

SIXTIETH DAY

Thursday, May 1, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 3:33 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gary L. Hooser, 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-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 475 to 477) were read by the Clerk and were placed on file:

Gov. Msg. No. 475, dated April 29, 2003, transmitting her statement of objections to Senate Bill No. 1426 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

April 29, 2003

STATEMENT OF OBJECTIONS TO SENATE BILL NO.
1426 SD1

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1426, entitled ‘A Bill for an Act Relating to Collective Bargaining in Public Employment.’

The reported purpose of this bill is to establish a separate collective bargaining unit for substitute teachers and to provide for impasse resolution for members of the new collective bargaining unit. Objections to this bill are as follows:

1. This bill conflicts directly and irreconcilably with existing statutes. It would require the State and the Department of Education to negotiate wages and amounts of contributions for a public employees’ health benefits plan, yet the wage rate for substitute teachers already is set by statute, and casual and part-time employees who work less than half time are excluded by another statute from participating in a public employee’ health benefits plan.

2. While proponents of this bill have repeatedly described it as a bill to allow substitute teachers to form a union, the Department of the Attorney General, the Department of Budget and Finance, and the Department of Education all believe that the unclear definition of collective bargaining unit 14 would also apply to casual and part-time employees in the Department of Education. Currently, there are approximately 5,179 substitute teachers and approximately 54,954 casual and part-time employees in the Department of Education. If the goal was to include casual and part-time employees’, it should have been made clearer.

3. These casual and part-time employees fall within wide and varied job classes, ranging from cafeteria helpers to

grounds maintenance workers, many of whom would not have the same labor interests as would substitute teachers. If coverage of casual and part-time employees was intended, then the basis for extending bargaining rights to such workers in the Department of Education and not to such workers in other departments of state government should have been addressed.

4. The administration and grievance procedures of a bargaining unit consisting only of substitute teachers would still be problematic given the varied qualifications, status, possible work-locations, and actual time on the job among its proposed members.

5. The Department of Education presently employs part-time teachers who are excluded from Bargaining Unit 5 and are assigned to Unit 5’s excluded counterpart Unit 55. These employees are paid from the same pay schedule as teachers and serve as state office and district teachers, secondary teachers, elementary teachers, and counselors. Senate Bill No. 1426 would appear to reassign teachers, who are excluded for Unit 5 by virtue of their part-time status, to the new unit 14. This would cause them to lose existing benefits that are tied to Unit 5.

For the foregoing reasons, I am returning Senate Bill No. 1426 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

Gov. Msg. No. 476, informing the Senate that on April 28, 2003, she signed into law Senate Bill No. 843 as Act 35, entitled: “RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE, AND LAND PLANTS.”

Gov. Msg. No. 477, dated April 25, 2003, transmitting a report, Hate Crimes in Hawaii, 2002, prepared by the Department of the Attorney General, Research and Statistics Branch, pursuant to Sections 846-51 through 54, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 611 to 628) were read by the Clerk and were placed on file:

Hse. Com. No. 611, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 401, H.D. 1, and H.B. No. 401, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 29, 2003.

Hse. Com. No. 612, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1161, and H.B. No. 1161, S.D. 1, passed Final Reading in the House of Representatives on April 29, 2003.

Hse. Com. No. 613, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives on April 29, 2003:

H.B. No. 75, H.D. 2, S.D. 1;
H.B. No. 127, H.D. 1, S.D. 1;
H.B. No. 139, H.D. 1, S.D. 1;
H.B. No. 377, H.D. 1, S.D. 1;

H.B. No. 384, H.D. 1, S.D. 1;
 H.B. No. 1155, H.D. 1, S.D. 1;
 H.B. No. 1160, H.D. 1, S.D. 1;
 H.B. No. 1163, S.D. 1;
 H.B. No. 1212, H.D. 1, S.D. 1;
 H.B. No. 1328, H.D. 1, S.D. 1; and
 H.B. No. 1594, H.D. 1, S.D. 1.

Hse. Com. No. 614, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 29, 2003:

H.B. No. 10, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 29, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 32, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 130, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 133, H.D. 1, S.D. 3, C.D. 1;
 H.B. No. 135, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 200, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 281, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 282, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 287, H.D. 3, S.D. 2, C.D. 1;
 H.B. No. 289, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 290, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 293, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 297, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 298, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 317, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 320, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 324, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 373, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 422, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 426, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 507, H.D. 3, S.D. 1, C.D. 1;
 H.B. No. 531, S.D. 1, C.D. 1;
 H.B. No. 562, S.D. 1, C.D. 1;
 H.B. No. 564, S.D. 1, C.D. 1;
 H.B. No. 595, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 638, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 640, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 736, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 807, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 808, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 914, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 968, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 980, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1003, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1010, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1111, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1154, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1157, S.D. 2, C.D. 1;
 H.B. No. 1164, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1165, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1175, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1214, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1217, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1230, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1255, S.D. 2, C.D. 1;
 H.B. No. 1285, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1300, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1303, S.D. 1, C.D. 1;
 H.B. No. 1361, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1362, S.D. 1, C.D. 1;
 H.B. No. 1456, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1465, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1509, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1579, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1613, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1652, S.D. 1, C.D. 1;
 S.B. No. 38, H.D. 2, C.D. 1;
 S.B. No. 41, H.D. 1, C.D. 1;

S.B. No. 44, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 58, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 205, S.D. 3, H.D. 2, C.D. 1;
 S.B. No. 209, S.D. 3, H.D. 1, C.D. 1;
 S.B. No. 254, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 255, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 317, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 402, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 464, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 528, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 534, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 540, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 574, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 576, H.D. 2, C.D. 1;
 S.B. No. 582, H.D. 1, C.D. 1;
 S.B. No. 585, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 614, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 665, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 740, H.D. 2, C.D. 1;
 S.B. No. 745, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 748, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 789, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 830, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 837, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 855, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 931, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 946, H.D. 2, C.D. 1;
 S.B. No. 975, H.D. 1, C.D. 1;
 S.B. No. 1034, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1040, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1050, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1051, H.D. 2, C.D. 1;
 S.B. No. 1088, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1134, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1135, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1201, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1237, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1258, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1262, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1286, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1305, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1309, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1312, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1319, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 1321, H.D. 2, C.D. 1;
 S.B. No. 1324, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1332, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1333, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1352, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1393, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1395, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1403, H.D. 1, C.D. 1;
 S.B. No. 1423, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1438, H.D. 1, C.D. 1;
 S.B. No. 1439, H.D. 1, C.D. 1;
 S.B. No. 1440, H.D. 1, C.D. 1;
 S.B. No. 1441, H.D. 1, C.D. 1;
 S.B. No. 1442, H.D. 1, C.D. 1;
 S.B. No. 1443, H.D. 1, C.D. 1;
 S.B. No. 1444, H.D. 1, C.D. 1;
 S.B. No. 1446, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1492, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1496, H.D. 1, C.D. 1;
 S.B. No. 1505, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1647, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1661, S.D. 2, H.D. 1, C.D. 1; and
 S.B. No. 1700, S.D. 1, H.D. 2, C.D. 1.

Hse. Com. No. 615, informing the Senate that the House reconsidered its action taken on April 10, 2003, in disagreeing

to the amendments proposed by the Senate to H.B. No. 851, H.D. 1 (S.D. 1).

Hse. Com. No. 616, returning S.C.R. No. 13, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 617, returning S.C.R. No. 45, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 618, returning S.C.R. No. 49, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 619, returning S.C.R. No. 54, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 620, returning S.C.R. No. 76, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 621, returning S.C.R. No. 98, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 622, returning S.C.R. No. 153, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 623, returning S.C.R. No. 155, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 624, returning S.C.R. No. 196, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 625, returning S.C.R. No. 33, S.D. 1, which was adopted by the House of Representatives on April 29, 2003.

Hse. Com. No. 626, returning S.B. No. 3, S.D. 1, which passed Third Reading in the House of Representatives on April 29, 2003.

Hse. Com. No. 627, returning S.B. No. 617, which passed Third Reading in the House of Representatives on April 29, 2003.

Hse. Com. No. 628, returning S.B. No. 1275, which passed Third Reading in the House of Representatives on April 29, 2003.

STANDING COMMITTEE REPORTS ADOPTION OF RESOLUTIONS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1726) recommending that S.R. No. 42, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 42, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A PILOT PROJECT TO DEMONSTRATE THE EFFICIENCY AND EFFECTIVENESS OF AN ELECTRONIC DEATH REGISTRATION SYSTEM," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1727) recommending that S.R. No. 23, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 23, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE STADIUM AUTHORITY TO DESIGNATE THE LOWER HALAWA PARKING LOT AT

ALOHA STADIUM AS THE STATE FAIRGROUNDS," was adopted with Senator Hogue voting "No."

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1728) recommending that S.R. No. 28, S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING THE ESTABLISHMENT OF AN OFFICE OF INTERNATIONAL AFFAIRS IN STATE GOVERNMENT," was adopted with Senators Hemmings, Hogue and Slom voting "No."

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1729) recommending that S.R. No. 57 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 57, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1730) recommending that S.R. No. 71 be adopted.

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

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1731) recommending that S.R. No. 96, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 96, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE FORMATION OF A WIRELESS ENHANCED 911 INTERIM WORKING GROUP," was adopted.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1732) recommending that S.R. No. 101 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 101, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY EFFECTIVE STATE PRACTICES FOR RAISING ACADEMIC ACHIEVEMENT AMONG LOW SCORING STUDENTS AND NARROWING THE ACHIEVEMENT GAP BETWEEN LOW SCORING STUDENTS AND TOP SCORING STUDENTS," was adopted.

At 3:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:42 o'clock p.m.

ORDER OF THE DAY**ADVISE AND CONSENT**

Stand. Com. Rep. No. 1690 (Gov. Msg. No. 306):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1690 be received and placed on file, seconded by Senator Inouye and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of DIANA C. TIZARD to the Statewide Independent Living Council, term to expire June 30, 2005, seconded by Senator Inouye.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1691 (Gov. Msg. Nos. 370 and 371):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1691 be received and placed on file, seconded by Senator Inouye and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Statewide Independent Living Council of the following:

KENNETH TERUYA AKINAKA MRA, term to expire June 30, 2006 (Gov. Msg. No. 370); and

PATRICIA LOCKWOOD, term to expire June 30, 2007 (Gov. Msg. No. 371),

seconded by Senator Inouye.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1692 (Gov. Msg. Nos. 416, 417, 418, 419, 420 and 421):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1692 be received and placed on file, seconded by Senator Inouye and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

RENE BERTHIAUME, term to expire June 30, 2006 (Gov. Msg. No. 416);

GENE R. DESCALZI, term to expire June 30, 2006 (Gov. Msg. No. 417);

NANCY G. KINGHORN, term to expire June 30, 2006 (Gov. Msg. No. 418);

RICHARD W. SMITH, term to expire June 30, 2006 (Gov. Msg. No. 419);

VIRGINIA G. TOMPKINS, term to expire June 30, 2004 (Gov. Msg. No. 420); and

BARBARA J. WARD, term to expire June 30, 2004 (Gov. Msg. No. 421),

seconded by Senator Inouye.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1693 (Gov. Msg. No. 369):

Senator Kawamoto moved that Stand. Com. Rep. No. 1693 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 JEFF GOLDSMITH to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1694 (Gov. Msg. No. 372):

Senator Kawamoto moved that Stand. Com. Rep. No. 1694 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 JOYCE CASSEN MD to the Medical Advisory Board, term to expire June 30, 2006, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1695 (Gov. Msg. No. 401):

Senator Kawamoto moved that Stand. Com. Rep. No. 1695 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 FRANK A. CRUZ to the Advisory Board on Veterans Services, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1696 (Gov. Msg. No. 411):

Senator Kawamoto moved that Stand. Com. Rep. No. 1696 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 CAROL H. MCNAMEE to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1697 (Gov. Msg. No. 412):

Senator Kawamoto moved that Stand. Com. Rep. No. 1697 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 BRYAN S. WAUKE to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1698 (Gov. Msg. No. 422):

Senator Kawamoto moved that Stand. Com. Rep. No. 1698 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 JOHN ROMANOWSKI to the Commission of Transportation, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1699 (Gov. Msg. No. 312):

Senator Menor moved that Stand. Com. Rep. No. 1699 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of WILFRED S. PANG to the Board of Massage Therapy, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1700 (Gov. Msg. Nos. 339 and 340):

Senator Menor moved that Stand. Com. Rep. No. 1700 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

LINDA D. HAMILTON, term to expire June 30, 2007 (Gov. Msg. No. 339); and

REBECCA S. WILLIAMS, term to expire June 30, 2007 (Gov. Msg. No. 340),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1701 (Gov. Msg. Nos. 341 and 342):

Senator Menor moved that Stand. Com. Rep. No. 1701 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Acupuncture of the following:

GARY K. SAITO, term to expire June 30, 2007 (Gov. Msg. No. 341); and

MIKE HASHIMOTO, term to expire June 30, 2007 (Gov. Msg. No. 342),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1702 (Gov. Msg. No. 356):

Senator Menor moved that Stand. Com. Rep. No. 1702 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of KEVIN H.M. CHONG KEE to the Board of Electricians and Plumbers, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1703 (Gov. Msg. Nos. 357, 358 and 359):

Senator Menor moved that Stand. Com. Rep. No. 1703 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects of the following:

PETER T. DYER, term to expire June 30, 2007 (Gov. Msg. No. 357);

RANDALL M. HASHIMOTO, term to expire June 30, 2007 (Gov. Msg. No. 358); and

SHAWN USHIJIMA, term to expire June 30, 2007 (Gov. Msg. No. 359),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1704 (Gov. Msg. Nos. 373, 374, 375, 376 and 377):

Senator Menor moved that Stand. Com. Rep. No. 1704 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Medical Examiners of the following:

WENDELL K.S. FOO MD, term to expire June 30, 2006 (Gov. Msg. No. 373); and

RONALD H. KIENITZ DO, term to expire June 30, 2007 (Gov. Msg. No. 374); and

PETER A. MATSUURA MD, term to expire June 30, 2007 (Gov. Msg. No. 375); and

JOHN T. MCDONNELL MD, term to expire June 30, 2007 (Gov. Msg. No. 376); and

MARIA BRUSCA PATTEN DO, term to expire June 30, 2007 (Gov. Msg. No. 377),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1705 (Gov. Msg. No. 378):

Senator Menor moved that Stand. Com. Rep. No. 1705 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of DAVID D.S. CHUN to the Motor Vehicle Industry Licensing Board, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1706 (Gov. Msg. No. 379):

Senator Menor moved that Stand. Com. Rep. No. 1706 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of SHERYL L. THOMPSON to the Board of Examiners in Naturopathy, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1707 (Gov. Msg. No. 380):

Senator Menor moved that Stand. Com. Rep. No. 1707 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of THERESA SAKAI RN to the

State Board of Nursing, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1708 (Gov. Msg. Nos. 383 and 414):

Senator Menor moved that Stand. Com. Rep. No. 1708 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Pharmacy of the following:

DULCE TOMI ONAGA, term to expire June 30, 2007 (Gov. Msg. No. 383); and

KARL H. MIYAMOTO, term to expire June 30, 2007 (Gov. Msg. No. 414),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1709 (Gov. Msg. Nos. 384 and 415):

Senator Menor moved that Stand. Com. Rep. No. 1709 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Psychology of the following:

LAURA E. OZAK RN JD, term to expire June 30, 2007 (Gov. Msg. No. 384); and

WILLIAM C. REZENTES III PH.D., term to expire June 30, 2007 (Gov. Msg. No. 415),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1710 (Gov. Msg. No. 386):

Senator Menor moved that Stand. Com. Rep. No. 1710 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of TRUDY I. NISHIHARA to the Real Estate Commission, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1711 (Gov. Msg. No. 402):

Senator Menor moved that Stand. Com. Rep. No. 1711 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of ROGER M. KONDO DVM to the Board of Veterinary Examiners, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1712 (Gov. Msg. No. 406):

Senator Menor moved that Stand. Com. Rep. No. 1712 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of DELLA K. MARTIN (YOUNG) to the State Boxing Commission of Hawai'i, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1713 (Gov. Msg. No. 413):

Senator Menor moved that Stand. Com. Rep. No. 1713 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JAN N. WIEDMAN to the Motor Vehicle Repair Industry Board, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1714 (Gov. Msg. Nos. 241 and 263):

Senator Inouye moved that Stand. Com. Rep. No. 1714 be received and placed on file, seconded by Senator Kawamoto and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of GILBERT COLOMA-AGARAN to the Kaho'olawe Island Reserve Commission, terms to expire June 30, 2003, and June 30, 2007, seconded by Senator Kawamoto.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1715 (Gov. Msg. No. 280):

Senator Inouye moved that Stand. Com. Rep. No. 1715 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of ERIC D. WEINERT to the Board of Directors of the Agribusiness Development Corporation, term to expire June 30, 2005, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1716 (Gov. Msg. No. 281):

Senator Inouye moved that Stand. Com. Rep. No. 1716 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of SIDNEY A. QUINTAL to the Board of Directors of the Aloha Tower Development Corporation, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1717 (Gov. Msg. Nos. 308 and 309):

Senator Inouye moved that Stand. Com. Rep. No. 1717 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Kaneohe Bay Regional Council of the following:

DAVID A. KRUPP PH.D., term to expire June 30, 2006 (Gov. Msg. No. 308); and

ROBIN GAY MAKAPAGAL, term to expire June 30, 2006 (Gov. Msg. No. 309),

seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1718 (Gov. Msg. No. 311):

Senator Inouye moved that Stand. Com. Rep. No. 1718 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of RAE MCCORKLE to the Land Use Commission, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1719 (Gov. Msg. No. 313):

Senator Inouye moved that Stand. Com. Rep. No. 1719 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of GEORGE W. MAIOHO to the Molokai Irrigation System Water Users Advisory Board, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1720 (Gov. Msg. Nos. 344, 345, 346 and 424):

Senator Inouye moved that Stand. Com. Rep. No. 1720 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Hawai'i Community Development Authority (HCDA) of the following:

WILLIAM J. AILA JR., term to expire June 30, 2007 (Gov. Msg. No. 344);

PAUL K. KIMURA, term to expire June 30, 2007 (Gov. Msg. No. 345); and

EVELYN E. SOUZA, term to expire June 30, 2006 (Gov. Msg. No. 346),

seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Senator Inouye then moved that the Senate advise and consent to the nomination to the Hawai'i Community Development Authority (HCDA) of the following:

MAEDA C. TIMSON, term to expire June 30, 2006 (Gov. Msg. No. 424),

seconded by Senator Espero.

Senator Kanno rose in support and said:

"Mr. President, I rise in support of Gov. Msg. No. 424 and ask if I could have some comments inserted into the Journal.

"Thank you."

The Chair having so ordered, Senator Kanno's remarks read as follows:

"I strongly support the nomination of Maeda C. Timson to serve on the Hawaii Community Development Authority (HCDA).

"Ms. Timson is best known for her civic loyalty and possesses firsthand knowledge of the needs and desires of Leeward residents. Her personal knowledge of the area results from being immersed in community activities and living in Makakilo for over 30 years.

"Ms. Timson has volunteered for a myriad of community projects, has served on and chaired the neighborhood board, and served eight years as the community representative on the Barbers Point Redevelopment Commission. Ms. Timson is also

a keen business leader and assistant vice-president at First Hawaiian Bank.

"In recognition of Ms. Timson's dedication and commitment to the community, she has been honored with the Makakilo Mahalo Award, the Kapolei Outstanding Achievement (KOA) award for lifetime service and the KOA community service award.

"In addition to her familiarity with the community, Ms. Timson understands the process of land development. She participated in the base reuse and closure process of the former Barbers Point Naval Air Station, as well as the City and County of Honolulu's community-based planning process for creation of the Ewa Development Plan.

"Given the HCDA's new responsibility for implementation of the redevelopment plans for Kalaeloa (formerly Barbers Point Naval Air Station), Ms. Timson's institutional knowledge of Kalaeloa and her tenacious nature will serve as great assets to the HCDA.

"I urge your favorable consideration of Ms. Timson's confirmation.

"Thank you."

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

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 1721 (Gov. Msg. Nos. 381 and 382):

Senator Inouye moved that Stand. Com. Rep. No. 1721 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

BARBARA A. BROOKS PH.D., term to expire June 30, 2007 (Gov. Msg. No. 381); and

RONALD F.L. MAU, term to expire June 30, 2007 (Gov. Msg. No. 382),

seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1722 (Gov. Msg. No. 404):

Senator Inouye moved that Stand. Com. Rep. No. 1722 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of STEPHANIE A. WHALEN to the Commission on Water Resource Management, term to expire June 30, 2007, seconded by Senator Espero.

Senator Aduja rose to speak in opposition and said:

"Mr. President, I will be casting a 'no' vote on Gov. Msg. No. 404. Mr. President, with your indulgence I rise to speak in opposition to this governor's message.

"Mr. President, Stephanie Whalen is currently the president and director of the Hawaii Agricultural Research Center, also known as HARC, and president of the Kunia Water Cooperative. HARC is a not-for-profit privately owned research institution organized in advance to improve agriculture in Hawaii. The organization has served the agricultural community for over 120 years and continues in that role with the private sector.

"Mr. President, colleagues, given the important mandate of the state water commission to safeguard Hawaii's water resources, a balance on the commission is essential. Currently, the commission lacks such balance. The commission already has several representatives of businesses, agribusiness and ranching – all big water users of this state. No one represents the environment or the public at large. The confirmation of Stephanie Whalen will further this imbalance.

"Currently, the appointed members on the commission include Meredith Ching, vice president of Alexander and Baldwin, the largest private water user in the state; Clayton Dela Cruz, director of Kauai ILWU; Brian Nishida, vice president of Del Monte Hawaii; and Monty Richards, president of Kuhia Ranch.

"The 1987 Legislature did not intend that the water commission be dominated with those with the primary background to exploit water supplies. Rather, it is designed to be more neutral with members having water resources management experience. State law requires that water commissioners have substantial experience in the area of water resource management.

"As with the case of Ms. Ching, Ms. Whalen's substantial experience appears primarily the fall in the category of water use. She has testified in the hearings regarding the Waiahole Ditch combined contested case, which falls within my district and I have very strong constituents that have dealt very strongly with the Waiahole Ditch case and in support of greater stream diversion. She also regularly lobbies at the Legislature and elsewhere for large scale agriculture and has worked with the Kunia Water Cooperative.

"Ms. Whalen's nomination will exacerbate the serious problem of the commission in satisfying the quorum requirement since many of the interests that Ms. Whalen has worked for or expressed positions in support of will be appearing before the water commission. The water commission is clearly stacked against large water users.

"Mr. President and colleagues, please reject the confirmation of yet another business interest. Our resources deserve balanced decision makers. And for the record, also, Mr. President, I am a member of Water, Land, and Agriculture, so I feel very divided. I do support agriculture as well, however, we do need to have fairness with water distribution and it's just that my district feels very strongly that the Waiahole water should remain in Waiahole and we're afraid that her presence on the commission may jeopardize that decision.

"Thank you."

Senator Inouye rose in support as follows:

"Mr. President, I speak in support of Gov. Msg. No. 404.

"Mr. President and fellow colleagues, I wish to rise in support of Gov. Msg. No. 404, submitting for study and consideration the nomination of Stephanie A. Whalen for the Commission On Water Resource Management for a term to expire on June 30, 2007.

"As Chair of the Water, Land, and Agriculture Committee, I wish to offer these comments. The Commission on Water Resource Management is a little different than other commissions in the sense that it requires its members by statute to have substantial experience in the area of water resource management. Although that may limit the amount of candidates for a position, it ensures that whomever is confirmed has the technical knowledge to do the job correctly. Aside from the technical knowledge, the candidates must also possess the proper qualities to succeed.

"I believe Stephanie Whalen has the proper attributes and knowledge that will be a benefit to Hawaii's people if she's confirmed to the Commission on Water Resource Management. Stephanie, or Stevie, as we all know her, brings with her an extensive background and understanding about the agricultural community gained over the course of 30 years. Accusations that she works for big business are unfounded.

"During the last nine years she has been the director of HARC, or the Hawaii Agriculture Research Center, where she worked intensively in helping Hawaii's agriculture. Under her direction, HARC has conducted research for various diversified farming efforts including but certainly not limited to taro, coffee, mango, ginger, papayas and bananas.

"I'd like to add, in our discussions on her nomination, I'd like to quote some of what she had to offer the Committee: 'Because I do not represent any one company, I do not believe that I will have to recuse myself for commission decision making on general agricultural issues. In fact, I will be a good resource for information regarding agriculture. However, I will certainly obtain a legal opinion if there is a perceived conflict of interest. Regarding resource management, I am especially proud of the ecological work our organization did for Hawaii before the term watershed was a household word. Perhaps our members are unaware of the reforestation work that HARC did at the turn of the century to ensure that the islands would continue to have healthy watersheds.' She also goes on to say, 'We understood early on that without massive planting of trees in the mauka areas, recharge of the aquifers would not be possible.'

"So she feels personally that she'd like to continue in the role of trustee of Hawaii's water resources for the benefit of present and future generations. So I urge my colleagues to vote in support.

"Thank you."

Senator Ihara rose in opposition and said:

"Mr. President, note my 'no' vote for Gov. Msg. No. 404 for the same reasons as stated by the Senator from Kahaluu/Kaneohe."

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

Ayes, 21. Noes, 4 (Aduja, English, Fukunaga, Ihara).

Stand. Com. Rep. No. 1723 (Gov. Msg. No. 399):

Senator Taniguchi moved that Stand. Com. Rep. No. 1723 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of MANOJ SAMARANAYAKE CPA to the Board of Taxation Review, 1st Taxation District (Oahu), term to expire June 30, 2007, seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1724 (Gov. Msg. No. 400):

Senator Taniguchi moved that Stand. Com. Rep. No. 1724 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of MATT H. TAKATA to the Board of Taxation Review, 4th Taxation District (Kauai), term to expire June 30, 2007, seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1725 (Jud. Com. No. 5):

Senator Hanabusa moved that Stand. Com. Rep. No. 1725 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of LONO J. LEE to the Office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose in support of the nominee and said:

“Mr. President, I rise in support of Jud. Com. No. 5, submitting for study and consideration the nomination of Lono J. Lee to the District Court of the First Circuit.

“Mr. President, I beg your short indulgence. I’d like to say that the Judiciary and Hawaiian Affairs Committee has gone out their way this Session. Mr. Lee will be the seventh judge. We have in addition to that confirmed 15 commissioners and board members and three directors. And with the tight schedule that we’ve had, the good Senators from Alewa Heights, Upcountry Maui, Makiki, Kaimuki, Kaneohe, and Waipahu really have gone out of their way and I would like to thank all of them. And I did have an eighth member, Lauren Oakland, and she was a wonderful addition, sat quietly and listened probably better than most of my other Committee members.

“Mr. President, Mr. Lee is the local boy from the Windward side. He received his Bachelor of Arts from Chaminade in criminal justice, his Masters in social work, and his law degree from the University of Hawaii, William Richardson School of Law. The Hawaii State Bar Association came forward and said that he is qualified to sit as a district court judge.

“It is his experience they most commented on. He has worked as a prosecutor, a corporation counsel, in private practice. He has served as a staff attorney for Finance under Chair Takamine, and he serves as a per diem judge today for the district court. He represents right now the ILWU. We received no negative testimony.

“He has been described as someone who is flexible, quick to respond, and with the necessary experience to handle all of the issues which will be appearing before him at the district court.

“What the Committee was most struck by, Mr. President, is the personal testimony that we received on behalf of Mr. Lee. Aunty Ola, who works in the good Senator from Kaimuki’s office who happens to be my constituent, came running up and said, ‘you know, he’s somebody that I watched grow up and I have to come just to wish him luck.’ And he had a woman appear by the name of Jackie Chong and she said she came all the way to speak on behalf of her Lono boy. Mr. President, this is what she said, ‘it is my honor to speak on behalf of Lono Lee. I believe him to be another outstanding member of our community. This becomes even more critical because he is Hawaiian. In this day and age when we Hawaiians hang our heads in shame because the local polls show so many Hawaiians as school dropouts and incarcerated, a young Hawaiian like Lono really shows and proves that with education and a determination, Hawaiians can overcome the affects of oppression. I see Lono as a role model. He has the professional training and experience to maintain the requisite judicial demeanor as he exercises the duties of a judge. He is a young man of high ethics, honest, caring, and most of all, fair.’

“Mr. President, the words of Jackie Chong summed it all up. Lono Lee represents not only someone who would make a good district judge, he’s already proved that by serving in a per diem capacity. He represents hope – hope that people who have watched him grow up want to share with all other Native Hawaiians in particular.

“Mr. President, I ask that you and my fellow colleagues join in confirming Lono J. Lee.

“Thank you very much.”

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

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Lee, who was seated in the gallery with his family.

At 3:58 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:06 o’clock p.m.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 29, 2003

Stand. Com. Rep. No. 1680 (H.C.R. No. 17, 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. 17, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ILOCOS NORTE OF THE REPUBLIC OF THE PHILIPPINES,” was adopted.

Stand. Com. Rep. No. 1681 (H.C.R. No. 51):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY ESTABLISH A PACIFIC OCEANIC ADMINISTRATIVE REGION WITHIN THE DEPARTMENT OF HOMELAND SECURITY TO BE HEADQUARTERED IN HONOLULU," was adopted.

Stand. Com. Rep. No. 1682 (H.C.R. No. 54):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF AN OFFICIALLY RECOGNIZED URBAN SEARCH AND RESCUE TEAM IN HAWAII," was adopted.

Stand. Com. Rep. No. 1683 (H.C.R. No. 63, 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. 63, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO CONSIDER THE WAIANAE SECOND ACCESS ROAD PROJECT IN ITS REGIONAL TRANSPORTATION PLAN OF 2004 AND TO IDENTIFY IMMEDIATE SOURCES OF FUNDING FOR THE PROJECT," was adopted.

Stand. Com. Rep. No. 1684 (H.C.R. No. 76):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 664, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was adopted.

Stand. Com. Rep. No. 1685 (H.C.R. No. 77):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was adopted.

Stand. Com. Rep. No. 1686 (H.C.R. No. 120):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE OF HAWAII PURSUE A WIRELESS E911 INTERIM WORKING GROUP," was adopted.

Stand. Com. Rep. No. 1687 (H.C.R. No. 182, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 182, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF LABOR AND INDUSTRIAL RELATIONS AND HEALTH TO CONDUCT A STUDY RELATING TO THE OCCUPATIONAL AND HEALTH

RISKS OF COUNTY REFUSE COLLECTION WORKERS," was adopted.

Stand. Com. Rep. No. 1688 (H.C.R. No. 188):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF ESTABLISHING FLYER STOPS WITHIN THE RIGHT-OF-WAY OF OAHU'S H-2 FREEWAY AND CONNECTING TO PARK-AND-RIDE FACILITIES," was adopted.

Stand. Com. Rep. No. 1689 (H.C.R. No. 197, 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. 197, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO DETERMINE THE FEASIBILITY OF CONSTRUCTING A MULTI-USE PATH ALONG THE WAIANAE COAST FROM MAILI BEACH PARK TO MAKAHA SURFING BEACH," was adopted.

FINAL ADOPTION

S.C.R. No. 16, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 16, S.D. 1 and S.C.R. No. 16, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP PUBLIC HEALTH STRATEGIES TO ADDRESS THE HEPATITIS C PROBLEM," was Finally Adopted.

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

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 116, S.D. 1 and S.C.R. No. 116, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT," was Finally Adopted, with Senators Hogue, Slom and Whalen voting "No."

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM TUESDAY, APRIL 29, 2003

S.R. No. 147:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 147, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS AND TWO MEMBERS OF SENATE LEADERSHIP TO CONDUCT AN INTERIM STUDY OF THE SENATE RULES REGARDING DECISION-MAKING BY STANDING COMMITTEES AND CONFERENCE PROCEDURES REGARDING DECISION-MAKING BY CONFERENCE COMMITTEES," was adopted.

FINAL READING

Conf. Com. Rep. No. 145 (S.B. No. 687, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 145 was adopted and S.B. No. 687, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146 (S.B. No. 768, S.D. 1, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 146 be adopted and S.B. No. 768, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition to the measure and said:

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

"This bill is a step backwards from the major collective bargaining and civil service reform enacted by this Legislature two years ago. Basically, while the bill says that arbitration will prohibit a disruption in services, that absolutely is correct, but it will not prohibit an increase in cost to the taxpayers and a win/win situation for the public worker union bargaining units.

"If you are in a dispute, everyone has to take a risk when they are sitting down and honestly bargaining. The binding arbitration has shown that in fact there is no risk at all because the parties that are seeking increases have always gotten increases, substantial increases out of the bargaining process. If we go back to the situation where the unions in fact have a right to strike and have that decision that they can make and that tool in their arsenal, they still have to give very careful consideration as to what the overall impact will be, what the pay back period will be for their members, and that all helps in the negotiation process.

"This binding arbitration, other than for police and fire is negative for the taxpayers and for the process of reforming civil service.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 146 was adopted and S.B. No. 768, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hanabusa, Hemmings, Hogue, Slom, Trimble, Whalen).

S.B. No. 1462, H.D. 2, C.D. 2:

On motion by Senator Kim, seconded by Senator Taniguchi and carried, S.B. No. 1462, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 512, H.D. 1, S.D. 2, C.D. 2:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, H.B. No. 512, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1152, H.D. 1, S.D. 1, C.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 1152, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1400, H.D. 1, S.D. 2, C.D. 2:

Senator Kim moved that H.B. No. 1400, H.D. 1, S.D. 2, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

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

"Mr. President, during this Session when measures on tax credits have been before us . . . I rise in opposition to this measure.

"When we have had the issue of tax credits come up before, I have been reasonably consistent in voting against them and I've said that tax credits are bad policy. It's too late to come up with a different policy for this year so let's look at the merits of this particular tax credit and where tax credits are effective.

"Tax credits are most effective when they're new tax credits. This is not a new tax credit. The evidence given to us applied for a different set of circumstances. In the last two years we've had 9/11. We've had a war in Iraq. We've had SARS. Each of these have affected the demand for travel. Given our current environment, even though we are less adversely affected than other major visitor destination areas, the same things apply.

"The truth of the matter is that decisions to improve one's plant and facility will be made regardless of whether this tax credit is here or not. So it suddenly becomes a giveaway program that does not generate economic activity that would have resulted if this measure had gone forward. And because of our fiscal conditions, I think it is prudent for all of us to vote 'no' on this measure.

"Thank you, Mr. President."

At 4:12 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:14 o'clock p.m.

The President made the following announcement:

"Members, is there any further discussion on Floor Amendment No. 14? We would like to proceed on to Floor Amendment No. 15 so we can get the debate out of the way. Then we need to vote on these two measures at about 4:50 p.m."

By unanimous consent, action on H.B. No. 1400, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING

TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," was deferred until later on the calendar.

S.B. No. 459, S.D. 1, H.D. 1, C.D. 2:

Senator Hanabusa moved that S.B. No. 459, S.D. 1, H.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Kawamoto rose to speak in favor of the measure and said:

"Mr. President, I rise to speak in favor of S.B. No. 459, campaign spending.

"Mr. President, I apologize to you and my fellow friends and colleagues of this body for requesting this vote. We realize that the House has recommitted this bill and made this vote not binding legislation. But Mr. President, your Committee on Judiciary and TMG worked very hard to put this bill together. Also, your lead Chairs from both houses put together the S.D. 1 and the C.D. 1.

"Mr. President, this is a good bill for a campaign reform foundation. It's a good start. We have here 80 percent of the Governor's bill and 20 percent input from your Committee and your members of both houses to protect you, my fellow colleagues and friends in this body, protect you from an overzealous executive director who wants to be like us. He wants to be the Legislator, who wants to write policies and make laws, but he can't do this because he is an employee of the state and his job is to make rules from the policies we make, not what he has decided to be the policy.

"Mr. President, in this bill we say that the campaign fines would go to the general fund versus the campaign fund. Again, to avoid the outcry of bounty hunting, as we heard when the van cams were here last year, the outcry because of the fact that DOT wrote a contract to allow the people enforcing tickets to have a portion of the tickets. Again, the outcry of bounty hunting.

"Mr. President, we also defined. We defined what is bundling. Mr. President, again, the executive director of the campaign spending has been defining bundling primarily to scare off possible donors to ourselves to run for office.

"Finally, Mr. President, this bill will not help me in the situation that I'm in. And I bring this up because many of the people have sent letters saying that this campaign bill is about me. It's not about me, Mr. President. It's about doing what's right. For me, I still am in kim chee because of the fact that I'm under the old law and they're charging me with exceeding the campaign seeding. What the charge is, although, it's for adding campaign expense, which I'll call apples, campaign seeding, which I'll call oranges, and they put all those things together, mix it all up and they come out with a formula of what campaign seeding is. And of course, I went over \$11,000 worth of campaign seeding. These were expenses, Mr. President.

"However, I have to prove this in court. It's going to cost me time. It's going to cost me money. It's going to cost me the possibility of over \$80,000 to prove a problem that we have interpreting the law.

"Mr. President, ever since we had the current executive director, the tone of campaign violations has gone from occasionally reporting violations to a punitive type activity, which look like Gestapo activities, and fighting criminal actions forcing yourself or anyone else who he wishes to pick on to expend an extensive number of money beyond what we are

being charged for, again to just clear our name. If we let this continue, the \$32,000 to do the people's work, to do as best we can to do the people's work, truly may not be enough.

"What's most disappointing was Tuesday night. And I bring it up because it was brought up in the papers. Tuesday night the House brought in personalities involved with this thing. It was not a matter of the merits of the bill, but it was on merits of myself. I was asked if they would pass the bill and the Governor vetoed the bill, would I step away from further campaign spending bills next year. I thought about it and I have full confidence in my Vice Chair, the Senator from Ewa, I have full faith in the Governor's judgment, and my desire to have this bill move forward. I said I would.

"But a second meeting was held and brought back the agreement, the handshake we made that we've always honored here in this body and here in both houses was reneged. And then the second meeting came with further conditions. The further conditions were that I would step down from any campaign spending and campaign elections if the bill was vetoed or passed regardless.

"Mr. President, I was elected to this body to serve my district and the state. I was selected by you to head the Transportation, Military Affairs, and Government Operations, under which the purview of elections and campaign spending falls. I will continue to do my duty to the best of my ability, so help me God. Mr. President, I will serve this body again until such time as this body rejects my work and my sincere understanding of what is right for the people of Hawaii.

"Therefore, I'm asking, Mr. President, for a vote from you, my colleagues, my friends from both sides of the aisle, to say 'aye' or even 'aye, with reservations' so that we can send a message to the other body, send a message to the do-gooders who send all these letters blaming me for the failure of campaign spending, the press, all those involved and interested in campaign spending, that we, the Senate, are ready to pass reform bills of campaign spending, that we, the Senate, want to do what's right, what's fair for everyone, the elected officials who sacrifice every year for the type of pay we get, for the hours we put in, and to challenge our integrity. We want to send a message to those folks that we truly want to do what's right and what's good for the people and what's good and protect the individual members of this body.

"I urge my colleagues again for your vote. Thank you."

Senator Menor rose to speak against the measure as follows:

"Mr. President, I rise to speak against this measure.

"Mr. President, I oppose this measure for several reasons. First of all, I don't even know why we're even voting on this measure instead of recommitting it back to Committee. I think that voting on this measure really represents, at best, a useless exercise, because as the previous speaker has mentioned, the House has already voted to recommit the bill in that respective legislative body. So in that regard, passage of this bill will not result in any meaningful campaign spending reform this Session.

"In addition, I'd like to emphasize that the supporters of this bill feel that the measure is seriously flawed and contains so many holes in it that you can drive a Mac truck through it. Given the concerns that have been expressed about this bill, I think that we owe it to the people of Hawaii to go back to the drawing boards and try again next year to come up with more effective and meaningful campaign spending reform.

“Accordingly, I will be voting against this measure. Thank you.”

Senator Hogue rose to speak against the measure as follows:

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

“I think that the message that we send to the people of Hawaii is that we are absolutely beyond reproach. Campaign spending reform should be about returning integrity to this body and should be without flaws. This measure may have some good points in it, but it is seriously flawed – seriously flawed.

“I propose to you that we could probably not only drive a big truck through it, but some SUVs and probably the entire army through it as well. There are so many holes in the particular measure.

“But about another measure that was brought up here, and that is the reputation of the good Senator from God’s country. I respect him tremendously. He is a good man. I disagreed with him on many, many measures. So this really isn’t about him at all. However, to the people of Hawaii, they have to believe that there is no conflict of interest in actually drawing up this particular bill. And because of the good Senator’s battle with this particular office and this particular director, there is that appearance of the conflict of interest.

“So, for those reasons, I believe that we unfortunately cannot have the good Senator going forward with this, and I appreciate the fact that he was willing to at least step away from this particular measure.

“We must be beyond reproach. We must have tremendous integrity. The campaign spending reform should be a bill without flaws. And for these measures, and I say once again, I really do respect the good Majority Floor Leader. He’s a good man, but I will be voting ‘no.’

“Thank you, Mr. President.”

Senator Ihara rose to speak in opposition to the measure and said:

“Mr. President, I rise in opposition to S.B. No. 459.

“Mr. President, this bill does not qualify as campaign reform. It creates a net increase in the size and number of loopholes in the campaign laws. It does too good a job of protecting Legislators. And it helps incumbents more than the public, which I believe is cynical about the Legislature’s ability to self regulate our campaign behavior and adopt campaign laws to regulate our challengers. The bill also invites citizens to violate Hawaii’s election fraud law, which I’ll explain later.

“I’d like to now list the specific reasons why I believe this bill should be defeated. First, the bill contains no ban on donations from corporations and unions, which was in last year’s highly touted campaign reform bill, which, if I recall right, the press conferences of supporters of that bill said that we would definitely pass that bill again, and there is no ban on donations from corporations and unions in this bill. Instead, this bill contains a provision that diverts fines and penalties from violators of campaign laws from the campaign election fund to the general fund.

“The campaign spending staff’s salaries do not benefit at all from being successful in their jobs as watchdogs and enforcers of Hawaii’s campaign laws. This provision will also hurt candidates who would like to be competitors in elections to

level the playing field by participating in the partial public funding program.

“This bill excludes government contractors that are not non-bid, procured through non-bid processes, including low-bid procurements. So there’s a whole range of state and local government contracts whose contractors can donate freely to candidates, particularly executive branch candidates, in attempts to seek favorable treatment in getting low-bid contracts.

“This bill also allows most employees of non-bid government contractors to still donate to the Governor or Mayor unless that person owns 25 percent or more of the company. So you may have ‘business as usual’ for successful non-bid contractors, government contractors. They’re, as it should be, intelligent people who can read the law and can find ways to get around the law. And this is one of the large Mac truck loopholes . . . that a company that gets a non-bid contract can have all of its employees donate, except for the few that own 25 percent or more of the company. This is one of the large loopholes.

“Another large loophole is that there is no ban on subcontractors. So there may be a large non-bid contract, millions of dollars, and in order to accomplish the job, the main contractor would subcontract and in some of the violations that have been reported, a number of these violators were subcontractors. And I believe that subcontractors of a non-bid government contractor should also be prohibited from donating to the authorities that award these non-bid contracts.

“I also believe that contractors who get contracts where the Legislature approves or appropriates funds for these contracts should also be banned from giving to Legislators in those instances where we appropriate funds where they get a contract that is dependent upon our action. There are maybe some cases like that.

“In this bill there is a change in the definition of expenditures and it makes legitimate donations to nonprofit organizations if that donation is accompanied by a statement that says the donation is intended to influence the election of the person who’s making the donation. And for these donations, they are, by this bill, legitimate expenditures. And as we know, there is no limit for legitimate expenditures, unless you are participating in the public financing program, which most of the winning candidates do not. So theoretically, someone could give all of their hundreds of thousands of dollars away. There is no limit or cap on the amount of donations that can be made as long as this statement is attached to the check that says that the donation is made to influence the election for the candidate.

“But I believe one of the largest and major problems I have with this bill is it invites citizens to violate Hawaii’s election fraud law. This is Hawaii Revised Statute Section 19-3, and I’ll read it to you. It has a lot of legalese so I’m going to just read it to you in sequence without some of the legalese as I quote. This is quoting from Section 19-3, ‘every person who gives any money to any person in order to induce any elector to vote for any particular person shall be deemed guilty of election fraud.’ I’m not making this up. This is Hawaii Revised Statutes 19-3 – that it is a crime, although I believe it’s a misdemeanor. I believe it’s a crime ‘for every person who gives any money to any person in order to induce any electorate vote for a particular person shall be deemed guilty of an election fraud,’ and that was subsection 1.

“Subsection 3 of 19-3 is where I’m saying that this law would invite citizens to break the law. It would invite citizens to be guilty of an election fraud, and this is the section: ‘Every elector who receives any money for oneself or any other person

for voting for any particular person or party shall be deemed guilty of election fraud.' I have more than a slight problem with that, and I think if people receive money in exchange or with an understanding that they may vote for the person who gave them money, they will indeed be in deep kim chee.

"Another problem I have is that although I support the deletion of the penalty for violations of the code of campaign practices, I oppose repeal of this code because I think the penalty should be public opinion. The court struck down the penalty section of the code but it is legal and proper to have a code that is voluntary and for which there is no penalty. I believe we should maintain that code and let the public decide whether candidates are campaigning and competing in elections in a fair and honest way.

"I also oppose deletion of the disclosure requirement for fund raisers that are above \$25. I do not oppose removing the two fund raiser limit on the law, but I believe that the disclosure requirement should remain.

"In conclusion, I know that this bill is, thankfully, dead for this Session. I hope that genuine campaign reform with be passed, and I believe must be passed, next Session. And it should involve the public in the deliberations and crafting of next year's bill. And the public's interest should be equal, or should I say solely, the basis for crafting the bill without regard to the protection of those of us already in office.

"As to the House asking our transportation Chair to not be involved in future deliberations on the bill, I will defend our Chair's right to participate in this matter because I think that it is the Senate's responsibility on how we organize ourselves. However, I do think the public has a right to ask for changes in Leadership Committee or Committee Chairs. I believe that it is improper for the House to make that request, but I believe that it is proper for the public to make that kind of a request which I have not heard yet.

"For those of you who are thinking of voting with reservations, I urge you to vote against the bill – vote 'no.' I believe this campaign bill is worse not better for the public. I think we should go back to the drawing table and get it right next time.

"Thank you."

At 4:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:50 o'clock p.m.

The President then made the following observation:

"Members, on Floor Amendment No. 14, just to clarify my previous remarks, the motion to pass H.B. No. 1400, C.D. 2, on Final Reading is deferred until 4:55 p.m. or the end of the Final Reading calendar."

Senator Hanabusa moved that the motion to pass S.B. No. 459, S.D. 1, H.D. 1, C.D. 2, on Final Reading be withdrawn, seconded by Senator Kim.

Senator Ihara rose to inquire:

"Mr. President, on what basis is this motion made?"

Senator Hanabusa answered:

"Mr. President, this is a moot issue. As has been stated by all the various speakers on this motion. And I believe that as

one of the Chairs on the matter, that we should first move to withdraw the motion to pass this matter on Final Reading, and then move to recommit."

Senator Ihara rose on a point of order as follows:

"Then on a point of order, I believe the proper motion is to recommit the bill rather than to withdraw the bill."

The President stated:

"We will withdraw then recommit."

Senator Ihara then said:

"But a point of order takes precedent over the motion."

At 4:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:53 o'clock p.m.

The motion was then put by the Chair and carried.

On motion by Senator Hanabusa, seconded by Senator Kim and carried, S.B. No. 459, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was recommitted to the Committee on Conference.

S.B. No. 1311, S.D. 1, H.D. 1:

Senator Taniguchi moved that S.B. No. 1311, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Chun Oakland rose to speak against the measure as follows:

"Mr. President, I stand in opposition of this bill.

"On Tuesday I had asked the Chair of Ways and Means if he could please clarify whether or not the healthy Hawaii initiative funds would be touched in any way by this measure, and he did inform me that it would be taking monies from the tobacco settlement special fund, and for that reason, I cannot support this measure.

"Thank you."

At 4:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:56 o'clock p.m.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1311, S.D. 1, and S.B. No. 1311, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chun Oakland, Fukunaga, Hooser).

S.B. No. 1394, S.D. 2, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1394, S.D. 2, and S.B. No. 1394, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME

TAX LAW TO THE INTERNAL REVENUE CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1397, S.D. 1, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1397, S.D. 1, and S.B. No. 1397, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SIMPLIFIED TAX ADMINISTRATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1400, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1400, S.D. 1, and S.B. No. 1400, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1410, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1410, S.D. 1, and S.B. No. 1410, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1334, H.D. 1:

On motion by Senator Ige, seconded by Senator Aduja and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1334, and S.B. No. 1334, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

H.B. No. 1400, H.D. 1, S.D. 2, C.D. 2:

On motion by Senator Kim, seconded by Senator Fukunaga and carried, H.B. No. 1400, H.D. 1, S.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 10, from the Hawaii Health Systems Corporation dated April 8, 2003, transmitting the Annual Report for the Program of All-Inclusive Care for the Elderly (PACE) for the Fiscal Year Ending June 30, 2002, was read by the Clerk and was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 148 to 155) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 148 “SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE INDIVIDUALS WHO OPENED A DAY OF THE SENATE, TWENTY-SECOND LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 2003, WITH AN INSPIRATIONAL INVOCATION.”

Offered by: Senators Hanabusa, Hemmings.

At 4:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:00 o'clock p.m.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 148 was adopted.

No. 149 “SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTY-SECOND LEGISLATURE, REGULAR SESSION OF 2003.”

Offered by: Senators Hanabusa, Hemmings.

Senator Kawamoto moved that S.R. No. 149 be adopted, seconded by Senator Hogue.

Senator Slom rose to speak against the resolution as follows:

“Mr. President, I rise to speak against S.R. No. 149.

“You know, we pass these resolutions each year and we made a big point this time about people that don't read things and don't read audit reports and things like that. This is a resolution, a harmless resolution congratulating the media in our community for their objectivity, their professionalism, for the long hours that they put in, and for the wonderful news that they bring to our constituents.

“Mr. President, I have to vote against this because of the misinformation and the sloppy workmanship done by a number of the people in the fourth estate. While I support, absolutely, freedom of speech and I support the independence of the media, I think that in many cases they have done a great disservice to this community by reporting on things which they don't recognize, for example, as further taxation, increased costs, increased regulation.

“Those of us that stand up here and make speeches all the time seem to be ignored by the media. They seem to report the status quo on a regular and continuing basis. They seek to curry favor with those people that represent the status quo. They do not inform the constituents of what many of the issues really are about that have been plainly talked about both in Committee and on this Senate Floor.

“And so, Mr. President, I would suggest that we might amend the resolution to send them all to training so that they can learn how to properly listen and to take notes and to report both sides or three sides or four sides, as the case may be.

“For example, our good colleague from the underdeveloped area of Kaimuki stands up here regularly and talks about procedure and rules and how we violate our own rules, and I never see anything reported in the media about that. Either it’s not important or the idea of restoring trust in government is just a ho-hum thing to the media.

“So my message to the media is, yeah we appreciate you being here; yeah we appreciate you reporting things, but if you think that this is the height of professionalism, then all of you that talk about the media behind their backs when we’re not in Session is completely wrong.

“Thank you, Mr. President.”

Senator Trimble rose in support of the resolution and said:

“Mr. President, I would like to rise to speak in favor of this measure.

“The problem and the observation made by the good Senator from Diamond Head crater is correct, but the problem is not the media, particularly the newspaper print media that come to the Capitol. They write the stories. The decision to print the stories and how much of the story to print is in the hands of the editors of those newspapers.

“So if we were and if the Senator from Diamond Head crater had suggested that we amend the amendment to ask to send the editors to training, I think that suggestion was made by President Dobbelle yesterday, then I might be able to support it. And it really did have a real consequence. There was so much coverage of events happening around the world, particularly half way around the world, that most of what this body did, did not receive coverage. We probably would have had a good campaign spending reform law if there had been good coverage.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.R. No. 149, entitled: “SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTY-SECOND LEGISLATURE, REGULAR SESSION OF 2003,” was adopted, with Senator Slom voting “No.”

No. 150 “SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK’S DESK.”

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 150 was adopted.

No. 151 “SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY.”

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 151 was adopted.

No. 152 “SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE.”

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 152 was adopted.

No. 153 “SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT.”

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 153 was adopted.

No. 154 “SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-SECOND LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF.”

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 154 was adopted.

No. 155 “SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE.”

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 155 was adopted.

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

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

“Mr. President, it is very gratifying to see how much our Kahaluu/Laie communities really care about fighting back against drug use by coordinating a massive anti-drug sign waving campaign tomorrow afternoon along Kamehameha Highway.

“Mr. President, there are very few families that have not been negatively impacted in some way by the growing proliferation of drug use, particularly crystal meth or ice. The Honolulu Police Department reports that over 50 percent of all individuals arrested test positive for ice, a statistic that places us first among cities in the United States in this category.

“As we all know, Mr. President, the drug issue affects not only the Windward side. The impact of drug use affects all of us, no matter where in the state it occurs.

“Consequently, Mr. President and I, with the support of the Lt. Governor, will be focusing our coordinated efforts on a new anti-drug legislation during the off season with the formation of a new legislative anti-drug caucus. We will be working with other Legislators, law enforcement, various city and state agencies, schools and communities to form a consensus on legislation to be drafted and introduced in the next Session. By starting early, we can approach next year’s Session with an agenda that will have broad support and much greater chance of passage.

“We will be looking at all facets of the problem, including prevention, education, enforcement, treatment, and corrections as a comprehensive package. There is no single solution to this

problem. It must be attacked at all levels if we are to succeed. And we must continue to work together to form a strong coalition in the interim period before the next Session.

“Colleagues, I ask all of you to join us in our efforts to achieve a drug-free Hawaii state.

“Thank you, Mr. President.”

At 5:07 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:09 o’clock p.m.

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

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

“Mr. President, we’ve had a very interesting Session and one that has been very smooth in many ways, very different from what we’ve experienced in the past. I want to just take a very brief moment to express my gratitude to the members of the Senate, of this body, for making this a very fulfilling experience for me, and for moving forward with many good ideas and many good pieces of legislation. We’ve worked hard together. I think we’ve moved forward an agenda that’s very good for the people of Hawaii and we’ve done something very different, and that is, in this particular year, because of the split in the party control of the Legislature and the party control of the executive, we’ve had to actually compromise on many different measures which I think strengthened the measures and made things stronger.

“So, to all of you, I want to say thank you for making this a very special Session for me, and I also want to take a brief moment, Mr. President, to extend my appreciation to my office staff – Beth McKeen, my office manager; En Young, the committee clerk; Jodie Holloway, my scientific advisor; Chris Martelles, Niq Occhipinti, both legislative aides; and of course Auntie Libby Kimball, who cooked for us and kept us all well fed throughout the Session.

“Thank you, members, aloha.”

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

“Mr. President, point of personal privilege.

“I’d like to echo what our pastor from Kauai said this afternoon about how Senate administration is working together on education. I know that’s something that each of us in our districts have concerns with, and if you look at one of the publications, they list the various schools saying top five, bottom five, and certainly that is the reality. But I’d like, as your Chair of Education, to work with our body, hopefully with the House, hopefully with the administration and continue to work to what’s best for all of our children.

“As you know, Mr. President, interim, some people rest, but education deserves no rest. We need to work through the summer on this one, Mr. President. So I ask for everybody to give their ideas on how we can best work together.

“Thank you.”

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

“Mr. President, I also rise on a point of personal privilege and I want to pick up on the thought about working throughout the interim.

“I appreciate how hard everyone worked here during this particular Session. I know some of the arguments got emotional. Words were flung out there, and I just want to let all of you know that I respect you even if I disagree with you vehemently on those particular issues in which sometimes I got very emotional on.

“Interim is a time to work for our constituents. I know that the Senate President and others have worked very hard to rid the waterways of *Salvinia molesta*, and I can tell you, Mr. President, I know Lake Wilson looks a lot better, so does Kawai Nui Marsh, but the problem still does exist and I hope that we can work together with the administration to get our waterways clean.

“Then there is another measure that many of you may have seen and I know that I will fight very hard for my constituents on the Windward side, and these are these evil rumble strips that suddenly have appeared on the Pali Highway that are just absolutely ripping apart my car and other drivers as well. So hopefully, we can get these rumble strips off of Pali Highway. Goodness sakes, it almost appears that they’re worse than the van cams. So we’re going to start up a fight here against these rumble strips. I don’t know what the DOT is thinking here. We’ll work with the administration and hopefully we can get that policy reduced. Certainly we want to protect pedestrians. I believe in that, but I’m not sure that rumble strips is really the way to go.

“So, with that in mind, we’ll work for the constituents during the interim and thank you very much for all of your attention and your hard work throughout this Session, colleagues.

“Thank you, Mr. President.”

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

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

“I just wanted to briefly offer my thanks and aloha to all the members. As a freshman Senator . . . I don’t know, how long are you a freshman? Next Session am I still a freshman?”

The President replied:

“No, you’re a sophomore.” (Laughter.)

Senator Hooser continued:

“As a person new to this body and not having known very many of you at all before this, I want to say that it’s an honor and a privilege to have served with all of you. I’m impressed and will take that message home. When people talk about the people serving here, I know firsthand that it’s good people that serve.

“I want to especially thank the Chairpersons of the four Committees that I sat on – the Chairman of Education, I appreciate the help and support; the Chairman of Ways and Means, the Energy and Environment, and I have to say my favorite Chair, the Chair of Human Services. It’s again an honor to serve with people as dedicated to service as these people.

“I look forward to working with all of you in the interim and working with you next Session, so, thank you.”

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

“Mr. President, I rise on a point of personal privilege. I think it may be appropriate for me to share a few remarks on behalf of your Minority before you close the Session.

“On behalf of your loyal opposition, your Minority Republicans, we do recognize the work of the talented people that serve us here at the Legislature, certainly the Senate Clerk’s Office, the Sergeant-at-Arms, the Legislative Reference Bureau, our research offices. We all know they’re not here strictly for the pay because when you add up the total amount of work they do as compared to their pay, they work almost at minimum wage. And we do want to appreciate and send our thank you to all of them for this Session and for the work they do for all the people of Hawaii.

“Obviously, people who spoke before me had some personal points and some strategic, tactical points to make. I’d like to just address the bigger picture – what did the people of Hawaii get out of this Legislature? And I think it’s important for us to assess what we’ve done so that we can improve on it in the future.

“On opening day we expressed a great concern for the single biggest issue facing the State of Hawaii, and in my opening remarks I pointed out that, in our opinion, was the budget. There was a dark cloud hanging over the State of Hawaii. Some may say that the silver lining of that dark cloud was that the Legislature didn’t have any money to institute new programs so the people of Hawaii were relatively safe.

“Nevertheless, this Legislature, to its credit, did show some restraint. Some could question, was it by desire or was it by desperation? But we did show restraint and we did reduce the projected increase in spending, although the budget is going up. But it was noted intelligently the other night it’s going up because of previously agreed upon collective bargaining costs.

“The Senate had some real bright spots that I think all of us can be proud of and they were bright spots in the bipartisan cooperation that we had on several initiatives. Probably the brightest was that the Governor sent down an effort which we supported to amend Act 221 to take away the exploitation of certain tax credits. I really lament that the House did not follow our leadership on that issue.

“Nevertheless, we did balance the budget without increasing taxes on the working men and women of Hawaii and this does represent a slight change in business as usual. It can be told to the people of Hawaii that the ship of state that has been steaming in one direction of tax and spend for over 40 years now is starting to slow down and possibly turning in a new direction.

“In the area of education reform, we all recognized it was supposed to be our number one priority. But the truth of the matter is there was no substantive change to the way that the people of Hawaii are forced to educate their children in the public education system. The mantra remains the same – let’s give education more money and it will get better – when the evidence is quite to the contrary.

“A bright spot in which I do want to extend accolades on behalf of our caucus to the Majority Party and the Education Committee Chair was that they did recognize the need to strengthen chartered schools and our charter school bill is a modest step in that direction.

“The people of Hawaii wanted to have more confidence in us. They wanted true campaign reform. They wanted to believe that the prior sad instances of people being indicted and sent to jail for abuse was going to be put to a stop by strong and workable laws. Unfortunately, we’ve just seen that has failed.

“We had a number of initiatives that your loyal opposition wished to address this Session. Some of which we think are important, like amending the way the PUC does business so that we no longer have government induced monopolies that plague the consumers of Hawaii. We generally think the day will come when we can use the concept we do with tax credits with taxes in general. We’ll come back every year, Mr. President, and hope that we can stop taxing the sick and the hungry. Those initiatives obviously have fallen by the wayside.

“A bright spot, and something we can all be proud of in spite of the sad debate the other night, is that we have put in place tremendous leaders in the executive branch of government, people that got bipartisan support that I personally was extremely proud of. I was extremely proud of your Committee Chairmen who stood up and heaped praise on these people. I’m also extremely proud of the Governor for nominating them and, more importantly, for those individuals who stepped forward in many cases and took a tremendous pay cut to serve the people of this State. Their integrity, their knowledge, and their abilities to get the job done, I believe, will serve us all well.

“In closing, Mr. President, people could say that this Legislature was faced with a daunting task. In certain instances we met it. Others will say we failed to make major reform. I, you, or any one individual will not be the judge of that over the next year. The experience and the impact of what we’ve done and failed to do will speak louder than my words. But we, your Republicans, are optimistic. We’ve enjoyed working with you, Mr. President, and each one of your Committee Chairs in honestly trying to do the best we can for those who toil in the private sector and in the public sector to try to make Hawaii a better place.

“I do want to say, on behalf of myself, that at times when we had to disagree, sometimes vehemently, on certain principles and issues, that it was nothing personal. It has to do with what we believe in our heart and our intellect to be the best for those who we serve.

“We see the sun always coming up on a better day and we wish to extend to the Majority Party our aloha and we hope to work with you in the interim and we hope to come back next year and continue down the path of a new beginning.

“Thank you, Mr. President.”

The President then delivered his closing remarks as follows:

“Fellow Senators, from my position at this podium, I think I’ve had an opportunity to hear it all. But thankfully I have not had much opportunity to add to the discussions as the rest of you have, but my contribution to you and to this body was of a different nature. I chose not to limit the debate, not to cut short discussions, not to use rules as tools of censorship. I truly believe in giving everyone a chance to speak their mind. But to be honest with you, I must say that there were times when I felt otherwise. (Laughter.)

“It’s been an eventful 60 days, almost more for what’s been happening outside these Chambers than within, and since we’ve convened in January, the nation has gone to war with Iraq and now faces the difficult task of rebuilding. We’re in the midst of an epidemic, the spread of which may be slowing but is still causing fear and apprehension among our Asian and Pacific

neighbors, not to mention our own Chinatown just a few blocks away.

“While the full impacts of war and SARS on Hawaii are still unknown and won’t be known until the Council of Revenues meets later on this month, our deliberations this year were greatly influenced by continuing uncertainty over the future of our economy, and more specifically our tax revenues.

“The budget situation really loomed at large this year, as did last year, and seemed to dominate much of what we did or couldn’t do. But despite nagging financial concerns, I think we managed to balance the budget while preserving vital support for public education and human services.

“I’d like to thank Chair Taniguchi for his support of Leadership’s agenda, which was to focus in on education. Our need for fiscal restraint meant disappointment for many, including those of us here today. Everything from education to school repairs to grants-in-aids, long awaited capital improvements were sort of left out of the budget.

“Time constraints, on the other hand, enabled us to consider only a few hundred of the 1,700 bills we introduced in the Senate and to approve at Session’s end maybe about 250 of those. Those of us who have been in office for awhile have come to the realization that progress is slow and incremental, rather than immediate and sweeping. I know some of the freshman really wanted it right now.

“For example, in my opening day speech I had called for us to consider replacing our aging Aloha Stadium with something that would enable us to stimulate and support the sports industry. That was before we learned that the stadium needed \$40 million in repairs and another \$3 million in annual maintenance. While we won’t be breaking ground here shortly or tomorrow, we have approved \$300,000 for a thorough examination of the stadium and the feasibility for repairing or replacing it and hope the university, as the major tenant, will help in this effort.

“Also, I called for us to revisit mass transit options for Oahu. This is really out of frustration of the rush hour gridlock that we all experience out that way. The Legislature has approved a bill to have the state, city, and OMPO to work together on evaluating the potential of a system linking major population centers on this island. Governor Lingle has also been meeting regularly – I’ve been a part of it and Senator Kawamoto has been part of it – to look at these solutions to the traffic problems. I hope that their combined effort with ours will keep the idea alive and eventually result in some realistic solutions to our traffic and commuting needs.

“We will also begin to prepare for the 2004 legislative agenda to support and stimulate the continued growth of agriculture in the State of Hawaii. As I said on opening day, agriculture must remain a vital part of our economy and our economic development goals.

“You may also recall my controversial call for mandatory drug testing of students. Well, no legislation really resulted, but the idea continues to draw attention and not a week goes by without having a report of a crystal meth arrest or another outraged community like Kahaluu rising in protest. A recent Department of Health survey revealed that ice use is declining among high school seniors, but ecstasy use has increased in that 11,000 students from grades 6-12 – and you know that’s one in ten – are in need of treatment for substance abuse problems.

“The Senate will soon begin interim work with the Office of the Lt. Governor and law enforcement, public education and

health officials on plans to really try to tackle this critical problem. The same goes for education, as Senator Sakamoto indicated.

“The House and Senate entertained many proposals for educational governance this year and Governor Lingle had her own recommendations. We worked long and hard to come up with a mutually accepted answer to the question, including whether the solution was a constitutional amendment for seven districts, as the Governor had really proposed.

“Midway through the Session we heard from William Ouchi who was invited to Hawaii by the Governor and who told us that spending per pupil was a far more influential factor in educational success than local school boards. So rather than prove a hastily drawn proposal or pass out a constitutional amendment that neglected to provide any details on how this revamped system could work, we actually erred on the side of caution and hope that the Education Committee Chairs and Governor, school administrators, and others will hammer out the details during the interim. In the meantime, we’ve approved a plan to apportion funding by school complex areas in keeping with the current goals of the superintendent and the board of education.

“We succeeded in crafting a number of important bills in the two-year budget that will meet the needs of the people of the State of Hawaii. And yes, by the way, we also were experiencing the growing pains of working with our new Governor and her cabinet. I really commend the Chairs on holding confirmation hearings for the 161 cabinet and board and commission nominees, nearly all of them during the most hectic time of the Session. We managed to confirm 159 appointments. This is an outstanding record, thanks to your diligence, your thoroughness, and abiding belief in the advise and consent process that was entrusted to you.

“I would like to express my gratitude to the Senate Leadership and to the Committee Chairs who have the unenviable task of identifying bills that touch issues of concerns to all of the constituencies. Here in the Senate we saw an unprecedented degree of cooperation among members and between parties. This is an accomplishment I really attribute to all of you.

“I would also like to acknowledge the contributions of the Senate support staff. Paul, thank you very much, and Carol. I’d like to thank Susan Claveria and her staff – they really did a fantastic job this Session.

“Much work really awaits us in the months before we reconvene next January. What we began this year should inspire us to build on our ideas, strengthen our networks and alliances, and plan for the future of our State.

“Thanks for listening. Thanks again for the privilege of leading the Senate through another exciting and successful 60 days.

“Mahalo and aloha.”

At 5:33 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:53 o’clock p.m.

ADJOURNMENT

Senator Kawamoto moved that the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of

2003, adjourn Sine Die, seconded by Senator Hogue and carried.

At 5:54 o'clock p.m., the President rapped his gavel and declared the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, adjourned Sine Die.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate