

FIFTIETH DAY

Friday, April 11, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Elwin Ahu and Chaplain Roy Yamamoto, New Hope Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

The President deferred the approval of the Journal of the Forty-Ninth Day until Monday, April 14, 2003.

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

Senator Inouye commended Macy's in Hawaii for its generous donations to local charities through the "More Community" Campaign in Hawaii, and recognized Macy's for their community sensitivity and philanthropy. Representing the various Macy's stores in Hawaii were Stephen Aune, Joy Higa, Wendy Kurosaki, Wanda Okita, Deena Nichols, Jane Sinnott and Brian Blue.

Senator Taniguchi congratulated the Iolani School Boys' Varsity Team for capturing the 2003 Hawaii State Basketball Championship and introduced the following representatives of the team: Athletic Directors, Carl Schroers and Judith Hiramoto; and team members, Bobby Nash and Derrick Low.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 509 to 515) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 509, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 10, H.D. 2 (S.D. 1);
 H.B. No. 21, H.D. 1 (S.D. 2);
 H.B. No. 29, H.D. 1 (S.D. 1);
 H.B. No. 32, H.D. 2 (S.D. 2);
 H.B. No. 50, H.D. 2 (S.D. 1);
 H.B. No. 73 (S.D. 1);
 H.B. No. 75, H.D. 2 (S.D. 1);
 H.B. No. 96, H.D. 1 (S.D. 1);
 H.B. No. 122 (S.D. 2);
 H.B. No. 123, H.D. 1 (S.D. 1);
 H.B. No. 127, H.D. 1 (S.D. 1);
 H.B. No. 129, H.D. 1 (S.D. 1);
 H.B. No. 130, H.D. 1 (S.D. 2);
 H.B. No. 135, H.D. 1 (S.D. 1);
 H.B. No. 139, H.D. 1 (S.D. 1);
 H.B. No. 140, H.D. 1 (S.D. 1);
 H.B. No. 155, H.D. 2 (S.D. 2);
 H.B. No. 176, H.D. 1 (S.D. 2);
 H.B. No. 200, H.D. 1 (S.D. 1);
 H.B. No. 248, H.D. 1 (S.D. 1);
 H.B. No. 281, H.D. 1 (S.D. 2);
 H.B. No. 282, H.D. 2 (S.D. 1);

H.B. No. 287, H.D. 3 (S.D. 2);
 H.B. No. 289, H.D. 2 (S.D. 2);
 H.B. No. 290, H.D. 2 (S.D. 1);
 H.B. No. 292, H.D. 2 (S.D. 2);
 H.B. No. 293, H.D. 1 (S.D. 2);
 H.B. No. 294 (S.D. 1);
 H.B. No. 295, H.D. 1 (S.D. 2);
 H.B. No. 297, H.D. 2 (S.D. 2);
 H.B. No. 298, H.D. 2 (S.D. 2);
 H.B. No. 314, H.D. 1 (S.D. 2);
 H.B. No. 317, H.D. 2 (S.D. 2);
 H.B. No. 320, H.D. 2 (S.D. 1);
 H.B. No. 377, H.D. 1 (S.D. 1);
 H.B. No. 384, H.D. 1 (S.D. 1);
 H.B. No. 391, H.D. 2 (S.D. 2);
 H.B. No. 418, H.D. 1 (S.D. 2);
 H.B. No. 422, H.D. 2 (S.D. 2);
 H.B. No. 426, H.D. 1 (S.D. 2);
 H.B. No. 433 (S.D. 1);
 H.B. No. 473, H.D. 2 (S.D. 2);
 H.B. No. 500, H.D. 1 (S.D. 1);
 H.B. No. 507, H.D. 3 (S.D. 1);
 H.B. No. 510, H.D. 2 (S.D. 2);
 H.B. No. 512, H.D. 1 (S.D. 2);
 H.B. No. 531 (S.D. 1);
 H.B. No. 548, H.D. 2 (S.D. 1);
 H.B. No. 595, H.D. 1 (S.D. 1);
 H.B. No. 620, H.D. 1 (S.D. 1);
 H.B. No. 638, H.D. 1 (S.D. 2);
 H.B. No. 640, H.D. 1 (S.D. 2);
 H.B. No. 662, H.D. 2 (S.D. 2);
 H.B. No. 668 (S.D. 2);
 H.B. No. 704, H.D. 1 (S.D. 2);
 H.B. No. 714, H.D. 1 (S.D. 2);
 H.B. No. 730 (S.D. 1);
 H.B. No. 735, H.D. 1 (S.D. 2);
 H.B. No. 736, H.D. 1 (S.D. 2);
 H.B. No. 807, H.D. 2 (S.D. 2);
 H.B. No. 808, H.D. 1 (S.D. 2);
 H.B. No. 851, H.D. 1 (S.D. 1);
 H.B. No. 857 (S.D. 2);
 H.B. No. 968, H.D. 1 (S.D. 1);
 H.B. No. 986, H.D. 2 (S.D. 2);
 H.B. No. 993 (S.D. 1);
 H.B. No. 1003, H.D. 1 (S.D. 2);
 H.B. No. 1010, H.D. 1 (S.D. 2);
 H.B. No. 1013, H.D. 3 (S.D. 2);
 H.B. No. 1021, H.D. 1 (S.D. 2);
 H.B. No. 1041 (S.D. 1);
 H.B. No. 1042 (S.D. 1);
 H.B. No. 1043 (S.D. 1);
 H.B. No. 1044 (S.D. 1);
 H.B. No. 1045 (S.D. 1);
 H.B. No. 1046 (S.D. 1);
 H.B. No. 1047 (S.D. 1);
 H.B. No. 1111, H.D. 2 (S.D. 2);
 H.B. No. 1116, H.D. 1 (S.D. 2);
 H.B. No. 1152, H.D. 1 (S.D. 1);
 H.B. No. 1154, H.D. 1 (S.D. 2);
 H.B. No. 1155, H.D. 1 (S.D. 1);
 H.B. No. 1157 (S.D. 2);
 H.B. No. 1160, H.D. 1 (S.D. 1);
 H.B. No. 1163 (S.D. 1);
 H.B. No. 1164, H.D. 1 (S.D. 1);
 H.B. No. 1165, H.D. 2 (S.D. 1);
 H.B. No. 1175, H.D. 2 (S.D. 1);
 H.B. No. 1176, H.D. 1 (S.D. 1);
 H.B. No. 1181, H.D. 1 (S.D. 2);

H.B. No. 1182, H.D. 2 (S.D. 2);
 H.B. No. 1212, H.D. 1 (S.D. 1);
 H.B. No. 1214, H.D. 2 (S.D. 2);
 H.B. No. 1230, H.D. 1 (S.D. 2);
 H.B. No. 1247 (S.D. 1);
 H.B. No. 1253, H.D. 1 (S.D. 1);
 H.B. No. 1255 (S.D. 2);
 H.B. No. 1285, H.D. 1 (S.D. 1);
 H.B. No. 1294 (S.D. 1);
 H.B. No. 1300, H.D. 2 (S.D. 2);
 H.B. No. 1303 (S.D. 1);
 H.B. No. 1328, H.D. 1 (S.D. 1);
 H.B. No. 1342, H.D. 1 (S.D. 1);
 H.B. No. 1361, H.D. 2 (S.D. 1);
 H.B. No. 1362 (S.D. 1);
 H.B. No. 1363, H.D. 1 (S.D. 2);
 H.B. No. 1400, H.D. 1 (S.D. 2);
 H.B. No. 1405, H.D. 1 (S.D. 2);
 H.B. No. 1412, H.D. 2 (S.D. 2);
 H.B. No. 1430, H.D. 2 (S.D. 2);
 H.B. No. 1456, H.D. 1 (S.D. 1);
 H.B. No. 1465, H.D. 2 (S.D. 2);
 H.B. No. 1506, H.D. 1 (S.D. 1);
 H.B. No. 1509, H.D. 2 (S.D. 2);
 H.B. No. 1532, H.D. 2 (S.D. 2);
 H.B. No. 1554, H.D. 1 (S.D. 2);
 H.B. No. 1579, H.D. 1 (S.D. 2);
 H.B. No. 1594, H.D. 1 (S.D. 1);
 H.B. No. 1613, H.D. 2 (S.D. 1);
 H.B. No. 1616, H.D. 1 (S.D. 2);
 H.B. No. 1628, H.D. 1 (S.D. 2); and
 H.B. No. 1652 (S.D. 1),

was placed on file.

Hse. Com. No. 510, transmitting H.C.R. No. 54, which was adopted by the House of Representatives on April 10, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF AN OFFICIALLY RECOGNIZED URBAN SEARCH AND RESCUE TEAM IN HAWAII," was deferred until Monday, April 14, 2003.

Hse. Com. No. 511, transmitting H.C.R. No. 65, which was adopted by the House of Representatives on April 10, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GLAXOSMITHKLINE CORPORATION TO IMMEDIATELY RESUME PRESCRIPTION DRUG DELIVERIES TO CANADIAN-BASED MAIL-ORDER PHARMACIES," was deferred until Monday, April 14, 2003.

Hse. Com. No. 512, transmitting H.C.R. No. 76, which was adopted by the House of Representatives on April 10, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 664, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Monday, April 14, 2003.

Hse. Com. No. 513, transmitting H.C.R. No. 77, which was adopted by the House of Representatives on April 10, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Monday, April 14, 2003.

Hse. Com. No. 514, transmitting H.C.R. No. 82, H.D. 1, which was adopted by the House of Representatives on April 10, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 82, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN HAWAII," was deferred until Monday, April 14, 2003.

Hse. Com. No. 515, transmitting H.C.R. No. 219, H.D. 1, which was adopted by the House of Representatives on April 10, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 219, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RESTORATION AND MAINTENANCE OF THE SANJU PAGODA IN NUUANU VALLEY," was deferred until Monday, April 14, 2003.

**STANDING COMMITTEE REPORTS
 ADOPTION OF RESOLUTIONS**

Senators English and Hanabusa, for the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1553) recommending that S.C.R. No. 53, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 53, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT," was adopted with Senators Hemmings, Slom and Trimble voting "No."

Senators English and Hanabusa, for the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1554) recommending that S.R. No. 33, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 33, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT," was adopted with Senators Hemmings, Slom and Trimble voting "No."

Senators English, Baker and Kawamoto, for the Committee on Energy and Environment, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 1555) recommending that S.C.R. No. 164, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 164, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN EMISSIONS WORKING GROUP TO MEASURE THE STATE'S POWER PLANT AND MOTOR VEHICLE EMISSIONS AND DEVELOP COMPREHENSIVE STRATEGIES TO REDUCE EMISSIONS," was adopted.

Senators English, Baker and Kawamoto, for the Committee on Energy and Environment, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 1556) recommending that S.R. No. 113, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 113, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CONVENING OF AN EMISSIONS WORKING GROUP TO MEASURE THE STATE'S POWER PLANT AND MOTOR VEHICLE EMISSIONS AND DEVELOP COMPREHENSIVE STRATEGIES TO REDUCE EMISSIONS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1557) recommending that S.C.R. No. 9 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR EXAMINATION FOR SEXUALLY TRANSMITTED DISEASES," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1558) recommending that S.C.R. No. 36, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 36, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STADIUM AUTHORITY TO DESIGNATE THE LOWER HALAWA PARKING LOT AT ALOHA STADIUM AS THE STATE FAIRGROUNDS," was adopted with Senators Hemmings and Hogue voting "No."

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1559) recommending that S.C.R. No. 49, S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING THE ESTABLISHMENT OF AN OFFICE OF INTERNATIONAL AFFAIRS IN STATE GOVERNMENT," was adopted with Senators Hemmings, Hogue and Slom voting "No."

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1560) recommending that S.C.R. No. 61 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR HEARING AID DEVICES AND SERVICES," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1561) recommending that S.C.R. No. 81 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1562) recommending that S.C.R. No. 84, S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 84, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPARATIVE STUDY ON HEALTH INSURANCE MARKET CONDITIONS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1563) recommending that S.C.R. No. 95 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW CONCERNING THE REGULATION AND LICENSURE REQUIREMENTS OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1564) recommending that S.C.R. No. 103 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 103, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, NARCOTICS ENFORCEMENT DIVISION," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1565) recommending that S.C.R. No. 114 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO RESEARCH OPTIONS FOR ESTABLISHING A DEDICATED FUNDING MECHANISM TO IMPLEMENT THE PUBLIC PURPOSE AND RESPONSIBILITIES AS SPECIFIED IN ACT 77, SESSION LAWS OF HAWAII 1997, RELATING TO EARLY CHILDHOOD EDUCATION AND CARE," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1566) recommending that S.C.R. No. 131 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 131, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE IMPACT OF MANDATED GROUP HEALTH INSURANCE COVERAGE FOR INFERTILITY," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1567) recommending that S.C.R. No. 144, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 144, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A WIRELESS ENHANCED 911 INTERIM WORKING GROUP," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1568) recommending that S.C.R. No. 149 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY EFFECTIVE STATE PRACTICES FOR RAISING ACADEMIC ACHIEVEMENT AMONG LOW SCORING STUDENTS AND NARROWING THE ACHIEVEMENT GAP BETWEEN LOW SCORING STUDENTS AND TOP SCORING STUDENTS," was adopted with Senator Hemmings voting "No."

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1569) recommending that S.C.R. No. 153, S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 153, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION ON THE STATE AND COUNTIES' LAND USE POLICIES WITH REGARD TO SOLID WASTE MANAGEMENT PROGRAMS," was adopted.

ORDER OF THE DAY

APPROVAL OF JOURNALS

MATTERS DEFERRED FROM THURSDAY, APRIL 10, 2003

The President deferred the approval of the Journals of the Senate for the Forty-Seventh Day and the Forty-Eighth Day until Monday, April 14, 2003.

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

MATTER DEFERRED FROM THURSDAY, APRIL 10, 2003

The President made the following committee assignment of a House concurrent resolution that was received on Thursday, April 3, 2003:

House Concurrent Resolution	Referred to:
No. 216	Committee on Water, Land, and Agriculture

ADVISE AND CONSENT

Stand. Com. Rep. No. 1546 (Gov. Msg. No. 227):

Senator Hanabusa moved that Stand. Com. Rep. No. 1546 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of JOHN F. PEYTON JR. as Director of the Department of Public Safety, term to expire December 4, 2006, seconded by Senator Chun Oakland.

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

"Mr. President, I rise to speak in favor of Gov. Msg. No. 227, submitting for consideration and confirmation as Director of the Department of Public Safety, gubernatorial nominee John F. Peyton, Jr.

"Mr. President, first, on behalf of Mr. Peyton, I would like to thank yourself and the members of this Senate for the accommodation. As we all know, Mr. Peyton flew in from Bosnia for this confirmation hearing and it was only with the assistance of everyone that we were able to move his confirmation so that he is before us today. So, on his behalf, I'd like to express his gratitude.

"Mr. President, I don't know whether it's the temperature or what, but the Judiciary Committee has been having rather interesting and exciting confirmation hearings, and Mr. Peyton was no exception. Mr. Peyton comes very qualified. His juris doctorate is from the University of Cincinnati with an LLM in law from the George Washington University. His resume is what should have fascinated everyone. He has things like military intelligence, war college, chief litigation, division head for the CIA, member of the Senior Intelligence Service. In other words, Mr. Peyton would be James Bond's lawyer if he needed one. (Laughter.)

"From 1981 to the present, for 22 years, Mr. Peyton served and the US Attorney in the United States Department of Justice. The last two years he has been on loan, I guess, for lack of a better description, to Bosnia. He has served as the legal advisor for the Organized Crime and Anti-Fraud Department of the High Representative. He's the vice president of the High Judicial and Prosecutorial Councils.

"What he basically does is he advises the ambassador, and he's been involved in drafting of laws, including the criminal code, criminal procedure, and witness protection. They are really tasked with the implementation of the Dayton Peace Agreement, which, in essence, ended the war in Bosnia.

"Mr. President, members, he is before us for confirmation as the Director of the Department of Public Safety. This is probably one of the departments that is the most troubled in this State. We have just gotten out of a consent decree with the justice department. We had a prison breakout in his honor

because he came back. (Laughter) But before he leaves, of course, we have caught all of them. There are concerns over divisions. We've passed out of Ways and Means a resolution to look at one of his divisions. There's just a whole bunch of problems, especially one where we have most of our prison population of state. And it looks like that's the trend that we're going to follow.

"So when we look at a department like that, Mr. President, we must look at the characteristics of the person that we need – we need a leader; we need somebody who is competent; we need somebody who is obviously intelligent; but we need someone who is straight forward, no nonsense, and hardworking. All of these adjectives describe Mr. Peyton, and the person who said that was the attorney general, Mark Bennett. The attorney general came to testify. He had a standard type of testimony but he sat before the Committee and gave a very heartwarming story. He said, the night before, he was sitting at his desk looking at all of these settlements that he has to review, many of them with the Department of Public Safety. And he said he knew as he sat before us that day that if John Peyton were the head of the Department of Public Safety, none of that would happen.

"Dan Bent came before us. He's like a proud father this Session. Dan Bent has got three US Attorneys that may all be part or will also be part, we hope, of the Lingle Administration, and he takes full credit in recruiting all of them. So he comes forward and tells us how he found each and every one of them.

"Then, there's a gentleman who comes every time, and I think I have to mention him, and that's Sumner Howard of GET. He just wanted to come forward and tell us that what you need is an outsider, and that's why he was there to support Mr. Peyton.

"There is one testimony that came all the way from Germany, and that's Dr. Manfred Dulster, presiding judge at the Regional Court of Munich. He was the former head of the anti-fraud department of the Office of the High Representative in Bosnia. Let me share with you what he said. I don't know if he writes English this well or it was translated for him, but he said, 'As John Peyton has a native political instinct, he was and is able to assess the risk of each of the projects he was involved with. The capacity was of significant help in downsizing over-ambitious projects of the international community and thereby enabling them to be implemented. I personally experienced Mr. Peyton as a loyal colleague who was always at my disposal when case-related discussions required this or legal reform processes needed through brainstorming. Another part of his character shall be pointed out. If senior authorities made a decision, he loyally implements and defends it regardless of criticism. In this context, he could show necessary professional aggression, but never forget the requirements of political and social conduct. Whenever required, he was available during weekends. He was always available when needed.' With the state of Halawa prison, he will probably be called upon again to be available at all hours.

"For us in Hawaii, drugs is what we are most concerned with. The Judiciary Committee has seen almost every conceivable form of legislation. Here, in Mr. Peyton, we have the person who's credited with the institution of the weed portion of 'weed and seed' and HIDTA project.

"The person that I thought was an interesting addition to our testifier list was Lowell Kalapa. He did not submit testimony because, as you know, Lowell Kalapa can only comment. And it's easy for him because all he comments usually is 'no, you can't do it.' But he came forward and he said that with all due respect to the attorney general, he believes that Mr. Peyton will

be the best of the Lingle Administration. He said that Mr. Peyton is as straightforward as he is. But I hope Mr. Peyton just doesn't say 'no' like Lowell Kalapa does for us. (Laughter.)

"For me, we have someone here in Mr. Peyton who is without a doubt overly qualified, maybe, for this position. When he was asked the difficult question about what does he feel is the view of the future if, for example, PSD were to be separated into law enforcement and corrections, without hesitation he said, 'we must begin by first asking the necessary questions. We must say, how are we going to professionalize the department? We must defy what law enforcement, on the state level, should be.' And interestingly, he added, 'we've got to understand what we can afford.' Now that's a practical person.

"Mr. President, I'm sure my good colleague from Hawaii Kai, where Mr. Peyton lives, is going to be stepping forth very shortly to voice his support. I think the most difficult thing that he will have to deal with is that Mr. Peyton is a lawyer, but he will be unable to disagree with me that Mr. Peyton represents the honesty, the integrity, the talent, and all that we need to head the Department of Public Safety.

"Mr. President, I ask that you and my colleagues join with me to advise and consent to Mr. Peyton as the Director of Public Safety. Thank you very much."

Senator Slom rose to speak in support of the nominee as follows:

"Mr. President, on behalf of your loyal, energetic, and hardworking Minority, we are very happy to support the Governor's nomination of Mr. John Peyton.

"I couldn't have said it any better than the Judiciary Chair. She's gotten so much smarter, I noticed, in the last year-and-a-half. (Laughter.)

"You know, just when we thought that we had the best and the brightest in terms of appointees, they keep getting better and brighter all along the way. And what a pleasure it is for us in the Senate, who have to advise and consent, and what a great treat it is for the people in the community to say, 'wow, that person is better than the last person; that person is fantastic.' And that's what we have in John Peyton.

"We have a big man for a big job. There is no bigger job and no more important responsibility of government than public safety. And as was alluded to by the Judiciary Chair, we have problems in that area, a multitude of problems. But we can't think of any one individual who is capable of tackling those problems and, more importantly, solving them, than the Governor's nominee.

"As was said, his credentials were impeccable and truly remarkable and outstanding, particularly during this Session when we've been discussing the possibility of pay raises for everyone under the sun. And the question always comes up and people always say, 'well, you only get what you pay for.' Gee, in this case, we're getting five bonuses. We couldn't afford to hire a man or a woman with the capabilities and the experience – the proven experience – of John Peyton.

"I asked him why would he do this? And he said, 'because of public service, because of the challenge, because the people of Hawaii are worth it.'

"Mr. President, we have great expectations and great demands of this individual, but we know that he's going to

fulfill each and every one of them. He's going to succeed. My gosh, if you can succeed in Bosnia, you surely should be able to succeed in Hawaii.

"We know that, as the Judiciary Chair said, sometimes it's important to be able to say 'no' after you have listened. And John Peyton is a good listener, but he's got an analytical mind and his experience is in corrections and in public safety. We know that we expect a lot of this nominee, but we know that he will deliver and we're proud to support him.

"Thank you, Mr. President."

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

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

At this time, Senator Hanabusa introduced Mr. Peyton to the members of the Senate. (Mr. Peyton, who was seated in the gallery, rose to be recognized.)

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

The Senate reconvened at 12:30 o'clock p.m.

FINAL READING

S.B. No. 363, H.D. 1:

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 363, and S.B. No. 363, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPERIMENTAL MODERNIZATION PROJECTS FOR COUNTY BOARDS OF WATER SUPPLY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 843, S.D. 1, H.D. 2:

On motion by Senator English, seconded by Senator Hanabusa and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 843, S.D. 1, and S.B. No. 843, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE, AND LAND PLANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1139, S.D. 1, H.D. 1:

Senator Hanabusa moved that S.B. No. 1139, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak against the measure and said:

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

"I have several problems with the bill. One is that this fee, the surcharge, used to be voluntary, and now it's going to be mandatory. The fee also is being increased. In the past, the fee was split equally between the parties. At one point it was given to just one party. Now it's given to the discretion of the judge, but still does not allow for the splitting of the fee.

"I think a number of people have had questions of the effectiveness of the parent education program within family court, so I'll be registering a 'no' vote.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1139, S.D. 1, and S.B. No. 1139, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Whalen).

S.B. No. 1154, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1154, and S.B. No. 1154, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1413, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1413, and S.B. No. 1413, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 10, 2003

Stand. Com. Rep. No. 1488 (S.C.R. No. 30, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 30, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW PUBLICATIONS DESIGNED TO INFORM PARENTS AND GUARDIANS ABOUT WHAT THEIR CHILDREN ARE LEARNING IN LANGUAGE ARTS/READING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES FROM KINDERGARTEN THROUGH GRADE SIX, AND IDENTIFY PARTNERS TO OBTAIN AND DISTRIBUTE A SERIES OF SUCH PUBLICATIONS," was adopted.

Stand. Com. Rep. No. 1489 (S.R. No. 18, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 18, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW PUBLICATIONS DESIGNED TO INFORM PARENTS AND GUARDIANS ABOUT WHAT THEIR CHILDREN ARE LEARNING IN LANGUAGE ARTS/READING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES FROM KINDERGARTEN THROUGH

GRADE SIX, AND IDENTIFY PARTNERS TO OBTAIN AND DISTRIBUTE A SERIES OF SUCH PUBLICATIONS," was adopted.

Stand. Com. Rep. No. 1490 (S.C.R. No. 52, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 52, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A 2003 INTERIM JOINT LEGISLATIVE STUDY GROUP TO CONTINUE DIALOGUE ON PUBLIC SCHOOL REFORM ISSUES," was adopted.

Stand. Com. Rep. No. 1491 (S.R. No. 32, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 32, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A 2003 INTERIM LEGISLATIVE STUDY GROUP TO CONTINUE DIALOGUE ON PUBLIC SCHOOL REFORM ISSUES," was adopted.

Stand. Com. Rep. No. 1492 (S.C.R. No. 57, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 57, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON THE COSTS OF AND REVENUES GENERATED FROM ADULT AND COMMUNITY EDUCATION PROGRAMS AND THE STATUS OF THE ADOPTION OF STATE STANDARDS AND OUTCOME MEASURES FOR THESE PROGRAMS," was adopted.

Stand. Com. Rep. No. 1493 (S.R. No. 37, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON THE COSTS OF AND REVENUES GENERATED FROM ADULT AND COMMUNITY EDUCATION PROGRAMS AND THE STATUS OF THE ADOPTION OF STATE STANDARDS AND OUTCOME MEASURES FOR THESE PROGRAMS," was adopted.

Stand. Com. Rep. No. 1494 (S.C.R. No. 92, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR THE GATHERING AND ANALYZING OF LONGITUDINAL DATA ON STUDENT ACHIEVEMENT AND THE SUBMISSION OF AN ANNUAL REPORT," was adopted.

Stand. Com. Rep. No. 1495 (S.R. No. 65, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 65, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN FOR THE GATHERING AND ANALYZING OF LONGITUDINAL DATA ON STUDENT ACHIEVEMENT AND THE SUBMISSION OF AN ANNUAL REPORT," was adopted.

Stand. Com. Rep. No. 1496 (S.C.R. No. 146, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STRATEGIC PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was adopted.

Stand. Com. Rep. No. 1497 (S.R. No. 98, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 98, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A STRATEGIC PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was adopted.

Stand. Com. Rep. No. 1498 (S.C.R. No. 88):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ASSESS THE LEVEL OF LIGHT POLLUTION IN THE STATE OF HAWAII AND DEVELOP A STRATEGY FOR REDUCING THE AMOUNT OF ELECTRICITY BEING CONSUMED BY EXCESS ILLUMINATION," was adopted.

Stand. Com. Rep. No. 1499 (S.R. No. 62):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 62, entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ASSESS THE LEVEL OF LIGHT POLLUTION IN THE STATE OF HAWAII AND DEVELOP A STRATEGY FOR REDUCING THE AMOUNT OF ELECTRICITY BEING CONSUMED BY EXCESS ILLUMINATION," was adopted.

Stand. Com. Rep. No. 1500 (S.C.R. No. 157, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS," was adopted.

Stand. Com. Rep. No. 1501 (S.R. No. 106, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 106, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS," was adopted.

Stand. Com. Rep. No. 1502 (S.C.R. No. 166):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 166, entitled: "SENATE CONCURRENT RESOLUTION URGING A JOINT EFFORT BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STOP THE IMPORTATION OF ALIEN AQUATIC ORGANISMS THAT COULD BECOME INVASIVE," was adopted.

Stand. Com. Rep. No. 1503 (S.R. No. 115):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 115, entitled: "SENATE RESOLUTION URGING A JOINT EFFORT BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STOP THE IMPORTATION OF ALIEN AQUATIC ORGANISMS THAT COULD BECOME INVASIVE," was adopted.

Stand. Com. Rep. No. 1504 (S.C.R. No. 205):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 205, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING SUPPORT FOR PROMOTING HAWAII AS A RESEARCH AND DEVELOPMENT CENTER FOR HYDROGEN FUEL CELL ENERGY," was adopted.

Stand. Com. Rep. No. 1505 (S.C.R. No. 73, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EXAMINATION OF THE FEASIBILITY OF DEDICATING A PORTION OF GENERAL EXCISE TAX REVENUES FROM OCEAN RECREATION BUSINESSES TO THE STATEWIDE BOATING PROGRAM," was adopted.

Stand. Com. Rep. No. 1506 (S.C.R. No. 76, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII SMALL BUSINESS REGULATORY REVIEW BOARD TO DEVELOP AND FORMULATE A SMALL BUSINESS BILL OF RIGHTS FOR CONSIDERATION DURING THE 2004 LEGISLATURE," was adopted.

Stand. Com. Rep. No. 1507 (S.R. No. 51, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 51, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII SMALL BUSINESS REGULATORY REVIEW BOARD TO DEVELOP AND FORMULATE A SMALL BUSINESS BILL OF RIGHTS FOR CONSIDERATION DURING THE 2004 LEGISLATURE," was adopted.

Stand. Com. Rep. No. 1508 (S.C.R. No. 98, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING AN ECONOMIC SUMMIT," was adopted.

Stand. Com. Rep. No. 1509 (S.R. No. 67, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION CONVENING AN ECONOMIC SUMMIT," was adopted.

Stand. Com. Rep. No. 1510 (S.C.R. No. 75, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE STATE'S ACTION PLAN TO ADDRESS CHRONIC HOMELESSNESS IN HAWAII," was adopted.

Stand. Com. Rep. No. 1511 (S.C.R. No. 108):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE ESTABLISHMENT OF AN INFORMATION TECHNOLOGY COLLABORATIVE TO SUPPORT THE INCREASED USE OF INFORMATION TECHNOLOGY BY HAWAII PHYSICIANS," was adopted.

Stand. Com. Rep. No. 1512 (S.C.R. No. 79):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was adopted.

Stand. Com. Rep. No. 1513 (S.R. No. 54):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 54, entitled: "SENATE RESOLUTION SUPPORTING THE RALPH BUNCHE CENTENARY CELEBRATION," was adopted.

Stand. Com. Rep. No. 1514 (S.C.R. No. 109, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 109, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was adopted.

Stand. Com. Rep. No. 1515 (S.R. No. 76, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 76, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was adopted.

Stand. Com. Rep. No. 1516 (S.C.R. No. 163, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 163, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A 'STATE CAPITOL WORKS OF ART BY STUDENTS' PROJECT TO DISPLAY STUDENT WORKS OF ART ON THE WALLS OF THE STATE CAPITOL," was adopted.

Stand. Com. Rep. No. 1517 (S.R. No. 112, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 112, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A 'STATE CAPITOL WORKS OF ART BY STUDENTS' PROJECT TO DISPLAY STUDENT WORKS OF ART ON THE WALLS OF THE STATE CAPITOL," was adopted.

Stand. Com. Rep. No. 1518 (S.C.R. No. 17):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 17, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO RE-EVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN," was adopted.

Stand. Com. Rep. No. 1519 (S.C.R. No. 135, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES REGARDING COMPLIANCE WITH ACT 150, SESSION LAWS OF HAWAII 1990," was adopted.

Stand. Com. Rep. No. 1520 (S.R. No. 89, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES REGARDING COMPLIANCE WITH ACT 150, SESSION LAWS OF HAWAII 1990," was adopted.

Stand. Com. Rep. No. 1521 (S.C.R. No. 155, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 155, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ALTERNATIVE DISPUTE RESOLUTION TO COMPLETE THE ASSESSMENT AND SETTLEMENT OF NATIVE HAWAIIAN INDIVIDUAL TRUST CLAIMS," was adopted.

Stand. Com. Rep. No. 1522 (S.R. No. 103, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 103, S.D. 1, entitled: "SENATE RESOLUTION URGING ALTERNATIVE DISPUTE RESOLUTION TO COMPLETE THE ASSESSMENT AND SETTLEMENT OF

NATIVE HAWAIIAN INDIVIDUAL TRUST CLAIMS," was adopted.

Stand. Com. Rep. No. 1523 (S.C.R. No. 145, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 145, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW ITS CRITERIA FOR ALLOCATING ALL STAFF POSITIONS AND TO ALIGN VICE-PRINCIPAL AND OTHER STAFF RESOURCES TO SUPPORT COMPLEX-BASED MANAGEMENT," was adopted.

Stand. Com. Rep. No. 1524 (S.R. No. 97, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW ITS CRITERIA FOR ALLOCATING ALL STAFF POSITIONS AND TO ALIGN VICE-PRINCIPAL AND OTHER STAFF RESOURCES TO SUPPORT COMPLEX-BASED MANAGEMENT," was adopted.

Stand. Com. Rep. No. 1525 (S.C.R. No. 6, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 6, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF BIG BOX RETAILERS ON LOCAL SMALL AND MEDIUM RETAIL BUSINESSES," was adopted with Senators Hemmings, Hogue and Slom voting "No."

Stand. Com. Rep. No. 1526 (S.C.R. No. 39, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO IDENTIFY ALTERNATIVE FUNDING SOURCES FOR HAWAII FILMMAKERS," was adopted.

Stand. Com. Rep. No. 1527 (S.R. No. 25, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO IDENTIFY ALTERNATIVE FUNDING SOURCES FOR HAWAII FILMMAKERS," was adopted.

Stand. Com. Rep. No. 1528 (S.C.R. No. 196, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 196, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO UPDATE ITS REPORT ON HAWAII'S FILM INDUSTRY, 'A ROAD MAP: THE FILM INDUSTRY'S POTENTIAL AND HOW TO GET THERE,'" was adopted.

Stand. Com. Rep. No. 1529 (S.R. No. 136, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 136, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO UPDATE ITS REPORT ON HAWAII'S FILM INDUSTRY, 'A ROAD MAP: THE FILM INDUSTRY'S POTENTIAL AND HOW TO GET THERE,'" was adopted.

Stand. Com. Rep. No. 1530 (S.C.R. No. 56, S.D. 2):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 56, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR FURTHER REVIEW OF THE MIGRATION ISSUE AND FOR INCREASED FINANCIAL IMPACT ASSISTANCE FOR PROVIDING SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES WHO RESIDE IN THE STATE OF HAWAII UNDER THE COMPACT OF FREE ASSOCIATION AND ANY NEWLY RENEGOTIATED COMPACT," was adopted.

Stand. Com. Rep. No. 1531 (S.R. No. 36, S.D. 2):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 36, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR FURTHER REVIEW OF THE MIGRATION ISSUE AND FOR INCREASED FINANCIAL IMPACT ASSISTANCE FOR PROVIDING SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES WHO RESIDE IN THE STATE OF HAWAII UNDER THE COMPACT OF FREE ASSOCIATION AN ANY NEWLY RENEGOTIATED COMPACT," was adopted.

Stand. Com. Rep. No. 1532 (S.C.R. No. 105, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 105, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES ARMY, AIR FORCE, AND NAVY TO SELECT A CONTRACTOR WITH LOCAL PARTNERS AND A HISTORY OF DOING BUSINESS IN HAWAII FOR THE RESIDENTIAL COMMUNITIES INITIATIVE," was adopted.

Stand. Com. Rep. No. 1533 (S.R. No. 73, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNITED STATES ARMY, AIR FORCE, AND NAVY TO SELECT A CONTRACTOR WITH LOCAL PARTNERS AND A HISTORY OF DOING BUSINESS IN HAWAII FOR THE RESIDENTIAL COMMUNITIES INITIATIVE," was adopted.

Stand. Com. Rep. No. 1534 (S.C.R. No. 111, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 111, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE SUBMERGED AND TIDAL LANDS OF THE

HONOKOHAU SMALL BOAT HARBOR THROUGH MANAGED COMPETITION FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, AND RESEARCH PURPOSES," was adopted with Senators English, Hooser, Ihara and Kokubun voting "No."

Stand. Com. Rep. No. 1535 (S.C.R. No. 203):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 203, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE WINDWARD AHUPUA`A ALLIANCE TO RESTORE, PRESERVE, AND PROMOTE ACCESS TO THE MAUKA LANDS ALONG THE KO`OLAUI MOUNTAIN RANGE AND ITS KO`OLAUI GREENBELT AND HERITAGE TRAILS SYSTEM," was adopted.

Stand. Com. Rep. No. 1536 (S.R. No. 143):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 143, entitled: "SENATE RESOLUTION SUPPORTING THE EFFORTS OF THE WINDWARD AHUPUA`A ALLIANCE TO RESTORE, PRESERVE, AND PROMOTE ACCESS TO THE MAUKA LANDS ALONG THE KO`OLAUI MOUNTAIN RANGE AND ITS KO`OLAUI GREENBELT AND HERITAGE TRAILS SYSTEM," was adopted.

Stand. Com. Rep. No. 1537 (S.C.R. No. 202):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 202, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PERPETUATION OF THE AHUPUA`A DISTRICTS FOR GOVERNMENT-OWNED LANDS," was adopted.

Stand. Com. Rep. No. 1538 (S.R. No. 142):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 142, entitled: "SENATE RESOLUTION REQUESTING THE PERPETUATION OF THE AHUPUA`A DISTRICTS FOR GOVERNMENT-OWNED LANDS," was adopted.

Stand. Com. Rep. No. 1539 (S.C.R. No. 41, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 41, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ASSIST IN THE ACCOMMODATION OF PLASMA FACILITIES IN THE STATE," was adopted.

Stand. Com. Rep. No. 1540 (S.C.R. No. 184, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 184, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO STUDY DRUG TESTING IN SCHOOLS," was adopted.

Stand. Com. Rep. No. 1541 (S.R. No. 130, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 130, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A TASK FORCE TO STUDY DRUG TESTING IN SCHOOLS," was adopted.

Stand. Com. Rep. No. 1542 (S.C.R. No. 107, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO FIND SOLUTIONS TO THE ALGAE GROWTH IN THE CAPITOL POOLS," was adopted with Senators Hogue and Slom voting "No."

Stand. Com. Rep. No. 1543 (S.R. No. 75, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 75, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO FIND SOLUTIONS TO THE ALGAE GROWTH IN THE CAPITOL POOLS," was adopted with Senators Hogue and Slom voting "No."

Stand. Com. Rep. No. 1544 (S.C.R. No. 40, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY REGARDING THE FEASIBILITY OF ESTABLISHING A PHOTO RED LIGHT ENFORCEMENT PILOT PROJECT TO ENHANCE PEDESTRIAN SAFETY," was adopted with Senators English, Hemmings, Hogue and Slom voting "No."

Stand. Com. Rep. No. 1545 (S.R. No. 26, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY REGARDING THE FEASIBILITY OF ESTABLISHING A PHOTO RED LIGHT ENFORCEMENT PILOT PROJECT TO ENHANCE PEDESTRIAN SAFETY," was adopted with Senators English, Hemmings, Hogue and Slom voting "No."

ADOPTION OF RESOLUTIONS

S.C.R. No. 55, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 55, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A BIOPROSPECTING ADVISORY COMMISSION TO DEVELOP A COMPREHENSIVE PLAN FOR THE PRESERVATION AND USE OF THE BIOLOGICAL DIVERSITY AND BIOLOGICAL RESOURCES OF THE TRUST LANDS," was adopted.

S.C.R. No. 116, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 116, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ACTUARIAL STUDY ON HEALTH INSURANCE PARITY

FOR THE TREATMENT OF ALCOHOL DEPENDENCY AND DRUG DEPENDENCY," was adopted.

S.C.R. No. 125, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 125, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FISH AND WILDLIFE SERVICE TO REPORT TO THE LEGISLATURE THE BASIS FOR THE CURRENT CRITICAL HABITAT DESIGNATIONS," was adopted.

S.R. No. 146:

Senator Baker moved that S.R. No. 146 be adopted, seconded by Senator Trimble.

Senator Baker rose to speak in support of the measure and said:

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

"Colleagues, the measure before us asks us to amend the process we use to determine the fate of bills in Conference. In the old days, only the Committee Chairs had any real say. Over the years through procedural reforms, first in the House and then in the Senate, we've brought about a more democratic process – a fairer, more just, deliberative Committee process.

"The adoption of this resolution will return us to a democratic process for Conference Committee decision making, ensuring that all votes on the Committee, Chair and member alike, count and are equal. Perhaps it seems strange that someone who is a Committee Chair, and has and will manage bills in Conference for the Majority, who's been a part of leadership, and I suppose, by virtue of my Chairmanship, is still a part of extended leadership, would support a process that some might assume would diminish my power as a Chair. I guess I don't see it that way.

"I've been a student of this institution, the legislative deliberative body, for more years than I've been in office. It's the rules of procedure which govern us that ensure that our deliberative process will be open, fair, and inclusive of a wide range of opinion. Our rules must enable us to problem-solve and address issues before us in the best possible way, ultimately doing the people's business.

"Ours is a democratic process in which the majority decision is the decision that moves forward. Our work is largely done in Committee and the majority principle is our guiding principle for Committee deliberations. We have procedures to discharge the Committee if the majority doesn't agree with the actions of the Chair, and we've seen measures move out of Committee even when the Chair disagreed with the majority and ultimately voted no.

"Conference Committees are simply another level of committee work. The Chairs are there to convene the discussions, guide the negotiations, advocate for the Senate position, craft agreements, if that's possible, but not to block or subvert the will of the majority.

"Mason's Manual, which is our parliamentary authority, notes that conference committees are not a joint committee, but rather a joint meeting of two separate committees.

"I would hope the House would concur with this resolution and the policy it represents. But even if they don't, we should pass this resolution to amend our policy, simply because it is the right thing to do.

“Mr. President, we are all duly elected representatives of our constituents – a body of equals. When it comes to Final Reading, each of our votes is counted the same – chair, non-chair, Republican, Democrat. The process leading to those final votes, the Conference Committee, must have the same principle of equality imbedded in it.

“I urge my colleagues to vote ‘yes’ on this measure. Thank you.”

Senator Hooser also rose to support the measure as follows:

“Mr. President, I rise in support.

“To me, this boils down to being about principle. It’s a simple, fundamental principle of democracy that the leader of a group, speaking and/or acting on behalf of the group, should do so only with concurrence approval and vote of that group. It seems a pretty basic principle of democracy. The leader of the group – the Committee Chair – should not be able to make major decisions unilaterally. It seems so basic a principle it is hard for me to understand the resistance to the measure.

“In my brief experience here at the Senate, it is clear that the Committee members almost always support their Chairs anyway. In addition, the selection of the Committee members is basically determined by leadership, by the Chairs, by the President, so the reality is that there’s very tight control of the process and would be highly unusual and highly unlikely for Committee members to override or vote contrary to the recommendation of the Chair.

“However, we all know the history of the Legislature does include more examples than we would all like to admit, of strong Committee Chairs whose exercise of power does not always reflect the will or desire of the members, the body, or the community at large. It is therefore the responsibility of Committee members to guard against this type of abuse. But without the authority to exercise the majority vote, Committee members are, in effect, powerless to stop a veto.

“The principle seems pretty basic – majority rules. All actions of the Committee Chairs must be sanctioned, authorized, and voted upon by the Committee members. To me, this is the basic principle, which in my opinion, this resolution is a strong positive step in that direction of a more democratic process. Yes, it may reduce the power of Committee Chairs, but 90 percent of the time, it won’t matter because the Chairs will, 95 percent of the time, only be making decisions with the Committee’s concurrence anyway. It is the other 5 percent of the time that this measure will affect, and this is why we need it – that, and because it is the right thing to do.

“Why would we not want to pass this resolution? I’ve given it a lot of thought, and there’s only two reasons I can think of not to pass it. One is because it will give up power, and quite honestly, I can’t really think that that’s the reason, knowing the people that I’ve worked with here at this Legislature. I don’t really think that is the reason. Perhaps it’s 5 percent of the reason, but it’s not the 95 percent. The other reason that I could come to a conclusion is that some might think that this principle of majority rule is a good one, but yet it’s going to get in the way of our relationship with the House; it’s going to impede the Conference Committee process; it’s going to jam things up at this final important time period that we’re approaching.

“But after looking at it and talking to various members, it’s my conclusion that this would not do that, that basically, even if the House doesn’t agree, we should be able and empowered to set our own rules for the Senate. So, if our Senate Chairs

follow the majority rule and only act under the vote of the membership, then that is separate from what the House does. We would hope the House would concur, but if they did not, it would not stop the system or jam it up, in my opinion.

“So, for these reasons, and many others, I’m supporting this. We’re talking about agreeing as Senators that we will operate by democratic principles and our Chairs will not act unilaterally. What the House does, in my opinion again, will have no effect on the process. So, for these reasons again, I respectfully request that this body unanimously embrace these principles and vote in support.

“Thank you.”

Senator Hanabusa rose to speak in opposition to the measure as follows:

“Mr. President, I rise to speak in opposition to S.R. No. 146.

“Mr. President, when I originally looked at S.R. No. 145 and S.R. No. 146, I was struck by the fact that either the near majority, or probably the majority of my Judiciary Committee has signed on to this resolution. Mr. President, I must say that the Judiciary Committee has been a wonderful Committee for me to Chair, so I take it very seriously when I see most of the members who have come and religiously attended all my hearings and voted on this resolution. So, I looked upon it with a very careful eye.

“Mr. President, the Judiciary Committee has really looked to open government. We have established our own sort of rules as to how we operated to make sure that everyone, including the public, was part of our process. In addition, we made it a point to hear open government types of legislation. So I looked upon this as if it was one of those that would come before us.

“The reason that I cannot support this, originally, was because of the fact that the Ways and Means and Finance Committee did not have what I call the ‘trumping’ powers. S.R. No. 146 takes care of it. But, Mr. President, you hear in the discussions here today about the concept of vote. Look at S.R. No. 146 and look at what it intends to amend. It amends Rule 24(3) of the Senate Rules, and that of course refers to committee reports.

“Mr. President, there’s no question, when you look at the Organic Act, Section 20; the Constitution of the State of Hawaii, Article III, Section 12; you look at the doctrine set forward in the case of *Schwab v Ariyoshi*, our Rules take precedent as long as we do not violate the Constitution. So when we look to amending our Rules, it is done correctly. Because when we amend the Rules, then no subsequent agreement, whether it’s Conference Committee rules or whatever, can violate our Senate Rules.

“But look at what we are saying in this resolution. We are saying, ‘a Conference Committee shall report upon the matter referred when a majority of the members of each house, appointed by their respective presiding officers, have concurred in the report. Any Conference Committee procedure that adds or detracts from this requirement shall be void.’

“Mr. President, it brought back an interesting thing for me. As many of you know, I am presently in the Supreme Court on an issue of a constitutional read, and the one thing that I will share with everyone is that when you look at the constitution, you look at our Rules, you must give it as plain, ordinary reading. You must also look at the document in totality if you have any questions about any parts of it.

“Mr. President, Rule 22 refers to decision making by committee, Rule 24 refers to committee reports, and Rule 25 speaks to what are the fact finding and contents of the report. Twenty-four is committee reports. This brought back thoughts about when I was first elected, and this is in the 1999 and 2000 Legislative Session, and I took out all those rules. I only have three because that’s the only time frame that I’ve been here. I can tell you that Rule 20, what was then Rule 23, subsection 3, is identical in 1999 and 2000, and the 2001-2002 Session. It says basically the same thing. And it’s almost the same in this year’s Rules, except that we talk about presiding officers versus the president.

“What it brings back, or should bring back memories for everyone, is the fact that what you’re talking about when you talk about reports, remember the mad rush right before that infamous 12:00 deadline when we’re going around getting our reports signed – not voting, getting reports signed.

“Now, this Senate resolution amends the report. It says a conference committee shall report upon the matter referred when a majority of the members of each house appointed by their respective presiding officer has concurred in the report. No other conference committee can detract from that or no other rule can detract from that. When you read Rule 25 – the report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter. A report on a bill . . . and it goes on. And what I’m saying is that if you are looking at a document and you’re trying to interpret what the intent is, that is what you’re talking about. When you amend Rule 24(3) about a conference committee and you refer to a report and you look at what is defined as a report in our Rules, we’re back to going around with these little pieces of paper, some of us holding on to it for dear life because we know how reports disappeared in the old days.

“We talk about the ability of one committee chair having then the right to simply over-vote for everybody. What you do with this is you potentially give one, any individual the right to do that when you go back to the report system.

“More importantly than that, let me share with you when an issue came before our Committee, the Judiciary Committee, and this was a proposal that was supported by our Clerk, as well as the Clerk of the House, and it was the ability to recall, once a bill is enrolled with the Governor, the ability to recall it by the Legislature. My recommendation to my Committee was to hold that. And the reason why was, I thought it was best stated in a case called *King v Cuomo*, a 1993 New York Supreme Court case, and this applies here. They said the recall provision really works completely against open government. And I think that’s the reason why I am objecting to these for the same reasons. It’s because it affords interest groups another opportunity to amend or kill certain bills. It shields from the public scrutiny, which accompanies the initial consideration of passage of the bill. This does not promote public confidence in the Legislature as an institution because of the fact that it gives you a second bite of the apple.

“You’re talking here about amending a process. If you’re talking about a vote, and the majority of the vote, then Mr. President, amend decision making. But when you amend the report section and you make that section take precedence over everything else, you are not talking about open voting. To me, you’re talking about going back to 1999 and 2000. You are giving people who may say, ‘yeah, I think we can agree to that,’ the opportunity to then say, ‘oh, I changed my mind,’ or not even have the nerve to say you changed your mind by simply not being around so we can’t get your signature.

“Mr. President, that is a total affront to what we have move towards. We have moved towards open government. We have moved so that everybody votes in public. By making the report take precedence, you are moving towards the ability for people to change their mind, nothing being final until possibly 12:00. And what happens if Ways and Means and Finance doesn’t agree? We’re not going to be able to get that. Remember the days of being down in the Chambers or being in 309 and everyone with their bills hoping, God, I hope everybody is here. That is how decision making is going to be. This is what this Rule provides. It does not talk about decision making.

“If you’re going to talk about decision making, you’re going to talk about voting, then please amend the right Rule, the right Senate Rule. And this is not it.

“For this reason, Mr. President, and with all due respect to the members of my Committee who have been great to work with, I cannot support their effort because I think we are going to go backwards, not forward.

“Thank you, Mr. President.”

At 12:50 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:54 o’clock p.m.

Senator Hemmings rose in favor of the measure and stated:

“Mr. President, I rise to speak in favor of the resolution.

“In spite of the very erudite, yet extremely circuitous leaps of logic of the prior speaker, the good Senator from Waianae, I’d like to submit to this body that this is not as complicated as some would have it be. Simply put, what we’re trying to do is, in Committee, in Conference, a decision in the will of the majority will prevail over one Committee Chair. It’s just not that complicated.

“And I would suggest to the opponents to this measure that this Legislature in the last several years has made great strides to having a more open and honest process, and this is another logical step in that direction.

“I guess you could circle the wagons around business as usual, but I think the people of Hawaii, quite frankly, are sick and tired of it. I’m hoping that this Session this Senate will see the wisdom of amending these Rules so that decisions are made by the majority, rather than one recalcitrant individual.

“Thank you, Mr. President.”

Senator Ihara rose to speak in favor and said:

“Mr. President, I rise in favor of S.R. No. 146.

“Mr. President, first, I’d like to thank you for allowing Senator Baker to request a filing of S.R. No. 145 so that we can take up S.R. No. 146.

“As you know, four paragraphs were added to this resolution. The Judiciary Chair mentioned that it resolves the issue regarding allowing the continuation of the veto power of the Ways and Means Chair. And the other paragraphs that were added, I should note, says in the sixth whereas, ‘WHEREAS, it is the purpose of this Resolution to withdraw Senate support for the chair veto power as provided in Rule 8-b of the Joint Conference Procedures.’ And the purpose also is to have Senate Committees, as the Minority Leader said, to conduct our

Senate Conference Committees' decision making by majority vote.

"The seventh whereas, also, I'll read it because it's pretty straight forward and it's saying that, 'WHEREAS, adoption of this resolution would result in conference committee procedures comparable to those used in the 2000 Legislative Session.' Some people have thought that this Chair veto rule was in effect for a long time. We conducted our 2000 Legislative Session without this Chair veto rule, and in fact, the 2001 Conference Committee Procedures, when they were adopted and signed by the President and the Speaker, did not include the Chair veto rule for the 2001 Legislative Session. Only after the 2001 procedures were adopted, did a request come in from the Senate requesting that the House agree to an amendment. And on April 12, 2001, the Speaker approved the amendment, and from that day forward, April 12, 2001, the Legislature, including the Senate, started the veto power by vote.

"I'll address the Judiciary Chair's argument later, but I want to first explain why this is a veto. It doesn't really say in the conference procedures that it's an actual veto, but I'll explain why it's a veto. It's because the Rule allows the Chair to only stop, has the super powers to stop legislation. A Chair does not have a super power to pass legislation. The Chair only has a super power to stop legislation. That's similar to a veto.

"Also, the Chair's voting power expands with the size of the Committee. For example, let's say we are all one Conference Committee, which is theoretically possible, and there are two Chairs. One Chair of the two Chairs could be opposed to a conference bill, and all 24 of us could vote 'yes.' With this Chair veto, that one Senator's vote is equal to 24 votes. Now, in the House, one Chair's vote is equal to 50 votes. That illustrates, I think, the reason why this is truly a veto.

"Mr. President, I believe that constituents in each and every Senate district are entitled to equal representation at the table, and in this case, at the Conference Committee table. Standing Committee Chair's do not have this veto power. This veto power is conferred only on Conference Committee Chairs.

"There have been instances where a Chair, let's say, of two Committees, one voted 'no,' but that Chair's vote did not veto the legislation when all the other members of the Committee or a majority of the Committee voted for a particular legislation.

"So when the vote comes at the table, I believe no one Senator should be given greater powers than others. Mason's Manual of Legislative Procedure, which is the rules, supplemental rules of the House and Senate, says in section 52, and I quote, 'In public bodies, the equality of members if presumed. It would seem that, for any democratic group to be able to operate, acceptance of the principle of equality of members is essential. Equality seems essential also to secure the acceptance of good faith of decisions of the group.'

"The Chair veto issue, this issue, I think, is a symbol of what people believe is wrong with the Legislature, which is basically unfair treatment of citizens' rights in the legislative process.

"A consumer advocate sent me a letter, and I quote, 'I and other ordinary citizens invest dozens of hours of our time to provide testimony on matters we think are important. If this testimony has been convincing enough that bills go into conference committee, then those bills have survived plenty of scrutiny. The job of the conference committee is to iron out differences between House and Senate versions, not to overturn the work of countless concerned citizens through a veto power.'

"A Windward resident wrote to me and said about the Chair veto rule, 'This is the kind of rule that allows people to accuse Legislators of all kinds of acts, which are acts that are not in the interest of the voters.'

"Mr. President, I believe we need to take Senate action to stop the Chair veto rule because I don't believe that there'll be examples, or if there will be, there'll be very few examples of a situation where a committee would actually vote and have the veto exercise as a vote. The reason I say that is that if there are two Chairs, one Chair can say we will not agree, the House and Senate will not agree, in fact does not agree because I carry all the votes in this Committee to kill a bill. And that would be true. No matter what the size that a Conference Committee is, and there are two Chairs, one Chair can speak to oppose a bill in Conference and could accurately, and by Rule, say that I represent all the no votes, in fact I am all the no votes in this Conference Committee. And therefore, if you do not agree to what I want, the bill is dead, and in fact, the bill would be dead.

"As the consumer advocate said in what I quoted earlier, the Conference Committee's purpose is to resolve differences, and I believe the Conference Chair veto rule would undermine that purpose.

"The situations and the kind of legislation that I am most concerned about that could be affected by the Chair veto rule are those types of legislation where you have broad public support. One Senator or House member, for that matter, has a contrary position and that happens from time to time. So if you can imagine those pieces of legislation where there's broad based support, one Senator's views could prevail over the public's views and the views of the entire Senate by killing a bill in Conference and therefore not letting it get to the Senate Floor.

"There was a question about whether conference rules will be voided. I think it was addressed by saying, not necessarily because Conference Committees in the House and Senate meet separately. In fact, I understand that years ago there were no joint conference committee rules because it is the prerogative of each body to determine how it will come to agreement on differences of legislation in Conference Committee. So it really is not the business of the Senate to dictate to the House how it shall make its decisions in Conference Committee and vice versa.

"If this resolution were to pass, I believe a way to proceed might be for the President to inform the House that Senate Conference Committee Chairs will not be utilizing the Chair veto powers. Although, I think the preferable way would be to simply amend the Joint Conference Rules.

"Regarding the Judiciary Chair's argument, which I think effectively confuses a lot of people, my response is that the current rule as it stands today, as it stood last year, and as it stood the year before, says that a conference committee shall not report upon a matter unless a majority of members of each house, and of the Chairs as well, have concurred in the report. It is established that concurrence in a report has to be done . . . concurrence as decision making concurrence . . . when we're talking about concurrence, we're saying you concur as a matter of decision making. And it is established that all decision making must be made in public and committee reports cannot be used for the purpose of decision making because the constitution specifically requires that decision making, in committees in particular, must be made in public.

"When, now Congressman Ed Case and I were both Majority Leaders, we unfortunately had to disagree with our presiding officers and called for public voting in Conference Committees.

And unfortunately, one of the political parties, unfortunately not my party, but one of the political parties had to file suit to require the Legislature to comply with the constitution 22 years after its adoption in 1978 that required explicitly that Conference Committee decisions must be made in public. So it took quite a while and we finally did comply in the year 2000.

“So, in the use of the word concurrence, it’s a concurrence that’s made in public. You cannot use a committee report to concur and it is concurrence in the report. That really means with the report, not inside of the report and not by vote.

“Connected to that – I’m not sure how many Senators caught it last year, I didn’t – last year for the first time, the Joint Conference Committee Rules were added and added this language: that no conference committee report concerning the measure with fiscal implications shall be reported out of a Conference Committee without the signatures of the Chairs or designees of the fiscal committees of each chamber. What this does, I believe, is violate the constitution because it allows a decision making act by refusing to sign a conference committee report. A fiscal Chair can essentially veto by taking a decision making action that would kill a bill, not in public but in private.

“I am in support of the Ways and Means and the fiscal Chair’s ability to veto fiscal bills and I believe it is necessary because that Chair is responsible for presenting a balanced budget to the Senate, and that, as the Judiciary Chair mentioned, is not an issue in this resolution because we are, in this resolution, explicitly saying that the Chair may continue its long practice of utilizing a veto power. And for the freshman Senators, I should note that past practice is a rule. The Senate Rule says that past practice is a rule, so whatever we’ve done in the past, that in effect is an unwritten rule and it is a rule.

“So, I am saying that there is a section of Rule 8(b) in conference committee procedures that I believe is unconstitutional and it somehow slipped in last year while we were seeking to again stop the use of the Chair veto rule. This is the third year that a Chair veto rule has been sought and the third year that pro-democracy Legislators have attempted to stop the use of Chair vetoes.

“As many of you know, last year I had not planned to return to the Senate. In fact, it was not until about a week before the filing deadline did I decide to seek election to the Senate. And in deciding to return to the Senate, I made a promise that I would devote part of my four-year Senate term to advance the cause of democracy in the Legislature. So I can tell you, speaking for myself, that I will continue to fight the use of the Chair veto as long as I’m a Senator, and you can count that as a promise. And this does not in any way mean – I don’t mean to add disrespect to those who will be voting against this resolution. I think that there is an honest difference of opinion and I know that this resolution may have made some Senators a little uncomfortable. I think that is unfortunate and I respect that everyone and all Senators in this Chamber today will vote the way that they believe they must vote in their own integrity as a Senator.

“Thank you, Mr. President.”

Senator Kawamoto rose to speak against the measure as follows:

“Mr. President, I rise to speak against this resolution.

“Mr. President, I’m just a simple man. I take my job very seriously. My job is, as Chair, to forward any Senate positions we have that we have the process. We have the process of committees. We have the process of public hearings. We have

the process of voting. We have the process of testimony. We have the process.

“Once a bill passes this Senate body, this is the Senate’s position. We have to do whatever we can to pass the Senate’s position, because this is how we feel and this is why we support the bills we send over to the House. Some bills don’t go over because the Senate doesn’t want that bill. That’s the time to stop that bill. Now we’re in Conference. It’s a new game. It’s overtime, and you’ve got to strategize with the House.

“I believe, with this resolution, we’re going to tie one or two hands behind our backs and we’re going to try to compete with the House. They’re as smart as we are. If we tie our hands behind our backs to go into Conference, it’s like playing golf without your sticks. How can you play golf without a stick? You can throw the ball over there, but you’re going to be highly disadvantaged.

“So, I urge my colleagues, if we want to forward Senate positions, do not tie the Chairs’ hands to do whatever they can to provide the Senate position. This resolution would take away some of the tools that you need to forward Senate positions.

“Thank you.”

Senator Hemmings rose and said:

“Roll Call vote, Mr. President.”

The Chair so ordered.

The motion was put by the Chair and, Roll Call vote having been requested, S.R. No. 146, entitled: “SENATE RESOLUTION AMENDING SENATE RULE 24(3) TO REQUIRE A CONFERENCE COMMITTEE TO REPORT ON A MEASURE WHEN A MAJORITY OF COMMITTEE MEMBERS OF BOTH CHAMBERS CONCUR IN THE REPORT,” failed to be adopted on the following showing of Ayes and Noes:

Ayes, 10. Noes, 13 (Aduja, Bunda, English, Espero, Hanabusa, Inouye, Kanno, Kawamoto, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui). Excused, 2 (Kim, Whalen).

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 1237, S.D. 1, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 1462, H.D. 2 Committee on Tourism, then to the Committee on Ways and Means

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1405 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 8, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1405, seconded by Senator Espero and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 1405, seconded by Senator Espero.

Senator Kawamoto noted:

"Mr. President, the changes made by the House were not substantive and there were just unnecessary words that they removed from the bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1405, and S.B. No. 1405, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was placed on the calendar for Final Reading on Monday, April 14, 2003.

APPOINTMENT OF CONFEREES

S.B. No. 295, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 295, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 374, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 374, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 394 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 394, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 611, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 611, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Kokubun, co-chair; Chun Oakland, Taniguchi as managers on the part of the Senate at such conference.

S.B. No. 678, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 678, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Kanno, co-chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 870, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 870, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Menor, Taniguchi, co-chairs; Inouye, Trimble as managers on the part of the Senate at such conference.

S.B. No. 1049, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1049, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1058, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1058, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Ige, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1200, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1200, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Ige, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1306 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1306, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1589, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1589, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1630 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1630, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 200, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 200, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tsutsui, Hemmings, Slom, Trimble as managers on the part of the Senate at such conference.

H.B. No. 808, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 808, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Hanabusa, co-chair; Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tsutsui, Hemmings, Slom, Trimble as managers on the part of the Senate at such conference.

H.B. No. 1300, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1300, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Hanabusa, co-chair; Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tsutsui, Hemmings, Slom, Trimble as managers on the part of the Senate at such conference.

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

“Mr. President, I rise for my first point of personal privilege.

“Last Tuesday, we were discussing H.B. No. 73. I thought it was important. We have the rights of the individual. We have the powers of the State, and the relationship between the two is important. I thought that our Floor debate on H.B. No. 73 would last for hours. It didn’t. And when it was over and I sat down, I suddenly realized, you know, when there’s a forest and a tree falls, and if no one is there to hear it, does it make a noise? And I remembered that. And the Session went on for about three or four more hours and then my esteemed colleague, the Senator from Kauai, got up and said, ‘since you guys all voted for the giveaways and the tax credits, it’s only appropriate that we raise the general excise tax by half a percent.’

“I take umbrage at that remark because I voted ‘no’ against every special interest piece of legislation. I voted ‘no’ against every tax increase. I voted ‘no’ against everything that would increase the cost and size of government. But sometimes, mere words do not seem to make an impression.

“Most of us think in terms of ‘gimmies’ instead of give backs. So, in a symbolic gesture, I will be returning this afternoon my laptop computer, not because it is not useful to me, but I think it is of symbolic importance.

“Thank you.”

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

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

“I would like to elaborate on some of the comments just made by the good Senator from Downtown, particularly as it relates to the computers.

“You know, we have so many symbols in our legislative duties, and we may perceive them in one way and yet our constituents and the public perceive them in an entirely different way. Some of us who have been voting ‘no’ on increased taxes over the years, voting ‘no’ on increased compensation and pay, voting ‘no’ on increased benefits, and voting ‘no’ on those bills and those acts that further separate us or public employees or other classes from those people that pay for everything that we do here, that support us, that create different classes and divisions, those of us that vote ‘no’ have to in fact be consistent in everything that we do.

“Several weeks ago, nearly all of us received these computers as did, I think, all members of the House of Representatives. And while the intent certainly is good – to move us all along in terms of technology to make things easier – I think there have been some problems with that, the first of which is that the computers are not fully functional in terms of what they allow us to do within the system itself here in the Legislature. Hopefully, we’ll be moving to the day when we have truly electronic voting and we can do that, but at the present time, we’re not able to do that.

“And for the public, they see a symbol again of us gifting ourselves with expensive technology. They come to our offices, particularly those in small business who are struggling with used copy machines and maybe a computer that is four generations old, and they see that we have the most up-to-date copiers, the most up-to-date faxes, the most up-to-date computers. They come through our halls and they see lines and lines of former equipment that would be brand new and technologically advanced to them, but we just getting yet another upgrade for us. If all this technology produced better legislation and more of a response to the public, that would be a good thing, but many people, including myself, do not perceive that as such.

“In addition, when we received these computers, the instructions were that the computers were for our use entirely and alone. We could not allow our staff to use them. If we had a constituent that came in, the constituent couldn’t use them. If we had a school in our area or a nonprofit organization that might have been able to benefit from the use of these computers – which are paid for entirely by the taxpayers – they could not use them, as well.

“And so, as was said earlier on another subject, actually not utilizing these computers and giving them back at this time, particularly when we’re hassling over budgets and pay raises and the cost of things, is really the right thing to do. And so, I join my colleague from Waikiki and I encourage other colleagues to do the same. We’d like to give back our laptop computers. We’ll give it to the custody of the Clerk to see what he would like to do with them.

“Thank you, Mr. President.”

The President stated:

“Thank you, Senator Slom, and please give it to us right away. Thank you.”

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

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

“Some people find it easy to vote a certain way – ‘no taxes for anything,’ whether it’s meritorious or not – and that’s fine. People can choose to do that. Other people choose to say what is more meritorious, and what, perhaps, is worthy in spite of fear of people in their electorate saying bad idea. But I think we’re judged here based on what we do on balance, not on formula, not on ‘no taxes for anything’ whether it’s good, bad or uncertain.

“I think, Mr. President, we’re here and the laptops are an example, actually, a good example of efficiency in government, Mr. President. At a certain point when we talked about public input, with the public wanting instant input, I think the laptops provide an excellent example of how we’re attempting to get public input.

“And in my case, Mr. President, I apologize to those who were e-mailing me yesterday and the day before because there was so much input that I reached my maximum, Mr. President. So, perhaps we can do something about that for some of us who have more in our e-mail than the system is able to hold.

“I think part of the efficiency in government is in fact moving ahead with some things that cost money, some things like technology, because at the end of the day, these things will save money. It’s disappointing that government hasn’t been able to spend money to save money.

Senator Hemmings also rose on a point of personal privilege and stated:

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

“Mr. President and colleagues, your loyal Minority is not unified in this effort. I’m keeping my computer and I want to share some reasons why in order for my constituents to understand why I’m keeping it.

“First, we have to look at the context of the Senate and House budget. What it costs to operate the Legislature, I think, is the first bill we pass. I’m quite proud that the growth of the operating budget of the State Legislature has been rather modest, if anything at all. We are an incredibly efficient organization.

“Secondly, Mr. President, I don’t do things for the sake of public perception. Hopefully, we make decisions based on what is right. What a mess we’d be in if we did things for the sake of public perception. That’s exactly why we have a republic.

“Third, I want to echo the sentiments of the good Senator from Moanalua. This is about productivity. I wasn’t given a gift, Mr. President. I was given a tool. It’s like giving a laborer a shovel. This is a tool that’s going to increase the productivity of everyone who chooses to use it. It’s especially going to be a tool that’s going to be most beneficial to the neighbor island legislators who work extra hard, who commute, and oftentimes have to take their work home with them.

“Mr. President, Majority Party members, I recognize this is a sincere effort on the part of you to bring this body into the twenty-first century with technology. I recognize that efforts like this take time. I recognize in the future that we will be voting electronically, that we will have access to the Internet and information here on the Floor, and that ultimately this will save money and ultimately this may even save trees because we won’t have to deal with the mounds of paper that we now deal with.

“So Mr. President, I thought it was important for me to stand up and state the position that I share along with Republican colleagues in the House of Representatives who likewise are using their computers for the benefit of the people who elected us.

“Thank you, Mr. President.”

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

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

“I really respect our Minority Leader and, Mr. President, I respect you as well and I realize that that there are a lot of difficult decisions that have to be made down here at the Legislature. But colleagues, I maintain that this body has a credibility problem and it is because there is a perception that Legislators get something, that we receive some perks. Of course, all of us that live on this very scanty salary know that there’s not much of a perk going on there. Unfortunately, the laptops represent a perk. It’s a perceived perk that we are so special that we are going to get this special piece of equipment.

“There was some discussion the other day from the good Senator from Kauai about people having a Lexus. Well, I can’t afford a Lexus and I also can’t afford a laptop, and I am going to join some of my other colleagues in turning this laptop back in. I realize that it is a symbolic gesture. I really do believe that

I represent my constituents. I want to bring the credibility back to this body to prove to them that we are working very hard for them and to give them the perception that we don’t receive something special just because we are legislators. That’s why I also will be voting against a salary increase when the salary commission actually comes forward.

“I couldn’t live with myself knowing that I was put in office, knowing that it was public service, and feeling that somehow I could vote myself a raise. So, I am saying, symbolically, ‘no’ to the laptop, ‘no’ to the raises, and I’ll take a little further step, ‘no’ to new taxes as well.

“Thank you very much, Mr. President.”

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

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

“Mr. President, this is a rather fascinating debate here and I just have to say that I’ve not received a new computer. So now that we have three coming back, may I please have one.” (Laughter.)

President Bunda answered: “Yes, you can. (Laughter.) You can have an extra one if you want it, as well.” (More laughter.)

Senator English continued:

“Thank you. Because, Mr. President, my office operates on Windows 95 and Windows 97. The productivity that I need to communicate with my constituents on Moloka’i, Lana’i, and Maui, I cannot do it with that technology. I am bouncing back e-mails continually to people in my district, who then call and say, ‘you know, we’re getting a bounceback that you cannot receive our e-mails.’ I do 80 percent of my communications electronically. I need this technology so that my constituents can better work with me so that I can respond to them.

“Frankly, Mr. President, the good Senator from Kaneohe hit it right on the head – the average salary for our people here is about \$3.00 an hour if you add up the hours that we put in and the amount of remuneration we get. Now, for us to then reduce the amount of the ability that we have to effectively streamline the amount of hours that we put into work by reducing the amount of paperwork, by communicating with mass communications on e-mail, by being able to produce documents in our offices using current technology, you know, at \$3.00 an hour, Mr. President, it’s not worth it. But I have to say that if I have a machine that can help me make that work easier and save me a few hours, I want it. Because in the end, it helps me more effectively be a legislator and it helps me more effectively communicate with my constituents.

“Now, Mr. President, you know that the neighbor island members have to fly, and those computers get checked every single time we go through. In fact, I tell the guys at the security, ‘please, if you’re going to wipe one spot, wipe the whole thing down and clean it for me.’ So, we have the extra burden of carrying another 20 pounds back home with us so that we can continue to work on the weekends, in the nights, as we fly, as we travel because the workload is so great.

“Now, frankly, the symbols – or what is trying to be painted here – is that there’s something that we shouldn’t get. But in the end, Mr. President, I think that this is not a symbol of excess. It is actually a prudent move to make sure that the legislators have the ability to do their work in a timely fashion and to respond and to communicate with their constituents.

“So please, Mr. President, may I have one of those computers. Thank you.”

The Chair responded:

“You may.”

ADJOURNMENT

At 1:37 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 14, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate