

FORTY-SEVENTH DAY

Friday, April 4, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:44 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 Senators Baker, Hogue, Kawamoto and Menor who were excused.

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. 264 to 266) were read by the Clerk and were placed on file:

Gov. Msg. No. 264, dated March 3, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of October 2002, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 265, dated March 3, 2003, transmitting the Report on the Deposits and Disbursements from the Special Fund and Report on the Effectiveness of Its Use Towards Increasing Organ Donations, prepared by the Department of Health, Organ Donor Center of Hawaii, pursuant to Act 88, SLH 1999.

Gov. Msg. No. 266, dated March 28, 2003, transmitting the 2002 Annual Report of the Environmental Council.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 357 to 377) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 357, transmitting H.C.R. No. 31, which was adopted by the House of Representatives on April 3, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STRONG SUPPORT BY CONGRESS FOR TITLE IX, THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT," was deferred until Tuesday, April 8, 2003.

Hse. Com. No. 358, transmitting H.C.R. No. 60, which was adopted by the House of Representatives on April 3, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE SCHOOL OF OCEAN AND EARTH SCIENCE AND TECHNOLOGY OF THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 8, 2003.

Hse. Com. No. 359, transmitting H.C.R. No. 90, which was adopted by the House of Representatives on April 3, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

THE U.S. SMALL BUSINESS ADMINISTRATION TO RE-EXAMINE THE CRITERIA FOR DESIGNATING HUBZONES UNDER THE HUBZONE EMPOWERMENT CONTRACTING PROGRAM AS IT APPLIES TO THE STATE OF HAWAII," was deferred until Tuesday, April 8, 2003.

Hse. Com. No. 360, transmitting H.C.R. No. 184, which was adopted by the House of Representatives on April 3, 2003, was placed on file.

By unanimous consent, H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY," was placed on file.

Hse. Com. No. 361, transmitting H.C.R. No. 211, H.D. 1, which was adopted by the House of Representatives on April 3, 2003, was placed on file.

By unanimous consent, H.C.R. No. 211, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING THE VALUE AND MEANING OF ALOHA IN THE FACE OF MILITARY ACTION AGAINST IRAQ," was placed on file.

Hse. Com. No. 362, returning S.B. No. 69, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 69, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 363, returning S.B. No. 205, S.D. 3, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 205, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 364, returning S.B. No. 540, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 540, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 365, returning S.B. No. 579, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 579, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 366, returning S.B. No. 611, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 611, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 367, returning S.B. No. 768, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 768, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 368, returning S.B. No. 789, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 789, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 369, returning S.B. No. 843, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 843, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 370, returning S.B. No. 1258, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1258, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 371, returning S.B. No. 1279, S.D. 2, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1279, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 372, returning S.B. No. 1334, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1334, and requested a conference on the subject matter thereof.

Hse. Com. No. 373, returning S.B. No. 1381, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1381, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 374, returning S.B. No. 1413, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1413, and requested a conference on the subject matter thereof.

Hse. Com. No. 375, returning S.B. No. 1425, S.D. 2, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1425, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 376, returning S.B. No. 1495, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2003, in an amended form, was placed on file.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1495, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 377, returning S.B. No. 1396, which passed Third Reading in the House of Representatives on April 3, 2003, was placed on file.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1307) recommending that H.B. No. 1165, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1165, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1308) recommending that S.C.R. No. 69, be referred to the Committee on Ways and Means.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUE," 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. 1309) recommending that S.R. No. 46, be referred to the Committee on Ways and Means.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 46, entitled: "SENATE RESOLUTION REQUESTING AN AUDIT OF VARIOUS EXECUTIVE DEPARTMENTS REGARDING CEDED LAND REVENUE," was referred to the Committee on Ways and Means.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1310) recommending that S.C.R.

No. 152, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 152, 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 referred to the Committee on Judiciary and Hawaiian Affairs.

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. 1311) recommending that S.C.R. No. 182, be referred to the Committee on Ways and Means.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 182, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ADVANTAGES AND COST-EFFECTIVENESS OF OUTSOURCING THE PROPERTY MANAGEMENT OF PUBLIC SCHOOL BUILDINGS, FACILITIES, AND GROUNDS," was referred to the Committee on Ways and Means.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 1312) recommending that S.C.R. No. 176, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1312 and S.C.R. No. 176, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS TO DISCONTINUE MILITARY BASE CLOSURES IN THE STATE OF HAWAII AND ESTABLISHING A BASE REALIGNMENT AND CLOSING COMMITTEE TO PRESERVE LOCAL BASES," was deferred until Tuesday, April 8, 2003.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 1313) recommending that S.R. No. 124, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1313 and S.R. No. 124, S.D. 1, entitled: "SENATE RESOLUTION URGING THE U.S. CONGRESS TO DISCONTINUE MILITARY BASE CLOSURES IN THE STATE OF HAWAII AND ESTABLISHING A BASE REALIGNMENT AND CLOSING COMMITTEE TO PRESERVE LOCAL BASES," was deferred until Tuesday, April 8, 2003.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 3, 2003

H.C.R. No. 81, H.D. 1 (Hse. Com. No. 322):

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 Tuesday, April 8, 2003.

H.C.R. No. 96 (Hse. Com. No. 323):

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 Tuesday, April 8, 2003.

H.C.R. No. 119, H.D. 1 (Hse. Com. No. 324):

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 Tuesday, April 8, 2003.

H.C.R. No. 198, H.D. 1 (Hse. Com. No. 325):

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 Tuesday, April 8, 2003.

H.C.R. No. 203 (Hse. Com. No. 326):

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 Tuesday, April 8, 2003.

H.C.R. No. 141, H.D. 1 (Hse. Com. No. 340):

By unanimous consent, action on H.C.R. No. 141, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO RECONSIDER THE EXISTING KALAELOA REDEVELOPMENT PLAN AND MAKE REVISIONS AS NECESSARY TO MAXIMIZE THE SOCIAL AND ECONOMIC DEVELOPMENT POTENTIAL OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was deferred until Tuesday, April 8, 2003.

H.C.R. No. 146 (Hse. Com. No. 341):

By unanimous consent, action on H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO OBTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE MANDATES OF THE FEDERAL 'NO CHILD LEFT BEHIND ACT OF 2001'," was deferred until Tuesday, April 8, 2003.

H.C.R. No. 160, H.D. 1 (Hse. Com. No. 342):

By unanimous consent, action on H.C.R. No. 160, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING APRIL AS 'FINANCIAL LITERACY FOR YOUTH IN HAWAII MONTH'," was deferred until Tuesday, April 8, 2003.

H.C.R. No. 208 (Hse. Com. No. 343):

By unanimous consent, action on H.C.R. No. 208, entitled: "HOUSE 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 Tuesday, April 8, 2003.

H.C.R. No. 216 (Hse. Com. No. 344):

By unanimous consent, action on H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE MANY BENEFITS OF HAWAII GROWN CHOCOLATE TO OUR STATE AND DIVERSIFIED AGRICULTURE," was deferred until Tuesday, April 8, 2003.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1276 (Jud. Com. No. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 1276 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of BERT I. AYABE 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 Chun Oakland.

Senator Hanabusa rose in support of the nominee and said:

"Mr. President, I stand to speak in favor of Jud. Com. No. 2, submitting for study and consideration the nomination of Bert I. Ayabe to the District Court of the First Circuit.

"Mr. President, let me first begin by saying that we had two of these judiciary communications – Bert Ayabe and Michael Broderick – on April Fools' Day. And I don't know whether it was the day, but it was one of the most enjoyable hearings we've had.

"Let me first begin by saying that the Hawaii State Bar Association came forward and testified for the first time and I would just like to explain to yourself, Mr. President, and the members of this body as to how they now process the nominees. They said that in the past, they haven't had the sufficient amount of time to really look at the nominees. But now they're asking us for 10 to 14 days. During that time, they review the resume questionnaire, they e-mail solicitation from all Bar members, and they have the candidates appear before the board. They believe that they are now following the same criteria the American Bar Association does, and they are actually ranking the various nominees on the following points: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability. Based upon their very detailed analysis, they have found Jud. Com. No. 2, Bert Ayabe, to be highly qualified.

"Mr. President, what we learned in the testimony that we received in the Judiciary Committee is as follows: Mr. Ayabe is the ultimate local boy – a Kaimuki High School graduate only because he turned down a Punahou scholarship to stay with his friends and to play football at Kaimuki; he went to the University of Hawaii and he graduated from the Hastings

College of Law. His legal career has primarily been in the private sector, being primarily in insurance defense but has moved over to actually doing things like mediations and arbitrations.

"The testimony we received said unanimously that they believe he is the perfect candidate for judgeship and primarily basing it upon his characteristics and his temperament, a very important necessary element when one serves on the district court level.

"There's one testimony which I believe warrants sharing, and that was by his mentor, his teacher, his football coach, and who later was, I guess, the athletic director at Kaimuki High School, and his name is Charlie Miyashiro. Mr. Miyashiro said, 'I liken him (meaning Bert Ayabe) to be like Jack Armstrong, the all-American boy.' Mr. President, I didn't want to sound totally ignorant to Mr. Ayabe's mentor, but I had no idea who Jack Armstrong was. So, of course being the resourceful person that I am, I asked one of the members from across the way there, who is a lot wiser – if wisdom is associated with age – who told me about Jack Armstrong. So, thanks to the good Senator from Hawaii Kai, I know that this is a high complement. He was so excited, Mr. Miyashiro was, to speak in favor of Bert Ayabe that he ended it by saying, 'I know he will make an excellent coach,' then he stood up and then sat down again and said, 'I mean, judge.' But when you think about it, members, that is the ultimate respect that someone can give you – to say that you are like him and you can be his successor. That is the tenor of the types of testimony we received.

"One funny vignette came from his friend, a Hastings lawyer from Gardena, who moved to Hawaii because of Mr. Ayabe. He explained Mr. Ayabe's very special skill of taking A-type personalities, physically challenged only because they were local boys and boys from Gardena who were going to play football against the mainland guys at Hastings and managed to bring them in as the winning team. Of course we didn't ask how many games they played or anything like that. But he did say that Mr. Ayabe always comes to the point and keeps telling him, 'you must always remember, you are going to be a Katonk no matter how long you think you're in Hawaii.' This is Bert Ayabe.

"All of these stories aside, Mr. President, let's not forget that he is to be confirmed for the district court, and the reason why you need someone with his characteristics is because the district court is the first court that most people see. And for many, it is the only court that you have and that's their whole image of the judiciary system.

"So, Bert Ayabe will bring that kind of very reserved sense of humor, leadership, and a perfect temperament for that position. That is why, Mr. President, I ask that you and all the other members of this body to join me in consenting to Mr. Ayabe, Jud. Com. No. 2.

"Thank you."

Senator Hemmings also rose to speak in support as follows:

"Mr. President, I rise to speak in favor of the nominee, Bert Ayabe.

"We're very concerned in your Minority Caucus about judicial temperament. We believe that any judge in any court should have a balanced outlook, politically, on the laws they will be asked to judge. In talking with Bert, I'm convinced that his temperament is extremely balanced. He has no agenda. He has no blind ideology. I am convinced by his credentials, which were stated by the previous speaker, that he's eminently

qualified, but more importantly, he has the character to be an evenhanded, balanced judge of the laws of the State of Hawaii. He also is not going to be, from what we have observed from talking with him, a judicial activist. I think he recognizes that the role of making law comes from the Legislature.

“There is one thing I have to do, though, now in endorsing this nomination – I have to apologize to the nominee because I am a local boy who played football at Punahou and we kicked Kaimuki’s butt. (Laughter.) I’m sorry, I couldn’t let it slide.

“Anyway, we’re very, very happy to lend our support to this nominee and I urge unanimous support of his nomination. Thank you, Mr. President.”

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

Ayes, 21. Noes, none. Excused, 4 (Baker, Hogue, Kawamoto, Menor).

At this time, Senator Hanabusa introduced and congratulated Judge Ayabe, who was seated in the gallery with family and friends.

Stand. Com. Rep. No. 1277 (Jud. Com. No. 3):

Senator Hanabusa moved that Stand. Com. Rep. No. 1277 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of MICHAEL F. BRODERICK 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 Chun Oakland.

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

“Mr. President, I rise to speak in favor of Jud. Com. No. 3, submitting for study and consideration the nomination of Michael F. Broderick, to the District Family Court of the First Circuit.

“Mr. President, I will not repeat the criteria of the Hawaii Bar Association and how it’s process has been explained to us now, but of course Mr. Broderick comes with highly qualified recommendations. And of course Mr. Broderick is no stranger to any of us and I won’t go into all of his experiences with the judiciary, because we’re all very well aware of that.

“However, let me go over his credentials. Mr. Broderick is a Stanford University graduate with a Bachelor of Arts, Phi Beta Kappa. He went to UCLA Law School and he graduated Order of the Coif, which is the top 10 percent of that law school. When you read his resume, he has a whole list of scholarships and honors that he received – unquestionably a very competent and a very well schooled individual.

“His career is just as diverse. He has, of course, been in private practice. He was the legal counsel for Mayor Bradley in Los Angeles. He did the policy and research analysis for the DOE. He was the Administrative Director of the Courts, the executive director of the Hawaii Justice Foundation, and he’s served on many boards, with me, for example, in gender equity in athletics, among others. He is, and I think this is one of his first and probably his major love, he is a mediator and an arbitrator and that’s very clear in all that he has done.

“He was complemented throughout the hearing. One interesting description of him came from Debbie Hartman who called him or said that he had a Hegelian dialectic approach to matters. I thought that was really interesting. Luckily, I didn’t have to research that. He was also called, by Tom Crowley, Atticus Finch. Now, that person I knew; I didn’t have to ask the good Senator from Hawaii Kai. But of course the good Senator from Hawaii Kai would probably say that’s an oxymoron because you cannot find a moral, ethical lawyer, because in his mind, that just can’t be in one person. But I believe truly, with Mr. Broderick, he is an Atticus Finch.

“He stands before us, members, for confirmation for the family court, where you need to be, I believe, a very special kind of person. My classmate from law school, and she, since 1993, has been considered one of Hawaii’s best lawyers in the family court area, said that he is well tempered, well prepared, disciplined, respected, and again the word mediator comes to be. Now, Stephanie Rezens is her name and she met Michael Broderick over the very controversial issue of the movement of the family court to Kapolei. As you can imagine, Stephanie did not want to do that and Michael had to meet her under those circumstances, and he probably had a handful.

“Tom Crowley, who is somebody who has concentrated on the mediation and arbitration area, says that Michael Broderick is the best. And the reason why, as you hear the testimony received, is that Mr. Broderick is a good listener. That is probably the necessary trait that you need for a family court judge. It’s probably at the most critical stage in anyone’s life – the divorce, for example. And all that many people want to have is the opportunity to be heard and feeling that they are getting justice, some form of justice.

“Mr. President, there is no doubt in my mind that Michael Broderick will do exactly that. He will serve very well as a family court judge. And for that reason, I ask that you and the others join me in consenting to Mr. Michael Broderick.

“Thank you.”

Senator Slom rose to support the nomination and said:

“Mr. President, I rise on behalf of the Senate Minority in strong support of the candidate.

“First, Mr. President, let me make sure that the earlier remarks from the good Senator Chairman of the Judiciary Committee about the wisdom of this Republican be published widely and distributed in every street corner and every telephone pole.

“Secondly, her later remarks, however, as she sunk down into the lower depths, that I would not find a lawyer that had good ethics and good integrity, that being an oxymoron – there are good attorneys. However, they start out, first and foremost, as good men or good women, and that is the case with Michael Broderick.

“He is an outstanding individual. And while he confesses to being neither artistic, spontaneous, creative, nor a visionary, he is a good listener and he’s a problem solver. Many of us have known Michael over the years in different capacities. I remember a business situation that we were involved with that had to do with the Kaikoo Mall over in Hilo on the Big Island and he very graciously met with the people that were involved there, tried to reach resolution, and talk to people. I think his willingness to sit down with every individual and to try to find solutions is his strongest point. That, in my mind, goes far beyond being artistic or anything else.

"I do think he's a visionary because he sees what the needs are for the judiciary in the future. It is men and women such as Michael Broderick, particularly in the highly charged and emotional area of family court, where not only do you need a good listener, but you need a fair arbitrator and mediator, and all people, all people, have agreed that that is Michael Broderick.

"I always, as you know, Mr. President, always sneak into the Judiciary Chairman's hearings when I can to see how good hearings are run, and I did hear all of that testimony that day. And even though I was a little scared, with all of those suited lawyers in one room at one time, it was amazing how people came forth with stories of how this man has given of himself, has never turned anyone down, goes the extra mile, stays the extra hour, and that's what we can expect from him on the bench.

"So, we look forward to doing that and your Minority very strongly supports him. Thank you."

Senator Kim rose to support the nominee as follows:

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

"Mr. President, I did not meet with Mr. Broderick for his nomination interview and that's because I know Mr. Broderick on a personal level and I would be remiss not to stand up and speak.

"I met Michael and Maile and Emma and Drew when we moved into our house at Ala Amoamo Street and I got to know him and I found him to be fair, compassionate, and thoughtful, and I think that he's going to make an excellent judge in this court. So I ask my colleagues to join us all in supporting Mr. Broderick.

"Thank you."

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

Ayes, 21. Noes, none. Excused, 4 (Baker, Hogue, Kawamoto, Menor).

Senator Hanabusa then introduced Judge Broderick to the members of the Senate. (Judge Broderick, who was seated in the gallery with his family, rose to be recognized.)

At 12:08 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.

THIRD READING

Stand. Com. Rep. No. 1264 (H.B. No. 133, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1264 be adopted and H.B. No. 133, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1265 (H.B. No. 135, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1265 be adopted 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 Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1266 (H.B. No. 287, H.D. 3, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1266 be adopted and H.B. No. 287, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred until Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1267 (H.B. No. 736, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1267 be adopted 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 Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1268 (H.B. No. 807, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1268 be adopted and H.B. No. 807, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," was deferred until Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1269 (H.B. No. 1010, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1269 be adopted 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 Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1270 (H.B. No. 1572, H.D. 3):

By unanimous consent, action on Stand. Com. Rep. No. 1270 be adopted and H.B. No. 1572, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was deferred until Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1271 (H.B. No. 58):

By unanimous consent, action on Stand. Com. Rep. No. 1271 be adopted and H.B. No. 58, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Tuesday, April 8, 2003.

Stand. Com. Rep. No. 1272 (H.B. No. 1453, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1272 be adopted and H.B. No. 1453, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Tuesday, April 8, 2003.

H.B. No. 1594, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1594, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," was deferred until Tuesday, April 8, 2003.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 3, 2003

Stand. Com. Rep. No. 1278 (S.C.R. No. 25):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE USE OF CLOSED-CAPTIONING TELEVISION TO TEACH READING TO STUDENTS," was adopted.

Stand. Com. Rep. No. 1279 (S.R. No. 14):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 14, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE USE OF CLOSED-CAPTIONING TELEVISION TO TEACH READING TO STUDENTS," was adopted.

Stand. Com. Rep. No. 1280 (S.C.R. No. 51, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A REPORT ON THE STATUS AND EFFECTIVENESS OF STUDENT FINANCIAL AID PROGRAMS," was adopted.

Stand. Com. Rep. No. 1281 (S.R. No. 31, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 31, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A REPORT ON THE STATUS AND EFFECTIVENESS OF STUDENT FINANCIAL AID PROGRAMS," was adopted.

Stand. Com. Rep. No. 1282 (S.C.R. No. 58):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH PROCEDURES AND GUIDELINES BY WHICH HOME-SCHOOLED STUDENTS ARE ABLE TO PARTICIPATE IN EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES AT PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1283 (S.R. No. 38):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 38, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH PROCEDURES AND GUIDELINES BY WHICH HOME-SCHOOLED STUDENTS ARE ABLE TO PARTICIPATE IN EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES AT PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1284 (S.C.R. No. 60):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A TEACHER CADET PROGRAM TO RECRUIT HAWAII'S BRIGHTEST AND BEST PUBLIC HIGH SCHOOL STUDENTS FOR TEACHING CAREERS IN THE HAWAII PUBLIC SCHOOL SYSTEM," was adopted.

Stand. Com. Rep. No. 1285 (S.R. No. 40):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 40, entitled: "SENATE RESOLUTION URGING THE ESTABLISHMENT OF A TEACHER CADET PROGRAM

TO RECRUIT HAWAII'S BRIGHTEST AND BEST PUBLIC HIGH SCHOOL STUDENTS FOR TEACHING CAREERS IN THE HAWAII PUBLIC SCHOOL SYSTEM," was adopted.

Stand. Com. Rep. No. 1286 (S.C.R. No. 150):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ASIA-PACIFIC EDUCATION TO ENSURE THAT HAWAII'S STUDENTS MEET HIGH PERFORMANCE STANDARDS IN EDUCATION ABOUT ASIA AND THE PACIFIC AND UNDERSTAND THE IMPACT OF THE STATE'S RELATIONSHIP WITH THE REGION," was adopted.

Stand. Com. Rep. No. 1287 (S.C.R. No. 181):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 181, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was adopted.

Stand. Com. Rep. No. 1288 (S.R. No. 129):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 129, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALLICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was adopted.

Stand. Com. Rep. No. 1289 (S.C.R. No. 120, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS' PLANS AND POLICIES AFFECTING PUBLIC, EDUCATIONAL, OR GOVERNMENTAL ACCESS TELEVISION," was adopted.

Stand. Com. Rep. No. 1290 (S.R. No. 79, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.R. No. 79, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REPORT ON THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS' PLANS AND POLICIES AFFECTING PUBLIC, EDUCATIONAL, OR GOVERNMENTAL ACCESS TELEVISION," was adopted.

Stand. Com. Rep. No. 1291 (S.C.R. No. 32, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 32, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO USE RESEARCH-BASED CURRICULUM AND STANDARDS-BASED CLASSROOM ASSESSMENTS, IN ADDITION TO LARGE-SCALE ACHIEVEMENT TESTS, TO MEET THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT," was adopted.

Stand. Com. Rep. No. 1292 (S.R. No. 20, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO USE RESEARCH-BASED CURRICULUM AND STANDARDS-BASED CLASSROOM ASSESSMENTS, IN ADDITION TO LARGE-SCALE ACHIEVEMENT TESTS, TO MEET THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT," was adopted.

Stand. Com. Rep. No. 1293 (S.C.R. No. 59, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF CURRICULUM GUIDELINES FOR INSTRUCTION ON THE HISTORICAL FACTS AND IMPACT UPON OUR NATION OF THE INTERNMENT OF JAPANESE AMERICANS DURING WORLD WAR II," was adopted.

Stand. Com. Rep. No. 1294 (S.R. No. 39, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 39, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF CURRICULUM GUIDELINES FOR INSTRUCTION ON THE HISTORICAL FACTS AND IMPACT UPON OUR NATION OF THE INTERNMENT OF JAPANESE AMERICANS DURING WORLD WAR II," was adopted.

Stand. Com. Rep. No. 1295 (S.C.R. No. 147, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII TO COLLABORATIVELY DEVELOP AN IMPLEMENTATION PLAN TO ESTABLISH CERTIFICATED PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1296 (S.R. No. 99, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 99, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII TO COLLABORATIVELY DEVELOP AN IMPLEMENTATION PLAN TO ESTABLISH CERTIFICATED PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1297 (S.C.R. No. 151, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 151, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII'S RESEARCH ENTERPRISE AND REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A FIVE YEAR PLAN FOR ITS EXPANSION," was adopted.

Stand. Com. Rep. No. 1298 (S.R. No. 104, S.D. 1):

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 104, S.D. 1, entitled: "SENATE RESOLUTION

SUPPORTING THE UNIVERSITY OF HAWAII'S RESEARCH ENTERPRISE AND REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A FIVE YEAR PLAN FOR ITS EXPANSION," was adopted.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate
Concurrent
Resolution Referred to:

No. 158 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. Nos. 297 and 298.

Senator Taniguchi noted:

"Mr. President, H.B. No. 297 relates to drugs and H.B. No. 298 relates to the siting of a new prison facility."

The Chair then granted the waiver.

STANDING COMMITTEE REPORTS

Senator Tsutsui made the following motion:

"Mr. President, I move that the Senate stands in recess, leaving the journal open until 10:00 p.m. this evening for receipt of standing committee reports for House bills, and may the journal reflect the proper motions made and the appropriate actions taken by this body, consistent with the reports of the standing committees. I further move that the senate reconvene at 10:00 a.m. on Tuesday, April 8."

Senator Whalen then seconded the motion.

Senator Tsutsui moved that the Senate authorize the adoption of standing committee reports recommending that Senate bills pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Whalen.

Senator Ihara rose on point of information and said:

"Mr. President, I rise on a point of information. I'd like to ask the movant, the Senator who made the motion, a question, and that is, is the identity and contents of the bills that are to receive Second Reading known at this time?"

At 12:21 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.

Senator Tsutsui rose in response and said:

"Mr. President, in response to the previous speaker's question, I would suppose that some members may know, some members may not. However, the bills will be available in the Clerk's Office by 10:00 p.m. this evening."

Senator Ihara rose and said:

"Mr. President, so I take it that the answer to the question – is the identity and contents of bills that are to receive Second Readings by this motion known at this time? – the answer is no."

The Chair replied:

"For some bills."

Senator Ihara continued:

"Therefore, I rise on a point of order. I'm saying that the motion is out of order because the bills' identities and contents are not known, and the constitution does not allow the Senate to delegate Second Reading bills to the Clerk."

At 12:29 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.

The President then stated:

"Senator Ihara, the motion before us is in order."

Senator Ihara then said:

"Mr. President, I appeal the ruling of the Chair."

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

The President made the following observation:

"The motion is to uphold the ruling of the Chair. I just ruled that the motion is in order."

Senator Ihara rose in opposition to the motion:

"Mr. President, I rise to speak in opposition to sustaining the ruling of the Chair.

"Mr. President, I would like to cite an attorney general opinion dated March 28. While the opinion is not definitive as to whether the motion that I'm challenging is in order or not, I do want to say that I do agree with two of its conclusions. One is, Can the Senate adopt a bill without knowledge of its identity or content? The answer is no. Question No. 5, Can the Senate pass a bill in abstentia? The answer is no. And this is for good reason, because without knowing the contents . . . well, I don't have to get into fundamental parliamentary procedure.

"I want to mention one other thing and that is, without knowledge of the identity or contents of the bills that this motion applies to, it cannot be valid. Therefore, because we will go in recess and then bills are decked in the Clerk's Office up until 10:00 p.m., the identity and contents of these bills will be known only then. Then you'd have to argue that, well, who cast the votes? I am saying that the constitution does not allow the Senate to delegate, to delegate its Second Reading votes to anyone, including the Clerk who's receiving these bills, which I believe must be the case because the Senate cannot adopt a bill in abstentia.

"Therefore, I ask my colleagues to vote 'no' on this motion and I ask for a Roll Call vote."

Senator Kim then rose and said:

"Mr. President, to add to the discussion and perhaps ask the Senator from Kaimuki whether or not this objection is also one that he raised during the First Reading of bills?"

Senator Ihara replied:

"No, I did not."

Senator Kim then inquired:

"Mr. President, a follow-up question then – are these arguments that you're making not pertinent to First Reading bills and only pertinent to Second and Third Reading?"

Senator Ihara responded:

"I haven't studied the issue on First Reading bills. I believe that they are considered purely ministerial, and I am arguing that Second Reading bills are not a purely ministerial act. And even if they were, I would argue that the Senate must know the identity and contents of the bills, and if I thought of this earlier, I might have objected to the First Reading bills."

Senator Kim then rose and said:

"Mr. President, I guess I'm not aware of anything in the constitution that distinguishes First Reading, Second Reading, or Third Reading bills. Thank you."

At 12:38 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 o'clock p.m.

The motion was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 9. Noes, 6 (Chun Oakland, Hemmings, Hooser, Ihara, Slom, Trimble). Excused, 10 (Aduja, Baker, English, Fukunaga, Hogue, Inouye, Kawamoto, Menor, Whalen).

Senator Ihara rose and said:

"Mr. President, having disposed of that motion, I move to postpone this motion until 10:00 p.m. this evening."

Senator Trimble said:

"I second that motion."

Senator Ihara moved that the motion to authorize the adoption of standing committee reports recommending that Senate bills pass Second Reading and be placed on the calendar for Third Reading be postponed until 10:00 o'clock p.m., seconded by Senator Trimble.

Senator Ihara rose in support of the motion and said:

"Mr. President, I'd like to just note in support of postponing this motion, the motion to adopt in abstentia, because that is what the original motion does. It's a motion that allows the Senate to adopt bills on Second Reading while we are not present, which the attorney general's opinion also says is not permissible.

"By postponing it until 10:00 p.m., at that time this evening, we will know the identity and contents of the bills for which the Second Reading action of this body will be taken.

"I also request a Roll Call vote on this motion as well."

At 12:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:47 o'clock p.m.

The President then said:

"Senator Ihara, could you restate your motion."

Senator Ihara replied:

"Well, there is a main motion on the Floor which is what was stated. It's a long motion. But in effect, the main motion is to adopt the committee reports that will be filed until 10:00 p.m. this evening and to have the actions recommended in those committee reports be effectuated by the Senate. And my motion that applies to this main motion is a motion to postpone definitely . . . in Mason's terms. It's a motion to postpone till 10:00 p.m. tonight, which is the time when the bills will be known."

The President then stated:

"It's been moved. Is there a second?"

Senator Trimble replied:

"I second the motion."

President Bunda announced:

"It's been moved and seconded, any discussion?"

Senator Hemmings rose and said:

"Mr. President, I rise to speak to the motion, not necessarily in favor of it either.

"Mr. President, there's a lot to consider in what's going on here today but there's some points that in think are worthy of consideration from our perspective. I read the attorney general's opinion and probably the word that occurs most in it is probably."

Senator Hanabusa interjected:

"Mr. President, point of order. I don't believe the speaker is speaking to the motion. The motion is to postpone, not the attorney general's opinion."

The President then stated:

"Senator Hemmings, could you keep your remarks germane."

Senator Hemmings replied:

"Yes, I will certainly rephrase my remarks so that the good Senator from Waianae will accommodate them.

"In speaking to the motion to postpone, I think it's extremely germane to take in consideration the issue at hand – and that is, where this effort to delay these precedings is applicable under the state constitution. And in speaking to the motion, I would like the good Senator from Kaimuki, I'd like to ask him to yield to a question. And the question is, This issue is a long standing practice that has never been adjudicated and I'm wondering why in his years of leadership, in many years of being a member of the Legislature and the State Senate, why this is coming up now?"

President Bunda posed the question and Senator Ihara answered as follows:

"I certainly would. I guess the answer to your question is we take one fight for democracy at a time. The constitution required open committee voting in 1978. It took 15 years before the House of Representatives started to vote in public to follow the constitution. It took another five years for the Senate to vote in public, and just three years ago, the Senate . . . well, the Legislature finally started to comply and vote in public for the first time in Conference Committees, which the constitution required since 1978. And as I recall, that was not an easy battle to win, although, I believe any person who reads the constitution would have concluded that Conference Committees, even Conference Committees have to vote in public.

"Then as to this issue, there's a long list and there's many others. And as we get the basic constitutional requirements settled and finally be in compliance, then my plan is then to begin to take on other issues.

"I was talking to the media and they and I recall that the Senate used to, in the past, vote on Second Reading knowing the contents and identity of the bills. When I was in the House as Majority Floor Leader, we did have a big debate and began to have voting on Second Reading while the House was in Session.

"And so, the answer to the question is this is what's up at bat now and I'm trying to have us be in compliance on this issue and there are other issues, once this is settled, that I will certainly get to as well.

"Thank you."

At 12:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:57 o'clock p.m.

Senator Chun Oakland rose to support the motion and said:

"Mr. President, sorry to belabor the issue, but I appreciate you taking the time, and the rest of my colleagues taking the time to discuss this.

"I do support the motion and just in terms of historical background, when I served as staff with a Senator quite a number of years ago, there were a number of things that I observed and I've shared with you previously that really needed to change to allow more public input and consideration. I know that all of you have been a part of the change towards that. I feel that the actual decision making or Second Reading activity to occur when we do have the bills before us would be appropriate. I know this issue was taken up in the House several years ago, and as a result of that, the House does meet on Second Reading upon the receipt of the bills.

"So I hope that our body will be able to practice similarly. Thank you."

Senator Hemmings rose to speak to the motion and said:

"Mr. President, I rise, too, to speak to the motion. I observed, with great interest, that the prior speaker did not speak to the motion, just a matter of record.

"Number two, Mr. President, in addressing this issue, I'm hoping that the Majority Caucus can get this resolved. This has

been, quite frankly, a good exercise for us and I really appreciate, as the previous speaker has enunciated, your ability to judiciously handle this situation. With that in mind, we'll vote accordingly.

"Thank you, Mr. President."

Senator Hooser rose to speak in support of the motion and said:

"Mr. President, I'd like to rise and speak in support of the motion.

"I also would like the body to resolve the issue, and I would say it's the entire body's purpose or job to resolve it, not just one segment. I think the motion, many would acknowledge, is a pain in the okole to implement. It may be seen as a hassle and as a way to slow things down, the process, and the process getting in the way of expedient decision making, but I'm supporting the motion because I think, fundamentally, the good Senator from Kaimuki is right and correct that the constitution calls for three readings and not one reading.

"In my experience in the process, things go far too fast. We have far too many bills. So, for the fundamental reason that I think that the interpretation of the constitution is right and correct, I'll be supporting the motion.

"Thank you."

Senator Ihara rose again in favor of the motion and said:

"Mr. President, I rise to speak, again, in favor of the motion to postpone till 10 p.m.

"There's another, I think, fundamental reason to take Second Reading votes with the bills in front of us, and that is, what I believe is a constitutional requirement, that all votes of the Senate be done in public. And the method of voting on Second Reading that has been used over the last few years, I believe, is a breach and a violation of that requirement. Because right now, if we do not postpone the motion, but we recess for the day, and after we are gone and not in this Chamber, somehow, mysteriously, all of those bills get voted on Second Reading. And at the point and time at which those Second Reading bills' votes are cast, no one and the public is around – it does not occur in public.

"So, for that reason, I urge my colleagues to vote for the motion to postpone this motion till 10 p.m."

Senator Kim rose and said:

"Mr. President, I'd like to move to amend the motion further to say that all bills not on the Clerk's desk as of the adjournment of today do not pass Second Reading. Thank you."

Senator Ihara rose and said:

"I don't believe you can amend . . . can we have a recess?"

At 1:02 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 Kim then stated:

"Mr. President, I'll withdraw my motion, but I think the point is that if Committee Chairmen have not had their bills

passed by now, then I think that those bills shouldn't pass if this is the point that we're trying to make.

"Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 6. Noes, 9 (Bunda, Espero, Hanabusa, Kanno, Kim, Kokubun, Sakamoto, Taniguchi, Tsutsui). Excused, 10 (Aduja, Baker, English, Fukunaga, Hogue, Ige, Inouye, Kawamoto, Menor, Whalen).

The President made the following observation:

"The motion does not carry.

"If there are no objections from the members, the Senate will stand in recess . . ."

Senator Ihara interjected:

"Mr. President, we have to vote on the main motion. We are left with the main motion, I believe."

The President having recognized Senator Hanabusa, she then stated:

"Mr. President, I call for the question on the main motion."

Senator Ihara stated:

"Mr. President, I had the Floor.

"I just want to say that I believe that this motion is improper because we do not know the identity or contents of the bills for which we are about to vote on Second Reading. In effect, what we'll be doing is cast votes in absentia while we're in recess, and these votes, Second Reading votes, would be also cast not in the public eye.

"I have a point of parliamentary inquiry. Mr. President, because these are Second Reading votes, does it require 13 votes to adopt this motion?"

The President answered:

"No, it requires a majority of the quorum."

Senator Ihara inquired further:

"Even on Second Reading?"

The President replied:

"We have been advised."

Senator Ihara replied: "Thank you."

Senator Sakamoto rose and said:

"I speak in favor of the motion.

"Regarding the issue of not voting in public, I think, if indeed we vote now, that is in public. And I think as far as the contents of the measure are concerned, certainly many measures, for the most part, have been voted on in public in Committee, so at least for the vast majority of issues under consideration, those are known because they are voted on in public, Mr. President."

Senator Ihara rose and said:

“Mr. President, I must stand to rebut the previous speaker.

“I think the problem goes deeper than just that. I believe that we should vote in public on a particular bill. I can’t think of one now, but let’s pick a bill – a House bill that will be filed in the Clerk’s Office after we recess today, in a few minutes. Not only am I concerned that that Second Reading vote will be cast without anyone here, my greater concern has to do with when is that vote cast? See, I will bring an objection to the Journal because the Journal states that . . . it will state in the future that Senator Tsutsui made the motion and seconded by, I’m not sure who . . .”

President Bunda answered: “Senator Whalen.”

Senator Ihara continued:

“Senator Whalen, and I will challenge that because that, in fact, did not happen, because they did not have knowledge of the bill and the Journal will reflect that they had knowledge. So I think that is a deeper question which I will be raising later on.

“So not only is it a concern about voting in public, but it is . . . bottom line to me, to me our actions need to be in consonance with the constitution and with what the public expects.

“Thank you.”

The motion was put by the Chair and carried, 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 House bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 1:10 o’clock p.m., the Senate took the following actions on the following House bills and standing committee reports:

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1314) recommending that H.B. No. 714, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1314 and H.B. No. 714, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred until Tuesday, April 8, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1315) recommending that H.B. No. 1285, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1315 and H.B. No. 1285, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HISTORIC SITES,” was deferred until Tuesday, April 8, 2003.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1316) recommending that H.B. No. 993, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1316 and H.B. No. 993, S.D. 1, entitled: “A BILL FOR AN ACT

RELATING TO RECONSTRUCTED VEHICLES,” was deferred until Tuesday, April 8, 2003.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1317) recommending that H.B. No. 1253, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1253, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1318) recommending that H.B. No. 75, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1318 and H.B. No. 75, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUMS,” was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1319) recommending that H.B. No. 473, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1319 and H.B. No. 473, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1320) recommending that H.B. No. 640, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1320 and H.B. No. 640, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LOSS MITIGATION GRANT PROGRAM,” was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1321) recommending that H.B. No. 1163, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1321 and H.B. No. 1163, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1322) recommending that H.B. No. 1361, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1322 and H.B. No. 1361, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MEDICAID PRESCRIPTION DRUG EXPANSION PROGRAM,” was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1323) recommending that H.B. No. 1412, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1323 and H.B. No. 1412, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1324) recommending that H.B. No. 1465, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1324 and H.B. No. 1465, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1325) recommending that H.B. No. 1652, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1325 and H.B. No. 1652, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MEDICAID PRESCRIPTION DRUG REBATE SPECIAL FUND," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1326) recommending that H.B. No. 21, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1326 and H.B. No. 21, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORPORATE DISCLOSURE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1327) recommending that H.B. No. 1579, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1327 and H.B. No. 1579, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC DIVERSIFICATION AUTHORITY," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1328) recommending that H.B. No. 1628, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1328 and H.B. No. 1628, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL LOANS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1329) recommending that H.B. No. 32, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1329 and H.B. No. 32, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1330) recommending that H.B. No. 289, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1330 and H.B. No. 289, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1331) recommending that H.B. No. 292, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1331 and H.B. No. 292, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL PRIORITY FUND," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1332) recommending that H.B. No. 314, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1332 and H.B. No. 314, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL SECURITY GUARDS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1333) recommending that H.B. No. 320, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1333 and H.B. No. 320, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1334) recommending that H.B. No. 418, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1334 and H.B. No. 418, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1335) recommending that H.B. No. 620, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1335 and H.B. No. 620, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1336) recommending that H.B. No. 1176, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1336 and H.B. No. 1176, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

1337) recommending that H.B. No. 1362, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1337 and H.B. No. 1362, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1338) recommending that H.B. No. 1506, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1338 and H.B. No. 1506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ISPED CLERK TYPISTS," was deferred until Tuesday, April 8, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1339) recommending that H.B. No. 73, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1339 and H.B. No. 73, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred until Tuesday, April 8, 2003.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1340) recommending that H.B. No. 248, 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 Tsutsui, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 248, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC SCHOOLS BY PUBLIC EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1341) recommending that H.B. No. 1212, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1342) recommending that H.B. No. 281, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1342 and H.B. No. 281, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE EDUCATIONAL FACILITIES REPAIR AND MAINTENANCE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1343) recommending that H.B. No. 638, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1343 and H.B. No. 638, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1344) recommending that H.B. No. 1021, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1344 and H.B. No. 1021, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1345) recommending that H.B. No. 808, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1345 and H.B. No. 808, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1346) recommending that H.B. No. 1300, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1346 and H.B. No. 1300, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1347) recommending that H.B. No. 140, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 140, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1348) recommending that H.B. No. 1164, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1164, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1349) recommending that H.B. No. 1294, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1350) recommending that H.B. No. 1405, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1350 and H.B. No. 1405, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1351) recommending that H.B. No. 1456, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1351 and H.B. No. 1456, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1352) recommending that H.B. No. 377, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1352 and H.B. No. 377, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1353) recommending that H.B. No. 384, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1353 and H.B. No. 384, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1354) recommending that H.B. No. 422, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1354 and H.B. No. 422, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CENTER FOR NURSING," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1355) recommending that H.B. No. 548, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1355 and H.B. No. 548, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1356) recommending that H.B. No. 735, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1356 and H.B. No. 735, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1357) recommending that H.B. No. 1181, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1357 and H.B. No. 1181, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1358) recommending that H.B. No. 1430, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1358 and H.B. No. 1430, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY ORAL HEALTH," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1359) recommending that H.B. No. 1616, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1359 and H.B. No. 1616, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1360) recommending that H.B. No. 122, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1360 and H.B. No. 122, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1361) recommending that H.B. No. 127, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1361 and H.B. No. 127, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1362) recommending that H.B. No. 129, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1362 and H.B. No. 129, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO BRIDGE TO HOPE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1363) recommending that H.B. No. 1342, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1363 and H.B. No. 1342, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR YOUTH SERVICES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1364) recommending that H.B. No. 668, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1364 and H.B. No. 668, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1365) recommending that H.B. No. 500, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1365 and H.B. No. 500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1366) recommending that H.B. No. 851, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1366 and H.B. No. 851, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1367) recommending that H.B. No. 1155, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1367 and H.B. No. 1155, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1368) recommending that H.B. No. 176, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1368 and H.B. No. 176, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1369) recommending that H.B. No. 295, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1369 and H.B. No. 295, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1370) recommending that H.B. No. 756, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1370 and H.B. No. 756, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1371) recommending that H.B. No. 857, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1371 and H.B. No. 857, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1372) recommending that H.B. No. 1003, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1372 and H.B. No. 1003, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1373) recommending that H.B. No. 1111, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1373 and H.B. No. 1111, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1374) recommending that H.B. No. 1116, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1374 and H.B. No. 1116, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COURTS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1375) recommending that H.B. No. 1154, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1375 and H.B. No. 1154, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1376) recommending that H.B. No. 1255, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1376 and H.B. No. 1255, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1377) recommending that H.B. No. 1303, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1377 and H.B. No. 1303, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1378) recommending that H.B. No. 29, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1378 and H.B. No. 29, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1379) recommending that H.B. No. 50, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1379 and H.B. No. 50, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1380) recommending that H.B. No. 130, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1380 and H.B. No. 130, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1381) recommending that H.B. No. 290, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1381 and H.B. No. 290, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1382) recommending that H.B. No. 294, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1382 and H.B. No. 294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1383) recommending that H.B. No. 317, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1383 and H.B. No. 317, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1384) recommending that H.B. No. 507, H.D. 3, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1384 and H.B. No. 507, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL TECHNICIANS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1385) recommending that H.B. No. 531, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1385 and H.B. No. 531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1386) recommending that H.B. No. 968, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1386 and H.B. No. 968, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1387) recommending that H.B. No. 986, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1387 and H.B. No. 986, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS OF SURVIVING CHILDREN OF PUBLIC EMPLOYEES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1388) recommending that H.B. No. 1013, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1388 and H.B. No. 1013, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1389) recommending that H.B. No. 1041, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1389 and H.B. No. 1041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1390) recommending that H.B. No. 1042, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1390 and H.B. No. 1042, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE

BARGAINING COST ITEMS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1391) recommending that H.B. No. 1043, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1391 and H.B. No. 1043, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1392) recommending that H.B. No. 1044, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1392 and H.B. No. 1044, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1393) recommending that H.B. No. 1045, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1393 and H.B. No. 1045, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1394) recommending that H.B. No. 1046, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1394 and H.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1395) recommending that H.B. No. 1047, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1395 and H.B. No. 1047, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1396) recommending that H.B. No. 1157, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1396 and H.B. No. 1157, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1397) recommending that H.B. No. 10, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1397 and H.B. No. 10, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was deferred until Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1398) recommending that H.B. No. 96, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 96, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1399) recommending that H.B. No. 139, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 139, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1400) recommending that H.B. No. 595, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 595, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1401) recommending that H.B. No. 730, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1402) recommending that H.B. No. 1160, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1160, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1403) recommending that H.B. No. 1532, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1403 and H.B. No. 1532, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CELEBRATION OF MARTIN LUTHER KING, JR. DAY," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1404) recommending that H.B. No. 662, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1404 and H.B. No. 662, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SPORTS HALL OF FAME," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1405) recommending that H.B. No. 1400, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1405 and H.B. No. 1400, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1406) recommending that H.B. No. 704, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1406 and H.B. No. 704, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT CODE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1407) recommending that H.B. No. 1230, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1407 and H.B. No. 1230, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1408) recommending that H.B. No. 1247, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1408 and H.B. No. 1247, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A CONTRAFLOW LANE ON FARRINGTON HIGHWAY ALONG THE WAIANAE COAST FROM MOHIHI STREET TO PILIOKAHI AVENUE," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1409) recommending that H.B. No. 1363, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1409 and H.B. No. 1363, H.D. 1, S.D. 2, entitled: "A BILL FOR AN

ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO CLEAN SALT LAKE WATERWAY," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1410) recommending that H.B. No. 1554, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1410 and H.B. No. 1554, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY TAXES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1411) recommending that H.B. No. 83, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1411 and H.B. No. 83, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE ALOHA COUNCIL BOY SCOUTS OF AMERICA," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1412) recommending that H.B. No. 155, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1412 and H.B. No. 155, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1413) recommending that H.B. No. 293, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1413 and H.B. No. 293, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1414) recommending that H.B. No. 426, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1414 and H.B. No. 426, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1415) recommending that H.B. No. 1509, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1415 and H.B. No. 1509, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1416) recommending that H.B. No. 1613, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1416 and H.B. No. 1613, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1417) recommending that H.B. No. 1175, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1417 and H.B. No. 1175, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1418) recommending that H.B. No. 512, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1418 and H.B. No. 512, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1419) recommending that H.B. No. 282, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 282, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1420) recommending that H.B. No. 433, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 433, 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 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1421) recommending that H.B. No. 1152, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 1152, H.D. 1, 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, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1422) recommending that H.B. No. 1225, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Tsutsui, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 1225, 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 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1423) recommending that H.B. No. 297, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1423 and H.B. No. 297, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1424) recommending that H.B. No. 298, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1424 and H.B. No. 298, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1425) recommending that H.B. No. 391, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1425 and H.B. No. 391, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1426) recommending that H.B. No. 510, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1426 and H.B. No. 510, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1427) recommending that H.B. No. 659 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1427 and H.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE JOURNALS," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1428) recommending that H.B. No. 1182, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1428 and H.B. No. 1182, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, April 8, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1429) recommending that H.B. No. 200, 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 Tsutsui, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 200, 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 8, 2003.

ADJOURNMENT

At 10:00 o'clock p.m., the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 8, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate