

FIFTY-SEVENTH DAY

Thursday, April 24, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 6:41 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Willie C. Espero, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Sixth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 458 to 467) were read by the Clerk and were placed on file:

Gov. Msg. No. 458, informing the Senate that on April 22, 2003, she signed into law House Bill No. 58 as Act 26, entitled: "RELATING TO MOTOR VEHICLES."

Gov. Msg. No. 459, informing the Senate that on April 22, 2003, she signed into law House Bill No. 83 as Act 27, entitled: "RELATING TO A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE ALOHA COUNCIL BOY SCOUTS OF AMERICA."

Gov. Msg. No. 460, informing the Senate that on April 22, 2003, she signed into law House Bill No. 659 as Act 28, entitled: "RELATING TO THE LEGISLATIVE JOURNALS."

Gov. Msg. No. 461, informing the Senate that on April 22, 2003, she signed into law House Bill No. 1453 as Act 29, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS."

Gov. Msg. No. 462, informing the Senate that on April 22, 2003, she signed into law House Bill No. 1572 as Act 30, entitled: "RELATING TO PARKING FOR DISABLED PERSONS."

Gov. Msg. No. 463, informing the Senate that on April 22, 2003, she signed into law House Bill No. 818 as Act 31, entitled: "RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION."

Gov. Msg. No. 464, informing the Senate that on April 22, 2003, she signed into law Senate Bill No. 1407 as Act 32, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING."

Gov. Msg. No. 465, letter dated April 24, 2003, requesting that S.B. No. 1441 be amended to provide appropriations and authorizations required to fund the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) costs for Bargaining Unit 7, University of Hawaii Faculty, and to provide comparable adjustments for relevant excluded positions.

Gov. Msg. No. 466, informing the Senate that on April 23, 2003, she permitted the following measure to become law without her signature:

Senate Bill No. 616 as Act 33, entitled: "RELATING TO HATE CRIMES."

Gov. Msg. No. 467, informing the Senate that on April 23, 2003, she signed into law House Bill No. 1307 as Act 34,

entitled: "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 590 to 594) were read by the Clerk and were placed on file:

Hse. Com. No. 590, returning S.B. No. 1163, which passed Third Reading in the House of Representatives on April 23, 2003.

Hse. Com. No. 591, informing the Senate that the Speaker on April 23, 2003, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 55, H.D. 1 (S.D. 1):

Representatives Schatz, Morita, Wakai, co-chairs; Leong.

H.C.R. No. 81, H.D. 1 (S.D. 1):

Representatives Kanoho, chair; Kaho'ohalahala, Morita, Bukoski.

H.C.R. No. 179, H.D. 1 (S.D. 1):

Representatives Arakaki, Nishimoto, co-chairs; Hale, Ching.

H.C.R. No. 230 (S.D. 1):

Representatives Waters, chair; Mindo, Jernigan.

Hse. Com. No. 592, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 55, H.D. 1 (S.D. 1);

H.C.R. No. 81, H.D. 1 (S.D. 1);

H.C.R. No. 179, H.D. 1 (S.D. 1); and

H.C.R. No. 230 (S.D. 1).

Hse. Com. No. 593, informing the Senate that the amendments proposed by the Senate to the following House concurrent resolutions were agreed to by the House and said resolutions were finally adopted in the House of Representatives on April 23, 2003:

H.C.R. No. 62, H.D. 1, S.D. 1;

H.C.R. No. 85, H.D. 1, S.D. 1;

H.C.R. No. 151, H.D. 1, S.D. 1; and

H.C.R. No. 203, S.D. 1,

Hse. Com. No. 594, informing the Senate that the Speaker on April 24, 2003, made the following changes to the conferees on the following bill:

S.B. No. 377, S.D. 1 (H.D. 2):

Discharged Representative Schatz as second co-chair.

Appointed Representative Karamatsu as second co-chair.

CONFERENCE COMMITTEE REPORTS

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by

the Senate to H.B. No. 595, H.D. 1, presented a report (Conf. Com. Rep. No. 3) recommending that H.B. No. 595, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and H.B. No. 595, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 29, H.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that H.B. No. 29, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and H.B. No. 29, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1157, presented a report (Conf. Com. Rep. No. 5) recommending that H.B. No. 1157, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and H.B. No. 1157, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1285, H.D. 1, presented a report (Conf. Com. Rep. No. 6) recommending that H.B. No. 1285, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and H.B. No. 1285, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC SITES," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 426, H.D. 1, presented a report (Conf. Com. Rep. No. 7) recommending that H.B. No. 426, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and H.B. No. 426, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1319, S.D. 1, presented a report (Conf. Com. Rep. No. 58) recommending that S.B. No. 1319, S.D. 1, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and S.B. No. 1319, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1051, presented a report (Conf. Com. Rep. No. 59) recommending that S.B. No. 1051, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and S.B. No. 1051, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 837, S.D. 1, presented a report (Conf. Com. Rep. No. 60) recommending that S.B. No. 837, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60 and S.B. No. 837, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 41, presented a report (Conf. Com. Rep. No. 61) recommending that S.B. No. 41, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61 and S.B. No. 41, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 665, S.D. 1, presented a report (Conf. Com. Rep. No. 62) recommending that S.B. No. 665, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62 and S.B. No. 665, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE PLAN," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1395, S.D. 1, presented a report (Conf. Com. Rep. No. 63) recommending that S.B. No. 1395, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63 and S.B. No. 1395, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENT OR REPEAL OF OBSOLETE TAX LAWS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1623) recommending that H.C.R. No. 90 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1623 and H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. SMALL BUSINESS ADMINISTRATION TO RE-EXAMINE THE CRITERIA

FOR DESIGNATING HUBZONES UNDER THE HUBZONE EMPOWERMENT CONTRACTING PROGRAM AS IT APPLIES TO THE STATE OF HAWAII," was deferred until Friday, April 25, 2003.

Senators Fukunaga and Kim, for the Committee on Economic Development and the Committee on Tourism, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1624) recommending that H.C.R. No. 78 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1624 and H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII," was deferred until Friday, April 25, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1625) recommending that the Senate advise and consent to the nominations of CHARLES KING, TRAVIS THOMPSON, CHARLES STED, FRANK JUNG, TAIAPO TUIMALEALIFANO and STEPHANIE AVEIRO to the Board of Directors, Housing and Community Development Corporation of Hawaii, in accordance with Gov. Msg. No. 103.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1625 and Gov. Msg. No. 103 was deferred until Friday, April 25, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1626) recommending that the Senate advise and consent to the nomination of KAU'I ALAPA to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 282.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1626 and Gov. Msg. No. 282 was deferred until Friday, April 25, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1627) recommending that the Senate advise and consent to the nomination of WILLES LEE to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 284.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1627 and Gov. Msg. No. 284 was deferred until Friday, April 25, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1628) recommending that the Senate advise and consent to the nomination of CRAIG R. BENZEL to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 285.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1628 and Gov. Msg. No. 285 was deferred until Friday, April 25, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1629) recommending that the Senate advise and consent to the nomination of JEFFREY K. MIYAZAWA to the Board of Dental Examiners, in accordance with Gov. Msg. No. 291.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1629 and Gov. Msg. No. 291 was deferred until Friday, April 25, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1630) recommending that the Senate advise and consent to the nomination of THOMAS SINGLEHURST to the Board of Directors of the Hawai'i Hurricane Relief Fund, in accordance with Gov. Msg. No. 305.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1630 and Gov. Msg. No. 305 was deferred until Friday, April 25, 2003.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1631) recommending that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

DENISE WALKER, in accordance with Gov. Msg. No. 329;

DAVID G. RIETOW, in accordance with Gov. Msg. No. 392; and

LYNNE E. WOODS, in accordance with Gov. Msg. No. 393.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1631 and Gov. Msg. Nos. 329, 392 and 393 was deferred until Friday, April 25, 2003.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1632) recommending that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

ELAINE L. HOGUE, in accordance with Gov. Msg. No. 347;

ANNA MARIE SPRINGER, in accordance with Gov. Msg. No. 348;

WAYNETTE HO-KWON, in accordance with Gov. Msg. No. 407; and

JAMES T. WEST PH.D., in accordance with Gov. Msg. No. 408.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1632 and Gov. Msg. Nos. 347, 348, 407 and 408 was deferred until Friday, April 25, 2003.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1633) recommending that the Senate advise and consent to the nomination of KAREN A. POIANI to the Endangered Species Recovery Committee, in accordance with Gov. Msg. No. 409.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1633 and Gov. Msg. No. 409 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1634) recommending that the Senate advise and consent to the nominations to the Hawai'i Commission for National and Community Service of the following:

ROBERT I. CROWELL, in accordance with Gov. Msg. No. 314;

DENNIS M. DUNN, in accordance with Gov. Msg. No. 315;

MABEL FERREIRO-FUJIUCHI, in accordance with Gov. Msg. No. 316;

STACY S.K. HIGA, in accordance with Gov. Msg. No. 317;

SCOTT S. MORISHIGE, in accordance with Gov. Msg. No. 318;

LEE A. ROMBAOA, and in accordance with Gov. Msg. No. 319; and

RALPH STUEBER, in accordance with Gov. Msg. No. 320.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1634 and Gov. Msg. Nos. 314, 315, 316, 317, 318, 319 and 320 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1635) recommending that the Senate advise and consent to the nominations to the Hawai'i School-to-Work Executive Council of the following:

NOBLEZA E. MAGSANOC, in accordance with Gov. Msg. No. 326;

ALBERT S. NISHIMURA, in accordance with Gov. Msg. No. 327; and

KEVIN YOSHINO, in accordance with Gov. Msg. No. 328.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1635 and Gov. Msg. Nos. 326, 327 and 328 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1636) recommending that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

ANNETTE MASUTANI, in accordance with Gov. Msg. No. 330;

VICKI L. MORRISON, in accordance with Gov. Msg. No. 331; and

VAUGHN TOKASHIKI, in accordance with Gov. Msg. No. 332.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1636 and Gov. Msg. Nos. 330, 331 and 332 was deferred until Friday, April 25, 2003.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 1637) recommending that the Senate advise and consent to the nominations to the Board of Directors of the High Technology Development Corporation of the following:

JAY M. FIDELL, in accordance with Gov. Msg. No. 366;

BRIAN J. GOLDSTEIN, in accordance with Gov. Msg. No. 367; and

SHARON M. WONG, in accordance with Gov. Msg. No. 368.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1637 and Gov. Msg. Nos. 366, 367 and 368 was deferred until Friday, April 25, 2003.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 1638) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

PHILIP M. JOHNSON PH.D., in accordance with Gov. Msg. No. 394;

WILLIAM M. MCKILLOP, in accordance with Gov. Msg. No. 395;

STEVE B. METTER, in accordance with Gov. Msg. No. 396;

DAVID A. OKA, in accordance with Gov. Msg. No. 397; and

GLENN S. YAMADA, in accordance with Gov. Msg. No. 398.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1638 and Gov. Msg. Nos. 394, 395, 396, 397 and 398 was deferred until Friday, April 25, 2003.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1639) recommending that the Senate advise and consent to the nomination of RYAN S. USHIJIMA to the Board of Trustees of the Deferred Compensation Plan, in accordance with Gov. Msg. No. 290.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1639 and Gov. Msg. No. 290 was deferred until Friday, April 25, 2003.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1640) recommending that H.C.R. No. 43 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1640 and H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPLORATION OF OPTIONS FOR REDESIGNING THE BENEFIT LEVELS OF 'A' STATUS PLANS DEFINED UNDER HAWAII'S PREPAID HEALTH CARE ACT," was deferred until Friday, April 25, 2003.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1641) recommending that H.C.R. No. 92 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1641 and H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, IN CONJUNCTION WITH HAWAII'S HEALTH PLANS, TO EXPLORE OPTIONS FOR PROVIDING MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS TO HAWAII'S BUSINESSES UNDER HAWAII'S PREPAID HEALTH CARE ACT," was deferred until Friday April 25, 2003.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1642) recommending that H.C.R. No. 94, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1642 and H.C.R. No. 94, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO SUBMIT REPORTS ON EXEMPT EMPLOYEES AS REQUIRED BY ACT 253, SESSION LAWS OF HAWAII 2000," was deferred until Friday, April 25, 2003.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1643) recommending that H.C.R. No. 97, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1643 and H.C.R. No. 97, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO CONDUCT A STUDY ON THE FEASIBILITY OF A HYBRID RETIREMENT PLAN," was deferred until Friday, April 25, 2003.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1644) recommending that H.C.R. No. 109 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1644 and H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REVIEW ITS INVESTMENT PRACTICES, DETERMINE WHETHER ANY INVESTMENTS ARE BEING MADE WITH COMPANIES BASED IN COUNTRIES THAT SUPPORT TERRORISM, AND RETHINK ITS INVESTMENT POLICIES REGARDING THESE COMPANIES," was deferred until Friday, April 25, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1645) recommending that the Senate consent to the nomination of RHONDA AKEMI NISHIMURA to the office of Judge, 10th Division, Circuit Court of the First Circuit, for a term of ten years, in accordance with Gov. Msg. No. 427.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1645 and Gov. Msg. No. 427 was deferred until Friday, April 25, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1646) recommending that the Senate consent to the nomination of JAMES E. DUFFY JR. to the office of Associate Justice, State Supreme Court, for a term of ten years, in accordance with Gov. Msg. No. 426.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1646 and Gov. Msg. No. 426 was deferred until Friday, April 25, 2003.

ORDER OF THE DAY

FINAL READING

Conf. Com. Rep. No. 1 (H.B. No. 993, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 1 be adopted and H.B. No. 993, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aduja.

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

"Mr. President, I rise in opposition.

"This bill basically requires counties, small counties like the one that I represent, the County of Kauai, basically it requires that they adopt regulations for the enforcement of ordinances regulating the inspection and certification of reconstructed vehicles. I believe this is a home rule issue and will be voting 'no' on this issue.

"Thank you."

Senators Tsutsui and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1 was adopted and H.B. No. 993, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 6 (Hemmings, Hogue, Hooser, Ihara, Slom, Trimble). Excused, 4 (Ige, Kokubun, Sakamoto, Taniguchi).

S.B. No. 373, S.D. 1, H.D. 2:

On motion by Senator Menor, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 373, S.D. 1, and S.B. No. 373, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Sakamoto).

S.B. No. 658, S.D. 1, H.D. 3:

Senator Baker moved that S.B. No. 658, S.D. 1, H.D. 3, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Whalen rose to speak in opposition and said:

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

"Mr. President, the other day when we moved to reconsider, it was my understanding that we were going back to our original Senate position. But this bill goes back to the original draft altogether, not the one we voted on at Third Reading and passed over to the House. There are four points I want to make, and I'll try to do it quickly.

"First of all, the findings in section 1 are in error. At the bottom it says that emergency contraception cannot and does not cause abortion. Again, I don't understand why we're trying to convince anyone who reads this that what we're doing isn't, basically, inducing an abortion. Because if you look at the definitions in the dictionary – not the ones we create such as on page 3, but the ones in the dictionary – it defines conception as the union, and I might not get the scientific names right, but the zygote and the gametes, basically the sperm and the egg, when they unite, that's when you have conception. Emergency contraception by its very name would indicate that you are preventing that . . . preventing that from occurring. There's no one that would say that these pills prevent that from occurring. What it does is it prevents, hopefully, the impregnated egg from attaching to the uterine wall to complete the pregnancy. The idea is to cause an artificial miscarriage through, usually, a high dosage of hormones into a woman. That is an abortion.

"There are natural abortions, such as a miscarriage, and there are those that are induced to terminate the pregnancy, and that's

what this is all about, which brings me to my third point – that there are many people who have very strongly, firmly held convictions that life begins at conception, yet this version we have does not allow for those people to express or hold those beliefs.

“What I keep hearing about is tolerance, yet in this bill is a great example of our intolerance of those people who do not have the same belief system that some of us have here in charge of this bill. And to point to that, I’d like to go to page 5 in the penalty section.

“As you know, there are a number of religious hospitals in this state and some of them of the Catholic order firmly oppose abortion and will not do it at their facilities. In this particular case, we are going to fine them \$5,000 per person who goes in there who they do not provide these abortion pills to. And worst of all, after two violations, the department is to suspend or revoke the license to operate their hospital. So, because of their firmly held beliefs that don’t correspond with some of those that we have here, we’re going to shut down a hospital. And in this bill, there’s nothing anywhere that says how you get your license back again. We took out the religious exemption. We took out everything that is fair play for the various hospitals and we basically said you have to give abortion pills to anyone who comes in here under the circumstances of being a sex assault victim. Before, it was provide information etc. Now we’re saying, no, not only that, you have to provide it.

“So, even for some people, doing a voluntary abortion is akin to murder, we’re telling them you have to do that because this is what we believe and we don’t care what your belief systems are.

“Mr. President, I just don’t understand why we continue to force this kind of stuff down the people of Hawaii’s throat. No pun intended.”

Senator Baker rose in support of the measure as follows:

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

“It’s unfortunate that the good Senator from the West Side of the Big Island continues to perpetuate the myth that emergency contraceptives cause abortion. There is considerable confusion about the difference between emergency contraception and medical abortion because of misinformation that some individuals continue to put out.

“Emergency contraception prevents pregnancy. Medical abortion terminates pregnancy. According to general medical definitions of pregnancy that have been endorsed by many organizations, including the American College of Obstetrics and Gynecologists and the United States Department of Health and Human Services, pregnancy begins when a pre-embryo completes implantation into the lining of the uterus.

“Methods of contraception, including emergency contraception, prevent pregnancy by inhibiting ovulation, fertilization and/or implantation. Medical abortion terminates a pregnancy without surgery. By helping women prevent pregnancy after a rape, and that’s what we’re talking about – people who have been sexually assaulted – emergency contraception has the great potential to decrease the rate of abortion, thereby reducing the negative impact to an already traumatized woman.

“Emergency contraceptives do not cause deformities to unborn fetuses, they do not induce an abortion in a woman who is already pregnant, nor will it have any effect on a developing pre-embryo or embryo.

“The purpose of this measure is to provide some measure of relief to a woman who has been severely traumatized by being a victim of sex assault and comes to an emergency room seeking that assistance. Mr. President, I think it’s unconscionable that we would have healthcare systems and healthcare practitioners unnecessarily place woman who have been sexually abused, at risk of even additional trauma by forcing her to carry an unwanted pregnancy. EC has the benefit of preventing that from happening so there’s not additional trauma down the road. EC has shown to be safe, effective, and I think it’s unethical to withhold it for any reason from a woman who has been raped.

“Thank you, Mr. President.”

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Mr. President, I’m pro-choice. Originally, I would have voted for this measure. I think that we do need to find ways to protect victims of sexual assault. So, with that, I will agree with the former speaker.

“However, what is unconscionable is that we are going to force – that we are going to force – those who do not believe in the use of contraceptives, specifically, Catholic hospitals like St. Francis and others, force them to provide this kind of information and these kinds of pills to those that they don’t believe that they should be even involved in.

“So, for those reasons, I will be voting ‘no,’ despite the fact that I am pro-choice. Thank you, Mr. President.”

Senator Whalen rose again in opposition as follows:

“I wouldn’t have risen again, still in opposition, Mr. President, but the impassioned speech by the Senator from Maui, I felt, if anything, there was the myth, because she quoted groups who a few years ago described homosexuality as a mental disorder in need of treatment, institutionalized in some cases. These are the same experts that she’s saying that we need to base our decisions upon as well.

“The myth that I stated, I’m not sure, unless the dictionary is a book of mythology, I’m not sure. I quoted from the dictionary. These pills that are called emergency contraceptive pills or medical treatment, by its very straight on definition, prevents contraception. They don’t just merely . . . they can prevent contraception if there hasn’t been a union yet, but once there has been, the egg is fertilized, there is conception, and these pills will induce an abortion because it terminates the beginnings of that pregnancy.

“As the Senator from the Windward side indicated, our own personal belief systems are how we live our life. But it’s not for us to put a blanket coat out there that everyone has to live by one set of values that we set up. And there are people that will be just as impassioned as the Senator from Maui in their opposition to being forced to provide what in their strongly held convictions is basically forcing them to provide for an abortion.

“For those reasons again, I would urge our colleagues who do view themselves as being tolerant and accepting of people with viewpoints other than their own, to vote this down.

“It’s one thing to provide information; it’s another thing to force them to provide the actual medical services. Again, I point to the egregious nature of this where a hospital could lose its license because of two incidences which might even be by

mistake. It just says two incidents where it happened. You might have a nurse or a doctor who doesn't do it but the hospital's protocol is to provide it. They just didn't do it. Now, the whole hospital loses its license and there's nothing in here that says you have a right to appeal it or anything else. It says you lose your license. We lose a hospital because of two mistakes by maybe two different people. I think we've just gone way overboard, Mr. President."

At 6:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:01 o'clock p.m.

Senator Baker rose and said:

"Mr. President, I think I should point out a couple of things. The new standard of care for emergency rooms, with regard to sexual assault victims, is to provide emergency contraceptives. And if I could direct members attention to the US Catholic Hospitals' encyclical, which directs them under ethical and religious directives for Catholic healthcare services established by the United States Conference of Catholic Bishops, it states in regards to EC access for sexual assault survivors, the directive says as follows: 'Compassionate and understanding care should be given to a person who is the victim of sexual assault. . . . A female who has been raped should be able to defend herself against a potential conception from the sexual assault. If, after appropriate testing, there is no evidence that conception has occurred already, she may be treated with medications that would prevent ovulation, sperm capacitation, or fertilization.'

"So, I believe there is definitely room in this area not to be concerned about impending on someone's religious freedoms in this regard. As a matter of fact, there are Catholic hospitals all across the country that provide EC for sex assault survivors even though they would not perform abortions in their facilities.

"Thank you, Mr. President."

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

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

"We've been talking all Session long about processes, and if my information is correct, there are 22 emergency rooms where a victim of a rape may be taken. At least 21 of these, emergency contraceptives and advice is given either in the emergency room or by the Sex Abuse Treatment Center people or people associated with them. And among the 21 hospital emergency rooms, the only one where it is not consistently done within the time period is on the island of Oahu. So, we're not talking about an unserved need on the neighbor islands. We are talking about the island of Oahu where several choices of where to go are available.

"So, is this measure really to get St. Francis or is it to provide a need that is not already being taken care of? I'm in somewhat of a quandary. It seems to me that it's the former not the latter. And for that reason, I'll be voting against the measure."

Senator Whalen rose and said:

"Mr. President, I was not sure of what the Rules are for the Senate. I just wanted to address one point that the Senator from Maui spoke on that, in essence, fortified my position . . ."

Senator Hanabusa interjected:

"Mr. President, point of order. He's already spoken twice to this measure."

Senator Whalen then said:

"All right, that answers the question. Thank you, Mr. President."

Senator Sakamoto rose and said:

"Mr. President, I don't know if I'm going 'no' or W/R. I guess I'll rise with reservations, Mr. President.

"I think it's unfortunate that this bill doesn't allow hospitals or others like St. Francis . . . and perhaps in St. Francis' specific case, they may be in opposition, but perhaps through contract arrangements, other provisions are provided. But measures like this go forward until changed, and I think, should a new religious hospital come up, and perhaps there are services adequate for people who need help nearby and they choose not to provide these services for reasons important to them, that's a real difficulty for me, Mr. President. But perhaps this might work today in light of information that the Senator from Maui and others have given.

"I think we need to give full disclosure as well as we need to give opportunity for people to understand what the treatment will do, as well as giving care providers opportunities to still maintain their moral convictions as well as being compassionate caregivers. So, Mr. President, with reservations."

Senator Kawamoto requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 658, S.D. 1, and S.B. No. 658, S.D. 1, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Aduja, Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Kanno).

At 7:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:18 o'clock p.m.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1606 (Gov. Msg. No. 287):

Senator Kawamoto moved that Stand. Com. Rep. No. 1606 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of CAPTAIN GERALD L. COFFEE to the Civil Defense Advisory Council, term to expire June 30, 2007, seconded by Senator Espero.

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

"Mr. President, we would like to support Gov. Msg. No. 287 for the confirmation for Civil Defense Advisory Council, the gubernatorial nominee of Captain Gerry Coffee.

"Captain Gerry Coffee is truly an American legend, and American hero. We are very fortunate to have him in our

community and to be so active in our community – a 28-year veteran of the United States Navy, a pilot, like our own God's country pilot, a prisoner of war in Hanoi, someone who has been very inspirational and motivational, and someone who has been named as one of the top speakers on the speaking circuit in the United States – our very own Gerry Coffee.

“So, we'd like to add our support for all of these and the other nominees. Thank you, Mr. President.”

Senator Kawamoto rose in favor of the nominee and said:

“Mr. President, I'd just like to add to the words of the good Senator and classmate of mine from Hawaii Kai. I'd just like to say a few words for the Navy Captain Gerald Coffee. Not only did he serve 28 years, but he was highly decorated. Also, not only was he a fighter pilot, but he was a Naval officer carrier fighter pilot. So, that's a big, big difference.

“Thank you.”

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

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

Stand. Com. Rep. No. 1607 (Gov. Msg. No. 304):

Senator Hanabusa moved that Stand. Com. Rep. No. 1607 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 TRISH MORIKAWA to the Hawaiian Homes Commission, term to expire June 30, 2007, seconded by Senator Chun Oakland.

Senator Hanabusa rose in support of the nominee and said:

“Mr. President, I'd also like to speak to Gov. Msg. No. 304, submitting for study and consideration the nomination of Trish Morikawa also for the Hawaiian Homes Commission.

“Trish Morikawa is an attorney. She received her Bachelor's of Arts degree from the University of Pennsylvania. She is an athlete. She played varsity volleyball, and they apparently won the Ivy League championship and she was captain of this team during her senior year. This competitive and athletic nature continued when she attended the William S. Richardson School of Law.

“I raise these points because I think these are very important characteristics as she sits on this board for the DHHL.

“During her law school career, she mentioned in her resume that she participated in the e'te bowl flag football. For those of us who are graduates of the University of Hawaii Law School, we know what that means. See, the guys just couldn't do it right. They were getting hurt, so they turned it over to the women and they wanted to coach, but the women have carried the banner and did the football for the UH Law School. That's a pretty not well known fact, but it tells you a lot about this candidate.

“When asked why she wanted to serve, she said it is because it's time for her to give back. She is a deputy prosecutor and she feels that in her service, she has looked not only at the victims, but also the defendants, and she wants people to work together.

“She, unfortunately, does fit the criteria. She's also a Kamehameha School graduate, but we can't hold that against her either. She says that it is really the vision and the generosity of the Princess that wants her to serve in this capacity. I believe she will also make an excellent commissioner and I ask that my colleagues join in consenting to her, as well.”

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

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

Stand. Com. Rep. No. 1608 (Gov. Msg. No. 307):

Senator Hanabusa moved that Stand. Com. Rep. No. 1608 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 GAIL U. KELIIOA-SHERLOCK to the Island Burial Council, Island of Hawai'i, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1609 (Gov. Msg. No. 350):

Senator Hanabusa moved that Stand. Com. Rep. No. 1609 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 RHODA FEINBERG PH.D. to the Correctional Industries Advisory Committee, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1610 (Gov. Msg. No. 351):

Senator Hanabusa moved that Stand. Com. Rep. No. 1610 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 THEODORE G.M. JUNG to the Correctional Industries Advisory Committee, term to expire June 30, 2007, seconded by Senator Chun Oakland.

Senator Slom rose in support of the nominee and said:

“Mr. President, Gov. Msg. No. 351, Theodore Jung, who is the senior vice president of Solomon, also has worked in the past for Smith Barney and Merrill Lynch, and he is being appointed to the Correctional Industries Advisory Committee. I think this is fine for somebody so active in the securities and investment field to put them next to the prisoners and helping them develop in investment opportunities with the correctional industries.

“Ted is also the president of the Honolulu Stock Exchange. That's a position he's held since 1977. He'll do a good job.”

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

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

Stand. Com. Rep. No. 1611 (Gov. Msg. No. 352):

Senator Hanabusa moved that Stand. Com. Rep. No. 1611 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 WAYLEN K.K. TOMA to the Correctional Industries Advisory Committee, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1612 (Gov. Msg. No. 353):

Senator Hanabusa moved that Stand. Com. Rep. No. 1612 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 JULIE KAI BARRETO to the Defender Council, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1613 (Gov. Msg. No. 387):

Senator Hanabusa moved that Stand. Com. Rep. No. 1613 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 RON AGOR to the Board of Registration of the Islands of Kauai and Niihau, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1614 (Gov. Msg. No. 302):

Senator Hanabusa moved that Stand. Com. Rep. No. 1614 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 COLIN KAALELE to the Hawaiian Homes Commission, term to expire June 30, 2007, seconded by Senator Chun Oakland.

Senator Hanabusa rose in support of the nominee as follows:

“Mr. President, I’d like to speak to four of the governor’s messages. I’d like to begin first with Gov. Msg. No. 302, submitting for study and consideration Colin Kaalele to the Hawaiian Homes Commission.

“Mr. President, Mr. Kaalele is eminently qualified. First and foremost, he is a homesteader in Waimanalo. He has been in construction for at least 15 years, both as an environmental safety manager, most recently for a construction company, and for eight years as the district representative for the operating engineers. He knows both sides of the issue.

“He has served on Trust-Hartley Trust Funds and in his testimonies we received about him, there were praises of him from both sides of the fence, so to speak. He will bring with him the knowledge of construction and we all know that that is DHHL’s mandate.

“What is really important about Colin, it’s sort of humorous, is that we asked Micah Kane and somehow he slipped because Colin Kaalele brings balance to the DHHL Board because he’s a Punahou grad. So, somehow he slipped through the cracks. He’s not St. Louis and he’s not Kamehameha – he’s Punahou. But we won’t hold that against him. The administration hasn’t held that against him.

“So, I ask that my colleagues join with me and confirm Colin Kaalele to the Hawaiian Homes Commission.”

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

“Mr. President, I’d like to speak in favor of Gov. Msg. No. 302, the nomination and confirmation of Colin Kaalele.

“This gentleman’s heritage goes deep into the soil of Hawaii. He’s a native son of Waimanalo. I’d like to, by speaking to the nomination, reinforce the recognition that the good Senator of Waiaanae has given regarding the balance he’ll bring to the commission in regards to his education. Obviously she recognizes in her wisdom the superior intellect of Punahou graduates that stands in stark contrast to the other ones who definitely need the balance. (Laughter.)

“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 (Kokubun).

Stand. Com. Rep. No. 1615 (Gov. Msg. No. 303):

Senator Hanabusa moved that Stand. Com. Rep. No. 1615 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 MAHINA MARTIN to the Hawaiian Homes Commission, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1616 (Gov. Msg. No. 349):

Senator Hanabusa moved that Stand. Com. Rep. No. 1616 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 CLARICE CORNETT to the

Correctional Industries Advisory Committee, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

“Mr. President, the third nominee is Clarice Cornett. She is Gov. Msg. No. 349 and she is being considered for the Correctional Industries Advisory Committee.

“Ms. Cornett is an interesting person and one who is very well suited. She is a University of Hawaii graduate and she has served as a general contractor since 1986. She does business as Wahine Builders.

“When asked why she wanted to serve, she said because she’s worked with the Governor to develop the building women pre-apprentice training program, which is really for those in prison. She says that we have not serviced the women especially in transition and she has dedicated herself to that. She has worked with the Department of Public Safety and believes that it is that partnership that is so necessary.

“I think she is an excellent choice and very well qualified to serve on the Correctional Industries Advisory Committee, and I ask that my colleagues also join in consenting to her nomination.”

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

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

Stand. Com. Rep. No. 1617 (Gov. Msg. No. 354):

Senator Hanabusa moved that Stand. Com. Rep. No. 1617 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 MICHELLE L. DREWYER to the Defender Council, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1618 (Gov. Msg. No. 323):

Senator Hanabusa moved that Stand. Com. Rep. No. 1618 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 STEVE PFISTER to the Board of Registration of the Island of Maui, Molokai, Lanai, and Kaho’olawe, term to expire June 30, 2004, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1619 (Gov. Msg. No. 388):

Senator Hanabusa moved that Stand. Com. Rep. No. 1619 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 KATHRYN GHEAN to the Board of Registration of the Islands of Maui, Molokai, Lanai, and Kaho’olawe, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1620 (Gov. Msg. No. 389):

Senator Hanabusa moved that Stand. Com. Rep. No. 1620 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 ROBERTA CHONG KEE to the Board of Registration of the Island of Oahu, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1621 (Gov. Msg. No. 425):

Senator Hanabusa moved that Stand. Com. Rep. No. 1621 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 KEN HIDESHI TAKAYAMA to the Commission to Promote Uniform Legislation, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

“Mr. President, Gov. Msg. No. 425 is submitting for study and consideration the nomination of Ken Hideshi Takayama to the Commission to Promote Uniform Legislation. Ken Takayama is no stranger to any of us.

“His credentials are well known, but maybe it’s never been in this record before so I’ll repeat it. He is a University High School grad – not Punahou, not St. Louis, not Kamehameha – but it’s okay. He went to Occidental College and he received his law degree from Boalt Hall, which is UC Berkeley.

“This is a reappointment for him. He has served on this commission since 1995. I kind of wondered why anybody would want to be on a commission to promote uniform legislation. It sounds awfully boring. All you’re trying to do is make sure all the laws look alike and sound alike across the United States. But he’s really excited about it. And the reason why he wants this appointment is because he says he’s in the middle now of some exciting new things about uniform legislation.

“Mr. President, anybody who gets excited about uniformity in laws deserves to be confirmed to this position. (Laughter.) So with that, Mr. President, I ask that you and all my colleagues consent to this nominee as well as the other nominees who have been put forth by the Judiciary and Hawaiian Affairs Committee.

“Thank you very much.”

Senator Slom rose to speak in support of the nominee and stated:

“Mr. President, on behalf of the Minority, I, too, rise in support of these nominees and I would also like to make a couple of remarks following up on the Judiciary Chairman for Gov. Msg. No. 425, Ken Takayama.

“Besides his exploits at Longs Drugs, he has been most kind to the Minority. He has been truly bipartisan in providing good information, bill drafting, and courtesy, and we would support him on his reappointment.

“In addition to that, the Legislative Reference Bureau has been recognized nationally for all of its efforts, and a large degree of the credit goes to Mr. Takayama and his staff. So, we’re very happy to support him.”

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

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

Stand. Com. Rep. No. 1622 (Gov. Msg. Nos. 301 and 360):

Senator English moved that Stand. Com. Rep. No. 1622 be received and placed on file, seconded by Senator Baker and carried.

Senator English then moved that the Senate advise and consent to the nominations to the Environmental Council of the following:

SHAD S. KANE, term to expire June 30, 2004 (Gov. Msg. No. 301); and

DAVID S. BYLUND, term to expire June 30, 2007 (Gov. Msg. No. 360),

seconded by Senator Baker.

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

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 23, 2003

Stand. Com. Rep. No. 1603 (H.C.R. No. 93):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 93, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF MEDICAL SAVINGS ACCOUNTS,” was adopted.

Stand. Com. Rep. No. 1604 (H.C.R. No. 128, H.D. 1,):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 128, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING TELECOMMUNICATIONS AND CALL CENTERS TO INITIATE CUSTOMER RIGHT TO KNOW PROCEDURES REGARDING ALL INBOUND AND OUTBOUND COMMUNICATIONS,” was adopted.

Stand. Com. Rep. No. 1605 (H.C.R. No. 135):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 135, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO ESTABLISH A TASK FORCE TO DEVELOP AN EMERGENCY ACTION PLAN TO ASSIST AND EMPOWER THE WAĪANAE COMMUNITY AND OTHER COMMUNITIES AROUND THE STATE TO FOSTER GREATER SELF-SUFFICIENCY,” was adopted.

FINAL ADOPTION

S.C.R. No. 6, S.D. 1, H.D. 1:

Senator Kawamoto moved that S.C.R. No. 6, S.D. 1, H.D. 1, be Finally Adopted, seconded by Senator Hogue.

Senator Hogue rose and said:

“Mr. President, please record a ‘no’ vote for me on S.C.R. No. 6, S.D. 1, H.D. 1, requesting a study on the effects of big box retailers and local small and medium retail businesses. This is an unnecessary incursion into the business world, and so I’ll be voting ‘no.’

“Thank you.”

Senator Slom rose in opposition and said:

“Mr. President, please also register a ‘no’ vote for me on S.C.R. No. 6, S.D. 1.

“It’s interesting to note that here we all honored Macy’s a week or so ago and how wonderful they were as a big retailer nationally and how they’ve given to our community, and then we use this to strike out against one other retailer. It doesn’t make sense and it doesn’t show good business sense.

“Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 6, S.D. 1, and S.C.R. No. 6, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF BIG BOX RETAILERS ON LOCAL SMALL AND MEDIUM RETAIL BUSINESSES,” was Finally Adopted with Senators Hemmings, Hogue, Slom and Whalen voting “No.”

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 337, S.D. 1 (H.D. 1):

Senator Sakamoto moved that the Senate reconsider its action taken on April 2, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 337, S.D. 1, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 337, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Taniguchi, Kawamoto, Hogue). Noes, none. Excused, 1 (Hooser).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 337, S.D. 1, seconded by Senator Taniguchi.

Senator Sakamoto noted:

“Mr. President, the remaining part of the bill converts 42 business assistant positions from temporary to permanent status. The Senate had previously included some business manager positions, but in light of the fiscal conditions, we agree that moving the 42 from temporary to permanent is the best we can do at this point in time.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 337, S.D. 1, and S.B. No. 337, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF SCHOOL FACILITIES,” was placed on the calendar for Final Reading on Friday, April 25, 2003.

S.B. No. 528, S.D. 2 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 528, S.D. 2, seconded by Senator Inouye and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 528, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 5 (Kawamoto, Inouye, Espero, Aduja, Whalen). Noes, none. Excused, 2 (Kokubun, Taniguchi).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 528, S.D. 2, seconded by Senator Inouye.

Senator Kawamoto noted:

“Mr. President, all we did was make corrections on some of the designated TMKs on the land and the property that they had.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 528, S.D. 2, and S.B. No. 528, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS,” was placed on the calendar for Final Reading on Friday, April 25, 2003.

S.B. No. 538, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 538, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 538, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Inouye, Espero, English, Whalen). Noes, none. Excused, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 538, S.D. 1, seconded by Senator Espero.

Senator Inouye noted:

“Mr. President, this is the agribusiness development corporation public lands and what it does is expands the public land exemptions as it applies to the agribusiness development corporation, or ADC as we know it, to include lands which are set aside by the Governor to ADC and lands leased to ADC by any state agency.

“Mr. President, the House version follows preferred drafting procedures and what they did was they added the required quotation mark at the start of a cited section. So, I think that’s a minor change.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 538, S.D. 1, and S.B. No. 538, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION,” was placed on the calendar for Final Reading on Friday, April 25, 2003.

S.B. No. 1281, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1281, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1281, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Inouye, Espero, Whalen). Noes, none. Excused, 1 (English).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 1281, S.D. 1, seconded by Senator Espero.

Senator Inouye noted:

“Mr. President, with regards to S.B. No. 1281, this has to do with high technology development corporations. This extends the lands held by HTDC from the management of the Department of Land and Natural Resources.

“With the House version, we were comfortable with the language with regards to a TMK that the Senate had amended our version but I think the House clearly just holds title to it. I think it’s with reference to the authority that HTDC has with regards to their status with regards to a chapter that qualifies ATDDC to address their land divisions.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1281, S.D. 1, and S.B. No. 1281, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION,” was placed on the calendar for Final Reading on Friday, April 25, 2003.

S.B. No. 1594 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments

proposed by the House to S.B. No. 1594, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1594, on the following showing of Ayes and Noes:

Ayes, 4 (Inouye, Hanabusa, Aduja, Whalen). Noes, none. Excused, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 1594, seconded by Senator Espero.

Senator Inouye noted:

“Mr. President, with regards to S.B. No. 1594, this is the water commission and the Hawaiian culture practitioner member. This adds a member with substantial experience and expertise in traditional Hawaiian water resource management techniques and in traditional riparian usage of the commission of water resource management.

“With the House version, it’s not a major substantive amendment but it adds clarifying language, and we’re comfortable with that, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1594, and S.B. No. 1594, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT,” was placed on the calendar for Final Reading on Friday, April 25, 2003.

S.B. No. 1077, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1077, S.D. 1, seconded by Senator Baker and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1077, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Baker). Noes, none. Excused, 1 (Whalen).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 1077, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

“Mr. President, the House amendments just basically makes some technical and nonsubstantive amendments, including reformatting of sections and other corrections to 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. 1077, S.D. 1, and S.B. No. 1077, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR INSURANCE LICENSEES,” was placed on the calendar for Final Reading on Friday, April 25, 2003.

At 7:38 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:39 o’clock p.m.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1647) recommending that the Senate advise and consent to the nomination of BYRON W. BENDER to the Board of Regents of the University of Hawai‘i, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1647 and Gov. Msg. No. 274 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1648) recommending that the Senate advise and consent to the nomination of TRENT K. KAKUDA to the Board of Regents of the University of Hawai‘i, in accordance with Gov. Msg. No. 276.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1648 and Gov. Msg. No. 276 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1649) recommending that the Senate advise and consent to the nomination of CATHERINE LAGARETA to the Board of Regents of the University of Hawai‘i, in accordance with Gov. Msg. No. 277.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1649 and Gov. Msg. No. 277 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1650) recommending that the Senate advise and consent to the nomination of ALVIN TANAKA to the Board of Regents of the University of Hawai‘i, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1650 and Gov. Msg. No. 279 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1651) recommending that the Senate not consent to the nomination of SHELTON G.W. JIM ON to the Board of Regents of the University of Hawai‘i, in accordance with Gov. Msg. No. 275.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1651 and Gov. Msg. No. 275 was deferred until Friday, April 25, 2003.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1652) recommending that the Senate not consent to the nomination of EDWARD D. SULTAN to the Board of Regents of the University of Hawai‘i, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1652 and Gov. Msg. No. 278 was deferred until Friday, April 25, 2003.

At this time, Senator Ihara rose and said:

“Mr. President, I just checked my office and these committee reports are not in our office yet, and yet they’re on the OD. So, could I ask that when we have an item on the Order of the Day, that they be in our office or on our desk?”

At 7:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:42 o'clock p.m.

The President then stated:

"Senator Ihara, the printshop is hurrying and you should get it in your office shortly."

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

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

"You might have to indulge me. I've given a lot of thought about this and how to posture in such a way that we can maintain some dignity in this forum and not get partisan. Something happened today in the Education Committee and members voted, I guess, their conscience and on I guess what they figure is good reason not to approve the advice and consent on two of the Governor's nominees to the Board of Regents of the University of Hawaii. I don't think we're going to debate that issue. It's on the agenda for tomorrow.

"One of the individuals, Shelton G.W. Jim On, sat with Senator Hogue and I, and this man's heart has been ripped out. He's a friend of mine. I don't know how to put this, but sometimes people do things on principle, and it has to be in the context in which it happens. I'm not going to mention names because I don't want to throw gasoline on a bad situation, but there are those in this Chamber who have told me personally and told some of my colleagues that they have received e-mails and letters impugning the integrity of my friend. This has been held out to us as reasons why, quote/unquote, 'we don't want to drag Mr. Shelton G.W. Jim On through the mud.' Well, I hope this request will let you know what kind of man Mr. Shelton Jim On is.

"It's a great American tradition that we all have a right to address those who indict us. It is also a great responsibility for us as Senators not to vote on a man's integrity based on innuendo, hearsay, or anonymous indictments. Sometimes, men and women of great moral courage will stand their ground rather than slink away from the battle at hand, and this is Mr. Shelton Jim On.

"So, I'm requesting those of you who spoke to me personally, those of you who likewise informed my colleague on the Education Committee that there were letters and e-mails indicting Mr. Shelton Jim On, to please produce them so this man can confront his accusers in a dignified and honorable manner.

"Tomorrow night we'll debate these two GM nominees and the merits and their qualifications and I know this Senate will vote according to each person's conscience and dictates. What I would like to see before we have that vote is those who have this information, and who told me to my face they have e-mails and letters of indictment, to please produce them so this man can defend himself.

"Thank you, Mr. President."

Senator Sakamoto then rose and said:

"Mr. President, I rise in part to respond to the previous speaker.

"Mr. President, there is no second chance to make a good first impression. For many of us who were sitting in the

Education Committee, our first impression was what we saw and the dialogue we heard. And in that first impression for me, because the nominee did not come to see me prior as some others did, or that we would hope they would have done, was not a good first impression. I think in part of the questioning process, there were answers that were not forthcoming. They appeared to be legalistic, etc.

"Upon conclusion of the hearing, in my mind and some other's minds, there were some negative feelings, not a good feeling. Subsequently though, someone shared with me an e-mail. At this point, the Senator from Maunawili, prior to today, did request if I could share with him a copy, and I informed him that it wasn't e-mailed to me, but I would request from where I got it if that was permissible. And obviously, I didn't feel it was appropriate to share something like that openly, because it doesn't help anyone. I have made that request, and if there's permission granted, Mr. President, I will attempt to share what I can, but obviously, I don't like to add gasoline to any fire, and we're where we're at.

"Should I be authorized to share, I shall do that, Mr. President. I would like to share it privately as opposed to publicly, though. Thank you."

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

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

"I want to say publicly, thank you to the Education Chair for making that offer. I would hope that we would not debate the merits or demerits of these particular governor's messages tonight. We just believe that these nominees who will go around and get an opportunity to speak to all of my Senate colleagues that they just get an opportunity to answer any anonymous letters or e-mails.

"So, thank you very much, Education Chair, for making that offer. Hopefully, these gentlemen will get this information in their hands.

"Thank you, Mr. President."

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

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

"Mr. President, after the hearing of the GMs for the Board of Regents and obviously the press writing in the newspaper comments, the next day I got an e-mail that's been talked about. It was not an anonymous e-mail. It was an e-mail from an attorney in this town. I have not been able to reach that individual to ask whether or not I could in fact release that, and I would hold that as something that I need to get released because I think we all receive information from people and many times, including in the travel and visitor industry, people come to your office and tell you things and request that their names not be revealed for fear of retribution.

"I also received telephone calls and the Education Chair happened to come to my office at that time and asked the individual if they would share that information. Another individual asked in what form, and I said I happen to have the Education Chair walk into my office at this moment and can I put you on the speaker box, and that dialogue took place at that time. And that is not something that I can share with anybody, but certainly I believe that each and every one of you have had phone calls in your own area and constituency and whatever, and I'm not privy to any of that information.

"But certainly, I would like to state for the record that there was no plan, there was no agreement, there was no previous or fraught out plan to target these individuals. The fact that you happened to be in the hearing and I happened to come into the hearing for another GM that was on there, and happened to be not happy with some of the answers and questions and was provoked to asked more pointed questions, was actually a coincidence happening.

"So, I take issue to the fact that this was something that was planned and I think it's an insult to the members of the Committee, as well as the general caucus, to think that this was something that was pre-orchestrated, because it was not. I did not know this individual. I did not get a phone call from him, do not know them previously, and obviously, did not have any kind of plan to do that. So, I would hope in the future that my colleagues obviously know that I did not go around previously, nor did you, Mr. President, to get anybody to orchestrate what has happened. It's taken on a life of its own.

"Thank you."

Senator Hemmings rose again and said:

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

"Mr. President, I'm quite surprised about the good Senator from Kalihi's statements. I don't believe in my request I made any accusations for the denials that she made. But there are some great literary quotes about people protesting too much.

"I am quite pleased that the good Senator from Moanalua has acknowledged that she is the recipient of phone calls and e-mails. Our request remains quite simple. This information was used against this man and that word of it was circulated. I, myself, was a recipient of that information. This man, a dignified man, deserves the opportunity not to be indicted and convicted on hearsay, innuendo, and anonymous phone calls. Now, it might have been a signed e-mail, but as far as we know, it was anonymous.

"Our request remains quite simple – give this man the dignity and the opportunity to confront his accusers whose words were used against him."

Senator Kim rose in rebuttal and said:

"Mr. President, I rise in rebuttal.

"First of all, let me state to the Senator across the way that I was not insinuating anything. I think it was another incident that I was talking about, and I'm not sure about what denials, but to set the record straight, I don't believe that the e-mail or phone call, for me, is what my concern is. It was based on what took place in the hearing.

"I'm also aware that some members have not seen the e-mail, but it's not the e-mail that raises concern. It was something that was brought up and I believe everyone has received calls, in some manner, on many issues and may not use that to make their final decision, and some people may have used it in bills and any kinds of other matters that may be before us.

"Thank you."

At 7:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:18 o'clock p.m.

At this time, the President made the following observation:

"Members, we need to make a correction on a previous Senate bill that we took action on.

"Notwithstanding the previous action of this body, S.B. No. 528, S.D. 2, H.D. 1, is recommitted to the Committee on Conference.

"Members, there are several tax map keys that were left out and the bill needs to go back to Committee to have it corrected."

At 8:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:20 o'clock p.m.

RECOMMITAL OF SENATE BILL

S.B. No. 528, S.D. 2, H.D. 1:

On motion by Senator Inouye, seconded by Senator Kawamoto and carried, S.B. No. 528, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS," was recommitted to the Committee on Conference.

CONFERENCE COMMITTEE REPORTS

At this time, Senator Kawamoto made the following motion:

"I move that the Senate stands in recess, leaving the Journal open until 12:00 midnight for receipt of conference committee reports and standing committee reports, and may the Journal reflect the appropriate actions taken by this body consistent with the reports of the Committees, and I further move that the Senate reconvene at 6:30 p.m. tomorrow evening."

Senator Hogue stated: "I second the motion."

Senator Kawamoto moved that the Senate authorize the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading, seconded by Senator Hogue.

Senator Ihara rose and stated:

"Mr. President, this is the same motion that was done two weeks ago. And so, are we, tonight, passing . . . when we accept the bills and take the appropriate motions and the committee reports recommend passage on Final Reading, is this vote passing on Final Reading? Because it's the identical motion done . . . so it's the identical motion so he's asking that we're taking the motions, we're taking the actions that are recommended in the committee report. I'd just like one . . . it's a point of information."

At 8:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:35 o'clock p.m.

At this time, Senator Kawamoto rose and said:

"Mr. President, I withdraw my previous motion."

Senator Hogue rose and said:

"Mr. President, I withdraw my previous second."

By unanimous consent, the motion to authorize the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading was withdrawn.

Senator Kawamoto made the following motion:

"Mr. President, I move that the Senate stand in recess, leaving the Journal open until 12:00 midnight this evening for receipt of conference committee reports and standing committee reports, and may the Journal reflect the appropriate time requirements consistent with the reports of the Committees and further move that the Senate reconvene at 6:30 tomorrow evening."

Senator Hogue then said: "I second that."

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 8:36 o'clock p.m., the Senate took the following actions:

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 564, presented a report (Conf. Com. Rep. No. 8) recommending that H.B. No. 564, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and H.B. No. 564, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 980, H.D. 1, presented a report (Conf. Com. Rep. No. 9) recommending that H.B. No. 980, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and H.B. No. 980, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SETTLEMENTS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1217, H.D. 1, presented a report (Conf. Com. Rep. No. 10) recommending that H.B. No. 1217, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and H.B. No. 1217, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 135, H.D. 1, presented a report (Conf. Com. Rep. No. 11) recommending that H.B. No. 135, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11 and H.B. No. 135, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING ORGANIZATIONS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 373, H.D. 2, presented a report (Conf. Com. Rep. No. 12) recommending that H.B. No. 373, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and H.B. No. 373, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL SPEECH," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 287, H.D. 3, presented a report (Conf. Com. Rep. No. 13) recommending that H.B. No. 287, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and H.B. No. 287, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1214, H.D. 2, presented a report (Conf. Com. Rep. No. 14) recommending that H.B. No. 1214, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14 and H.B. No. 1214, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1165, H.D. 2, presented a report (Conf. Com. Rep. No. 15) recommending that H.B. No. 1165, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15 and H.B. No. 1165, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 10, H.D. 2, presented a report (Conf. Com. Rep. No. 16) recommending that H.B. No. 10, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16 and H.B. No. 10, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 324, H.D. 1, presented a report (Conf. Com. Rep. No. 17) recommending that H.B. No. 324, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17 and H.B. No. 324, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO DRIVER LICENSING," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 807, H.D. 2, presented a report (Conf. Com. Rep. No. 18) recommending that H.B. No. 807, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18 and H.B. No. 807, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 298, H.D. 2, presented a report (Conf. Com. Rep. No. 19) recommending that H.B. No. 298, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19 and H.B. No. 298, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 736, H.D. 1, presented a report (Conf. Com. Rep. No. 20) recommending that H.B. No. 736, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20 and H.B. No. 736, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 133, H.D. 1, presented a report (Conf. Com. Rep. No. 21) recommending that H.B. No. 133, H.D. 1, S.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21 and H.B. No. 133, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 562, presented a report (Conf. Com. Rep. No. 22) recommending that H.B. No. 562, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22 and H.B. No. 562, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1010, H.D. 1, presented a report (Conf. Com. Rep. No. 23) recommending that H.B. No. 1010, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23 and H.B. No. 1010, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 946, presented a report (Conf. Com. Rep. No. 64) recommending that S.B. No. 946, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64 and S.B. No. 946, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1201, S.D. 2, presented a report (Conf. Com. Rep. No. 65) recommending that S.B. No. 1201, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65 and S.B. No. 1201, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE FRANCHISES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 931, S.D. 2, presented a report (Conf. Com. Rep. No. 66) recommending that S.B. No. 931, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66 and S.B. No. 931, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS LEAVE ACT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1312, S.D. 1, presented a report (Conf. Com. Rep. No. 67) recommending that S.B. No. 1312, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67 and S.B. No. 1312, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 830, S.D. 1, presented a report (Conf. Com. Rep. No. 68) recommending that S.B. No. 830, S.D. 1, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68 and S.B. No. 830, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1324, S.D. 1, presented a report (Conf. Com. Rep. No. 69) recommending that S.B. No. 1324, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69 and S.B. No. 1324, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCILIATION PANELS," was deferred for a period of 48 hours.

Respectfully submitted,

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1492, S.D. 1, presented a report (Conf. Com. Rep. No. 70) recommending that S.B. No. 1492, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

Clerk of the Senate

Approved:

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70 and S.B. No. 1492, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTED LIVING FACILITIES," was deferred for a period of 48 hours.

President of the Senate

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 255, S.D. 2, presented a report (Conf. Com. Rep. No. 71) recommending that S.B. No. 255, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71 and S.B. No. 255, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 975, presented a report (Conf. Com. Rep. No. 72) recommending that S.B. No. 975, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72 and S.B. No. 975, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 740, presented a report (Conf. Com. Rep. No. 73) recommending that S.B. No. 740, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73 and S.B. No. 740, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 6:30 o'clock p.m., Friday, April 25, 2003.