

FORTY-FIFTH DAY

Wednesday, April 2, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:52 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Honpa Hongwanji, after which the Roll was called showing all Senators present with the exception of Senator Hogue who was excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Slom, with the assistance of Senators Trimble and Hemmings, recognized and commended the following Junior Achievement of Hawaii 2003 inductees to the Business Hall of Fame: Chatt Wright, Eddie Flores, and the late Henry Walker Jr., who was represented by his wife, Nancy Walker, and daughter, Susan Kowen. Accompanying the honorees was Carol Ann Biederman, President of Junior Achievement of Hawaii.

Senator Fukunaga, with the assistance of Senators Hooser, Whalen, Trimble, Kawamoto, Ihara, Slom, Ige, Sakamoto, Tsutsui and Baker, recognized and congratulated the following recipients of the US Small Business Administration 2003 Small Business Awards: Jeanette Otsuka Chang, Small Business Person of the Year; Eli Brainerd, Young Entrepreneur of the Year; Thomas Greenwell, Small Business Exporter of the Year; John Chock, Financial Services Advocate of the Year; Violeta Arnobit, Home-Based Business Advocate of the Year; Thanh-Lo Sananikone, Minority Small Business Advocate of the Year; John Fink, Small Business Journalist of the Year; Dr. Tung Bui, Small Business Research Advocate of the Year; William Daves and Fred Ballard, Veteran Small Business Advocates of the Year; and Lynne Woods, Women in Business Advocate of the Year. Accompanying the honorees was Andy Poepoe, District Director of the US Small Business Administration.

At 12:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:35 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 260 to 263) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 260, letter dated March 31, 2003, transmitting proposed changes to the General Appropriations Act, H.B. No. 200, was placed on file.

Gov. Msg. No. 261, letter dated March 7, 2003, transmitting a request to amend H.B. No. 1152, H.D. 1, Relating to State Funds, to retain, rather than repeal, the state disaster loan revolving fund, and to transfer \$400,000 from the state disaster loan revolving fund to the general fund for fiscal year 2003-2004, was placed on file.

Gov. Msg. No. 262, informing the Senate that on April 1, 2003, she signed into law House Bill No. 652 as Act 3, 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," was placed on file.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of GILBERT COLOMA-AGARAN, term to expire June 30, 2007, was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 307 to 339) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 307, returning S.B. No. 616, which passed Third Reading in the House of Representatives on March 31, 2003, was placed on file.

Hse. Com. No. 308, returning S.B. No. 685, which passed Third Reading in the House of Representatives on March 31, 2003, was placed on file.

Hse. Com. No. 309, returning S.B. No. 1270, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2003, was placed on file.

Hse. Com. No. 310, returning S.B. No. 295, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 295, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 311, returning S.B. No. 394, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 394, and requested a conference on the subject matter thereof.

Hse. Com. No. 312, returning S.B. No. 678, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 678, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 313, returning S.B. No. 687, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 687, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 314, returning S.B. No. 1200, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1200, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 315, returning S.B. No. 1361, S.D. 2, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1361, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 316, returning S.B. No. 1589, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1589, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 317, returning S.B. No. 1630, which passed Third Reading in the House of Representatives on March 31, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1630, and requested a conference on the subject matter thereof.

Hse. Com. No. 318, transmitting H.C.R. No. 78, which was adopted by the House of Representatives on March 31, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 319, transmitting H.C.R. No. 79, which was adopted by the House of Representatives on March 31, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 79, 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 THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 320, transmitting H.C.R. No. 89, which was adopted by the House of Representatives on March 31, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 321, transmitting H.C.R. No. 163, which was adopted by the House of Representatives on March 31, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE HAWAII HOMEOWNERSHIP CENTER," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 322, transmitting H.C.R. No. 81, H.D. 1, which was adopted by the House of Representatives on April 1, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRESERVE AND PROTECT THE RECREATION RESIDENCE TRACTS WITHIN THE KOKE'E AND WAIMEA CANYON STATE PARKS," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 323, transmitting H.C.R. No. 96, which was adopted by the House of Representatives on April 1, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 96, 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, April 3, 2003.

Hse. Com. No. 324, transmitting H.C.R. No. 119, H.D. 1, which was adopted by the House of Representatives on April 1, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 119, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVIEW THE SALE OF LEASES AND SUBMIT RECOMMENDATIONS TO THE LEGISLATURE FOR THE ADOPTION OF POLICIES THAT ARE FAIR TO AWARDEES, LEASE PURCHASERS, AND TO THE STATE," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 325, transmitting H.C.R. No. 198, H.D. 1, which was adopted by the House of Representatives on April 1, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 198, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PRESERVATION OF THE HAWAIIAN LANGUAGE AND THE PERPETUATION OF ITS STUDY AND USE," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 326, transmitting H.C.R. No. 203, which was adopted by the House of Representatives on April 1, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, WITH THE ASSISTANCE OF THE HAWAII CONGRESSIONAL DELEGATION, TO RESTORE THE DISPROPORTIONATE SHARE OF HOSPITAL PAYMENTS FOR COMPENSATION FOR CARE PROVIDED TO THE UNINSURED," was deferred until Thursday, April 3, 2003.

Hse. Com. No. 327, returning S.B. No. 550, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2003, was placed on file.

Hse. Com. No. 328, returning S.B. No. 1256, which passed Third Reading in the House of Representatives on April 1, 2003, was placed on file.

Hse. Com. No. 329, returning S.B. No. 1415, which passed Third Reading in the House of Representatives on April 1, 2003, was placed on file.

Hse. Com. No. 330, returning S.B. No. 38, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 38, and requested a conference on the subject matter thereof.

Hse. Com. No. 331, returning S.B. No. 41, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 41, and requested a conference on the subject matter thereof.

Hse. Com. No. 332, returning S.B. No. 319, S.D. 2, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 319, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 333, returning S.B. No. 337, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 337, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 334, returning S.B. No. 363, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 363, and requested a conference on the subject matter thereof.

Hse. Com. No. 335, returning S.B. No. 534, S.D. 2, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 534, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 336, returning S.B. No. 1139, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1139, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 337, returning S.B. No. 1154, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1154, and requested a conference on the subject matter thereof.

Hse. Com. No. 338, returning S.B. No. 1255, S.D. 2, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1255, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 339, returning S.B. No. 1306, which passed Third Reading in the House of Representatives on April 1, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1306, and requested a conference on the subject matter thereof.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1253) recommending that S.C.R. No. 93, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1253 and S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO STUDY THE CONTINUATION OF SERVICES AFTER THE PLANNED CLOSING OF THE CASEY FAMILY PROGRAMS' HAWAII OFFICES," was deferred until Thursday, April 3, 2003.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1254) recommending that S.C.R. No. 115, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1254 and S.C.R. No. 115, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE CONTINUED AVAILABILITY OF A STATEWIDE NETWORK OF MULTI-PURPOSE SENIOR CENTERS," was deferred until Thursday, April 3, 2003.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1255) recommending that S.C.R. No. 193 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1255 and S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS TO RECOGNIZE THE MERITS AND SUCCESSES OF THE HEAD START PROGRAM AND TO REJECT ANY PROPOSAL TO LIMIT THE PROGRAM'S SCOPE OR TO MOVE IT FROM THE U.S. DEPARTMENT OF HEALTH

AND HUMAN SERVICES TO THE U.S. DEPARTMENT OF EDUCATION," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1256) recommending that S.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1256 and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION REAFFIRMING THE STATE OF HAWAII'S COMMITMENT TO CIVIL LIBERTIES AND THE BILL OF RIGHTS," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1257) recommending that S.R. No. 8 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1257 and S.R. No. 8, entitled: "SENATE RESOLUTION REAFFIRMING THE STATE OF HAWAII'S COMMITMENT TO CIVIL LIBERTIES AND THE BILL OF RIGHTS," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1258) recommending that S.C.R. No. 23, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1258 and S.C.R. No. 23, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ALLOCATE ADEQUATE FUNDING TO THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO ENABLE IT TO CARRY OUT ITS MISSION AND DUTIES AS MANDATED BY LAW," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1259) recommending that S.R. No. 13, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1259 and S.R. No. 13, S.D. 1, entitled: "SENATE RESOLUTION URGING THE GOVERNOR TO ALLOCATE ADEQUATE FUNDING TO THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO ENABLE IT TO CARRY OUT ITS MISSION AND DUTIES AS MANDATED BY LAW," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1260) recommending that S.C.R. No. 86, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1260 and S.C.R. No. 86, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO DETERMINE WHETHER HAWAII SHOULD ENACT A THREE STRIKES LAW," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1261) recommending that S.R. No. 60, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1261 and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A TASK FORCE TO DETERMINE

WHETHER HAWAII SHOULD ENACT A THREE STRIKES LAW," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1262) recommending that S.C.R. No. 119 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1262 and S.C.R. No. 119, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII SUPREME COURT TO MAKE PUBLIC THE DISPOSITION OF ATTORNEY DISCIPLINARY PROCEEDINGS," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1263) recommending that S.R. No. 78 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1263 and S.R. No. 78, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII SUPREME COURT TO MAKE PUBLIC THE DISPOSITION OF ATTORNEY DISCIPLINARY PROCEEDINGS," was deferred until Thursday, April 3, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1264) recommending that H.B. No. 133, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1264 and H.B. No. 133, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1265) recommending that H.B. No. 135, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1265 and H.B. No. 135, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING ORGANIZATIONS," was deferred until Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1266) recommending that H.B. No. 287, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1266 and H.B. No. 287, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred until Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1267) recommending that H.B. No. 736, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1267 and H.B. No. 736, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," was deferred until Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1268) recommending that H.B. No. 807, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1268 and H.B. No. 807, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," was deferred until Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1269) recommending that H.B. No. 1010, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1269 and H.B. No. 1010, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," was deferred until Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1270) recommending that H.B. No. 1572, H.D. 3, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1270 and H.B. No. 1572, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was deferred until Friday, April 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1271) recommending that H.B. No. 58 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1271 and H.B. No. 58, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Friday, April 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1272) recommending that H.B. No. 1453, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1272 and H.B. No. 1453, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Friday, April 4, 2003.

At 12:37 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.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1273) recommending that H.B. No. 1594, 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 Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1594, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1274) recommending that S.C.R. No. 103, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 103, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND

FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, NARCOTICS ENFORCEMENT DIVISION," was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1275) recommending that S.R. No. 71, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 71, entitled: "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, NARCOTICS ENFORCEMENT DIVISION," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 1, 2003

H.C.R. No. 43 (Hse. Com. No. 305):

By unanimous consent, action on H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPLORATION OF OPTIONS FOR REDESIGNING THE BENEFIT LEVELS OF 'A' STATUS PLANS DEFINED UNDER HAWAII'S PREPAID HEALTH CARE ACT," was deferred until Thursday, April 3, 2003.

H.C.R. No. 58 (Hse. Com. No. 306):

By unanimous consent, action on H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF CONDOMINIUM ASSOCIATION MANAGERS," was deferred until Thursday, April 3, 2003.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 1, 2003

Stand. Com. Rep. No. 1240 (S.C.R. No. 5):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE MILITARY AFFAIRS COUNCIL OF THE CHAMBER OF COMMERCE OF HAWAII IN ITS EFFORTS TO IMPROVE THE QUALITY OF LIFE FOR MILITARY PERSONNEL STATIONED IN HAWAII," was adopted.

Stand. Com. Rep. No. 1241 (S.C.R. No. 27, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 27, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO ASK THE UNITED STATES DEPARTMENT OF JUSTICE TO CONSIDER AND REPORT WHETHER HAWAIIAN AND ALOHA AIRLINES CAN DISCUSS FLIGHT SCHEDULING TO BETTER ACCOMMODATE TRAVELERS," was adopted.

Stand. Com. Rep. No. 1242 (S.R. No. 16, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 16, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO ASK THE UNITED STATES DEPARTMENT OF JUSTICE TO CONSIDER AND REPORT WHETHER HAWAIIAN AND ALOHA AIRLINES CAN DISCUSS FLIGHT SCHEDULING TO BETTER ACCOMMODATE TRAVELERS," was adopted.

Stand. Com. Rep. No. 1243 (S.C.R. No. 29):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE, COUNTIES, AND PARTICIPATING PRIVATE ENTITIES TO SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF AN OFFICIALLY RECOGNIZED URBAN SEARCH AND RESCUE TEAM IN HAWAII," was adopted.

Stand. Com. Rep. No. 1244 (S.R. No. 17):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 17, entitled: "SENATE RESOLUTION URGING THE STATE, COUNTIES, AND PARTICIPATING PRIVATE ENTITIES TO SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF AN OFFICIALLY RECOGNIZED URBAN SEARCH AND RESCUE TEAM IN HAWAII," was adopted.

Stand. Com. Rep. No. 1246 (S.C.R. No. 94, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DECLARING APRIL 9 AS 'SAFE RETURN DAY' FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE IN THE STATE OF HAWAII," was adopted.

Stand. Com. Rep. No. 1247 (S.C.R. No. 31):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 31, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO INVESTIGATE AND QUANTIFY ECONOMIC DIFFERENCES BETWEEN THE WORKING POOR AND FAMILIES ON PUBLIC ASSISTANCE IN FEDERAL LOW INCOME HOUSING," was adopted.

Stand. Com. Rep. No. 1248 (S.R. No. 19):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 19, entitled: "SENATE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO INVESTIGATE AND QUANTIFY ECONOMIC DIFFERENCES BETWEEN THE WORKING POOR AND FAMILIES ON PUBLIC ASSISTANCE IN FEDERAL LOW INCOME HOUSING," was adopted.

Stand. Com. Rep. No. 1249 (S.C.R. No. 154, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 154, S.D. 1, entitled: "SENATE

CONCURRENT RESOLUTION REQUESTING THE REVISION OF PUBLIC ASSISTANCE FORMULAS," was adopted.

Stand. Com. Rep. No. 1250 (S.R. No. 102, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 102, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE REVISION OF PUBLIC ASSISTANCE FORMULAS," was adopted.

THIRD READING

Stand. Com. Rep. No. 1224 (H.B. No. 192, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1224 and H.B. No. 192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1225 (H.B. No. 285, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1225 and H.B. No. 285, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1226 (H.B. No. 373, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1226 and H.B. No. 373, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL SPEECH," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1227 (H.B. No. 385, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1227 and H.B. No. 385, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PREVENTION OF WORKPLACE VIOLENCE," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1228 (H.B. No. 651, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1228 and H.B. No. 651, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1229 (H.B. No. 914, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1229 and H.B. No. 914, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1230 (H.B. No. 1198, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1230 and H.B. No. 1198, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD LABOR," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1231 (H.B. No. 1214, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1231 and H.B. No. 1214, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," was deferred until Thursday, April 3, 2003.

Stand. Com. Rep. No. 1232 (H.B. No. 1217, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1232 and H.B. No. 1217, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Thursday, April 3, 2003.

H.B. No. 1161, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1161, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGIST LICENSING REQUIREMENTS," was deferred until Thursday, April 3, 2003.

H.B. No. 1172:

By unanimous consent, action on H.B. No. 1172, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was deferred until Thursday, April 3, 2003.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

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| House Bill | Referred to: |
| No. 73, S.D. 1 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 519, H.D. 1 | Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs |
| No. 1253, H.D. 1 | Committee on Transportation, Military Affairs, and Government Operations |

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following House concurrent resolution that was received:

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| House Concurrent Resolution | Referred to: |
| No. 62, H.D. 1 | Jointly to the Committee on Human Services, the Committee on Health and the Committee on Education, then to the Committee on Transportation, Military Affairs, and Government Operations |

Senator Inouye, Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 153.

Senator Inouye noted:

"Mr. President, the purpose of this resolution is to request an investigation on the state and counties' land use policies related to solid waste management programs. The hearing notice was filed yesterday and we were several hours short of the 72-hour notice requirement."

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 21 for S.C.R. No. 146 and S.R. No. 98.

Senator Sakamoto noted:

"Mr. President, the purpose of these resolutions is to request the formation of a long-range plan to address the future of public and school libraries. The hearing notice was filed yesterday and we were a few hours short of the 72-hour notice requirement."

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 21 for H.B. No. 1253.

Senator Kawamoto noted:

"Mr. President, this bill clarifies the procurement requirements for small purchases and is similar to S.B. No. 686, which was already heard by your Committee."

The Chair 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 would like to state for the record my objection to the 2003 Conference Committee Procedures delivered to my office yesterday, namely chair veto rule number 8-b. These procedures were delivered to my office without a transmittal memo, so I'm going to presume that they are in effect.

"Rule 8-b of these Conference rules require a majority of Conference Committee Chairs of each house to vote in favor of a bill in order to report a bill out of that Conference Committee. As you recall, two years ago we had a rule, a simple chair veto rule. And last Session that rule was amended to allow a method of overriding a chair veto. Under the current rule, only in situations where there are three chairs can two chairs override an objection of one chair. So if there are three chairs and one chair says 'I don't want to move the bill out,' the only way for the bill to move out would be for the two other chairs to override that chair veto. That's why I still call it a chair veto rule.

"My problem is, of course, that well over half of the bills in Conference have two chairs or less. And so the veto power still lives, is alive and well in our Conference rules. I believe that the chair veto rule violates a fundamental principle of democracy – that is equality among members of an organization, and particularly the equality of votes among Senators.

"This rule makes my vote of lesser value than a Committee chair and I believe that is simply unfair. Here's an example: let's say there are five chairs – five House and five Senate Conference Committee chairs – and each Conference Committee in the House and Senate have two chairs each. So there is a total of ten members on the Conference Committee – five House, five Senate. When a vote on a bill is made on a conference draft, let's say all House members vote 'aye' and all Senate Conference Committee members vote 'aye' except one chair, where you have two chairs. In that situation, you have the single chair who objects. That Senator's vote is worth four votes because that one Senator can override four other votes. So the vote in Conference is four to one – three members vote 'aye,' one of the chairs vote 'aye,' so that one Senate chair can trump, can veto and override the other four Senate Conference

Committee members. So that one chair's 'no' vote is equal to four votes. I believe that in most people's eyes, that is unfair.

"Mr. President, I don't know how many other Senators oppose this chair veto rule, but if there were enough, and there hasn't been in the last two years, if there were enough, I would submit a resolution to prohibit this rule, which I believe is a violation of my voting rights as a Senator.

"Thank you."

The Chair responded:

"Your remarks are so noted."

ADJOURNMENT

At 12:48 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 3, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate