item contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**Gov. Msg. No. 381**, dated June 24, 2002, transmitting his statement of objections to House Bill Nos. 1245 (line item vetoes), 1777, 1800 (line item vetoes), 2002 and 2723 which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1245

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1245, entitled 'A Bill for an Act Relating to the State Budget.'

The purpose of this bill is to appropriate moneys out of the Emergency and Budget Reserve Fund to maintain levels of programs that the Legislature has determined to be essential to the public health, safety, and welfare.

While the bill as a whole has merit, I object to the following appropriations for the reasons indicated:

1. The \$400,000 special fund appropriation out of the Emergency and Budget Reserve Fund for fiscal year 2002-2003 for a grant to Wahiawa General Hospital for program expenses, designated in section 6, pages 2-3 of the bill. I believe that a grant to Wahiawa General Hospital for program expenses should not be made out of the Emergency and Budget Reserve Fund. By Act 179, Session Laws of Hawaii 1999, the Legislature authorized the issuance of special purpose revenue bonds in the amount of \$37 million for Wahiawa General Hospital, Inc., including the plans, design, construction, and operation of a new health facility. The Wahiawa General Hospital is planned to be part of a large health center that special purpose revenue bond authorization was only one of eight acts to authorize the issuance of special purpose revenue

bonds totaling \$147 million for the health center. The Baylor Health Care System of Texas, one of the nation's largest nonprofit integrated health care providers, has been providing advisory and consulting services for the health center. Although having these very ambitious plans for the development of the large health center, the Wahiawa General Hospital has still sought grants from the State. The General Appropriations Act of 2001, Act 259, Session Laws of Hawaii 2001, appropriated \$1,000,000 each for fiscal years 2001-2002 and 2002-2003 for program expenses. The Legislature this year through the supplemental appropriations bill, House Bill No. 1800, reduced the appropriation for fiscal year 2002-2003 to \$500,000 out of the general fund. Because the appropriation out of the general fund was reduced by \$500,000, there appears to be no reason to appropriate \$400,000 out of the Emergency and Budget Reserve Fund to make a grant for the program expenses of the Wahiawa General Hospital.

2. The \$300,000 special fund appropriation out of the Emergency and Budget Reserve Fund for fiscal year 2002-2003 for the tobacco prevention and cessation programs, designated in section 9, page 3 of the bill. While I feel that the program is worthwhile, I believe that the program should be funded from the Department of Health's share of the tobacco settlement payments instead of from the Emergency and Budget Reserve Fund. Under section 328L-4, Hawaii Revised Statutes, moneys from the Department of Health's share of the tobacco settlement payments are to be used by the Department to fund health promotion and disease prevention programs like the tobacco prevention and cessation program.

Section 16 of Article III of the State Constitution provides that, '[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same.' Because of the foregoing objection, I have taken the following actions pursuant to my line item veto authority:

1. Striking out by drawing a line through the \$400,000 special fund appropriation out of the Emergency and Budget Reserve Fund for fiscal year 2002-2003 for a grant to Wahiawa General Hospital for program expenses in section 6 (on pages 2-3) and changing it to \$0.

2. Striking out by drawing a line through the \$300,000 special fund appropriation out of the Emergency and Budget Reserve Fund for fiscal year 2002-2003 for the tobacco prevention and cessation program in section 9 (on page 3) and changing it to \$0.

For the foregoing reasons, I am returning House Bill No. 1245 with the appropriations in sections 6 and 9 stricken as set forth above totaling \$700,000 in special fund appropriations for fiscal year 2002-2003.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1245, entitled 'A Bill for an Act Relating to the State Budget,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, House Bill No. 1245 appropriates money for specific purposes and certain appropriation items in that bill are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1245 with my objections to certain appropriation items contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1777

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1777, entitled 'A Bill for an Act Relating to Public Utilities.'

The purpose of this bill is to amend section 269-16.9, Hawaii Revised Statutes, to provide that the Public Utilities Commission may exempt a telecommunications provider or service from the provisions of section 269-16, Hawaii Revised Statutes, relating to public hearing and contested case requirements.

This bill is objectionable because the amendment is unnecessary. Section 269-16 is a provision of chapter 269. The current language in section 269-16.9 authorizes the Commission to exempt a telecommunications provider or service from 'any or all of the provisions of . . . [chapter 269], except the provisions of section 269-34, upon a determination that the exemption is in the public interest.' Consequently, section 269-16.9 already authorizes the Commission to exempt a telecommunications provider or service from the provisions of section 269-16.

For the foregoing reason, I am returning House Bill No. 1777 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1777, entitled 'A Bill for an Act Relating to Public Utilities,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1777 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1777 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24 [sic]  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1800

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1800, entitled 'A Bill for an Act Relating to the State Budget.'

The purpose of this bill is to provide supplemental appropriations for the fiscal biennium July 1, 2001, to June 30, 2003, for the operating expenditures of the various agencies in the executive branch of the State, other government programs, and capital improvements projects.

While the bill as a whole has merit, I object to the following appropriations for the reasons indicated:

1. The \$44,782,012 portion of the special fund appropriation for fiscal year 2002-2003 for BED 113, Tourism (on page 4, lines 20-24), Item A-6. I believe that this appropriation includes \$39,782,012 for convention center operations. House Bill No. 2451, which I intend to approve, includes special fund appropriations for \$46,000,000 for fiscal year 2002-2003 for convention center operations. Therefore, the \$39,782,012 in this appropriation is not necessary.



Moreover, I believe that \$5,000,000 of the special fund appropriation for the Hawaii Tourism Authority is in excess of the amounts needed for the efficient operation of the program. Even with the reduction I propose, the funding level represents a significant commitment by the State to support our number one industry. I note that the \$56,000,000 funding for the Hawaii Tourism Authority is still more than double the appropriation made just four years ago.

2. The \$147,000 portion of the general fund appropriation for fiscal year 2002-2003 for EDN 100 (on page 38, lines 13-22) Item G-1. I believe the appropriation includes moneys to be used as a grant to World Youth Network International. Although character education for youths in grades 11 and 12 provided by this organization is worthwhile, I understand that the organization is able to service only students in the Windward District. Consequently, I believe that this project does not provide sufficient statewide public benefit to justify State support.

3. The \$1,750,000 portion of the special fund appropriation for fiscal year 2002-2003 for LNR 101, Public Lands Management (page 60, Item K-28, lines 15-21). I believe the appropriation includes moneys for the Kikala-Keokea infrastructure development. Moneys for this purpose are also included in Act 112, Session Laws of Hawaii 2002. Therefore, the moneys contained in this appropriation for the same purpose are not necessary.

4. Sums for certain capital improvement projects listed in section 5 of House Bill No. 1800 I find to be not necessary to implement the respective programs, not sufficient to complete the projects, or are more appropriately funded by other means. These projects are described as follows:

(a) \$1,000,000 in general obligation bond funds for fiscal year 2002-2003 for the Honolulu Zoo Society (Item A-0D, page 90, lines 22-32) appropriated at Item A-5 (BED 142, page 4, lines 17-18). While the Honolulu Zoo is a great tourist attraction and is being upgraded to make it a better attraction, I believe that this county program should be supported by the county.

(b) \$6,000,000 in general obligation bond funds for fiscal year 2002-2003 for the upcountry Maui watershed project (Item A-4D, page 95, lines 12-26) appropriated as Item A-14 (AGR 141, page 6, lines 29-31). I believe the State has provided adequate and appropriate levels of infrastructure support by funding installation of the main pipelines for this purpose. Additional funding should be a county responsibility.

(c) \$1,000,000 in general obligation bond funds for fiscal year 2002-2003 for Pacific Gateway Center (item B-0A, page 108, lines 15-26) appropriated under item B-12 (LBR 903, page 11, line 39). While the services purchased by the State from this private entity are worthwhile, I believe it is imprudent for state taxpayers to shoulder the burden of long-term capital costs of a privately owned facility for an entity that already charges the State for its services.

(d) \$5,000,000 in general obligation bond funds for fiscal year 2001-2002 as a grant to Waikiki Health Center to acquire property and construct facilities on Launiu Street (item E-5, page 203, lines 11-24) appropriated under item E-14 (HTH 595, page 26, lines 15-16). The State has many purchase of service contracts with this organization. I believe it is imprudent for state taxpayers to shoulder the burden of long-term capital costs for the purchase of land and facilities for this private organization.

(e) \$500,000 in general obligation bond funds for fiscal year 2002-2003 as a grant to Mental Health Kokua to acquire and renovate a facility in Wailuku, Maui (item E-43C, page 219, lines 11-24) appropriated under item E-17 (HTH 420, page 26, line 38). While this organization provides worthwhile services, I believe it is imprudent for state taxpayers to shoulder the burden of long-term capital costs for the purchase of land for a private organization. Moreover, I understand that federal funding support may be available.

(f) \$2,950,000 in general obligation bond funds for fiscal year 2002-2003 as a grant for the Hawaii Island Veterans Memorial in Hilo (item F-1B, page 224, lines 36-48) appropriated under item F-8 (DEF 112, page 31, line 37). While I believe this project is worthwhile, funding is premature because there are no specific plans for the use of the center, for obtaining federal participation, or for implementation and funding ongoing operations.

(g) \$425,000 in general obligation bond funds for fiscal year 2002-2003 as a grant to Seagull Schools, Inc. for a child care and adult community training center (Item F-1C, page 225, lines 14-22) appropriated at item F-9 (HMS 601, page 32, line 13). While this organization provides worthwhile services, I note that the State has previously provided support for this entity's facilities in Kapolei. I believe it is important that private organizations should raise their own funds rather than relying on the State to provide funding support, particularly for long-term capital funding.

(h) \$8,000,000 in general obligation bond funds for fiscal year 2002-2003 to acquire the Japanese Cultural Center (Item H-3B, page 308, lines 24-33) appropriated at item H-2 (AGS 881, page 43, lines 29-31). Funding to purchase the Japanese Cultural Center was intended to provide financial relief to a private cultural organization. I believe it is imprudent for state taxpayers to shoulder the burden of private organizations' capital projects.

(i) \$320,000 in general obligation bond funds for fiscal year 2002-2003 for Mookini Luakini for a cultural and educational complex (Item H-10C, page 313, lines 22-31) appropriated at Item H-6 (LNR 806, page 44, lines 32-33). Although the activities of this private cultural foundation are worthwhile, it limits its activities to one site. Inasmuch as there are equally important cultural and historic sites statewide that are also in need of and deserving of support, I believe it is inequitable to single this one out for special support.

(j) \$425,000 in general obligation bond funds for fiscal year 2002-2003 to the City and County of Honolulu for Salt Lake waterways (Item K-18B, page 347, lines 25-34) appropriated at Item K-24 (SUB 201, on page 63, lines 13-14). I believe that the funding of projects related to Salt Lake waterways does not provide sufficient statewide public benefit to justify state support. I have also deleted reference to the county funding.

(k) \$160,000 in general obligation bond funds for fiscal year 2002-2003 to the County of Kauai for the Waimea shaft, water treatment facility (Item K-24A, page 353, lines 22-30) appropriated at Item K-45 (SUB 501, page 63, lines 24-26). While this project has merit, I believe that the counties should make adequate provisions for developing their own infrastructure without asking the State to provide funding support.

(l) \$160,000 in general obligation bond funds for fiscal year 2002-2003 to the County of Kauai for the Wailua/Kapaa water system (Item K-24B, page 353, lines 32-43) appropriated at Item K-45 (SUB 501, page 63, lines 24-26). While this

project has merit, I believe that the counties should make adequate provisions for developing their own infrastructure without asking the State to provide funding support.

(m) \$1,500,000 in general obligation bond funds for fiscal year 2002-2003 to the County of Kauai for a scholastic and international competition swimming pool and support complex (Item K-24C, on page 354, lines 12-22) appropriated at Item K-45 (SUB 501, page 63, lines 24-26). I believe that the funding of this project does not provide sufficient statewide public benefit to justify state support. Moreover, I believe counties should make adequate provisions for developing their own infrastructure without asking the State to provide funding support. I have also deleted reference to the county funding.

(n) \$450,000 in general obligation bond funds for fiscal year 2002-2003 to the County of Kauai for the Omao Well (Item K-24D, page 354, lines 24-30) appropriated at Item K-45 (SUB 501, page 63, lines 24-26). While this project has merit, I believe that the counties should make adequate provisions for developing their own infrastructure without asking the State to provide funding support.

(o) \$445,000 in general obligation bond funds for fiscal year 2002-2003 to the County of Kauai for the Lihue water system (Item K-24E, page 354, lines 32-40) appropriated at Item K-45 (SUB 501, page 63, lines 24-26). While this project has merit, I believe that the counties should make adequate provisions for developing their own infrastructure without asking the State to provide funding support.

Because of the foregoing objections, I have taken the following actions:

a. Reduced the \$100,758,743 special fund BED 113 operating item for fiscal year 2002-2003 (on page 4) and changed it to \$55,976,731.

b. Reduced the \$912,523,132 general fund EDN 100 operating item for fiscal year 2002-2003 (on page 38) and changed it to \$912,376,132.

c. Reduced the \$7,453,156 special fund LNR 101 operating item for fiscal year 2002-2003 (on page 60) and changed it to \$5,703,156.

d. Stricken the BED 142 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 4) and changed it to \$0 and reduced the \$1,000,000 total funding for Item A-0C on page 90 to \$0.

e. Reduced the AGR 141 \$17,240,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 6) and changed it to \$11,240,000, and changed the \$6,000,000 total funding for fiscal year 2002-2003 for Item A-4D on page 95 to \$0.

f. Reduced the LBR 903 \$4,500,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 11) and changed it to \$3,500,000, and reduced the \$1,000,000 total funding for Item B-0A on page 108 to \$0.

g. Reduced the HTH 595 \$6,880,000 general obligation bond fund capital investment item for fiscal year 2001-2002 (on page 26) and changed it to \$1,880,000, and reduced the \$5,000,000 total funding for Item E-5 on page 203 to \$0.

h. Stricken the HTH 420 \$500,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 26) and changed it to \$0, and reduced the \$500,000 total funding for Item E-43C on page 219 to \$0.

i. Reduced the DEF 112 \$3,200,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 31) and changed it to \$250,000, and changed the \$2,950,000 total funding for Item F-1B on page 224 to \$0.

j. Stricken the HMS 601 \$425,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 32) and changed it to \$0, and reduced the \$425,000 total funding for Item F-1C on page 225 to \$0.

k. Reduced the AGS 881 \$8,980,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 43) and changed it to \$980,000, and reduced the \$8,000,000 total funding for Item H-3B on page 308 to \$0.

l. Reduced the LNR 806 \$8,020,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 44) to \$7,700,000 and changed the \$320,000 total funding for Item H-10C on page 313 to \$0.

m. Reduced the SUB 201 \$765,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 63) and changed it to \$340,000, and changed the \$425,000 general obligation bond funding of Item K-18B on page 347 to \$0, and changed the county authorization for that Item from \$425,000 to \$0.

n. Stricken the SUB 501 \$2,715,000 general obligation bond fund capital investment item for fiscal year 2002-2003 (on page 63) and changed it to \$0, reduced the total state funding for each of the following items for fiscal year 2002-2003 to \$0, and changed the county authorization for Item K-24C from \$3,000,000 to \$0:

<u>Item</u>	<u>Description</u>	<u>Page</u>
K-24A	Waimea Shaft, Water Treatment facility	353
K-24B	Wailua/Kapaa water system	353
K-24C	Scholastic and International Competition Swimming Pool and Support Complex	354
K-24D	Omao Well	354
K-24E	Lihue Water System	354

For the foregoing reasons, I am returning House Bill No. 1800 with the reductions set forth above totaling \$5,000,000 for fiscal year 2001-2002 for capital improvement projects, totaling \$46,679,012 for fiscal year 2002-2003 for operating programs, and totaling \$26,760,000 for fiscal year 2002-2003 for capital improvement projects.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return

with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1800, entitled 'A Bill for an Act Relating to the State Budget,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III, the Governor may veto any specific item or items in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, House Bill No. 1800 appropriates money for specific purposes and certain appropriation items in that bill are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1800 with my objections to certain appropriation items contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2002

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2002, entitled 'A Bill for an Act Relating to Public Lands.'

House Bill No. 2002 authorizes the Department of Land and Natural Resources to issue new leases to the Kauai Beachfront Hotel, the existing state lessee of resort properties at Wailua, Lihue, Kauai.

This bill raises a serious policy question because it would provide a special benefit to one entity. The State has a general policy stated in section 171-14, Hawaii Revised Statutes, to award leases through public auction, providing a fair opportunity for the public to bid on the lease and for the State to obtain the best revenue it can.

If the Department of Land and Natural Resources decided to award new leases through a public auction instead of issuing new leases to the existing lessee, this bill would not be necessary, because leases can already be canceled and re-auctioned under current statutes. Under section 171-61, Hawaii Revised Statutes, whenever land can be re-leased for a higher or better use or for an existing use to a greater economic benefit to

the State, the Board of Land and Natural Resources may cancel the lease and re-lease the lands through a public auction. In fact, the Board has already taken action at its meeting held on May 24, 2002, to approve the cancellation and re-auction of the Kauai Beachfront leases.

For the foregoing reasons, I am returning House Bill No. 2002 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2002, entitled 'A Bill for an Act Relating to Public Lands,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2002 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2002 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 24th  
day of June, 2002.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 24, 2002

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2723

Honorable Members  
Twenty-First Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2723, entitled 'A Bill for an Act Relating to Counties.'

The purpose of this bill is to reduce solid waste in the State by requiring each county to establish a food waste recycling program. The program would require the owners or operators of certain food establishments to arrange and provide for the separate collection of a minimum of fifty percent or more of their food waste. A county may request an exemption from the

administration of this bill from the State Department of Health, if the department has determined that the county did not have the recycling capacity to meet the requirements of this bill. The bill would authorize each county to assess an annual food waste recycling surcharge based on the partial costs of food waste recycling to fund the food waste recycling program.

The mayors of the Counties of Hawaii and of Maui have requested that I veto this bill, because the administrative cost to establish and begin a State-mandated food waste recycling program would cause fiscal problems for their counties. Although the bill authorizes each county to assess an annual food waste recycling surcharge, that surcharge can only be assessed after the county programs are implemented and cannot be used to provide the funding to establish and staff the county programs. To that extent, the mayors have expressed concerns that the State-mandated program will be an unfunded mandate contrary to Section 5 of Article VIII of the State Constitution, which provides that '[i]f any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide the State share in the cost.'

I prefer to encourage the counties to continue their food waste recycling efforts, rather than force them to adopt a State-mandated program. The City and County of Honolulu already has a food waste recycling program, but this bill does not provide any exemption from the State-mandated program for a preexisting county program. Furthermore, if the State is to mandate a food waste recycling program, I believe that the State should share in the cost of implementing the program.

For the foregoing reasons, I am returning House Bill No. 2723 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2723, entitled 'A Bill for an Act Relating to Counties,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2723 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2723 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
 State of Hawaii, this 24 [sic]  
 day of June, 2002.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
 Governor of Hawaii"

**Gov. Msg. No. 382**, informing the Senate that on June 21, 2002, he signed into law Senate Bill No. 2831 as Act 174, entitled: "RELATING TO AN EXTENSION OF THE RESIDENTIAL CONSTRUCTION AND REMODELING INCOME TAX CREDIT."

**Gov. Msg. No. 383**, informing the Senate that on June 25, 2002, he signed the following bills into law:

House Bill No. 1245 as Act 175, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 1256 as Act 176, entitled: "RELATING TO SOLID WASTE MANAGEMENT";

House Bill No. 1800 as Act 177, entitled: "RELATING TO THE STATE BUDGET";

House Bill No. 2827 as Act 178, entitled: "RELATING TO THE STATE FINANCES";

Senate Bill No. 706 as Act 179, entitled: "RELATING TO STATE GOVERNMENT";

Senate Bill No. 2242 as Act 180, entitled: "RELATING TO PUBLIC LAND LEASES";

Senate Bill No. 2331 as Act 181, entitled: "MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION";

Senate Bill No. 2477 as Act 182, entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS";

Senate Bill No. 2478 as Act 183, entitled: "RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS";

Senate Bill No. 2702 as Act 184, entitled: "RELATING TO THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT";

Senate Bill No. 3047 as Act 185, entitled: "MAKING AN APPROPRIATION FOR THE WAIPAHAU COMMUNITY ADULT DAY HEALTHCENTER AND YOUTH DAY CARE CENTER PILOT PROJECT"; and

Senate Bill No. 3063 as Act 186, entitled: "RELATING TO THE ENVIRONMENT."

**Gov. Msg. No. 384**, informing the Senate that on June 25, 2002, he signed the following bills into law:

House Bill No. 741 as Act 187, entitled: "RELATING TO CIVIL LIABILITY";

House Bill No. 1357 as Act 188, entitled: "RELATING TO HEALTH";

House Bill No. 1843 as Act 189, entitled: "RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT";

House Bill No. 1996 as Act 190, entitled: "RELATING TO THE ADMINISTRATION OF TAXES";

House Bill No. 2006 as Act 191, entitled: "RELATING TO SPECIAL WASTES RECYCLING";

House Bill No. 2065 as Act 192, entitled: "RELATING TO NURSES";

House Bill No. 2165 as Act 193, entitled: "RELATING TO EDUCATION";

House Bill No. 2176 as Act 194, entitled: "RELATING TO AGRICULTURAL MARKETING";

House Bill No. 2276 as Act 195, entitled: "RELATING TO COLLECTIVE BARGAINING";

House Bill No. 2311 as Act 196, entitled: "RELATING TO JUDGES FOR THE CIRCUIT COURT";

House Bill No. 2353 as Act 197, entitled: "RELATING TO EDUCATION";

House Bill No. 2387 as Act 198, entitled: "RELATING TO THE PENAL CODE";

House Bill No. 2413 as Act 199, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES";

House Bill No. 2426 as Act 200, entitled: "RELATING TO CRIMES AGAINST CHILDREN";

House Bill No. 2427 as Act 201, entitled: "RELATING TO VICTIMS OF CRIMES";

House Bill No. 2449 as Act 202, entitled: "RELATING TO SMALL BUSINESS";

House Bill No. 2710 as Act 203, entitled: "RELATING TO OCEAN LEASING";

House Bill No. 2832 as Act 204, entitled: "RELATING TO TIME SHARING PLANS";

Senate Bill No. 2078 as Act 205, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM"; and

Senate Bill No. 2582 as Act 206, entitled: "RELATING TO CAPTIVE INSURANCE."

**Gov. Msg. No. 385**, letter dated June 27, 2002, informing the Senate that H.B. No. 1012, H.B. No. 2848 and S.B. No. 996, which propose constitutional amendments, were filed with the Office of the Lieutenant Governor on June 27, 2002.

**Gov. Msg. No. 386**, informing the Senate that on June 26, 2002, he signed into law House Bill No. 2045 as Act 207, entitled: "RELATING TO REVENUE BONDS."

**Gov. Msg. No. 387**, informing the Senate that on June 28, 2002, he signed the following bills into law:

House Bill No. 536 as Act 208, entitled: "RELATING TO COMMUNITY DEVELOPMENT";

House Bill No. 1684 as Act 209, entitled: "RELATING TO STATE AND LOCAL TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES";

House Bill No. 1700 as Act 210, entitled: "RELATING TO INSURANCE POLICIES";

House Bill No. 2018 as Act 211, entitled: "RELATING TO AGRICULTURAL LEASES";

House Bill No. 2163 as Act 212, entitled: "RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION";

House Bill No. 2164 as Act 213, entitled: "RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM";

House Bill No. 2468 as Act 214, entitled: "RELATING TO CEMETERY AND FUNERAL TRUSTS";

House Bill No. 2525 as Act 215, entitled: "RELATING TO PUBLIC WORKS PROJECTS";

House Bill No. 2527 as Act 216, entitled: "RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT";

Senate Bill No. 2180 as Act 217, entitled: "RELATING TO GENETIC INFORMATION AND GENETIC TESTING";

Senate Bill No. 2231 as Act 218, entitled: "RELATING TO KAHOLAWE ISLAND RESERVE";

Senate Bill No. 2721 as Act 219, entitled: "RELATING TO DENTAL INSURANCE";

Senate Bill No. 2737 as Act 220, entitled: "RELATING TO DISASTER RELIEF";

Senate Bill No. 2784 as Act 221, entitled: "RELATING TO WORKERS' COMPENSATION";

Senate Bill No. 2786 as Act 222, entitled: "RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD"; and

Senate Bill No. 2824 as Act 223, entitled: "RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

**Gov. Msg. No. 388**, informing the Senate that on June 28, 2002, he signed the following bills into law:

House Bill No. 2438 as Act 224, entitled: "RELATING TO IDENTITY";

House Bill No. 2720 as Act 225, entitled: "RELATING TO THE USE TAX";

House Bill No. 2752 as Act 226, entitled: "RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES";

Senate Bill No. 331 as Act 227, entitled: "RELATING TO HOUSING";

Senate Bill No. 940 as Act 228, entitled: "RELATING TO INSURANCE UNFAIR PRACTICES";

Senate Bill No. 1320 as Act 229, entitled: "RELATING TO ANTI TRUST";

Senate Bill No. 2036 as Act 230, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2075 as Act 231, entitled: "RELATING TO DENTAL HYGIENISTS";

Senate Bill No. 2112 as Act 232, entitled: "RELATING TO COLLECTIVE BARGAINING";

Senate Bill No. 2127 as Act 233, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 2698 as Act 234, entitled: "RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES";

Senate Bill No. 2883 as Act 235, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2885 as Act 236, entitled: "RELATING TO TAXATION"; and

Senate Bill No. 3028 as Act 237, entitled: "RELATING TO THE REGULATION OF WARRANTORS OF VEHICLE PROTECTION PRODUCTS."

**Gov. Msg. No. 389**, informing the Senate that on June 28, 2002, he signed the following bills into law:

House Bill No. 1901 as Act 238, entitled: "RELATING TO HIV TESTING FOR SEXUAL OFFENSES";

House Bill No. 2216 as Act 239, entitled: "RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE";

Senate Bill No. 2234 as Act 240, entitled: "RELATING TO SEXUAL EXPLOITATION"; and

Senate Bill No. 2898 as Act 241, entitled: "RELATING TO CAVE PROTECTION."

**Gov. Msg. No. 390**, informing the Senate that on June 28, 2002, he signed the following bills into law:

House Bill No. 1730 as Act 242, entitled: "RELATING TO DRIVERS EDUCATION FUND UNDERWRITERS FEE";

House Bill No. 2788 as Act 243, entitled: "RELATING TO STATE BONDS"; and

Senate Bill No. 2068 as Act 244, entitled: "RELATING TO SCHOOL REPAIR AND MAINTENANCE."

**Gov. Msg. No. 391**, informing the Senate that on July 1, 2002, he signed the following bills into law:

House Bill No. 2638 as Act 245, entitled: "RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT";

House Bill No. 2741 as Act 246, entitled: "RELATING TO THE CIGARETTE AND TOBACCO TAX";

House Bill No. 2840 as Act 247, entitled: "RELATING TO STATE GOVERNMENT";

Senate Bill No. 733 as Act 248, entitled: "RELATING TO EMPLOYMENT SECURITY";

Senate Bill No. 2270 as Act 249, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2350 as Act 250, entitled: "RELATING TO TRANSIENT ACCOMMODATIONS TAX";

Senate Bill No. 2416 as Act 251, entitled: "RELATING TO THE HAWAII LONG-TERM CARE FINANCING ACT"; and

Senate Bill No. 2763 as Act 252, entitled: "RELATING TO BIRTH DEFECTS."

**Gov. Msg. No. 392**, informing the Senate that on July 1, 2002, he permitted the following measure to become law without his signature:

House Bill No. 2451 as Act 253, entitled: "RELATING TO THE CONVENTION CENTER."

**Gov. Msg. No. 393**, informing the Senate that on July 5, 2002, he signed the following bills into law:

House Bill No. 1724 as Act 254, entitled: "RELATING TO SPECIAL NUMBER PLATES FOR MILITARY SERVICE";

House Bill No. 1768 as Act 255, entitled: "RELATING TO VEHICLE REGISTRATION";

House Bill No. 1842 as Act 256, entitled: "RELATING TO THE PRACTICE OF PHARMACY";

House Bill No. 2166 as Act 257, entitled: "RELATING TO EDUCATION";

House Bill No. 2169 as Act 258, entitled: "RELATING TO COFFEE";

Senate Bill No. 2046 as Act 259, entitled: "RELATING TO GUIDE DOGS, SIGNAL DOGS, AND SERVICE ANIMALS";

Senate Bill No. 2106 as Act 260, entitled: "RELATING TO MARRIAGE AND FAMILY THERAPISTS";

Senate Bill No. 2337 as Act 261, entitled: "RELATING TO RACING ON HIGHWAYS";

Senate Bill No. 2512 as Act 262, entitled: "RELATING TO CHARTER SCHOOLS"; and

Senate Bill No. 3049 as Act 263, entitled: "RELATING TO BONDS."

HOUSE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

**Hse. Com. No. 649**, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 30, 2002:

H.B. No. 202, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 223, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 741, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 771, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 870, S.D. 1, C.D. 1;  
 H.B. No. 1012, S.D. 1, C.D. 1;  
 H.B. No. 1245, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1256, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 1357, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1595, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1713, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1715, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1724, S.D. 1, C.D. 1;  
 H.B. No. 1730, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1731, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1749, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1758, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1761, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1777, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1821, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1842, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1843, S.D. 1, C.D. 1;  
 H.B. No. 1901, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1942, S.D. 1, C.D. 1;  
 H.B. No. 1950, S.D. 2, C.D. 1;  
 H.B. No. 1969, S.D. 1, C.D. 1;  
 H.B. No. 1996, S.D. 1, C.D. 1;  
 H.B. No. 2002, S.D. 1, C.D. 1;  
 H.B. No. 2006, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2018, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2045, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2065, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2072, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2120, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2164, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2165, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2166, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2192, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2212, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2276, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2300, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2302, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2305, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2311, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2315, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2353, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2426, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2427, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2438, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2451, S.D. 2, C.D. 1;  
 H.B. No. 2453, S.D. 1, C.D. 1;  
 H.B. No. 2454, S.D. 1, C.D. 1;  
 H.B. No. 2459, S.D. 2, C.D. 1;  
 H.B. No. 2468, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2480, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2495, S.D. 1, C.D. 1;  
 H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2509, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2512, S.D. 2, C.D. 1;  
 H.B. No. 2521, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2525, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2527, S.D. 1, C.D. 1;  
 H.B. No. 2536, S.D. 1, C.D. 1;  
 H.B. No. 2552, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2568, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2577, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2595, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2638, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2720, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2723, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2741, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2752, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2788, S.D. 1, C.D. 1;  
 H.B. No. 2817, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2821, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2827, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2832, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2834, S.D. 2, C.D. 1;  
 H.B. No. 2840, S.D. 2, C.D. 1;  
 H.B. No. 2843, S.D. 2, C.D. 1;  
 H.B. No. 2848, H.D. 1, S.D. 2, C.D. 1;  
 S.B. No. 23, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 99, H.D. 1, C.D. 1;  
 S.B. No. 233, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 251, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 331, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 552, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 594, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 706, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 720, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 733, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 796, S.D. 1, H.D. 2, C.D. 2;  
 S.B. No. 859, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 940, H.D. 2, C.D. 1;  
 S.B. No. 996, H.D. 1, C.D. 1;  
 S.B. No. 997, H.D. 1, C.D. 1;  
 S.B. No. 1188, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2036, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2043, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2046, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2067, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2068, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2075, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2078, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2127, H.D. 1, C.D. 1;  
 S.B. No. 2228, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2234, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2270, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2290, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2306, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2331, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2337, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2350, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2383, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2431, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2478, H.D. 1, C.D. 1;  
 S.B. No. 2500, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2512, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2526, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2568, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2613, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2666, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2682, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2698, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2702, S.D. 2, H.D. 2, C.D. 1;

S.B. No. 2708, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2724, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2732, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2733, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2737, H.D. 1, C.D. 1;  
 S.B. No. 2757, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2775, H.D. 1, C.D. 1;  
 S.B. No. 2786, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2802, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2816, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2831, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2867, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2883, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2898, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2900, H.D. 1, C.D. 1;  
 S.B. No. 2907, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2934, H.D. 2, C.D. 1;  
 S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2985, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 3018, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 3028, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 3047, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 3048, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1; and  
 S.B. No. 3063, S.D. 2, H.D. 2, C.D. 1.

**Hse. Com. No. 650**, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to the following House bills and the amendments proposed by the Senate were agreed to by the House and said bills passed Final Reading in the House of Representatives on April 30, 2002:

H.B. No. 536, S.D. 1;  
 H.B. No. 1684, H.D. 1, S.D. 2;  
 H.B. No. 1700, H.D. 1, S.D. 1;  
 H.B. No. 1864, H.D. 1, S.D. 1;  
 H.B. No. 1999, S.D. 1;  
 H.B. No. 2176, H.D. 1, S.D. 1;  
 H.B. No. 2216, H.D. 1, S.D. 1;  
 H.B. No. 2349, H.D. 1, S.D. 1;  
 H.B. No. 2413, H.D. 1, S.D. 1;  
 H.B. No. 2433, H.D. 1, S.D. 1;  
 H.B. No. 2449, H.D. 1, S.D. 2;  
 H.B. No. 2537, S.D. 1;  
 H.B. No. 2553, S.D. 1;  
 H.B. No. 2569, H.D. 1, S.D. 1;  
 H.B. No. 2571, S.D. 1; and  
 H.B. No. 2854, H.D. 1, S.D. 1.

**Hse. Com. No. 651**, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to H.B. No. 1011, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 1011, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 30, 2002.

**Hse. Com. No. 652**, returning S.C.R. No. 157, S.D. 1, which was adopted by the House of Representatives on May 2, 2002.

**Hse. Com. No. 653**, returning S.C.R. No. 12, S.D. 1, which was adopted by the House of Representatives on May 2, 2002.

**Hse. Com. No. 654**, returning S.B. No. 2232, S.D. 1, which passed Third Reading in the House of Representatives on May 2, 2002.

**Hse. Com. No. 655**, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 2, 2002:

H.B. No. 1722, S.D. 1, C.D. 2;  
 S.B. No. 2179, S.D. 2, H.D. 1, C.D. 2; and  
 S.B. No. 2416, S.D. 2, H.D. 2, C.D. 2.

**Hse. Com. No. 656**, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to the following House bills and the amendments proposed by the Senate were agreed to by the House and said bills passed Final Reading in the House of Representatives on May 2, 2002:

H.B. No. 703, H.D. 1, S.D. 1;  
 H.B. No. 2304, H.D. 1, S.D. 1;  
 H.B. No. 2455, S.D. 1;  
 H.B. No. 2501, H.D. 1, S.D. 1; and  
 H.B. No. 2563, H.D. 1, S.D. 1.

**Hse. Com. No. 657**, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to H.C.R. No. 11, and the amendments proposed by the Senate were agreed to by the House and H.C.R. No. 11, S.D. 1, was Finally Adopted in the House of Representatives on May 2, 2002.



**RULES OF THE SENATE**  
**of the**  
**TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII**

**PREAMBLE**

The members of the Senate do hereby reaffirm the Senate's dedication to upholding the Constitutions of the United States and the State of Hawaii, to providing for openness and fairness in all of its proceedings, and to promoting collaboration and consultation in its committee work.

The Senate stands as a people-oriented institution that serves all of the people, whatever their background or persuasion. The Senate works for the public good and strives to give every person an equal opportunity to realize his or her highest potential. The Senate is an open public forum for organized debate and deliberative consideration of issues.

**RULES OF THE SENATE**

The following Rules shall be the Rules of the Senate of the Twenty-first Legislature of the State of Hawaii.

**PART I. ORGANIZATION, OFFICERS AND EMPLOYEES**

**Rule 1. Organization**

(1) When the Senate convenes in the first Regular Session of each Legislature, the member from the First Senatorial District shall act as temporary chair, call the Senate to order, appoint a temporary Clerk, and a Committee of three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If from the report of the Committee, it shall appear that a majority of the credentials are in order, the temporary Clerk shall call the roll.

(2) The temporary Chair shall then appoint a Committee of three to wait upon a justice of the Supreme Court, an Intermediate Appellate Court Judge or a Circuit Court judge to administer the oath of office required by the Constitution. After the oath has been duly administered, the Senate shall organize.

(3) When the Senate convenes in any succeeding Sessions of the Legislature, the President or the Vice-President in the absence of the President, shall call the Senate to order.

**Rule 2. Officers and Employees**

(1) The officers of the Senate shall consist of a President, Vice-President, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms, each of whom shall be elected by a majority vote of the members of the Senate.

(2) The President and Vice-President shall hold their respective offices in accordance with Title 3, Hawaii Revised Statutes. Other officers and employees shall hold their respective offices and positions at the pleasure of the Senate, but a majority vote of the members of the Senate shall be required to terminate the office held by any officer of the Senate.

(3) The Senate, by a majority vote, may authorize positions from time to time as may be deemed necessary.

**Rule 3. The President**

It shall be the duty of the President:

(1) To open the meetings of the Senate by taking the Chair and calling for the invocation.

(2) When a quorum is present, to call for the reading of the Journal of the preceding day.

(3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.

(4) To announce the business before the Senate in the order prescribed by the Rules.

(5) To receive and submit all matters properly brought before the Senate by the members, call for votes upon the same and announce the results.

(6) To receive all communications, present them to the Senate and, unless otherwise provided in these Rules, refer these and other matters to the appropriate standing committees.

(7) To appoint all members of committees upon consultation and agreement with the Majority and Minority Leaders unless otherwise determined by the Senate.

(8) To authenticate by signature, all acts and doings of the Senate which require authentication.

(9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.

(10) To issue warrants and when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11) To decide and announce the result of any vote taken.

(12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.

(13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.

(14) To control and have direction of the rooms, desks, passages, stairways, corridors, and balconies, in and about the building set apart for the use of the Senate, and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills, the dates for the mandatory recess pursuant to Article III, Section 10, of the Constitution, the final date for third reading of Senate Bills, the final date for third reading of House Bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To promulgate, for adoption by the Senate, an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate policies.

(17) To mediate and resolve differences between two or more standing committees on the same bill.

#### **Rule 4. The Vice-President**

(1) The Vice-President and the President shall prepare and administer a budget for the Senate.

(2) In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

#### **Rule 5. President Pro Tempore**

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the member of the majority party having the longest tenure in the Senate shall preside until a President pro tempore is chosen. If two or more members are equally qualified to preside, the eldest qualified member shall preside.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

#### **Rule 6. The Clerk**

It shall be the duty of the Clerk:

(1) To have charge of all records of the Senate and be responsible for the same. At no time shall the Clerk permit original documents to be withdrawn from the Clerk's keeping unless ordered by the Senate.

(2) To make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate. Such memoranda shall state the nature of the matter and the name of the introducer, and the date and day of the session on which the Senate considered the matter. The memoranda, together with other matters ordered to be placed therein, shall constitute the Journal, a copy of which shall be made available for inspection to any member upon request as soon as practicable. The Journal of each day shall be read the following day, immediately after the invocation. When such Journal is approved by vote of the Senate, it shall be entered by the Clerk in a book entitled "Journal of the Senate. Session of . ." (Giving the Year).

(3) Unless otherwise directed by the Senate, to read all bills, resolutions and other matters (if so required) to the Senate.

- (4) To forward at once all letters, messages, communications and other matters to the proper parties.
- (5) To immediately deliver to the Chair of the appropriate committee all petitions, resolutions, bills or other matters duly referred to such committee.
- (6) To see that all bills and resolutions are properly engrossed and are correct and true as finally acted upon by the Senate.
- (7) To draw on the state general fund for expenses of the session as shall be authorized by the Senate and approved by the President.
- (8) To pay all bills and accounts as shall be approved by the President or the President's designees, or ordered by the Senate, and no others.
- (9) To be responsible for the acquisition and distribution of all of the property of the Senate.
- (10) To note all questions of order with the decision thereon, collect the same, and append them to the Senate Journal at the close of the session.
- (11) To perform all other clerical duties and functions pertaining to the Office of the Clerk and as the Senate from time to time shall direct. The Clerk shall post the order of business in writing in a conspicuous place each day.

**Rule 7. Assistant Clerk**

The Assistant Clerk shall assist the Clerk in the performance of all duties and attend to such other duties as may be required when so directed by the President. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

**Rule 8. Invocation**

Each day's sitting of the Senate shall open with an invocation.

**Rule 9. Sergeant-at-Arms**

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order among those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise the distribution of incidentals which require distribution among the members; to supervise, subject to the control of the President, the Senate Messengers; to attend upon committees if so requested; to serve all orders or process as directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate; and generally to execute all of the requirements of the President of the Senate.

**Rule 10. Assistant Sergeant-at-Arms**

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in the performance of all duties and attend to such duties as may be required when so directed by the President. In the absence of the Sergeant-at-Arms, the Assistant Sergeant-at-Arms shall perform all duties of the Sergeant-at-Arms.

**Rule 11. Majority and Minority Party Organization and Staff**

(1) Members of the majority and minority parties may adopt rules of procedure and administration for their respective caucuses. The rules shall not be inconsistent with the Rules of the Senate, and any such rule of procedure for the caucus shall not be enforceable on the floor of the Senate.

(2) Members of the majority party may establish a majority staff office consisting of a director and chief attorney to be appointed and serve as the members of the majority party shall determine. Members of the minority party may establish a minority staff office consisting of an attorney to be appointed and serve as the members of the minority party shall determine.

(3) The establishment and staffing of the majority and minority staff offices shall be subject to budgetary constraints in the budget for the Senate that is prepared and administered under Rule 4.

**Rule 12. Pay of Members, Officers and Employees**

(1) Each member of the Senate, upon being elected or appointed to office, shall receive as compensation such salary as prescribed pursuant to Article III, Section 9, of the State Constitution.

(2) The officers, except the President and Vice-President, and the employees shall receive compensation as the Senate shall fix.

## PART II. COMMITTEES

### **Rule 13. Committees: Types and Composition**

(1) Standing Committees: The membership of each Standing Committee, upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President subject to action by the Senate. The respective Chairs and Vice Chairs of each Standing Committee, upon consultation and agreement with the Majority Leaders, shall be appointed by the President, subject to action by the Senate. The majority and minority parties shall to the extent practicable be represented on all Standing Committees on a proportional basis or on such basis as may be prescribed by the Senate.

(2) Leadership Committees shall include majority and minority members drawn from the ranks of the Senate leadership.

(3) Special Committees shall consist of not less than three members each, unless otherwise ordered by the Senate, include a member or members of the minority party, and upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the specific matter referred. The Senate may establish investigative committees pursuant to Chapter 21, Hawaii Revised Statutes; such committees shall have such powers and be bound by such conditions as may be provided by law or by these Rules.

(4) Conference Committees shall consist of not less than three members each and be managed by the Chair of the Standing Committee having primary responsibility of the subject matter to be resolved, unless otherwise ordered by the Senate. The members of the Conference Committee, as nominated by the Majority and Minority Leaders from their respective memberships, shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred. The President may discharge a Conference Committee only upon concurrence with the Majority Leaders.

(5) The Committee of the Whole Senate.

### **Rule 14. Committee Chairs**

The first person named on the committee shall be the Chair, and the second member named shall be Vice-Chair. The Chair of committees shall call meetings and preside.

### **Rule 15. Committees: Control and Excuse from Membership**

Committees shall be under the control of and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may be excused from serving on any committee at the time of appointment, if already a member of four other committees.

### **Rule 16. Standing Committees**

Standing Committees shall be appointed for major subject matter areas at the opening of the session, or as soon thereafter as possible. The Standing Committees and their areas of jurisdiction shall be as follows:

(1) Committee on Agriculture. The purview of this committee includes those programs relating to agriculture and aquaculture, including mariculture.

(2) Committee on Commerce, Consumer Protection and Housing. The purview of this committee includes those programs relating to business regulation, occupational licensing, consumer protection, financial institutions, insurance regulation; public utility regulation; and telecommunications; housing development, the landlord tenant code, condominium property regimes, and leaseholds.

(3) Committee on Economic Development and Technology. The purview of this committee includes those programs relating to economic development, and other new industry development; financial and technical assistance to business; recreation, sports and athletics, state parks and beaches, recreational boating, and Aloha Stadium; and use of information storage, transmission, processing, and telecommunications technologies by public agencies and institutions.

(4) Committee on Education. The purview of this committee includes those programs relating to early education, public schools, continuing education, and the public libraries; the University of Hawaii and community college system; and culture, historic preservation, and the arts.

(5) Committee on Hawaiian Affairs. The purview of this committee includes those programs relating to Hawaiian affairs, including the Office of Hawaiian Affairs, sovereignty, and Hawaiian homestead lands.

(6) Committee on Health and Human Services. The purview of this committee includes those programs relating to general health, maternal and child care, communicable diseases, dental health, medical and hospital services, mental health, mental retardation, and hospitals; public assistance, Medquest, youth services, early childhood education and care programs under the Department of

Human Services, and vocational rehabilitation; programs relating to the promotion of the general well-being of Hawaii's youth, families, and elderly population.

(7) Committee on Judiciary. The purview of this committee includes those programs relating to courts; crime prevention and control, including juvenile justice matters; criminal code revision; statutory revision; campaign spending and elections; constitutional matters; programs of the Attorney General, Public Defender and Judiciary; government records and information practices; individual rights and civil liberties; and programs relating to public safety and corrections.

(8) Committee on Labor. The purview of this committee includes programs relating to public officers and employees, labor, employment opportunities and training, labor-management relations, collective bargaining; the public employees retirement system and the Hawaii public employees health fund.

(9) Committee on Tourism and Intergovernmental Affairs. The purview of this committee includes those programs relating to tourism, including the Hawaii Convention Center, Hawaii Visitors and Convention Bureau, and the Hawaii Tourism Authority; and county, federal, and foreign relations; and matters of concern to the counties.

(10) Committee on Transportation, Military Affairs, and Government Operations. The purview of this committee includes those programs relating to air, water, and surface transportation; civil defense; military and veteran's affairs; and state government operations policy, including procurement and government efficiency.

(11) Committee on Water, Land, Energy, and Environment. The purview of this committee includes those programs relating to state planning, urban renewal, community development, land and water use, coastal zone management, land reclamation, fisheries and ocean resources; energy resources, and population; environmental quality control and protection, including litter control, recycling, wastewater treatment, endangered species, and hazardous waste.

(12) Committee on Ways and Means. The purview of this committee includes those programs relating to overall state financing policies, including taxation and other revenues, cash and debt management, and statewide implementation of planning, programming, budgeting, and evaluation; government structure and finance.

#### **Rule 17. Standing Committees: General Responsibility**

(1) General Responsibility. On the bills referred to it, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocations established for the bills by the Committee on Ways and Means, which shall make the final recommendation to the Senate.

(2) Subsequent referral committees. On bills that have been referred to more than one committee, unless otherwise ordered by the Senate, the subsequent referral committee shall make no substantive change, except changes which affect the subject matter over which the subsequent referral committee has primary jurisdiction, without prior written approval of the preceding referral committee chair having primary jurisdiction over the subject matter affected by the change.

#### **Rule 18. Committee on Ways and Means: Special Responsibility**

It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas.

To the extent practicable, the Committee on Ways and Means shall make available to members of the Senate the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the 48-hour period prior to the passage of such bills on third and final reading.

Concerning all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the Standing Committee responsible for the program area to which the appropriation relates of the amount and type of financial resources available, and it shall review the expenditure recommendation of the Standing Committee to determine that the recommendation is consistent with the resources available.

In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the Standing Committee, the Committee on Ways and Means shall invite the recommendation of the chair of the Standing Committee responsible for the program area to which the appropriation relates.

#### **Rule 19. Leadership Committees**

Leadership Committees, upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President at the opening of the session, or as soon thereafter as possible. A leadership Committee on Legislative Management, upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President to perform the duties and responsibilities of the Committee as may be provided by law, or to make recommendations to the President on issues of Senate policy. Because Leadership Committees have jurisdiction over issues of organizational and institutional interest to the Senate, their

membership shall include members drawn from the ranks of the Senate Leadership, thus assuring high-level consideration of these issues.

#### **Rule 20. Meetings of Committees**

Meetings, including decision-making sessions, of leadership committees appointed by the President, and Standing Committees shall be public provided that meetings in executive session may be allowed in such exceptional circumstances when committee discussion could unfairly damage the reputation of individuals or where there is a legal question concerning a bill.

Notice of meetings and decision-making sessions shall include the number and title of the bills or resolutions, and brief descriptions and committee referrals of each of the subject matters to be covered, and shall be publicly posted by first referral committees at least 72 hours before their meetings and by subsequent referral committees at least 48 hours before their meetings, provided that these notice requirements may be waived with the approval of the President upon good cause shown.

No committee shall sit during the time when the Senate is actually in session without first securing the approval of the President, except Conference Committees that may sit at any time.

As practicable, committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and in coordination with other committees of the House or Senate, shall endeavor to hold joint meetings and public hearings on matters of mutual interest.

The meetings of a Conference Committee shall be conducted as agreed upon by the members of the Conference Committee. Conference Committee meetings and decision-making sessions shall be public. Public notice of Conference Committee meetings shall be given to the extent practicable.

#### **Rule 21. Decision-Making by Committee**

(1) The chair of a standing committee may commence a decision-making meeting and open discussion on matters referred to the committee without a quorum; provided that the decision-making by the committee on matters that are referred to it shall be conducted with a quorum of the committee present. A quorum shall be a majority of the membership of the committee.

(2) A favorable vote of a majority of the members present at a decision-making meeting duly constituted with a quorum is required to report a matter out of committee. A member voting "with reservations" shall be counted as a favorable vote.

(3) The presence of a quorum and the final vote of each member who is present at the decision-making meeting of a standing committee shall be recorded by the chair or by a member of the committee designated by the chair. This record shall be attached to and shall be a part of the report of the standing committee.

#### **Rule 22. Public Hearings on Bills**

(1) Subject to this rule, the selection and scheduling of a bill for public hearing shall be at the discretion of the chair of the committee having jurisdiction over the bill.

(2) The chair's determination that a bill will have a public hearing shall be final notwithstanding the opposition of a majority of the members of the committee.

(3) At the written request of a majority of the members of the committee, the chair shall schedule a bill for public hearing.

#### **Rule 23. Committee Reports**

(1) The leadership committees as may be appointed by the President and Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report upon matters referred to them within the time permitted in the appointment of the Special Committee unless further time is given by vote of the Senate.

(3) A Conference Committee shall not report upon the matter referred unless a majority of the members appointed by the President have concurred in the report.

#### **Rule 24. Committees: Factfinding and Content of Reports**

(1) Whenever any matter shall be referred to a committee it shall be the duty of the committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned or subpoenaed, and everything shall be done to bring all facts pertaining to the matter before the Senate in accordance with the provisions of Chapter 21 of the Hawaii Revised Statutes. The President may exercise such powers authorized under Chapter 21, relating to the issuance of subpoenas, and the President, committee chair and other duly delegated members of the Senate may exercise such powers authorized

under Chapter 21 aforesaid, relating to the administering of oaths, and the compelling of witnesses who have been subpoenaed to testify. All committee meetings held on matters referred to it by the Senate shall be open to the public unless otherwise ordered by the Senate or otherwise provided by these Rules.

(2) The report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(3) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill for one or more referred to the committee shall be reported, such substitute bill shall agree with the subject of the bill or bills referred to the committee.

(4) The committee shall report whenever a majority of the members present at the decision-making meeting duly constituted with a quorum is in favor of reporting the bill or resolution out of the committee. The report, after being made available, for review by the members of the committee, and after subsequent revisions thereto, if any, shall be the final report of the committee. The final report of the committee shall be attested to by the signature of the chair on behalf of the members of the committee. The action of the committee on the bill or resolution or any amendments thereto, if any, and the final vote of each member of the committee recorded by the chair or the chair's designee at a decision-making meeting shall not be changed in the review of the report, unless the change is made at an open decision-making meeting conducted with a quorum of the committee present. The minority of the members present at any decision-making meeting duly constituted with a quorum may report.

#### **Rule 25. Committee of the Whole**

(1) The Senate from time to time may resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such committee upon the adoption of a motion to that effect, the President shall call some member to take the Chair (unless the Senate shall nominate a chair), which being done, the Senate then shall be in committee.

(2) The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings, which shall be filed as one of the records of the Senate.

(3) The committee, on motion, may rise and ask leave to sit at any future time.

(4) When a bill shall be referred to the Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last. All amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

(5) In Committee of the Whole, the rules of procedure in the Senate shall be observed except that any member may speak more than once on the same subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

### **PART III. SESSIONS; ATTENDANCE; NOMINATIONS**

#### **Rule 26. Meetings**

(1) The Senate shall meet for the transaction of public business every day, except Saturdays, Sundays, legal holidays and such other days as the Senate shall designate by motion or resolution duly adopted and entered in the Journal.

(2) The regular hour of meetings of the Senate is established at eleven-thirty o'clock a.m. but the hour of meeting, recess and adjournment for any day may be such as the Senate, by motion, shall decide from time to time.

#### **Rule 27. Attendance**

No member shall be absent from the sessions of the Senate unless given leave by the President or unless the member is sick and unable to attend.

#### **Rule 28. Extension of Session**

Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to extend any session of the Legislature. The petition shall read:

"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request an extension of \_\_\_\_\_ days of the \_\_\_\_\_ session of \_\_\_\_\_ of the \_\_\_\_\_ Legislature of the State of Hawaii."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President and the Speaker of the House of Representatives shall jointly issue a proclamation extending the session for the number of days sought in the petition.

#### **Rule 29. Recessed Session**

Any session of the Legislature may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Each regular session shall be recessed pursuant to Article III, Section 10, of the Constitution for not less than five days at some period between the twentieth and fortieth days of the regular session.

#### **Rule 30. Special Sessions**

(1) Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to call a special session of the Legislature. The petition shall read:

"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the House of Representatives of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the \_\_\_\_\_ Legislature of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President of the Senate and the Speaker of the House of Representatives shall jointly issue a proclamation convening the Legislature in special session at the time and place sought in the petition.

(2) Two-thirds of the members to which the Senate is entitled may petition the President of the Senate to call a special session of the Senate for the purpose of carrying out the Senate's responsibilities under Article VI, Section 3, of the Constitution. The petition shall read:

"To the President of the Senate

Your petitioners, members of the Senate of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the Senate of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which the Senate is entitled, the President of the Senate shall issue a proclamation convening the Senate in special session at the time and place sought in the petition.

#### **Rule 31. Adjournments**

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as being to the established hour of meeting on the following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

#### **Rule 32. Motion to Adjourn**

A motion to adjourn is always in order, and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

#### **Rule 33. Quorum**

For the transaction of business, a majority of the number of members to which the Senate is entitled shall constitute a quorum, of which quorum a majority vote shall suffice, but the final passage of a bill shall require the vote of the majority of the members of the Senate. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. For the purpose of compelling the attendance of absent members, a majority of the members present, by resolution, may direct the Sergeant-at-Arms to place the members who are absent under arrest and return them to the Senate. Any warrant pursuant to such a resolution shall be issued in the name of the Senate and shall be signed by the member then presiding. For the purpose of ascertaining whether there is a quorum present, the President shall count the members present.

#### **Rule 34. Executive Session**



(1) If the Senate considers it necessary to act confidentially upon any communication from the Governor or upon any nomination or other matter, it may go into executive session.

(2) When any member desires to make known any matter to the Senate which the member deems should be confidential and private, the member shall communicate that desire to the President who shall decide whether the Senate shall go into executive session. The Senate may decide whether the matter communicated shall be kept secret.

**Rule 35. Clearing of the Senate**

(1) When acting upon confidential business in executive session, the Senate Chambers shall be cleared of all persons except the members of the Senate and such other persons as the presiding officer with the consent of the Senate shall deem necessary.

(2) The members, officers and employees shall keep the secrets of the Senate and any other person whose presence is permitted in executive session shall be sworn to secrecy.

(3) All confidential communications made to the Senate, and remarks, votes and proceedings thereon, shall be kept strictly secret by the members, officers and employees, as well as by such other persons as have been detained or permitted to attend upon the consideration of such matters, until the Senate, by resolution, takes off such seal of secrecy, or unless such matter be later considered in open session.

**Rule 36. Nominations; Appointments**

(1) Nominations made by the Governor and removal of the chief legal officer of the State which require the advice and consent of the Senate, and appointments which require the confirmation or consent of the Senate shall be referred to the standing committee having jurisdiction within five legislative days of receipt of the nomination or appointment. The standing committee to which a nomination, removal of the chief legal officer or appointment is referred, shall report to the Senate with a recommendation to advise and consent, confirm, or reject on or before the fifty-ninth day of the session.

(2) Except for the appointment of a justice or judge, a nomination or appointment made by the Governor which is received by the Senate after the fifty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. Notice of this rule shall be given to the Governor not later than the twentieth day of the session of the Legislature.

(3) The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"

(4) The final question on the removal of the chief legal officer of the State shall be: "Will the Senate advise and consent to the removal of the chief legal officer of the State?"

(5) The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"

(6) The final question on nominations, removal of the chief legal officer or on appointments shall not be put sooner than twenty-four hours from the time when the nomination or appointment is received, nor on the day in which it may be reported by a committee, unless by unanimous consent.

(7) Public hearings shall be held for all nominees, for the removal of the chief legal officer of the State, and for all appointees prior to confirmation or consent by the Senate.

(8) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the State Constitution.

**Rule 37. Meeting at Place Other than Capitol**

Whenever, for any reason, the Governor shall convene the Senate at any place other than the Capitol, it shall attend together with all of its officers at the time and place ordered.

**PART IV. ORDER OF BUSINESS**

**Rule 38. Order of Business: General**

After invocation, roll call and the reading of the Journal, the President shall call for business in the following order:

- (1) Messages from the Governor.
- (2) Reports and communications from the state officers.

- (3) Communications, bills, resolutions and other matters from the House of Representatives.
- (4) Concurrent and senate resolutions and introduction of bills.
- (5) Reports of Conference and Joint Committees.
- (6) Reports of the Leadership Committee on Legislative Management.
- (7) Reports of Standing Committees.
- (8) Reports of other Leadership Committees.
- (9) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (10) The Order of the Day.
- (11) Petitions, memorials and miscellaneous communications.
- (12) Any miscellaneous business on the President's table.

**Rule 39. Order of Business: Special**

The Senate, by previous motion, may direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

**Rule 40. Order of Business: Committee Reports and Gubernatorial Messages**

Reports from Conference or Joint Committees, and from Leadership Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

**Rule 41. Order of Business: Order of the Day**

After the first seven orders of business set forth in Rule 38, it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

**Rule 42. Order of Business: Unfinished Business**

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

**Rule 43. Order of Business: Questions on Priority**

All questions relating to the priority of business to be acted upon shall be decided without debate.

**PART V. BILLS; RESOLUTIONS**

**Rule 44. Bills: Introduction**

Any bill may be introduced on the report of the committee or by any member, except appropriation bills subject to the next paragraph and except short form bills which may only be introduced by the majority leaders or the minority leader after appropriate consultation with committee chairs and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for funding of collective bargaining agreements may be introduced only by the President. Each member may introduce only one bill appropriating money for capital improvements projects in the member's district. The majority leaders and the minority leader shall develop a policy governing introduction by individual members of bills intended to appropriate money or to authorize the issuance of state bonds.

All bills shall be introduced under the order of resolutions.

Bills which shall carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and stricken and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule, nor an amending bill where the intent and effect of the amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

#### **Rule 45. Bills: Referral to Committee**

(1) Upon introduction all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, and shall pass first reading.

(2) Each such bill shall be referred by the Majority Leaders to one or more appropriate Leadership or Standing Committees for consideration.

(3) Any referral may be reconsidered by the President, Vice-President and Majority Floor Leader upon written request of any chair who is aggrieved by the referral made within forty-eight hours of the referral. The President, Vice-President and Majority Floor Leader shall decide the request for reconsideration within a reasonable time, which decision shall be final. No request for reconsideration shall be considered if the timing of the request would have the effect of killing a bill or resolution.

(4) Each Leadership and Standing Committee shall consider the bills and other matters referred to it as expeditiously as may be possible.

#### **Rule 46. Bills: Required Readings**

No bill shall pass the Senate unless it shall have passed three readings in the Senate on separate days. The President shall give notice in each instance whether it be the first, second or third reading.

#### **Rule 47. Bills: First Reading**

(1) The first reading of a bill shall be for information. If opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such question, except the introducer of the bill, who may close the debate.

(2) If the question to reject be negative, the bill shall go to its second reading without question.

#### **Rule 48. Bills: Second Reading**

A bill upon its second reading may be read by its title only. It then shall be subject to a motion to commit. If it is not referred to a Leadership Committee, Standing Committee, or Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the chair of such committee. When the bill is reported from committee it shall take its place in the order of business for future consideration.

#### **Rule 49. Bills: Third Reading**

(1) No bill shall pass third or final reading in the Senate unless printed copies of the bill in the form to be passed have been made available to the members of the Senate for at least 48 hours. Form to be passed means the form in which a bill is to be (a) passed on third reading in the Senate, (b) concurred to by the Senate after amendments have been made by the House, or (c) passed by the Senate after a Conference Committee has agreed upon it.

(2) A bill on its third or final reading may be read by its title only, and the President then shall ask the Senate: "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Upon the final passage of any bill, the Ayes and Noes shall be called. Such passage shall require the affirmative vote of a majority of all the members of the Senate and the Ayes and Noes shall be entered on the Journal.

#### **Rule 50. Bills: Property of Senate**

All bills introduced in the Senate shall be deemed the property of the Senate and under its control unless they shall become law, subject however to the right of the House of Representatives to amend or to refuse to agree with the bills.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the Senate in an odd-numbered session, it shall pass at least one reading in the Senate in the next regular session upon its return to the Senate from the House.

**Rule 51. Bills: Recall from Committee**

Twenty days after a bill has been referred to a committee, the same may be recalled from such committee by the affirmative vote of one-third of the members of the Senate.

**Rule 52. Matters Tabled**

When a bill or resolution or other matter has been laid upon the table, it shall not thereafter be taken from the table and be considered or restored to a place upon the calendar of the Senate without the consent of a majority.

**Rule 53. Bills: Amendments**

(1) All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

(2) No floor amendment to a bill shall be voted upon unless a copy of the amendment, together with a copy of the complete bill in a form that incorporates the floor amendment, shall have been presented to the Clerk no later than 9:00 o'clock a.m. on the day of the session at which the amendment is to be offered. The Clerk shall prepare and distribute copies of the floor amendment to each member of the Senate present.

(3) A floor amendment shall be deemed pending only after its proponent has been recognized by the President and its adoption has been properly moved and seconded.

(4) A floor amendment that relates to a different subject, is intended to accomplish a different purpose, incorporates any other bill pending before the Senate, or would alter the nature of the bill as reported, is not germane and shall not be considered by the Senate.

(5) An amendment to a floor amendment that is not germane to both the floor amendment and the bill as reported shall not be considered by the Senate.

**Rule 54. Bills: Certification**

When a bill is passed it shall be certified by the Clerk who shall note the day of its passage at the bottom of the last page of the bill.

**Rule 55. Bills: Received from House of Representatives**

Whenever a bill which has finally passed the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provision of the rules for the passage of bills introduced in the Senate.

**Rule 56. Bills: Transmittal to House of Representatives**

When a bill originating in the Senate shall have passed its third reading, or when a bill originating in the House which has been received from the House shall have been amended, or when a carry-over bill from an odd-numbered year originating in the House passes its third reading in the Senate in an even-numbered year session, such bill or such amended bill shall immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

**Rule 57. Bills: Correction of Errors**

When a bill has passed both the Senate and the House of Representatives and an error in it is discovered prior to its having received the approval of the Governor, the bill may be returned by Concurrent Resolution to the house last considering the bill for proper correction.

**Rule 58. Bills: Order of Consideration**

(1) The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the Senate, the Majority Leadership shall refer them to the various committees. When the committees

have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the Second Reading File. The Senate shall consider them in the order in which they appear in the Second Reading File.

(2) The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their reference to committee or the date of the committee report on them. The Clerk shall place them on the Third Reading File in the order in which they passed second reading and the Senate shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the Third Reading File.

**Rule 59. Bills: Special Order of Consideration**

All bills and other matters set for consideration on particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

**PART VI. RESOLUTIONS; MOTIONS**

**Rule 60. Resolutions and Motions: Form**

All resolutions shall be typewritten, dated and signed by the introducer, otherwise they shall not be considered. The Senate shall not introduce any congratulatory, commemorative or memorial resolution but shall express the sentiment contained in such resolutions by means of a suitable certificate. Motions and amendments may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so ordered.

**Rule 61. Motions: Second Required**

No motion shall be received and considered by the Senate until the motion is seconded.

**Rule 62. Motions: Disposition**

After a motion is stated or read by the President, it shall be deemed to be in the possession of the Senate, and shall be disposed of by vote of the Senate; however, it may be withdrawn by the movant at any time before an amendment has been adopted or before the decision on the motion if not amended.

**Rule 63. Motions Applicable to Pending Matters**

Whenever any bill or resolution or other matter shall be under discussion, the only motions relative thereto shall be:

- (1) To lay upon the table,
- (2) To postpone to a certain time,
- (3) To postpone indefinitely,
- (4) To commit, and
- (5) To amend, which motions shall have precedence in the order named.

The first two motions shall be decided without debate and shall be put as soon as made.

When any of the motions shall be decided in the negative, they shall not be revived the same day relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the adoption of the bill, resolution or other main question.

**Rule 64. Matters Postponed Indefinitely**

When a question is postponed indefinitely, the question shall not be acted upon again during the session in which it was introduced.

**Rule 65. Motion for Previous Question**

The object of the motion for the previous question is to cut off debate. It shall always be in order. It shall require a three-fifths vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill under discussion shall be permitted to close the debate, after which the main question, subject to Rule 63, shall be put. The author or introducer may delegate to another such right to close.

#### **Rule 66. Motion for Reconsideration**

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or the succeeding day of session, or, with the consent of the Senate, on any subsequent day and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided by vote, that vote shall not be reconsidered.

(3) When a bill or resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and shall have been transmitted to the House of Representatives, a motion to reconsider shall be deemed to include a request to the House to return the same. If not complied with by the House, then the vote on the motion to reconsider shall be set aside. If such motion shall pass, the Clerk shall promptly communicate to the House the request for return of the matter to be reconsidered.

### **PART VII. PETITIONS AND COMMUNICATIONS**

#### **Rule 67. Petitions, Memorials, and Miscellaneous Communications**

(1) Any person may petition the Senate. Petitions and other memorials, except as provided in Rule 60, shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate or to the President and members shall be presented to the Senate by the Clerk.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made orally by the Clerk.

(4) Every such petition, memorial or other paper shall be ordered filed or referred to a committee, as of course, by the President, unless such action is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, except with the consent of the Senate.

### **PART VIII. ORDER; DEBATE; VOTING**

#### **Rule 68. Questions of Order**

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate, such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2) Any question of order may be submitted to the Senate for its decision.

#### **Rule 69. Debate: General Limitation**

No member shall speak more than twice, unless such member be the movant of the matter pending, in which case such member shall not be permitted to speak in reply until every member choosing to speak shall have spoken.

#### **Rule 70. Voting: Methods**

There shall be five methods of ascertaining the decision of the Senate upon any matter.

(1) First, by voice or raising of hands; Second, by rising; Third, by ballot; Fourth, by call of the roll of the members and a record of the Clerk of the vote of each; and Fifth, by unanimous consent.

(2) Whenever the Senate is ready to vote on any question, the President shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote "Aye." The President then shall call upon all voting in the negative of the question to vote "No." The President then shall announce the result to the Senate.

(3) If any member shall doubt the result, as announced, the President again shall state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result again shall be announced.

(4) The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messengers to collect the ballots, which shall be counted by the Clerk. On motion, the Senate may vote upon any question by ballot.

(5) Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the Senate. Each member, when called, shall vote in a clear loud voice, "Aye," if voting in the affirmative, or "No," if voting in the negative. The Clerk shall record each vote and such record shall become a part of the Journal of the Senate. The President shall announce the results as above set forth.

(6) With the unanimous consent of the Senate, the President may direct the Clerk to record an "Aye" vote for each member of the Senate. If there is no objection, the Clerk shall so record the vote. If there is objection, the President shall ask for the names of the members voting "No" and order the Clerk to record no votes for them.

#### **Rule 71. Voting: Rights of Members**

(1) No member, on any account, shall refrain from voting unless excused by the President. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall Rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.

### **PART IX. DECORUM; DISCLOSURES; PEER REVIEW; PUNISHMENT**

#### **Rule 72. Misconduct; Procedure; Peer Review**

No member of the Senate shall be subject to a charge for misconduct, disorderly behavior, or neglect of duty unless the person making the charge shall have first given notice of the charge to the President and to the member being charged.

Upon receipt of the charge, the President shall attempt to resolve the matter in an administrative proceeding. If the matter cannot be resolved administratively, the President may appoint a Special Committee to be chaired by the Vice-President or such other member as the President may designate to investigate, hear and report upon the conduct of the member charged for misconduct, disorderly behavior or neglect of duty. Any member so charged shall be informed in writing of the specific charge or charges made against the member and have opportunity to present evidence and be heard in the member's own defense before the Special Committee. Following its investigation and hearing, the Special Committee shall file its report with the President setting forth its findings and recommendations.

If the committee recommends dismissal of the charge or charges, the President may dismiss the charges without further hearing, or the President may present the report of the committee to the Senate for its consideration. The Senate, by a majority vote, may dismiss the charge or charges against the member without a hearing.

If there is no dismissal of the charge or charges, or if the committee recommends censure, suspension or expulsion, the President shall present the report of the committee to the Senate for its consideration and decision. The member who is charged, shall be informed in writing of the presentation of the charge or charges of the committee report to the Senate and be given an opportunity to be heard in the member's own defense. The Senate, by a majority vote, may dismiss the charge or charges without a hearing, or with notice and an opportunity to be heard in the member's own defense, censure a member or, upon a two-thirds vote of all the members of the Senate, suspend or expel a member.

At any stage of the charge against a member, the member shall have a right to be represented by a person or persons of the member's own choosing.

#### **Rule 73. Decorum: Transgression of Rules**

If any member transgresses the rules of the Senate, the President, or any member, may call such member to order, and, when so called to order, the member immediately shall sit down. The President then shall decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

**Rule 74. Decorum: Address**

When any member is about to speak, such member shall rise from the member's seat and address all remarks to the President. While speaking, the member shall confine all remarks to the question under debate, shall refer to other Senators by title only (e.g., "Senator from the \_\_\_\_\_ District"; "The Chair of the Committee on \_\_\_\_\_"; "The Majority Leader,") and not by name and shall avoid personalities.

**Rule 75. Decorum: Person Called to Order While Speaking**

Whenever any person shall be called to order while speaking, such person shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

**Rule 76. Decorum: Presence in Senate**

No person shall sit at the desk of the President or Clerk, except by permission of the President, nor shall any person, other than a member, officer or permitted employee or person, sit in the main Senate floor area during any of the sessions of the Senate.

**Rule 77. Decorum: Conduct in Session**

When the President is putting any question or addressing the Senate, no one shall walk out of the room or across the floor. When a member is speaking, no one shall entertain a private discourse, nor shall anyone pass between the member speaking and the Chair.

**Rule 78. Decorum: Disorderly Conduct in Session**

If, during any session of the Senate, any member should behave in a disorderly manner the President shall order the member to be seated and preserve the peace. If such member then shall persist in disorderly conduct, the President shall order the Sergeant-at-Arms to remove the member from the Senate and the member shall not be permitted to take a seat during the remainder of that day's session, except upon satisfactory pledge given to the Senate for future good behavior.

For the punishment of any person not a member, the provisions of Article III, Section 18 of the Constitution shall govern.

**Rule 79. Decorum: Recording of Debate Called to Order**

If any Senator is called to order for words spoken in debate, upon the member's demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

**Rule 80. Decorum: Smoking**

No member or other officer shall smoke within the Senate Chamber during any of the meetings of the Senate.

**Rule 81. Decorum: Solicitation Prohibited**

An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions or contributions for any purpose on the floor or in the lobby of the Senate or in any Senate office.

**Rule 82. Disclosures**

Each member shall file with the Ethics Commission of the State of Hawaii, a disclosure of the member's private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.

If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.

Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.



**Rule 83. Violating Confidence**

If any matter covered in Rule 35 or 36 shall be disclosed by any Senator, the Senator shall be liable to censure, or, by a two-thirds vote, to suspension or expulsion from the Senate. If an officer or other person authorized to hear such matter shall disclose the matter, such officer shall be dismissed and such other person shall be liable to punishment for contempt comparable to the punishment provided for by Article III, Section 18 of the Constitution and in the manner as therein prescribed.

**PART X. QUESTIONS TO STATE OFFICERS****Rule 84. Questions to State Officers**

Any member of the Senate may ask any question of any state officer relating to the officer's respective department by reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.

**PART XI. AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES****Rule 85. Amendments; Suspension; Violations**

(1) No rule of the Senate shall be amended or rescinded nor shall any new rule be adopted, without one day's notice of such change. Any such action shall require a majority vote of the members of the Senate.

(2) Any rule may be suspended for a particular purpose upon a majority vote of the members of the Senate.

(3) Any violation of these Rules shall be referred to the President for appropriate action.

**Rule 86. Parliamentary Procedure**

Mason's Manual of Legislative Procedures, 2000 edition, where not inconsistent with the Rules and practices of the Senate, shall govern.

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**21<sup>st</sup> STATE LEGISLATURE  
JOINT SENATE-HOUSE  
2001 COMMITTEES ON CONFERENCE PROCEDURES**

The Senate and the House have agreed to the following special procedures for all 2001 Regular Session Committees on Conference meetings. Within these procedures:

“Chairs” refer to all of the designated co-chairs of a Conference Committee;

“Conference Committee” refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular bill or resolution; and

“Managers” refer to all members of the House and Senate assigned to a Conference Committee.

1. **Conference Committee Scope and Amendments**

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a bill or resolution. Accordingly:

- a. With the exception of the Executive Budget and the Judiciary Budget, a Conference Committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject matter.
- b. To assure the integrity of individual bills, the merging of two or more distinct but related bills into one encompassing bill shall not be allowed.

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2. Conference Committee Meeting Times

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 12:00 midnight.

3. Initial Public Meeting Notice

The signatures of the Conference Committee chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice.

Conference Committee chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee, and are strongly encouraged to provide more than 24 hours notice if at all possible.

4. Notice of Subsequent Meetings

a. If agreement is not reached at a duly noticed meeting, but the majority of chairs of their respective chamber agree to meet again before midnight on the same day, the chairs should announce the time at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting must be provided to the Senate Chief Clerk and the House Sergeant-at-Arms and posted, as soon as possible, adjacent to the door of the assigned conference room.

b. If agreement is not reached at a duly noticed meeting and the majority of chairs of their respective chamber agree to meet on another day, the chairs shall publicly announce the date(s) and time(s) of the subsequent meeting(s), post written notice, adjacent to the door of the assigned conference room, and submit copies of the written notice to the Senate Chief Clerk and the House Sergeant-at-Arms.

c. If agreement is not reached at a duly noticed meeting and the date(s) and time(s) of future meetings are not publicly announced at that noticed meeting, then chairs must ensure that written notice, signed by the majority of chairs of their respective chamber, is posted and distributed at least 24 hours in advance of the next meeting of the Conference Committee.

5. Conference Room Notice

Notices of Conference Committee meetings shall be posted adjacent to the door of the assigned conference room and updated periodically to advise the public of the items for which the Conference Committee has concluded its work and those items still remaining in conference.

6. Conference Discussion

Except as authorized by the respective Conference Committee chairs, only the respective Conference Committee chairs may speak during conference. All other managers or other authorized persons must be recognized by their respective chairs before speaking on any issue.

7. Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers

a. Conference Committee managers shall respect the differing views of other managers and conduct themselves in a courteous manner.

b. Conference Committee chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee in Conference shall have the names of the absent chairs paged through the State Capitol public address system. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the members of the public present that the Conference Committee cannot be reconvened, and that, pursuant to 4c of these Conference Committee Procedures, 24-hour notification will be provided for a subsequent meeting of the Conference Committee.

8. Decision-making Meetings

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

a. A quorum of the Conference Committee shall be present for the decision-making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the conference committee for their respective chamber.

- b. To report a measure out of Conference Committee in amended form (CD), a majority of the chairs for each respective chamber and a majority of the quorum of managers for each respective chamber must vote in favor of the proposed amendments, provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signatures of the chairs (or their designee) of the fiscal committees of each chamber.
- c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Draft sample attached).
- d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agrees to the amendments made by the non-initiating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee will vote on the measure, returning it to the House in its SD form. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

9. Conference Committee Reports

- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee report on behalf of their respective managers. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.
- b. All House measures reported out of Conference Committee shall be filed with the House Clerk and likewise all Senate measures shall be filed with the Senate Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only one original and one copy shall be required for filing of Conference Committee reports.

10. Decision-making Deadlines

On the deadline nights for Final Decking of both non-fiscal and fiscal bills:

- a. Conference Committees shall conclude their negotiations by 6:00 p.m. to allow adequate time for final preparation of the bills and committee reports.
- b. To provide all Conference Committee chairs with ample opportunity to review and sign the Committee reports before filing, all Conference Committee reports shall be available for review and signature by 9:00 p.m.
- c. All Conference Committee reports shall be filed with the respective Clerk's office by 11:30 p.m.

11. Electronic Transfer

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House Chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

12. Exceptions to these Procedures

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.

/s/ Robert Bunda

**Senator Robert Bunda**  
**President**

APR 12 2002

**Date**

/s/ Calvin K.Y. Say

**Representative Calvin K.Y. Say**  
**Speaker**

APR 12 2002

**Date**

**RULES OF THE SENATE**  
of the  
**TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII**

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**RULES OF THE SENATE**  
**of the**  
**TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII**

**PREAMBLE**

The members of the Senate do hereby reaffirm the Senate's dedication to upholding the Constitutions of the United States and the State of Hawaii, to providing for openness and fairness in all of its proceedings, and to promoting collaboration and consultation in its committee work.

The Senate stands as a people-oriented institution that serves all of the people, whatever their background or persuasion. The Senate works for the public good and strives to give every person an equal opportunity to realize his or her highest potential. The Senate is an open public forum for organized debate and deliberative consideration of issues.

**RULES OF THE SENATE**

The following Rules shall be the Rules of the Senate of the Twenty-first Legislature of the State of Hawaii.

**PART I. ORGANIZATION, OFFICERS AND EMPLOYEES**

**Rule 1. Organization**

(1) When the Senate convenes in the first Regular Session of each Legislature, the member from the First Senatorial District shall act as temporary chair, call the Senate to order, appoint a temporary Clerk, and a Committee of three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If from the report of the Committee, it shall appear that a majority of the credentials are in order, the temporary Clerk shall call the roll.

(2) The temporary Chair shall then appoint a Committee of three to wait upon a justice of the Supreme Court, an Intermediate Appellate Court Judge or a Circuit Court judge to administer the oath of office required by the Constitution. After the oath has been duly administered, the Senate shall organize.

(3) When the Senate convenes in any succeeding Sessions of the Legislature, the President or the Vice-President in the absence of the President, shall call the Senate to order.

**Rule 2. Officers and Employees**

(1) The officers of the Senate shall consist of a President, Vice-President, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms, each of whom shall be elected by a majority vote of the members of the Senate.

(2) The President and Vice-President shall hold their respective offices in accordance with Title 3, Hawaii Revised Statutes. Other officers and employees shall hold their respective offices and positions at the pleasure of the Senate, but a majority vote of the members of the Senate shall be required to terminate the office held by any officer of the Senate.

(3) The Senate, by a majority vote, may authorize positions from time to time as may be deemed necessary.

**Rule 3. The President**

It shall be the duty of the President:

- (1) To open the meetings of the Senate by taking the Chair and calling for the invocation.
- (2) When a quorum is present, to call for the reading of the Journal of the preceding day.
- (3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.
- (4) To announce the business before the Senate in the order prescribed by the Rules.
- (5) To receive and submit all matters properly brought before the Senate by the members, call for votes upon the same and announce the results.
- (6) To receive all communications, present them to the Senate and, unless otherwise provided in these Rules, refer these and other matters to the appropriate standing committees.

(7) To appoint all members of committees upon consultation and agreement with the Majority and Minority Leaders unless otherwise determined by the Senate.

(8) To authenticate by signature, all acts and doings of the Senate which require authentication.

(9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.

(10) To issue warrants and when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11) To decide and announce the result of any vote taken.

(12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.

(13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.

(14) To control and have direction of the rooms, desks, passages, stairways, corridors, and balconies, in and about the building set apart for the use of the Senate, and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills, the dates for the mandatory recess pursuant to Article III, Section 10, of the Constitution, the final date for third reading of Senate Bills, the final date for third reading of House Bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To promulgate, for adoption by the Senate, an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate policies.

(17) To mediate and resolve differences between two or more standing committees on the same bill.

#### **Rule 4. The Vice-President**

(1) The Vice-President and the President shall prepare and administer a budget for the Senate.

(2) In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

#### **Rule 5. President Pro Tempore**

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the member of the majority party having the longest tenure in the Senate shall preside until a President pro tempore is chosen. If two or more members are equally qualified to preside, the eldest qualified member shall preside.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

#### **Rule 6. The Clerk**

It shall be the duty of the Clerk:

(1) To have charge of all records of the Senate and be responsible for the same. At no time shall the Clerk permit original documents to be withdrawn from the Clerk's keeping unless ordered by the Senate.

(2) To make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate. Such memoranda shall state the nature of the matter and the name of the introducer, and the date and day of the session on which the Senate considered the matter. The memoranda, together with other matters ordered to be placed therein, shall constitute the Journal, a copy of which shall be made available for inspection to any member upon request as soon as practicable. The Journal of each day shall be read the following day, immediately after the invocation. When such Journal is approved by vote of the Senate, it shall be entered by the Clerk in a book entitled "Journal of the Senate. Session of . ." (Giving the Year).

(3) Unless otherwise directed by the Senate, to read all bills, resolutions and other matters (if so required) to the Senate.

- (4) To forward at once all letters, messages, communications and other matters to the proper parties.
- (5) To immediately deliver to the Chair of the appropriate committee all petitions, resolutions, bills or other matters duly referred to such committee.
- (6) To see that all bills and resolutions are properly engrossed and are correct and true as finally acted upon by the Senate.
- (7) To draw on the state general fund for expenses of the session as shall be authorized by the Senate and approved by the President.
- (8) To pay all bills and accounts as shall be approved by the President or the President's designees, or ordered by the Senate, and no others.
- (9) To be responsible for the acquisition and distribution of all of the property of the Senate.
- (10) To note all questions of order with the decision thereon, collect the same, and append them to the Senate Journal at the close of the session.
- (11) To perform all other clerical duties and functions pertaining to the Office of the Clerk and as the Senate from time to time shall direct. The Clerk shall post the order of business in writing in a conspicuous place each day.

**Rule 7. Assistant Clerk**

The Assistant Clerk shall assist the Clerk in the performance of all duties and attend to such other duties as may be required when so directed by the President. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

**Rule 8. Invocation**

Each day's sitting of the Senate shall open with an invocation.

**Rule 9. Sergeant-at-Arms**

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order among those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise the distribution of incidentals which require distribution among the members; to supervise, subject to the control of the President, the Senate Messengers; to attend upon committees if so requested; to serve all orders or process as directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate; and generally to execute all of the requirements of the President of the Senate.

**Rule 10. Assistant Sergeant-at-Arms**

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in the performance of all duties and attend to such duties as may be required when so directed by the President. In the absence of the Sergeant-at-Arms, the Assistant Sergeant-at-Arms shall perform all duties of the Sergeant-at-Arms.

**Rule 11. Majority and Minority Party Organization and Staff**

(1) Members of the majority and minority parties may adopt rules of procedure and administration for their respective caucuses. The rules shall not be inconsistent with the Rules of the Senate, and any such rule of procedure for the caucus shall not be enforceable on the floor of the Senate.

(2) Members of the majority party may establish a majority staff office consisting of a director and chief attorney to be appointed and serve as the members of the majority party shall determine. Members of the minority party may establish a minority staff office consisting of an attorney to be appointed and serve as the members of the minority party shall determine.

(3) The establishment and staffing of the majority and minority staff offices shall be subject to budgetary constraints in the budget for the Senate that is prepared and administered under Rule 4.

**Rule 12. Pay of Members, Officers and Employees**

(1) Each member of the Senate, upon being elected or appointed to office, shall receive as compensation such salary as prescribed pursuant to Article III, Section 9, of the State Constitution.



(2) The officers, except the President and Vice-President, and the employees shall receive compensation as the Senate shall fix.

## PART II. COMMITTEES

### **Rule 13. Committees: Types and Composition**

(1) Standing Committees: The membership of each Standing Committee, upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President subject to action by the Senate. The respective Chairs and Vice Chairs of each Standing Committee, upon consultation and agreement with the Majority Leaders, shall be appointed by the President, subject to action by the Senate. The majority and minority parties shall to the extent practicable be represented on all Standing Committees on a proportional basis or on such basis as may be prescribed by the Senate.

(2) Leadership Committees shall include majority and minority members drawn from the ranks of the Senate leadership.

(3) Special Committees shall consist of not less than three members each, unless otherwise ordered by the Senate, include a member or members of the minority party, and upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the specific matter referred. The Senate may establish investigative committees pursuant to Chapter 21, Hawaii Revised Statutes; such committees shall have such powers and be bound by such conditions as may be provided by law or by these Rules.

(4) Conference Committees shall consist of not less than three members each and be managed by the Chair of the Standing Committee having primary responsibility of the subject matter to be resolved, unless otherwise ordered by the Senate. The members of the Conference Committee, as nominated by the Majority and Minority Leaders from their respective memberships, shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred. The President may discharge a Conference Committee only upon concurrence with the Majority Leaders.

(5) The Committee of the Whole Senate.

### **Rule 14. Committee Chairs**

The first person named on the committee shall be the Chair, and the second member named shall be Vice-Chair. The Chair of committees shall call meetings and preside.

### **Rule 15. Committees: Control and Excuse from Membership**

Committees shall be under the control of and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may be excused from serving on any committee at the time of appointment, if already a member of four other committees.

### **Rule 16. Standing Committees**

Standing Committees shall be appointed for major subject matter areas at the opening of the session, or as soon thereafter as possible. The Standing Committees and their areas of jurisdiction shall be as follows:

(1) Committee on Agriculture. The purview of this committee includes those programs relating to agriculture and aquaculture, including mariculture.

(2) Committee on Commerce, Consumer Protection and Housing. The purview of this committee includes those programs relating to business regulation, occupational licensing, consumer protection, financial institutions, insurance regulation; public utility regulation; and telecommunications; housing development, the landlord tenant code, condominium property regimes, and leaseholds.

(3) Committee on Economic Development and Technology. The purview of this committee includes those programs relating to economic development, and other new industry development; financial and technical assistance to business; recreation, sports and athletics, state parks and beaches, recreational boating, and Aloha Stadium; and use of information storage, transmission, processing, and telecommunications technologies by public agencies and institutions.

(4) Committee on Education. The purview of this committee includes those programs relating to early education, public schools, continuing education, and the public libraries; the University of Hawaii and community college system; and culture, historic preservation, and the arts.

(5) Committee on Hawaiian Affairs. The purview of this committee includes those programs relating to Hawaiian affairs, including the Office of Hawaiian Affairs, sovereignty, and Hawaiian homestead lands.

(6) Committee on Health and Human Services. The purview of this committee includes those programs relating to general health, maternal and child care, communicable diseases, dental health, medical and hospital services, mental health, mental retardation, and hospitals; public assistance, Medquest, youth services, early childhood education and care programs under the Department of

Human Services, and vocational rehabilitation; programs relating to the promotion of the general well-being of Hawaii's youth, families, and elderly population.

(7) Committee on Judiciary. The purview of this committee includes those programs relating to courts; crime prevention and control, including juvenile justice matters; criminal code revision; statutory revision; campaign spending and elections; constitutional matters; programs of the Attorney General, Public Defender and Judiciary; government records and information practices; individual rights and civil liberties; and programs relating to public safety and corrections.

(8) Committee on Labor. The purview of this committee includes programs relating to public officers and employees, labor, employment opportunities and training, labor-management relations, collective bargaining; the public employees retirement system and the Hawaii public employees health fund.

(9) Committee on Tourism and Intergovernmental Affairs. The purview of this committee includes those programs relating to tourism, including the Hawaii Convention Center, Hawaii Visitors and Convention Bureau, and the Hawaii Tourism Authority; and county, federal, and foreign relations; and matters of concern to the counties.

(10) Committee on Transportation, Military Affairs, and Government Operations. The purview of this committee includes those programs relating to air, water, and surface transportation; civil defense; military and veteran's affairs; and state government operations policy, including procurement and government efficiency.

(11) Committee on Water, Land, Energy, and Environment. The purview of this committee includes those programs relating to state planning, urban renewal, community development, land and water use, coastal zone management, land reclamation, fisheries and ocean resources; energy resources, and population; environmental quality control and protection, including litter control, recycling, wastewater treatment, endangered species, and hazardous waste.

(12) Committee on Ways and Means. The purview of this committee includes those programs relating to overall state financing policies, including taxation and other revenues, cash and debt management, and statewide implementation of planning, programming, budgeting, and evaluation; government structure and finance.

#### **Rule 17. Standing Committees: General Responsibility**

(1) General Responsibility. On the bills referred to it, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocations established for the bills by the Committee on Ways and Means, which shall make the final recommendation to the Senate.

(2) Subsequent referral committees. On bills that have been referred to more than one committee, unless otherwise ordered by the Senate, the subsequent referral committee shall make no substantive change, except changes which affect the subject matter over which the subsequent referral committee has primary jurisdiction, without prior written approval of the preceding referral committee chair having primary jurisdiction over the subject matter affected by the change.

#### **Rule 18. Committee on Ways and Means: Special Responsibility**

It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas.

To the extent practicable, the Committee on Ways and Means shall make available to members of the Senate the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the 48-hour period prior to the passage of such bills on third and final reading.

Concerning all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the Standing Committee responsible for the program area to which the appropriation relates of the amount and type of financial resources available, and it shall review the expenditure recommendation of the Standing Committee to determine that the recommendation is consistent with the resources available.

In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the Standing Committee, the Committee on Ways and Means shall invite the recommendation of the chair of the Standing Committee responsible for the program area to which the appropriation relates.

#### **Rule 19. Leadership Committees**

Leadership Committees, upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President at the opening of the session, or as soon thereafter as possible. A leadership Committee on Legislative Management, upon consultation and agreement with the Majority and Minority Leaders, shall be appointed by the President to perform the duties and responsibilities of the Committee as may be provided by law, or to make recommendations to the President on issues of Senate policy. Because Leadership Committees have jurisdiction over issues of organizational and institutional interest to the Senate, their

membership shall include members drawn from the ranks of the Senate Leadership, thus assuring high-level consideration of these issues.

#### **Rule 20. Meetings of Committees**

Meetings, including decision-making sessions, of leadership committees appointed by the President, and Standing Committees shall be public provided that meetings in executive session may be allowed in such exceptional circumstances when committee discussion could unfairly damage the reputation of individuals or where there is a legal question concerning a bill.

Notice of meetings and decision-making sessions shall include the number and title of the bills or resolutions, and brief descriptions and committee referrals of each of the subject matters to be covered, and shall be publicly posted by first referral committees at least 72 hours before their meetings and by subsequent referral committees at least 48 hours before their meetings, provided that these notice requirements may be waived with the approval of the President upon good cause shown.

No committee shall sit during the time when the Senate is actually in session without first securing the approval of the President, except Conference Committees that may sit at any time.

As practicable, committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and in coordination with other committees of the House or Senate, shall endeavor to hold joint meetings and public hearings on matters of mutual interest.

The meetings of a Conference Committee shall be conducted as agreed upon by the members of the Conference Committee. Conference Committee meetings and decision-making sessions shall be public. Public notice of Conference Committee meetings shall be given to the extent practicable.

#### **Rule 21. Decision-Making by Committee**

(1) The chair of a standing committee may commence a decision-making meeting and open discussion on matters referred to the committee without a quorum; provided that the decision-making by the committee on matters that are referred to it shall be conducted with a quorum of the committee present. A quorum shall be a majority of the membership of the committee.

(2) A favorable vote of a majority of the members present at a decision-making meeting duly constituted with a quorum is required to report a matter out of committee. A member voting "with reservations" shall be counted as a favorable vote.

(3) The presence of a quorum and the final vote of each member who is present at the decision-making meeting of a standing committee shall be recorded by the chair or by a member of the committee designated by the chair. This record shall be attached to and shall be a part of the report of the standing committee.

#### **Rule 22. Public Hearings on Bills**

(1) Subject to this rule, the selection and scheduling of a bill for public hearing shall be at the discretion of the chair of the committee having jurisdiction over the bill.

(2) The chair's determination that a bill will have a public hearing shall be final notwithstanding the opposition of a majority of the members of the committee.

(3) At the written request of a majority of the members of the committee, the chair shall schedule a bill for public hearing.

#### **Rule 23. Committee Reports**

(1) The leadership committees as may be appointed by the President and Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report upon matters referred to them within the time permitted in the appointment of the Special Committee unless further time is given by vote of the Senate.

(3) A Conference Committee shall not report upon the matter referred unless a majority of the members appointed by the President have concurred in the report.

#### **Rule 24. Committees: Factfinding and Content of Reports**

(1) Whenever any matter shall be referred to a committee it shall be the duty of the committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned or subpoenaed, and everything shall be done to bring all facts pertaining to the matter before the Senate in accordance with the provisions of Chapter 21 of the Hawaii Revised Statutes. The President may exercise such powers authorized under Chapter 21, relating to the issuance of subpoenas, and the President, committee chair and other duly delegated members of the Senate may exercise such powers authorized

under Chapter 21 aforesaid, relating to the administering of oaths, and the compelling of witnesses who have been subpoenaed to testify. All committee meetings held on matters referred to it by the Senate shall be open to the public unless otherwise ordered by the Senate or otherwise provided by these Rules.

(2) The report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(3) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill for one or more referred to the committee shall be reported, such substitute bill shall agree with the subject of the bill or bills referred to the committee.

(4) The committee shall report whenever a majority of the members present at the decision-making meeting duly constituted with a quorum is in favor of reporting the bill or resolution out of the committee. The report, after being made available, for review by the members of the committee, and after subsequent revisions thereto, if any, shall be the final report of the committee. The final report of the committee shall be attested to by the signature of the chair on behalf of the members of the committee. The action of the committee on the bill or resolution or any amendments thereto, if any, and the final vote of each member of the committee recorded by the chair or the chair's designee at a decision-making meeting shall not be changed in the review of the report, unless the change is made at an open decision-making meeting conducted with a quorum of the committee present. The minority of the members present at any decision-making meeting duly constituted with a quorum may report.

#### **Rule 25. Committee of the Whole**

(1) The Senate from time to time may resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such committee upon the adoption of a motion to that effect, the President shall call some member to take the Chair (unless the Senate shall nominate a chair), which being done, the Senate then shall be in committee.

(2) The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings, which shall be filed as one of the records of the Senate.

(3) The committee, on motion, may rise and ask leave to sit at any future time.

(4) When a bill shall be referred to the Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last. All amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

(5) In Committee of the Whole, the rules of procedure in the Senate shall be observed except that any member may speak more than once on the same subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

### **PART III. SESSIONS; ATTENDANCE; NOMINATIONS**

#### **Rule 26. Meetings**

(1) The Senate shall meet for the transaction of public business every day, except Saturdays, Sundays, legal holidays and such other days as the Senate shall designate by motion or resolution duly adopted and entered in the Journal.

(2) The regular hour of meetings of the Senate is established at eleven-thirty o'clock a.m. but the hour of meeting, recess and adjournment for any day may be such as the Senate, by motion, shall decide from time to time.

#### **Rule 27. Attendance**

No member shall be absent from the sessions of the Senate unless given leave by the President or unless the member is sick and unable to attend.

#### **Rule 28. Extension of Session**

Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to extend any session of the Legislature. The petition shall read:

"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request an extension of \_\_\_\_\_ days of the \_\_\_\_\_ session of \_\_\_\_\_ of the \_\_\_\_\_ Legislature of the State of Hawaii."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President and the Speaker of the House of Representatives shall jointly issue a proclamation extending the session for the number of days sought in the petition.

#### **Rule 29. Recessed Session**

Any session of the Legislature may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Each regular session shall be recessed pursuant to Article III, Section 10, of the Constitution for not less than five days at some period between the twentieth and fortieth days of the regular session.

#### **Rule 30. Special Sessions**

(1) Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to call a special session of the Legislature. The petition shall read:

"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the House of Representatives of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the \_\_\_\_\_ Legislature of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President of the Senate and the Speaker of the House of Representatives shall jointly issue a proclamation convening the Legislature in special session at the time and place sought in the petition.

(2) Two-thirds of the members to which the Senate is entitled may petition the President of the Senate to call a special session of the Senate for the purpose of carrying out the Senate's responsibilities under Article VI, Section 3, of the Constitution. The petition shall read:

"To the President of the Senate

Your petitioners, members of the Senate of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the Senate of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which the Senate is entitled, the President of the Senate shall issue a proclamation convening the Senate in special session at the time and place sought in the petition.

#### **Rule 31. Adjournments**

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as being to the established hour of meeting on the following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

#### **Rule 32. Motion to Adjourn**

A motion to adjourn is always in order, and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

#### **Rule 33. Quorum**

For the transaction of business, a majority of the number of members to which the Senate is entitled shall constitute a quorum, of which quorum a majority vote shall suffice, but the final passage of a bill shall require the vote of the majority of the members of the Senate. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. For the purpose of compelling the attendance of absent members, a majority of the members present, by resolution, may direct the Sergeant-at-Arms to place the members who are absent under arrest and return them to the Senate. Any warrant pursuant to such a resolution shall be issued in the name of the Senate and shall be signed by the member then presiding. For the purpose of ascertaining whether there is a quorum present, the President shall count the members present.

#### **Rule 34. Executive Session**

(1) If the Senate considers it necessary to act confidentially upon any communication from the Governor or upon any nomination or other matter, it may go into executive session.

(2) When any member desires to make known any matter to the Senate which the member deems should be confidential and private, the member shall communicate that desire to the President who shall decide whether the Senate shall go into executive session. The Senate may decide whether the matter communicated shall be kept secret.

**Rule 35. Clearing of the Senate**

(1) When acting upon confidential business in executive session, the Senate Chambers shall be cleared of all persons except the members of the Senate and such other persons as the presiding officer with the consent of the Senate shall deem necessary.

(2) The members, officers and employees shall keep the secrets of the Senate and any other person whose presence is permitted in executive session shall be sworn to secrecy.

(3) All confidential communications made to the Senate, and remarks, votes and proceedings thereon, shall be kept strictly secret by the members, officers and employees, as well as by such other persons as have been detained or permitted to attend upon the consideration of such matters, until the Senate, by resolution, takes off such seal of secrecy, or unless such matter be later considered in open session.

**Rule 36. Nominations; Appointments**

(1) Nominations made by the Governor and removal of the chief legal officer of the State which require the advice and consent of the Senate, and appointments which require the confirmation or consent of the Senate shall be referred to the standing committee having jurisdiction within five legislative days of receipt of the nomination or appointment. The standing committee to which a nomination, removal of the chief legal officer or appointment is referred, shall report to the Senate with a recommendation to advise and consent, confirm, or reject on or before the fifty-ninth day of the session.

(2) Except for the appointment of a justice or judge, a nomination or appointment made by the Governor which is received by the Senate after the fifty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. Notice of this rule shall be given to the Governor not later than the twentieth day of the session of the Legislature.

(3) The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"

(4) The final question on the removal of the chief legal officer of the State shall be: "Will the Senate advise and consent to the removal of the chief legal officer of the State?"

(5) The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"

(6) The final question on nominations, removal of the chief legal officer or on appointments shall not be put sooner than twenty-four hours from the time when the nomination or appointment is received, nor on the day in which it may be reported by a committee, unless by unanimous consent.

(7) Public hearings shall be held for all nominees, for the removal of the chief legal officer of the State, and for all appointees prior to confirmation or consent by the Senate.

(8) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the State Constitution.

**Rule 37. Meeting at Place Other than Capitol**

Whenever, for any reason, the Governor shall convene the Senate at any place other than the Capitol, it shall attend together with all of its officers at the time and place ordered.

**PART IV. ORDER OF BUSINESS**

**Rule 38. Order of Business: General**

After invocation, roll call and the reading of the Journal, the President shall call for business in the following order:

- (1) Messages from the Governor.
- (2) Reports and communications from the state officers.

- (3) Communications, bills, resolutions and other matters from the House of Representatives.
- (4) Concurrent and senate resolutions and introduction of bills.
- (5) Reports of Conference and Joint Committees.
- (6) Reports of the Leadership Committee on Legislative Management.
- (7) Reports of Standing Committees.
- (8) Reports of other Leadership Committees.
- (9) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (10) The Order of the Day.
- (11) Petitions, memorials and miscellaneous communications.
- (12) Any miscellaneous business on the President's table.

**Rule 39. Order of Business: Special**

The Senate, by previous motion, may direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

**Rule 40. Order of Business: Committee Reports and Gubernatorial Messages**

Reports from Conference or Joint Committees, and from Leadership Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

**Rule 41. Order of Business: Order of the Day**

After the first seven orders of business set forth in Rule 38, it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

**Rule 42. Order of Business: Unfinished Business**

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

**Rule 43. Order of Business: Questions on Priority**

All questions relating to the priority of business to be acted upon shall be decided without debate.

**PART V. BILLS; RESOLUTIONS**

**Rule 44. Bills: Introduction**

Any bill may be introduced on the report of the committee or by any member, except appropriation bills subject to the next paragraph and except short form bills which may only be introduced by the majority leaders or the minority leader after appropriate consultation with committee chairs and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for funding of collective bargaining agreements may be introduced only by the President. Each member may introduce only one bill appropriating money for capital improvements projects in the member's district. The majority leaders and the minority leader shall develop a policy governing introduction by individual members of bills intended to appropriate money or to authorize the issuance of state bonds.

All bills shall be introduced under the order of resolutions.

Bills which shall carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and stricken and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule, nor an amending bill where the intent and effect of the amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

#### **Rule 45. Bills: Referral to Committee**

(1) Upon introduction all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, and shall pass first reading.

(2) Each such bill shall be referred by the Majority Leaders to one or more appropriate Leadership or Standing Committees for consideration.

(3) Any referral may be reconsidered by the President, Vice-President and Majority Floor Leader upon written request of any chair who is aggrieved by the referral made within forty-eight hours of the referral. The President, Vice-President and Majority Floor Leader shall decide the request for reconsideration within a reasonable time, which decision shall be final. No request for reconsideration shall be considered if the timing of the request would have the effect of killing a bill or resolution.

(4) Each Leadership and Standing Committee shall consider the bills and other matters referred to it as expeditiously as may be possible.

#### **Rule 46. Bills: Required Readings**

No bill shall pass the Senate unless it shall have passed three readings in the Senate on separate days. The President shall give notice in each instance whether it be the first, second or third reading.

#### **Rule 47. Bills: First Reading**

(1) The first reading of a bill shall be for information. If opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such question, except the introducer of the bill, who may close the debate.

(2) If the question to reject be negative, the bill shall go to its second reading without question.

#### **Rule 48. Bills: Second Reading**

A bill upon its second reading may be read by its title only. It then shall be subject to a motion to commit. If it is not referred to a Leadership Committee, Standing Committee, or Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the chair of such committee. When the bill is reported from committee it shall take its place in the order of business for future consideration.

#### **Rule 49. Bills: Third Reading**

(1) No bill shall pass third or final reading in the Senate unless printed copies of the bill in the form to be passed have been made available to the members of the Senate for at least 48 hours. Form to be passed means the form in which a bill is to be (a) passed on third reading in the Senate, (b) concurred to by the Senate after amendments have been made by the House, or (c) passed by the Senate after a Conference Committee has agreed upon it.

(2) A bill on its third or final reading may be read by its title only, and the President then shall ask the Senate: "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Upon the final passage of any bill, the Ayes and Noes shall be called. Such passage shall require the affirmative vote of a majority of all the members of the Senate and the Ayes and Noes shall be entered on the Journal.

#### **Rule 50. Bills: Property of Senate**

All bills introduced in the Senate shall be deemed the property of the Senate and under its control unless they shall become law, subject however to the right of the House of Representatives to amend or to refuse to agree with the bills.



Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the Senate in an odd-numbered session, it shall pass at least one reading in the Senate in the next regular session upon its return to the Senate from the House.

**Rule 51. Bills: Recall from Committee**

Twenty days after a bill has been referred to a committee, the same may be recalled from such committee by the affirmative vote of one-third of the members of the Senate.

**Rule 52. Matters Tabled**

When a bill or resolution or other matter has been laid upon the table, it shall not thereafter be taken from the table and be considered or restored to a place upon the calendar of the Senate without the consent of a majority.

**Rule 53. Bills: Amendments**

(1) All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

(2) No floor amendment to a bill shall be voted upon unless a copy of the amendment, together with a copy of the complete bill in a form that incorporates the floor amendment, shall have been presented to the Clerk no later than 9:00 o'clock a.m. on the day of the session at which the amendment is to be offered. The Clerk shall prepare and distribute copies of the floor amendment to each member of the Senate present.

(3) A floor amendment shall be deemed pending only after its proponent has been recognized by the President and its adoption has been properly moved and seconded.

(4) A floor amendment that relates to a different subject, is intended to accomplish a different purpose, incorporates any other bill pending before the Senate, or would alter the nature of the bill as reported, is not germane and shall not be considered by the Senate.

(5) An amendment to a floor amendment that is not germane to both the floor amendment and the bill as reported shall not be considered by the Senate.

**Rule 54. Bills: Certification**

When a bill is passed it shall be certified by the Clerk who shall note the day of its passage at the bottom of the last page of the bill.

**Rule 55. Bills: Received from House of Representatives**

Whenever a bill which has finally passed the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provision of the rules for the passage of bills introduced in the Senate.

**Rule 56. Bills: Transmittal to House of Representatives**

When a bill originating in the Senate shall have passed its third reading, or when a bill originating in the House which has been received from the House shall have been amended, or when a carry-over bill from an odd-numbered year originating in the House passes its third reading in the Senate in an even-numbered year session, such bill or such amended bill shall immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

**Rule 57. Bills: Correction of Errors**

When a bill has passed both the Senate and the House of Representatives and an error in it is discovered prior to its having received the approval of the Governor, the bill may be returned by Concurrent Resolution to the house last considering the bill for proper correction.

**Rule 58. Bills: Order of Consideration**

(1) The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the Senate, the Majority Leadership shall refer them to the various committees. When the committees

have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the Second Reading File. The Senate shall consider them in the order in which they appear in the Second Reading File.

(2) The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their reference to committee or the date of the committee report on them. The Clerk shall place them on the Third Reading File in the order in which they passed second reading and the Senate shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the Third Reading File.

**Rule 59. Bills: Special Order of Consideration**

All bills and other matters set for consideration on particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

**PART VI. RESOLUTIONS; MOTIONS**

**Rule 60. Resolutions and Motions: Form**

All resolutions shall be typewritten, dated and signed by the introducer, otherwise they shall not be considered. The Senate shall not introduce any congratulatory, commemorative or memorial resolution but shall express the sentiment contained in such resolutions by means of a suitable certificate. Motions and amendments may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so ordered.

**Rule 61. Motions: Second Required**

No motion shall be received and considered by the Senate until the motion is seconded.

**Rule 62. Motions: Disposition**

After a motion is stated or read by the President, it shall be deemed to be in the possession of the Senate, and shall be disposed of by vote of the Senate; however, it may be withdrawn by the movant at any time before an amendment has been adopted or before the decision on the motion if not amended.

**Rule 63. Motions Applicable to Pending Matters**

Whenever any bill or resolution or other matter shall be under discussion, the only motions relative thereto shall be:

- (1) To lay upon the table,
- (2) To postpone to a certain time,
- (3) To postpone indefinitely,
- (4) To commit, and
- (5) To amend, which motions shall have precedence in the order named.

The first two motions shall be decided without debate and shall be put as soon as made.

When any of the motions shall be decided in the negative, they shall not be revived the same day relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the adoption of the bill, resolution or other main question.

**Rule 64. Matters Postponed Indefinitely**

When a question is postponed indefinitely, the question shall not be acted upon again during the session in which it was introduced.

**Rule 65. Motion for Previous Question**

The object of the motion for the previous question is to cut off debate. It shall always be in order. It shall require a three-fifths vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill under discussion shall be permitted to close the debate, after which the main question, subject to Rule 63, shall be put. The author or introducer may delegate to another such right to close.

#### **Rule 66. Motion for Reconsideration**

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or the succeeding day of session, or, with the consent of the Senate, on any subsequent day and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided by vote, that vote shall not be reconsidered.

(3) When a bill or resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and shall have been transmitted to the House of Representatives, a motion to reconsider shall be deemed to include a request to the House to return the same. If not complied with by the House, then the vote on the motion to reconsider shall be set aside. If such motion shall pass, the Clerk shall promptly communicate to the House the request for return of the matter to be reconsidered.

### **PART VII. PETITIONS AND COMMUNICATIONS**

#### **Rule 67. Petitions, Memorials, and Miscellaneous Communications**

(1) Any person may petition the Senate. Petitions and other memorials, except as provided in Rule 60, shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate or to the President and members shall be presented to the Senate by the Clerk.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made orally by the Clerk.

(4) Every such petition, memorial or other paper shall be ordered filed or referred to a committee, as of course, by the President, unless such action is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, except with the consent of the Senate.

### **PART VIII. ORDER; DEBATE; VOTING**

#### **Rule 68. Questions of Order**

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate, such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2) Any question of order may be submitted to the Senate for its decision.

#### **Rule 69. Debate: General Limitation**

No member shall speak more than twice, unless such member be the movant of the matter pending, in which case such member shall not be permitted to speak in reply until every member choosing to speak shall have spoken.

#### **Rule 70. Voting: Methods**

There shall be five methods of ascertaining the decision of the Senate upon any matter.

(1) First, by voice or raising of hands; Second, by rising; Third, by ballot; Fourth, by call of the roll of the members and a record of the Clerk of the vote of each; and Fifth, by unanimous consent.

(2) Whenever the Senate is ready to vote on any question, the President shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote "Aye." The President then shall call upon all voting in the negative of the question to vote "No." The President then shall announce the result to the Senate.

(3) If any member shall doubt the result, as announced, the President again shall state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result again shall be announced.

(4) The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messengers to collect the ballots, which shall be counted by the Clerk. On motion, the Senate may vote upon any question by ballot.

(5) Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the Senate. Each member, when called, shall vote in a clear loud voice, "Aye," if voting in the affirmative, or "No," if voting in the negative. The Clerk shall record each vote and such record shall become a part of the Journal of the Senate. The President shall announce the results as above set forth.

(6) With the unanimous consent of the Senate, the President may direct the Clerk to record an "Aye" vote for each member of the Senate. If there is no objection, the Clerk shall so record the vote. If there is objection, the President shall ask for the names of the members voting "No" and order the Clerk to record no votes for them.

**Rule 71. Voting: Rights of Members**

(1) No member, on any account, shall refrain from voting unless excused by the President. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall Rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.

**PART IX. DECORUM; DISCLOSURES; PEER REVIEW; PUNISHMENT**

**Rule 72. Misconduct; Procedure; Peer Review**

No member of the Senate shall be subject to a charge for misconduct, disorderly behavior, or neglect of duty unless the person making the charge shall have first given notice of the charge to the President and to the member being charged.

Upon receipt of the charge, the President shall attempt to resolve the matter in an administrative proceeding. If the matter cannot be resolved administratively, the President may appoint a Special Committee to be chaired by the Vice-President or such other member as the President may designate to investigate, hear and report upon the conduct of the member charged for misconduct, disorderly behavior or neglect of duty. Any member so charged shall be informed in writing of the specific charge or charges made against the member and have opportunity to present evidence and be heard in the member's own defense before the Special Committee. Following its investigation and hearing, the Special Committee shall file its report with the President setting forth its findings and recommendations.

If the committee recommends dismissal of the charge or charges, the President may dismiss the charges without further hearing, or the President may present the report of the committee to the Senate for its consideration. The Senate, by a majority vote, may dismiss the charge or charges against the member without a hearing.

If there is no dismissal of the charge or charges, or if the committee recommends censure, suspension or expulsion, the President shall present the report of the committee to the Senate for its consideration and decision. The member who is charged, shall be informed in writing of the presentation of the charge or charges of the committee report to the Senate and be given an opportunity to be heard in the member's own defense. The Senate, by a majority vote, may dismiss the charge or charges without a hearing, or with notice and an opportunity to be heard in the member's own defense, censure a member or, upon a two-thirds vote of all the members of the Senate, suspend or expel a member.

At any stage of the charge against a member, the member shall have a right to be represented by a person or persons of the member's own choosing.

**Rule 73. Decorum: Transgression of Rules**

If any member transgresses the rules of the Senate, the President, or any member, may call such member to order, and, when so called to order, the member immediately shall sit down. The President then shall decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

**Rule 74. Decorum: Address**

When any member is about to speak, such member shall rise from the member's seat and address all remarks to the President. While speaking, the member shall confine all remarks to the question under debate, shall refer to other Senators by title only (e.g., "Senator from the \_\_\_\_\_ District"; "The Chair of the Committee on \_\_\_\_\_"; "The Majority Leader,") and not by name and shall avoid personalities.

**Rule 75. Decorum: Person Called to Order While Speaking**

Whenever any person shall be called to order while speaking, such person shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

**Rule 76. Decorum: Presence in Senate**

No person shall sit at the desk of the President or Clerk, except by permission of the President, nor shall any person, other than a member, officer or permitted employee or person, sit in the main Senate floor area during any of the sessions of the Senate.

**Rule 77. Decorum: Conduct in Session**

When the President is putting any question or addressing the Senate, no one shall walk out of the room or across the floor. When a member is speaking, no one shall entertain a private discourse, nor shall anyone pass between the member speaking and the Chair.

**Rule 78. Decorum: Disorderly Conduct in Session**

If, during any session of the Senate, any member should behave in a disorderly manner the President shall order the member to be seated and preserve the peace. If such member then shall persist in disorderly conduct, the President shall order the Sergeant-at-Arms to remove the member from the Senate and the member shall not be permitted to take a seat during the remainder of that day's session, except upon satisfactory pledge given to the Senate for future good behavior.

For the punishment of any person not a member, the provisions of Article III, Section 18 of the Constitution shall govern.

**Rule 79. Decorum: Recording of Debate Called to Order**

If any Senator is called to order for words spoken in debate, upon the member's demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

**Rule 80. Decorum: Smoking**

No member or other officer shall smoke within the Senate Chamber during any of the meetings of the Senate.

**Rule 81. Decorum: Solicitation Prohibited**

An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions or contributions for any purpose on the floor or in the lobby of the Senate or in any Senate office.

**Rule 82. Disclosures**

Each member shall file with the Ethics Commission of the State of Hawaii, a disclosure of the member's private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.

If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.

Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.

**Rule 83. Violating Confidence**

If any matter covered in Rule 35 or 36 shall be disclosed by any Senator, the Senator shall be liable to censure, or, by a two-thirds vote, to suspension or expulsion from the Senate. If an officer or other person authorized to hear such matter shall disclose the matter, such officer shall be dismissed and such other person shall be liable to punishment for contempt comparable to the punishment provided for by Article III, Section 18 of the Constitution and in the manner as therein prescribed.

**PART X. QUESTIONS TO STATE OFFICERS****Rule 84. Questions to State Officers**

Any member of the Senate may ask any question of any state officer relating to the officer's respective department by reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.

**PART XI. AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES****Rule 85. Amendments; Suspension; Violations**

(1) No rule of the Senate shall be amended or rescinded nor shall any new rule be adopted, without one day's notice of such change. Any such action shall require a majority vote of the members of the Senate.

(2) Any rule may be suspended for a particular purpose upon a majority vote of the members of the Senate.

(3) Any violation of these Rules shall be referred to the President for appropriate action.

**Rule 86. Parliamentary Procedure**

Mason's Manual of Legislative Procedures, 2000 edition, where not inconsistent with the Rules and practices of the Senate, shall govern.

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**21<sup>st</sup> STATE LEGISLATURE  
JOINT SENATE-HOUSE  
2001 COMMITTEES ON CONFERENCE PROCEDURES**

The Senate and the House have agreed to the following special procedures for all 2001 Regular Session Committees on Conference meetings. Within these procedures:

“Chairs” refer to all of the designated co-chairs of a Conference Committee;

“Conference Committee” refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular bill or resolution; and

“Managers” refer to all members of the House and Senate assigned to a Conference Committee.

1. **Conference Committee Scope and Amendments**

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a bill or resolution. Accordingly:

- a. With the exception of the Executive Budget and the Judiciary Budget, a Conference Committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject matter.
- b. To assure the integrity of individual bills, the merging of two or more distinct but related bills into one encompassing bill shall not be allowed.

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2. Conference Committee Meeting Times

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 12:00 midnight.

3. Initial Public Meeting Notice

The signatures of the Conference Committee chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice.

Conference Committee chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee, and are strongly encouraged to provide more than 24 hours notice if at all possible.

4. Notice of Subsequent Meetings

a. If agreement is not reached at a duly noticed meeting, but the majority of chairs of their respective chamber agree to meet again before midnight on the same day, the chairs should announce the time at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting must be provided to the Senate Chief Clerk and the House Sergeant-at-Arms and posted, as soon as possible, adjacent to the door of the assigned conference room.

b. If agreement is not reached at a duly noticed meeting and the majority of chairs of their respective chamber agree to meet on another day, the chairs shall publicly announce the date(s) and time(s) of the subsequent meeting(s), post written notice, adjacent to the door of the assigned conference room, and submit copies of the written notice to the Senate Chief Clerk and the House Sergeant-at-Arms.

c. If agreement is not reached at a duly noticed meeting and the date(s) and time(s) of future meetings are not publicly announced at that noticed meeting, then chairs must ensure that written notice, signed by the majority of chairs of their respective chamber, is posted and distributed at least 24 hours in advance of the next meeting of the Conference Committee.

5. Conference Room Notice

Notices of Conference Committee meetings shall be posted adjacent to the door of the assigned conference room and updated periodically to advise the public of the items for which the Conference Committee has concluded its work and those items still remaining in conference.

6. Conference Discussion

Except as authorized by the respective Conference Committee chairs, only the respective Conference Committee chairs may speak during conference. All other managers or other authorized persons must be recognized by their respective chairs before speaking on any issue.

7. Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers

a. Conference Committee managers shall respect the differing views of other managers and conduct themselves in a courteous manner.

b. Conference Committee chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee in Conference shall have the names of the absent chairs paged through the State Capitol public address system. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the members of the public present that the Conference Committee cannot be reconvened, and that, pursuant to 4c of these Conference Committee Procedures, 24-hour notification will be provided for a subsequent meeting of the Conference Committee.

8. Decision-making Meetings

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

a. A quorum of the Conference Committee shall be present for the decision-making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the conference committee for their respective chamber.

- b. To report a measure out of Conference Committee in amended form (CD), a majority of the chairs for each respective chamber and a majority of the quorum of managers for each respective chamber must vote in favor of the proposed amendments, provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signatures of the chairs (or their designee) of the fiscal committees of each chamber.
- c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Draft sample attached).
- d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agrees to the amendments made by the non-initiating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee will vote on the measure, returning it to the House in its SD form. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

9. Conference Committee Reports

- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee report on behalf of their respective managers. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.
- b. All House measures reported out of Conference Committee shall be filed with the House Clerk and likewise all Senate measures shall be filed with the Senate Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only one original and one copy shall be required for filing of Conference Committee reports.

10. Decision-making Deadlines

On the deadline nights for Final Decking of both non-fiscal and fiscal bills:

- a. Conference Committees shall conclude their negotiations by 6:00 p.m. to allow adequate time for final preparation of the bills and committee reports.
- b. To provide all Conference Committee chairs with ample opportunity to review and sign the Committee reports before filing, all Conference Committee reports shall be available for review and signature by 9:00 p.m.
- c. All Conference Committee reports shall be filed with the respective Clerk's office by 11:30 p.m.

11. Electronic Transfer

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House Chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

12. Exceptions to these Procedures

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.

/s/ Robert Bunda

**Senator Robert Bunda**  
**President**

/s/ Calvin K.Y. Say

**Representative Calvin K.Y. Say**  
**Speaker**

APR 12 2002

**Date**

APR 12 2002

**Date**